

SYDNEY NORTH PLANNING PANEL ASSESSMENT REPORT

Panel Reference	PPSSNH-186
DA Number	MOD0222/20
LGA	Ku-ring-gai
Proposed Development	Modification of the development consent to DA0610/17 proposing modification to the description of the approved development and deletion of deferred commencement Condition 1
Street Address	810 – 818 Pacific Highway, Gordon
Applicant	Aaron Sutherland
Owner	CPDD Min No.1 Pty Ltd – 810 Pacific Highway, Gordon Ku-ring-gai Council – 818 Pacific Highway, Gordon
Date of DA lodgement	26 November 2020
Number of Submissions	No submissions received
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Section 4.55 (2) modification to a development that has a capital investment value of more than \$30 million and a proposal that seeks to amend a consent condition originally imposed by the Sydney North Planning Panel
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> - Environmental Planning and Assessment Act 1979 – ‘The Act 1979’ - State Environmental Planning Policy (Infrastructure) 2007 - Ku-ring-gai Local Environmental Plan 2015 (KLEP): - Ku-ring-gai Development Control Plan (KDCP).

List all documents submitted with this report for the Panel's consideration	Attachments: A. Zoning extract - B. Location Sketch - C. Original report to SNPP D. Original Supplementary report to SNPP E. Construction Traffic Management Plan F. Construction Management Plan G. TfNSW comments and concurrence H. Original SNPP reasons to approve the application
Clause 4.6 requests	N/A
Summary of key submissions	No submissions were received.
Report prepared by	Stuart Ratcliff
Report date	16 August 2021

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

PURPOSE OF REPORT

To determine Section 4.55(2) Modification of Consent Application No MOD0222/20 which proposes modification of the development consent to DA0610/17, being a change to the description of the approved development and deletion of the deferred commencement term.

This matter is reported to the Sydney North Planning Panel (**SNPP**) for determination as the original application had a capital investment value (CIV) of more than \$20 million (\$25,800,000) and because the works are on Council land that have a CIV in excess of \$5 million. In addition, the applicant seeks to modify conditions of consent imposed by the SNPP as part of the determination of DA0610/17.

Pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 and Clause 123BA of the *Environmental Planning and Assessment Regulation 2000*, the SNPP is the consent authority.

INTEGRATED PLANNING AND REPORTING

Places, Spaces & Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	Applications are assessed in accordance with state and local plans	Assessments are of a high quality, accurate and consider all relevant legislative requirements

EXECUTIVE SUMMARY

Issues: Traffic impacts

Submissions: Nil

Land and Environment Court: N/A

Recommendation: Approval.

HISTORY

Previous application history:

DA0610/17 for the demolition of existing structures and construction of a mixed use development comprising of shop top housing containing 56 apartments, use of ground floor commercial space as an Aldi supermarket and small retail suite, basement parking, signage and associated works

This application was approved by the Sydney North Planning Panel on 12 December 2018 by way of a 'Deferred Commencement' consent. The terms of the Deferred Commencement Consent set out in Schedule A related to the preparation of a Construction Traffic Management Plan (CTMP) to

the satisfaction of Council prior to the consent becoming operable. The CTMP was required to address the following issues:

- construction routes
- swept paths for construction vehicles
- the protection of trees from construction vehicles
- material storage areas
- the enforcement and control of work zones
- time restrictions on construction vehicle movements

A period of 24 months was provided to satisfy the Deferred Commencement term specified in Schedule A of the development consent. The Notice of Determination would have ordinarily expired on 12 December 2020, however, amendments to 'Section 4.53 – Lapsing of Consent' the *Environmental Planning and Assessment Act, 1979* (the Act) in response to the COVID-19 pandemic in March 2020 have provided an additional two years for deferred commencement terms to be satisfied. The approval has therefore not lapsed and the application may still be modified.

Current application history:

Date	Event
26 November 2020	The application was submitted.
16 December 2020	The application was notified for a period of 28 days. No submissions were received.
18 January 2021	Council advised the applicant of issues in relation to potential tree impacts associated with the lodged CTMP.
27 January 2021	The applicant provided an amended CTMP to address the potential tree impacts.
17 February 2021	Comments were received from Transport for NSW (TfNSW) advising of issues in relation to potential impacts upon local traffic movements associated with the submitted CTMP and the need for additional information in relation to construction vehicle swept paths.
3 March 2021	<p>Council sent a letter to the applicant raising concerns in relation to the submitted CTMP, summarised as follows:</p> <ul style="list-style-type: none"> - access times to the construction site - proposed vehicle routes - work zone times - hoardings - use of available parking by construction workers <p>The concerns raised by TfNSW were also communicated to the applicant.</p>
16 March 2021	The applicant provided a response to Council's letter of 3 March 2021, including a further revised CTMP.
24 March 2021	Council Officers briefed the SNPP on the details of the proposal.
31 March 2021	The additional information provided by the applicant was notified for a period of 14 days. No submissions were received.
31 March 2021	TfNSW advised of remaining issues relating to the CTMP.

Date	Event
1 April 2021	<p>Council sent an email to the applicant ,raising concerns in relation to the revised CTMP , summarised as follows:</p> <ul style="list-style-type: none"> - access times to the construction site - proposed vehicle routes - work zone times - hoardings <p>The remaining concerns raised by TfNSW were also provided to the applicant.</p>
12 April 2021	The applicant requested a meeting with Council officers and TfNSW to discuss the remaining issues.
16 April 2021	Council requested the applicant confirm their availability for a meeting to discuss the remaining issues on 19 April 2021. No response was received.
22 April 2021	Council requested the applicant confirm their availability for a meeting to discuss the remaining issues on 27 April 2021. The applicant confirmed they were available on this date.
27 April 2021	Council officers met with the applicant and representatives of TfNSW to discuss the remaining issues.
28 April 2021	The applicant provided concept swept paths to Council and TfNSW for comment prior to providing a formal response.
5 May 2021	Council advised the applicant of issues it had identified with the concept swept paths.
24 May 2021	The applicant responds to Council's issues with a further amended CTMP, which is referred to TfNSW.
9 June 2021	TfNSW advise Council they are working on a response to the referral of 24 May.
18 June 2021	TfNSW advise Council of remaining issues with the CTMP. Council advises the applicant of these issues on the same day.
24 June 2021	The applicant responds to TfNSW issues with a further amended CTMP. Council refers this CTMP to TfNSW on the same day.
1 July 2021	Council writes to TfNSW seeking an update on the assessment of the revised CTMP. They advise that a response will be provided by 15 July 2021.
14 July 2021	TfNSW advises Council and the applicant of remaining issues with the CTMP.
15 July 2021	The applicant responds to the remaining issues raised by TfNSW and Council by providing a further revised CTMP. On the same day, Council refers this information to TfNSW for their concurrence.
30 July 2021	Council writes to TfNSW seeking an update on the assessment of the revised CTMP.

Date	Event
3 August 2021	TfNSW issues its concurrence to the application, subject to conditions.

Land and Environment Court appeal history:

N/A

THE SITE

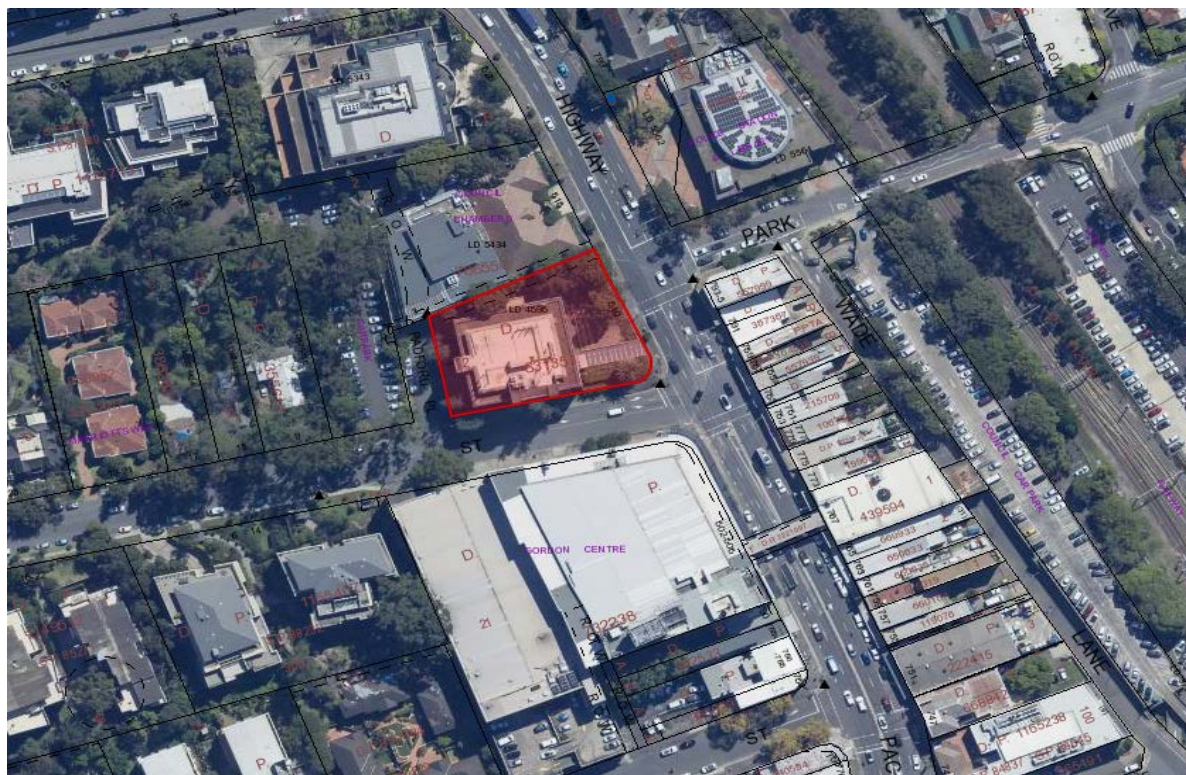


Figure 1 – aerial photograph of the site

Site description:

The site is known as 810-818 Pacific Highway, Gordon, it is located on the north-western corner of the Pacific Highway and Dumaresq Street and has a rear boundary to Radford Place. The site is of an irregular shape, with a frontage 41.04 metres to the Pacific Highway, a frontage of 58.265 metres to Dumaresq Street and a frontage of 33.21 metres to Radford Place, with a northern side boundary of 55.11 metres and an area of 2,357m². The site slopes significantly from the Pacific Highway frontage to Radford Place, falling approximately 9.3 metres from north-east to south-west. The site is currently developed with a 4-5 storey office building built close to the Dumaresq Street frontage and with setbacks from all other boundaries, including a significant setback from the Pacific Highway.

Constraint:	Application:
Visual character study category	1920-1945
Easements/rights of way	Easement for electricity purposes and restriction on use of land
Heritage Item - Local	No
Heritage Item - State	No
Heritage conservation area	No
Within the vicinity of a heritage item	Yes – adjacent to 818 Pacific Highway, Gordon (Council Chambers)
Bush fire prone land	No
Natural Resources Biodiversity	No

Natural Resources Greenweb	No
Natural Resources Riparian	No
Within 25m of Urban Bushland	No
Contaminated land	Yes – previous use of the site as a car park, battery services station and motor services station
Within 25m of Classified Road	Yes – the site has a frontage to the Pacific Highway
Within 25m of a rail corridor/tunnel	No

Surrounding development:

The surrounding development is a mixture of commercial, civic and residential uses. Immediately adjoining the site to the north, is the Ku-ring-gai Council Chambers and office building and a pedestrian access path is located between the building on the subject site and the Council Chambers giving access between the Pacific Highway and Radford Place and to the Chambers. The Council Chambers is listed as an Item of Heritage of local significance. Opposite the site to the south, is the Gordon Centre, a retail/commercial shopping centre. Opposite the site to the east, are smaller scale retail/commercial properties and opposite the site to the west is an open air carpark associated with the Council building. Further to the west, south-west and north-west, are residential developments, including low and higher density dwelling houses.

THE PROPOSAL

The application seeks under Section 4.55(2) of the Act to modify DA0610/17 in the following manner:

- I. Correction to the description of the approved development, which is for 55 apartments, not 56 apartments as stated in the Notice of Determination;
- II. Removal of the Schedule A Deferred Commencement term, which required a CTMP to be submitted to and approved by Council prior to the consent becoming operational. The applicant instead seeks insert the CTMP submitted with this application into Condition 1 (Approved architectural plans and documentation) of Schedule B - Conditions of Consent. This in effect would change the Notice of Determination from a 'Deferred Commencement Consent' to an 'Operational Consent'.

CONSULTATION

Community

In accordance with Appendix 1 of the Council's Community Participation Plan, owners of surrounding properties were notified of the application. No submissions were received.

Additional information (revised CTMP) received 16 March 2021

A revised CTMP was submitted to Council and notified for a period of 14 days. No submissions were received.

Additional information (revised CTMPs) received 28 April 2021, 24 May 2021, 24 June 2021 and 15 July 2021

The revised CTMPs were not required to be notified to surrounding residents as the proposed amendments did not result in a greater environmental impact than the original proposal.

Internal referrals

Landscaping

Council's Senior Landscape and Tree Assessment Officer commented on the proposal (as amended) as follows:

The amended proposal is acceptable. No additional or amended landscape conditions are required.

Engineering

Council's Development Engineer commented on the proposal (as amended) as follows:

Access to the site

The subject site is located on the north-western corner of the Pacific Highway and Dumaresq Street and has a rear boundary to Radford Place. Because of the location of the site with three street frontages and the significant fall of the site, construction on the site is significantly constrained.

The existing building is currently served by two driveways from Radford Place on the southern boundary.

The revised CTMP states that "No construction vehicle movements are to occur in Dumaresq Street or Radford Place between 3.00pm to 5.00pm Monday to Friday."

The CTMP proposes forward in / forward out site access for the majority of the project by utilising an on-site turntable.

Council met with the applicant and TfNSW on 27 April 2021, where access to the site was discussed. The applicant stated that it was not possible for trucks to exit the site towards the Pacific Highway from Radford Place onto Dumaresq Street without crossing into the westbound lane of Dumaresq Street. In the meeting, TfNSW indicated that they were not willing to accept such a proposal with the impact to traffic turning from Pacific Highway into Dumaresq Street. After the meeting, turning path diagrams were submitted confirming the above. The diagrams showed heavy rigid vehicles leaving the site via Radford Place turning left and crossing the centreline of Dumaresq Street, into the westbound lane, potentially interfering with traffic travelling west on Dumaresq Street. Based on this information, Council will accept the alternative of vehicles leaving the site via Radford Place and turning right into to Dumaresq Street.

The CTMP shows access to the site from Radford Place, and vehicles exiting the site via Dumaresq Street. It shows temporary removal of the on-street parking along the western side of Radford Place.

Swept path diagrams have been provided for trucks exiting the site via the turntable.

Heavy vehicle routes

The heavy vehicle routes are proposed as follows:

Inbound

- All heavy vehicles will travel from the Pacific Highway / Dumaresq Street intersection to Radford Place before entering the site as per Council's recommendation.*

Outbound

- All outbound vehicles will travel left from the site directly onto Dumaresq Street to the Pacific Highway (with exception to Stage 4a which will utilise the DA approved driveway and turntable to access Radford Place directly).*
- Vehicles can either turn left or right onto the Pacific Highway at the signalised controlled intersection.*

The light vehicle routes (for utility vehicles and the like) are described as follows.

Inbound

- All light vehicles will travel from the Pacific Highway / Dumaresq Street intersection to Radford Place before entering the site as per Council's recommendation

Outbound

- All light vehicles exiting the site can do so by travelling east on Dumaresq Street (i.e. left out).

Work zone

The potential work zone on Dumaresq Street is within the travel lane on approach to the signalised intersection. It is recommended that the work zone be in place from Monday to Friday, 7:00am to 3:00pm only. The CTMP states that: "This will result in no change to the afternoon peak or weekend peak hour conditions."

With regard to the intersection performance of Dumaresq Street and Pacific Highway, the intersection has been assessed with a 20 metres short lane for left turning traffic. This should achieve an approximate work zone length of some 30 metres.

The current queue within the kerbside left turning lane was assessed to be less than 10 metres in the morning peak hour. The provision of a 20 metres lane length will not impact this queue distance and therefore the work zone length can be accommodated.

The impact of the work zone during the AM peak hour has been assessed in the SIDRA v9 program. The traffic report states on the basis of this assessment that:

"the queuing impacts and Level of Service (LoS) remain unchanged. This is largely reflective of the relatively low traffic demand during the AM peak hour which based on the survey counts show some 30 vehicles turning left and 90 vehicles turning right out of Dumaresq Street".

TfNSW have requested further information regarding the work zone:

It is unclear if the swept path of both size vehicles can be achieved without crossing the centreline into the oncoming traffic whilst the work zone is operational in the kerbside lane.

TfNSW have requested further swept path plans to be provided showing 12.5 metres vehicle egressing from the turntable entrance and a 15 metres vehicle egressing from Radford Place whilst the work zone is operational. The plans are to include the details provided in the abovementioned point. These plans will be included within the CTMP that will be referred to TfNSW – **Condition 25a**.

TfNSW have also requested that turning paths for a 15 metres articulated vehicle be provided for the intersection at Pacific Highway / Dumaresq Street. These too will be included in the CTMP to be referred to TfNSW under the terms of **Condition 25a**.

Hoarding

Type B hoarding is to be set up along existing building face on Dumaresq Street. Site offices and amenities are proposed on top of part of the hoarding. Type A hoarding is to be provided on all other frontages.

Indicative plans of this proposed hoarding on Dumaresq Street have been provided. This is satisfactory for this stage. Full design drawings must be submitted with the proposed hoarding permit application – existing development consent **Condition 69**.

Additional works

Existing development consent **Condition 126- Roads and Maritime Services Conditions**, from the original approval (DA0610/17) has RMS / TfNSW requirements issued by them as

part of their concurrence to the original development application. In particular, this condition requires an extension of the right turn bay on Pacific Highway prior to the issue of any Construction Certificate:

Council previously requested details of this extended right turn bay on Pacific Highway to be shown on the revised CTMP. However, the applicant has provided the following justification which is concurred with:

“The Council letter mistakenly suggests that Condition No. 126 requires the extension of the right turn bay on Pacific Highway prior to CC. This is incorrect as this condition only requires the submission of the civil design plans for the extension prior to CC, not the actual construction prior to CC. The need for the extension of the right turn bay is generated by the increased traffic which will result from the completed development, and so the nexus is that the extension must be completed prior to occupation, not commencement, of the development. Construction traffic does not generate the need for this extension. This is a critically important distinction, because obtaining a Works Authorisation Deed (WAD) for these works is a very time consuming process and any attempt by Council to retrospectively amend Condition No. 126 would unfortunately need to be strenuously opposed as it would directly result in a significant delay to the commencement of the project, and without reasonable grounds.”

Parking management

The CTMP no longer suggests that contracted staff will use the public carpark off Dumaesq Street or the Gordon Centre car park.

During peak times (e.g. concrete pours with a maximum 100 people on-site), it is expected that this development may generate a maximum of 67 parked vehicles.

In order to minimise Parking impacts on the surrounding streets, the CTMP suggests:

“Access to high frequency public transport shall be promoted by the nominated contractor whilst the potential to utilise the on-site basement car park once constructed will be subject to the working areas and risk management assessed at the time by the nominated contractor. It is recommended that sustainable transport modes be promoted by the contractor / site supervisor to reduce the traffic and parking impacts associated with construction activity.”

Recommendations

All of Council's and TfNSW concerns have now been addressed. It is recommended that Deferred Commencement term be deleted from the development consent to DA0610/17. The documents listed above are to be stamped and included as approved documents in Development Consent **Condition 1** in Schedule B. TfNSW have indicated in their approval/concurrence letter that:

“Note: formal approval for the CTMP from TfNSW is still required. In this regard A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.”

Because of this requirement, it is recommended to include **Condition 25a** as follows:

25a. Construction traffic management plan

A construction traffic management plan (CTMP) is to be submitted to and approved by Council prior to the commencement of any works.

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 the following:

- *construction vehicle routes for approach and departure to and from all directions, showing loaded and empty vehicles*
- *a site plan showing entry and exit points*
- *swept paths on the site plan showing access and egress for a 12.5 metres long heavy rigid vehicle and 19.0 metres articulated vehicle*
- *swept path analysis plans showing the existing trees being retained and their tree protective fencing requirements (consistent with this Development Consent) these plans shall be to scale to ensure that truck access and tree fencing requirements do not conflict*
- *show locations for site offices and materials storage areas which are to be located outside the tree protection zones*

The traffic control plans are to be prepared by a TfNSW accredited consultant. One traffic control plan must be provided to Council for each of the following stages of the works:

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

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

When a satisfactory CTMP is received 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 CTMP as well as any conditions in the letter issued by Council. No works may be carried out unless Council has approved the CTMP.

Reason: *To ensure that appropriate measures have been made to minimise impacts upon surrounding roads during the construction phase.*

External referrals

Transport for NSW (TfNSW)

The application was referred to Transport for NSW for concurrence. Concurrence was issued on 3 August 2021 and is provided as an attachment to this report (**Attachment 7**). This concurrence is subject to the following conditions:

- *Conditions provided in TfNSW letter dated 17 September 2018 for Section 138 approval are to be retained.*
- *Formal approval for the CTMP from TfNSW is still required. In this regard, a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.*

The conditions provided by TfNSW in its letter of 17 September 2018 were imposed as part of the existing development consent issued for DA0610/17 (**Condition 126**). An additional condition

(**Condition 25a**) is recommended to ensure TfNSW issues approval to the CTMP prior to the issue of any Construction Certificate.

STATUTORY PROVISIONS

Section 4.55(2) of the Environmental Planning and Assessment Act 1979 – Other modifications

Subsection (a): Substantially the same development

The development, as modified, would be substantially the same development as that approved. The proposed modifications do not alter the essence or character of the development in any materially significant way. The changes are limited to the correction of a minor error relating to the number of approved number of units referenced in the Notice of Determination and the deletion of the Deferred Commencement requirements through the inclusion of the CTMP within the operational component of the consent.

Subsection (b): Consultation with the Minister, public authority or approval body

The modification has been referred to TfNSW, where concurrence to the proposed modifications has been issued, as discussed in the report.

Subsection (c): Notification

The application was notified in accordance with the requirements of the Ku-ring-gai Community Participation Plan.

Subsection (d): Submissions

No submissions have been received.

Subsection (3): Section 4.15(1) considerations and consideration of reasons for granting of the consent

This assessment report includes consideration of the matters specified in section 4.15 of the Act.

A summary of the reasons provided by the Sydney North Planning Panel (SNPP) for the approval of the application (DA0610/17) to which this modification application relates is as follows:

- *the proposed development will provide a public benefit by attracting additional retail activity, choice and investment to the Gordon Centre in a location that has both strategic and site-specific merit for increased employment;*
- *the submission made by the applicant within the submitted Clause 4.6 statement to vary the maximum permissible building height of 26.5 metres provided sufficient environmental planning grounds to justify the variation;*
- *the retail street activation of Dumaresq Street is not imperative as the street is very steep and effective activation is not feasible;*
- *the proposal provides sufficient landscaping between the proposed building and the adjacent Council Chambers (a Heritage listed building); and*
- *the proposal will not be of an unreasonable impact on the traffic of local streets.*

The full reasons provided by the Sydney North Planning Panel for granting development consent to DA0610/17 are provided to this report (**Attachment 8**). The proposed modifications are not considered to alter the approved development in any way that is contradictory to these reasons.

The following 4.15(1) considerations are of relevance to the proposed application:

State Environmental Planning Policy (Infrastructure) 2007

The development to which the modification application relates has a frontage to the Pacific Highway, which is a classified road, as defined by SEPP Infrastructure. Accordingly, the Development Application was subject to the consideration of Clause 101, 102 and 104 of the SEPP. As the modification application seeks to formalise construction access arrangements for the approved development, it is necessary to consider those amendments against the relevant section of the Infrastructure SEPP, being Clause 101.

101 Development with frontage to classified road

(1) *The objectives of this clause are—*

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposed modifications are acceptable for the reasons advanced by Council's Development Engineer and TfNSW, as the CTMP contains adequate measures to mitigate the impacts of construction traffic to the Pacific Highway. Further, the approved construction works will not have an unacceptable impact on the ongoing operation and safety of the Pacific Highway, as required by subclause (2) of Clause 101. This is subject to the modified and additional conditions (**Conditions 2a and 25a**).

Ku-ring-gai Local Environmental Plan 2015

The extent of the proposed changes are of such a nature that no sections of the KLEP 2015 are considered relevant to the assessment of the application. Nevertheless, the development, as proposed to be modified, is consistent with the aims of the plans at Clause 1.2 of the LEP and the Objectives of the Zone at Clause 2.3 and will not impact the adjoining heritage item.

Ku-ring-gai Development Control Plan

Section C

Part 23.10 – Construction, Demolition and Disposal

The submitted CTMP and CMP is considered to incorporate the necessary relevant requirements of Part 23.10 of the DCP as they relate to site management, waste control and stormwater /

erosion control.

It is considered that compliance with the CTMP and CMP, required through recommended amended **Condition 1** and additional recommended **Conditions 2a and 25a**, will ensure that the works authorised under DA0610/17 are undertaken in a way that will not have an adverse impact on the surrounding area, including the Ku ring gai Council chambers and the Gordon shopping centre.

Ku-ring-gai Contributions Plan 2010

The proposed correction to the number of approved units does not affect the existing Section 7.11 contribution required by existing Condition 50. This contribution was calculated based on the correct number of 55 approved units.

LIKELY IMPACTS

The likely impacts of the modified development have been considered within this report and are deemed to be acceptable, subject to recommended modified conditions.

SUITABILITY OF THE SITE

The site remains suitable for the proposed development, with the impacts of its construction on the surrounding road network also acceptable.

PUBLIC INTEREST

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments and by the Panel ensuring that any adverse effects on the surrounding area and the environment are minimised. The proposal has been assessed against the relevant environmental planning instruments and is deemed to be acceptable. On this basis, the proposal is not considered to raise any issues that are contrary to the public interest.

CONCLUSION

Having regard to section 4.55 of the Environmental Planning and Assessment Act 1979, the proposed modifications to the development consent are considered to be satisfactory.

RECOMMENDATION

PURSUANT TO SECTION 4.55 (2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

THAT the Sydney North Planning Panel, as the consent authority, modify the development consent to DA0610/17 in the following manner:

- change the description of the proposed development
- delete the deferred commencement term set out in Schedule A and modification to the operation and lapsing date of the consent
- modification of Condition 1 to reference the amended Construction Traffic Management Plan and Construction Management Plan
- addition of Conditions 2a and 25a.

Application No.:

DA0610/17

Proposed Development:

Demolition of existing structures and construction of a mixed use development comprised of shop top housing containing 56 55 apartments, use of ground floor commercial space as an Aldi supermarket and

small retail suite, basement parking, signage and associated works

Property:

810-818 Pacific Highway GORDON NSW 2072

Pursuant to Section 4.16 (3) (previously s80 (3)) of the Act and Clause 95 of the Environment Planning Assessment Regulation 2000, notice is given that the above development application has been determined by the granting of ~~deferred commencement~~ development consent, subject to the conditions specified in this Notice.

Date of determination: 12/12/2018

Date from which consent operates: ~~N/A—Deferred Commencement date of determination by the Sydney North Planning Panel to MOD222/20~~

Date from which the consent lapses: 5 years after the date of determination of MOD0222/20 of the Sydney North Planning Panel

Schedule A—Deferred commencement terms

~~The following items listed below shall be addressed to the satisfaction of Ku-ring-gai Council within 24 months of the date of the consent. Upon satisfaction of the items listed in Schedule A, the foreshadowed conditions of Schedule B (as amended) will apply~~

~~1. Construction traffic management plan~~

~~The applicant must prepare and submit a Construction Traffic Management Plan (CTMP).~~

~~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.~~

~~In preparing the CTMP, no vehicular access or egress is to be obtained from the Pacific Highway and Radford Place is to remain free from construction vehicles and be available for free and unimpeded public access at all times.~~

~~The report is to contain a site plan showing entry and exit points. Swept paths are to be shown on the site plan showing access and egress for a 12.5 metre long heavy rigid vehicle and 19.0 metre articulated vehicle.~~

~~The Swept Path Analysis Plans shall show 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.~~

~~Show locations for site offices and materials storage areas to be located outside the tree protection zones.~~

~~The Traffic Control Plans are to be prepared by a qualified person (RMS qualified – Prepare a work zone traffic management plan). One must be provided for each of the following stages of the works:~~

- ~~o Demolition~~
- ~~o Excavation~~
- ~~o Concrete pour~~
- ~~o Construction of vehicular crossing and reinstatement of footpath~~
- ~~o 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 Dumaresq Street or Radford Place between 8.00am to 9.30am and 3.00pm to 5.00pm Monday to Friday.~~

~~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.~~

Schedule B – Conditions of consent

Conditions that identify approved plans:

1. Approved architectural plans and documentation (new development)

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

Plan no.	Drawn by	Dated
DA01 Issue F	Leffler Simes Architects	21/11/18
DA02 Issue F	Leffler Simes Architects	21/11/18
DA03 Issue F	Leffler Simes Architects	21/11/18
DA04 Issue G	Leffler Simes Architects	21/11/18
DA05 Issue F	Leffler Simes Architects	19/09/18
DA06 Issue G	Leffler Simes Architects	21/11/18
DA07 Issue D	Leffler Simes Architects	21/11/18
DA08 Issue D	Leffler Simes Architects	21/11/18
DA09 Issue D	Leffler Simes Architects	21/11/18
DA10 Issue D	Leffler Simes Architects	21/11/18
DA11 Issue D	Leffler Simes Architects	21/11/18
DA12 Issue E	Leffler Simes Architects	21/11/18
DA13 Issue B	Leffler Simes Architects	25/06/18
DA14 Issue E	Leffler Simes Architects	19/09/18
DA15 Issue F	Leffler Simes Architects	20/09/18
DA16 Issue E	Leffler Simes Architects	20/09/18
DA17 Issue E	Leffler Simes Architects	20/09/18
DA18 Issue E	Leffler Simes Architects	20/09/18
DA31 Issue C	Leffler Simes Architects	19/09/18
DA32 Issue PC	Leffler Simes Architects	19/09/18
LA-00 Revision 06	PDS	21.09.18
LA-01 Revision 06	PDS	21.09.18
LA-02 Revision 06	PDS	21.09.18
LA-03 Revision 06	PDS	21.09.18
LA-04 Revision 06	PDS	21.09.18
LA-05 Revision 06	PDS	21.09.18
LA-06 Revision 06	PDS	21.09.18
LA-07 Revision 06	PDS	21.09.18
LA-08 Revision 06	PDS	21.09.18
LA-09 Revision 06	PDS	21.09.18
LA-10 Revision 06	PDS	21.09.18

SY160311 Dwg No. C1.05 Revision B	ACOR Consultants	28.11.17
SY160311 Dwg No. C1.06 Revision D	ACOR Consultants	05.09.18
SY160311 Dwg No. C2.01 Revision B	ACOR Consultants	28.11.17
SY160311 Dwg No. C2.02 Revision B	ACOR Consultants	28.11.17
SY160311 Dwg No. C2.03 Revision B	ACOR Consultants	28.11.17
SY160311 Dwg No. C5.01 Revision A	ACOR Consultants	05.09.18

Document(s)	Dated
Access Report FP1710-01, prepared by Assistive Technology Australia Access,	29 June 2018
Geotechnical investigation ref: 29430ZN2rpt, prepared by JK Geotechnics	16 September 2016
Stage 2 Environment Site Assessment ref: E29430Krpt2, prepared by EIS Environmental Investigation Services	9 December 2016
Arboricultural Assessment & Tree Transplanting Methodology Ref No. TTA/GPDS211117	November 2017
Acoustic Report, (Ref: 3298R20171025jt810PacificHighwayGordon), prepared by Koikas Acoustics	29 November 2017

Except as where modified by MOD0222/20, endorsed with Council's stamp as listed below and except where amended by other conditions of this Development Consent:

Document(s)	Dated
<i>Construction Traffic Management Plan, 80021013, Version 7, prepared by Cardno</i>	<i>24 June 2021</i>
<i>Construction Management Plan, Revision 6</i>	<i>Undated</i>

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.

2a. Construction traffic management plan

Traffic management at the site must comply with the approved CTMP (prepared by Cardno, Reference version 7, dated 24/6/2021, and Construction Traffic Management Plan, by Novati, Final, Rev 06) as well as the conditions in the approval 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.*

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. Notice of commencement

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

Reason: Statutory requirement.

5. Notification of builder's details

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

Reason: Statutory requirement.

6. Notice of proposed work (contaminated land)

A notice of proposed work form must be given to Council's Development Assessment Officer, in accordance with SEPP 55, Clause 16. Note: At least 30 days notice is required, except in the case of work required to be carried out immediately under the terms of remediation order (in which case, at least 1 day's notice is required).

SEPP 55, Clause 16 requires that the notice must:

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

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

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

Reason: Protection of the environment and compliance with SEPP 55.

7. Dilapidation survey and report (public infrastructure)

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

Public infrastructure

- Full road pavement width, including kerb and gutter, of Pacific Highway, Dumaresq Street, and Radford Place, over the site frontage, including the full intersection.
- All driveway crossings and laybacks opposite the subject site.

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

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

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

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

8. Dilapidation photos (public infrastructure)

Prior to the commencement of any works on site the applicant must submit to Ku-ring-gai Council and the Principal Certifying Authority a photographic record on the visible condition of the existing public infrastructure **over the full site frontages** (in colour - preferably saved to cd-rom in 'jpg' format). The photos must include detail of:

- The existing footpath
- The existing kerb and gutter
- The existing full road surface between kerbs
- The existing verge area
- The existing driveway and layback where to be retained
- Any existing drainage infrastructure including pits, lintels, grates.

Particular attention must be paid to accurately recording any pre-developed damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public infrastructure caused as a result of the development (which is not to be repaired by the Applicant as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated under the requirements of this condition prior to the commencement of any works.

Reason: To protect public infrastructure.

9. Dilapidation survey and report (private property)

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

Address:

- 818 Pacific Highway Gordon

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

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

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. Archaeological survey

Prior to commencement of any development or excavation works, the Principal Certifying Authority shall be satisfied that an archaeological survey has been completed and submitted to Council's Heritage Advisor.

The survey shall be carried out by a qualified archaeologist and shall identify the likelihood of remains and/or artefacts, whether European or Aboriginal, being present on site.

If this report identifies that such items are likely to be on site, demolition, earthworks and excavation shall be undertaken under the direct supervision of the consultant archaeologist. An excavation permit under S 140 of the Heritage Act may be required if it is likely relics will be uncovered.

In the event that remnants or artefacts are found during the progression of works on the site, excavation or disturbance of the area is to stop immediately. In accordance with section 146(a) of the 'Heritage Act, 1977' the Applicant must ensure the Heritage Council of NSW is notified within a reasonable time of the discovery or location of these relics. Archaeological assessment and approval, or endorsement, may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

A policy of managing the known relics and an interpretative strategy developed on how to interpret any relics found on the site must be developed and subject to separate approval by Council's Heritage Officer.

Reason: To comply with the provisions of the NSW Heritage Act and to ensure the proper management of relics and historical artefacts.

11. 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.

12. Erosion and drainage management

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

Reason: To preserve and enhance the natural environment.

13. Trunk and branch protection

Prior to the commencement of any development or excavation works on site the trunk/s and branches of the listed trees are to be protected by the placement of 50 x 100mm timbers over suitable protective padding material in accordance with Section 4.5.2 of the current version of

AS4970. The trunk and 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 a minimum AQF Level 3 qualification and a report detailing the works carried out shall be submitted to the Certifying Authority:

Tree/location
T21 - <i>Casuarina cunninghamiana</i> (River Oak) / Council land adjacent to the northern boundary

Reason: To protect existing trees during the construction phase.

14. Tree protection measures inspection

Upon installation of the required tree protection measures, an inspection of the site by the Project Arborist or the Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

Reason: To protect existing trees during the construction phase.

15. Construction waste management plan

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

Reason: To ensure appropriate management of construction waste.

16. Noise and vibration management plan

Prior to the commencement of any works, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifying Authority. The management plan is to identify amelioration measures to achieve the best practice objectives of AS 2436-2010 and NSW Department of Environment and Climate Change Interim Construction Noise Guidelines. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

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

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

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

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

17. CCTV report of existing Council pipe system near works

Prior to the commencement of any works on site qualified practitioners must undertake a closed circuit television inspection in accordance with the Australian Water Association guidelines, including full pan at each joint and then report on the existing condition of the Council drainage pipeline traversing the subject property. The applicant or their contractor is to obtain the relevant pipe and pit identification numbers from Council prior to the CCTV inspection and use these numbers in the CCTV recording and report. The report must be provided to Council's, Development Engineer and is to include a copy of the video footage of the pipeline. A written acknowledgment from Council's Development Engineer (attesting to this condition being appropriately satisfied) shall be obtained and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Reason: To protect Council's infrastructure.

18. Support for Council roads, footpaths, drainage reserves

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

Reason: To protect Council's infrastructure.

19. Remediation and validation

Prior to the commencement of any works a RAP shall be prepared, subject to the recommendations in Section 10.1 of the Phase II Environmental Site Assessment Report, prepared by EIS, dated 9.12.16. Prior to the commencement of any works other than demolition works, the site shall be remediated in accordance with the RAP and a Validation Report issued by a suitably qualified expert concluding that the site has been appropriately remediated for the approved future use.

Reason: To ensure the site is appropriately remediated.

20. Work zone

Should a Works Zone be required along Dumaresq Street and Radford Place, it shall be issued 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.

21. 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.

22. Temporary disposal of stormwater runoff

During construction, stormwater runoff must be disposed of in a controlled manner that is

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

Reason: To preserve and enhance the natural environment.

23. Drainage to street

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

Reason: To protect the environment

24. Disposal of seepage and stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council's Environmental Health Officer.

Reason: To protect the environment.

Conditions to be satisfied prior to the issue of the construction certificate:

25. Amended plans

Amended plans satisfying the following requirements shall be submitted to the certifying authority for approval prior to the issue of any Construction Certificate:

- i. Adequate provision shall be made for staff lockers, for personal ancillary equipment related to cycling to work, near the staff amenities area.
- ii. The Canary Island Palm shall be relocated as far west as practicable of the position as shown on the submitted plans listed in Condition 1, and incorporate any requirement set out in Condition 26.
- iii. The proposed signage is to be flush wall signage with illumination of the signage limited to the daily trading hours of Aldi.

- iv. Apartments 109, 210, 310, 410, 510 and 606 shall be amended by deleting the second bathroom and recessing the main bedroom to provide the entire balcony with a 2m width.
- v. A fixed slatted aluminium privacy screen 1.6m in height shall be provided between the balcony off the master bedroom of Apartment 101 and the balcony off the bedroom of Apartments 104 and 105.
- vi. The balcony of each apartment shall be provided with an aluminium sliding privacy screen that sits above the balustrade and extends to the floor above which has affixed to the rear of it a rack for outdoor clothes drying. Where there is no floor above or it is impracticable to provide a sliding privacy screen above the balustrade, an outdoor clothes drying rack shall be provided to that unit where it is not visible from the street or public domain.
- vii. Each 1 bedroom apartment is to be provided with a storage area of 6m³. A minimum of 50% of the required storage area for each unit is to be provided in the basement.
- viii. Each 2 bedroom apartment is to be provided with a storage area of 8m³. A minimum of 50% of the required storage area is to be provided within the basement.
- ix. Each 3+ bedroom unit is to be provided with a storage area of 10m³. A minimum of 50% of the required storage area for each unit is to be provided in the basement.
- x. A storage schedule is to be provided on the architectural plans specifying how the storage within the basement is to be apportioned.
- xi. Provision is to be made within the residential basement via the installation of the required infrastructure for electronic car charging.
- xii. Full height shopfront glazing to the Dumaresq Street frontage of the supermarket is to be provided for an additional 8m length to the west of the proposed shopfront glazing that is currently shown as highlight windows.
- xiii. The podium and commercial level of the building is to be treated to ensure resistance to graffiti, with an anti-graffiti coating 'Graffstop Self Release' to be applied to all visible and accessible surfaces and edges, to the manufacturers specification.
- xiv. Opaque glazing is to be fitted to glazed residential balcony balustrades for a minimum of the first four residential floors of the building.

Reason: To ensure appropriate amenity and ensure the long term survival of the Canary Island Palm, to ensure appropriate levels of amenity and to improve the streetscape presentation.

25a. Construction traffic management plan

A construction traffic management plan (CTMP) is to be submitted to Council and approved prior to the commencement of any works.

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 the following:

- *construction vehicle routes for approach and departure to and from all directions, showing loaded and empty vehicles*
- *a site plan showing entry and exit points*
- *swept paths on the site plan showing access and egress for a 12.5 metres long heavy rigid vehicle and 19.0 metres articulated vehicle*
- *swept path analysis plans showing the existing trees being retained and their tree protective fencing requirements (consistent with this Development Consent) these plans shall be to scale to ensure that truck access and tree fencing requirements do not conflict*
- *show locations for site offices and materials storage areas which are to be located outside the tree protection zones*

The traffic control plans are to be prepared by a TfNSW accredited consultant. One traffic control plan must be provided to Council for each of the following stages of the works:

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

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

When a satisfactory CTMP is received 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 CTMP as well as any conditions in the letter issued by Council. No works may be carried out unless Council has approved the CTMP.

Reason: *To ensure that appropriate measures have been made to minimise impacts upon surrounding roads during the construction phase.*

26. Amendments to approved landscape plan

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the approved landscape plans, listed below and endorsed with Council's stamp, are amended in accordance with the requirements of this condition as well as other conditions of this consent.

Note: An amended plan, prepared by a landscape architect or qualified landscape designer must be submitted to the Council's Senior Landscape Assessment Officer for approval prior to the release of the Construction Certificate.

Plan no.	Prepared by	Dated
LA-00 to LA-10 Revision 6	Paterson Design Studio	21/09/18

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

- A plan detailing the schedule of finishes is to be provided in accordance with Part 2D 1, 2 & 3 of Town Centres Public Domain Plan 2010.
- The existing paving along the Pacific Highway, Dumaresq Street and Radford Place nature strips is to be removed and replaced with the specified pavers.
- All public infrastructure is to be installed in accordance with the Technical Manual – Part 3
- To increase the soft landscaped area available for planting the paths within the ground level, private communal open spaces (COS) are to be reduced to a maximum of 1.2 metres excluding a small area immediately in front of the main entrance to the residential apartments.
- All existing trees are to be indicated on the Existing Tree Plan LA-04 in accordance with the arborist report by Joanne Leigh dated 10/10/17.
- Tree 16 – *Syzygium sp.* (Lillypilly) is in poor health and is to be removed.
- To allow for a clearance of 1 metre for the canopy of the T9 - *Phoenix canariensis* (Canary Island Palm) the centre of the trunk of the tree is to be located a minimum distance of 6 metres from the southern wall of the Council Chambers.
- To ensure the long term survival of the T9 - *Phoenix canariensis* (Canary Island Palm) the width of the garden bed is to be extended in a southerly direction by a minimum of 2 metres.
- The plans shall refer to the tree transplanting methodology outlined in the report by Tree Transplanters Australia dated November 2017.
- There is insufficient space available for the planting of 2 street trees along the Pacific Highway. To provide continuity of the street tree planting the existing *Lagerstroemia indica* (Crepe Myrtle) located on the Pacific Hwy nearest the corner of Dumaresq St is to be replaced with a *Pyrus calleryana* 'Capital'.

- An additional *Pyrus calleryana* 'Capital' is to be planted on the Radford Place nature strip midway between the corner of Dumaresq St and the carpark entrance.
- 3 x *Lagerstroemia indica* (Crepe Myrtle) are to be planted in the garden bed within the ALDI forecourt area adjacent to the Pacific Hwy.
- To ensure the long term survival of the tree and screen planting the depth of soil on podium shall be in accordance with Part 23.5 of the Local Centres DCP.
- 2 x super advanced tree specimens with a minimum container size of 200 litres are to be planted within the main COS area. The additional tree planting is to include 1 x *Nyssa sylvatica* (Tupelo) and 1 x *Jacaranda mimosifolia* (Jacaranda)
- *Hedera canariensis* (Common Ivy) is not an appropriate species due its invasive nature.
- To improve pedestrian access to and from the Council Chambers the garden bed adjacent to the southern side of the Chambers is to be relocated a minimum distance of 4 metres from the existing boundary along the Pacific Highway.
- The balustrade on top of the retaining wall along the eastern edge of the podium footprint facing the Pacific Highway is to be relocated and incorporated into the soft landscaping.
- The plant schedule is to be updated to reflect the amendments to the planting.
- The plant schedule is to include the numbers of each species to be planted.
- The plans shall clearly indicate the numbers of small shrubs, ground covers and climbers to be planted
- An additional retaining wall will be required to resolve the proposed 1 metre level difference within the main COS area.
- The stormwater details are to be indicated on the plans
- The amended plans shall indicate the correct revision number and a north point.

Reason: To ensure adequate landscaping of the site.

27. Acoustic design report

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

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

28. Design and construction of food premises

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

- floor plans, showing the layout of the fixtures and fittings, bulk food storage, loading dock and staff personal effects storage areas
- elevations and sections showing floor, wall and ceiling construction and finishes
- elevations and sections showing the installation of fixtures and fittings
- cool room/freezer construction
- garbage and recycling storage areas
- grease trap area

- all proposed mechanical ventilation systems
- staff, accessible and public toilet facilities

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

Reason: To ensure compliance with standards for food premises.

29. Garbage and recycling facilities

The garbage and recycling storage areas are to adequately contain the garbage and recycled waste bins from the residential and commercial occupancies. All internal walls of the garbage storage areas are to be rendered and coved at the floor/wall intersection, the floor is to be graded and drained to the sewer and a tap is located in close proximity to facilitate cleaning. Details of the waste storage area indicating compliance with the above shall be provided to the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

Reason: To protect residential amenity and prevent environmental pollution.

30. Tree transplanting

Prior to the release of the Construction Certificate a qualified arborist engaged to supervise the transplanting of T9 - *Phoenix canariensis* (Canary Island Date Palm) shall be engaged to ensure all tree protection measures and works are carried out in accordance with the conditions of consent.

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

Reason: To protect of existing trees

31. 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.

32. 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 effects on public amenity from excessive illumination levels.

33. External service pipes and the like prohibited

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the building. Details confirming compliance with this condition must be shown on construction certificate plans and detailed with construction certificate specifications. Required external vents or vent pipes on the roof or above the eaves must be shown on

construction certificate plans and detailed with construction certificate specifications. External vents or roof vent pipes must not be visible from any place unless detailed upon development consent plans. Where there is any proposal to fit external service pipes or the like this must be detailed in an amended development (S96) application and submitted to Council for determination.

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

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

34. Access for people with disabilities (commercial)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities from the public domain and all car parking areas on 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 Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

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

35. Access for people with disabilities (residential)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access.

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

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

36. Adaptable units

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the nominated adaptable units within the development application, are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing and where superseded by the Livable Housing Design Guidelines 2017.

Note: Evidence from an appropriately qualified professional demonstrating compliance with this control is to be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Disabled access & amenity.

37. Excavation for services

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

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

Reason: To ensure adequate landscaping of the site.

38. Recycling and waste management

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the development provides a common garbage collection/separation area sufficient in size to store all wheelie garbage bins and recycling bins provided by Council for the number of units in the development in accordance with Council's DCP. The garbage collection point is to be accessible by Council's Waste Collection Services.

The responsibility for:

- the cleaning of waste rooms and waste service compartments; and
- the transfer of bins within the property, and to the collection point once the development is in use;

shall be determined when designing the system and clearly stated in the Waste Management Plan.

Note: The architectural plans are to be amended and provided to the Certifying Authority.

Reason: Environmental protection.

39. Noise from road and rail (residential only)

Prior to the issue of the Construction Certificate, the Certifying Authority shall submit evidence to Council demonstrating that the development will be acoustically designed and constructed to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Plans and specifications of the required acoustic design shall be prepared by a practicing acoustic engineer and shall be submitted to the Principal Certifying Authority.

Reason: To minimise the impact of noise from the adjoining road or rail corridor on the occupants of the development.

40. Driveway crossing levels

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

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

application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment.

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

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

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

41. Driveway grades – basement car parks

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

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

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

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

42. Basement car parking details

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

- all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 - 2004 “Off-street car parking”
- a clear height clearance of **4.5 metres** (required under Part 23.7 ‘Waste Management’ for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement
- no doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area
- the dimensions of all parking spaces, including lengths and widths, comply with the State Environmental Planning Policy for Senior Living relating to height clearances and space dimensions (delete clause if not seniors living)
- the vehicle access and accommodation arrangements are to be constructed and marked in accordance with the certified plans

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

43. Car parking allocation

Car parking within the development shall be allocated in the following way:

Resident car spaces	59
Visitor spaces	9
Commercial / retail spaces	68
Car share spaces	1
Total spaces	137

Each adaptable dwelling must be provided with car parking complying with the dimensional and location requirements of AS2890.1 - parking spaces for people with disabilities.

At least one visitor space shall also comply with the dimensional and location requirements of AS2890.1 - parking spaces for people with disabilities.

Consideration must be given to the means of access from disabled car parking spaces to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted with the Construction Certificate.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with federal legislation.

44. Number of bicycle spaces

The basement car park shall be adapted to provide bicycle spaces in accordance with the requirements of the Local Centres DCP 2016. The bicycle parking spaces shall be designed in accordance with AS2890.3. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

In addition to this, provision shall be made for staff lockers, for personal ancillary equipment near the staff amenities area, supporting this bicycling parking.

Reason: To provide alternative modes of transport to and from the site.

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

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Director Operations. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in Pacific Highway, Dumaresq Street, and Radford Place:

- Vehicular crossing on Radford Place, including longitudinal sections along both sides of proposed crossing from the centre of the existing road to the property boundary.
- Construction of full width footpath (max. 2.5% crossfall) for the full frontage of the development site in Pacific Highway, Dumaresq Street, and Radford Place, in accordance with Council's specification and Standard Drawings. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres intervals shall be provided.
- Reconstruction of existing kerb and gutter for the full frontage of the development site in Dumaresq Street and Radford Place in accordance with Council's specifications and Standard Drawing.
- The provision of the following infrastructure on Council's footpath: paving, lighting, tree grates, tree selection and spacing, bins, and furniture, shall be in accordance with Council's requirements as per part 3E of the Town Centres Public Domain Plan.

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be

issued, and these works must not proceed until Council has issued a formal written approval under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2014. The drawings must detail existing utility services, (mains and house connections) and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the R&MS Traffic Control at Work Sites Version 4. Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

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

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

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Director Operations. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

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

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

46. Utility provider requirements

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

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

47. 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 Certifying Authority prior to the issue of the 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.

48. Garbage and recycling facilities - commercial premises

An enclosed area shall be provided on the property that adequately contains the garbage and recycled waste bins. The garbage storage area shall be covered and all internal walls rendered and coved at the floor/wall intersection, the floor is to be graded and appropriately drained to the sewer and a tap is located in close proximity to facilitate cleaning. Details of the waste storage area indicating compliance with the above shall be provided to the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

Reason: To protect residential amenity and prevent environmental pollution.

Conditions to be satisfied prior to the issue of the construction certificate or prior to demolition, excavation or construction (whichever comes first):

49. Infrastructure damage security bond and inspection fee

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

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

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

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

- (f) In this condition:

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

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

Reason: To maintain public infrastructure.

50. Development Contribution - Centres.

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

Key Community Infrastructure	Amount
Gordon TC Local Parks & Sporting Facilities	\$810,509.33
Gordon TC New Roads & Road Mods	\$147,627.47
Gordon TC Townscape Transport & Pedestrian Facilities	\$392,395.88
LGA Wide Local Recreational & Cultural	\$109,796.71
Total:	\$1,460,329.39

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

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

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

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

Conditions to be satisfied during the demolition, excavation and construction phases:

51. 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.

52. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- the work must be carried out in accordance with the requirements of the Building Code of Australia

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

Reason: Statutory requirement.

53. 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.

54. External walls and cladding flammability

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

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

Reason: Statutory requirement to ensure the safety of occupants.

55. Tree identification

Prior to the commencement of any development or excavation works on site the existing trees shall be numbered in accordance with the arborists report and/or the approved plans. Trees shall be

clearly tagged with confirmation from the Project Arborist that all marked trees correspond with those shown on the approved plan.

Reason: To protect existing trees.

56. Supervision of transplanting

Transplanting of T9 - *Phoenix canariensis* (Canary Island Date Palm) shall be directly supervised by an experienced arborist/horticulturist with a minimum AQF Level 5 qualification in accordance with the methodology outlined in the following document;

Document no.	Prepared by	Dated
TTA/GPDS211117	Tree Transplanters Australia Pty Ltd	November 2017

- To preserve the tree during the construction phase it is to be stored off site and maintained in a good condition until the specified landscape area has been prepared to the satisfaction of the supervising arborist.

Reason: To ensure the successful transplantation of the tree.

57. Tree planting on nature strip

The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Pacific Hwy, Dumaresq Street and Radford Place. The trees shall be a minimum 75 litres container size.

A maintenance period of twelve (12) months applies to the upkeep and maintenance of the street tree planting carried out by the applicant - after the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period the applicant shall be responsible for replacing any trees that die. The maintenance period shall commence once the applicant receives a formal letter from Council stating that the tree planting works within the public road reserve have been completed satisfactorily.

Plant species	Quantity	Location
Pyrus calleryana 'Capital'	Six (6)	As per the approved Landscape plan LA-01

Reason: To provide appropriate landscaping within the streetscape.

58. Approved plans to be on site

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

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

59. Statement of compliance with Australian Standards

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

Reason: To ensure compliance with the Australian Standards.

60. Construction noise

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.

61. Site notice

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

The site notice must:

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

Reason: To ensure public safety and public information.

62. 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.

63. Post-construction dilapidation report

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

- compare the post-construction dilapidation report with the pre-construction dilapidation report

- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

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

Reason: Management of records.

64. Further geotechnical input

The geotechnical and hydro-geological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by JK Geotechnics. Over the course of the works, a qualified geotechnical/hydro-geological engineer must complete the following:

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

Reason: To ensure the safety and protection of property.

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

Reason: To ensure the safety and protection of property.

66. 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.

67. 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.

68. 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.

69. 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.

70. Recycling of building material (general)

During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

Reason: To facilitate recycling of materials.

71. Construction signage

All construction signs must comply with the following requirements:

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

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

72. Approval for rock anchors

Approval is to be obtained from the property owner for any anchors proposed beneath adjoining private property. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.

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

73. Maintenance period for works in public road

A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - after the works have been completed to the satisfaction of Ku-ring-gai Council. In

that maintenance period, the applicant shall be liable for any section of the public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the applicant receives a formal letter from Council stating that the works involving public infrastructure have been completed satisfactorily.

Reason: To protect public infrastructure.

74. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

Reason: To ensure safe public footways and roadways during construction.

75. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicants' full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

Reason: Provision of utility services.

76. Temporary rock anchors

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

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

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

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

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

77. Erosion control

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

Reason: To protect the environment from erosion and sedimentation.

78. 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>> 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.

79. Arborist's inspections & reporting

The tree to be transplanted shall be inspected and monitored by the nominated AQF Level 5 Arborist during and after completion of development works to ensure its long term survival.

The Certifying Authority must be provided with reports by the project arborist within 7 days of the inspection detailing date, tree no, location and species, tree health, compliance with conditions of the development consent, description of the works inspected, description of any impacts to trees and any rectification or and mitigation works prescribed and or undertaken.

Regular inspections and documentation from the Project Arborist to the Certifying Authority are required, but not limited to, the following times or phases of work

Tree/location	Time of inspection
T9 - <i>Phoenix canariensis</i> (Canary Island Date Palm) / South-eastern corner of the site Note: Tree 9 is to be transplanted back on to the subject site. A replacement palm from a different site is not permitted.	The transplanting procedure is to be carried out in accordance with the recommendations and Tree Transplanting Methodology Statement included in the report by Tree Transplanters Australia Pty Ltd dated November 2017.

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

Reason: To ensure protection of existing trees.

80. Treatment of tree roots

Where it is unavoidable, tree roots and branches severed for the purposes of constructing the approved works shall be cut cleanly by hand, by an experienced arborist/horticulturist with a minimum AQF Level 3 qualification. All root and branch pruning works shall be undertaken as specified in the current version of AS 4373- Pruning of Amenity Trees. The arborist/horticulturalist shall provide a report to the certifying authority confirming compliance with this condition.

Reason: To protect existing trees.

81. 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.

82. Construction noise

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with best practice objectives of AS 2436-2010 and NSW Department of Environment and Climate Change (EPA) Interim Construction Noise Guidelines and the recommendations of the approved noise and vibration management plan.

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

83. Cutting of tree roots

Tree roots of 50mm or more in diameter located within the specified radius of the trunk/s of the following tree/s shall not be severed or injured in the process of any works during the construction period. All pruning of roots less than 50mm in diameter shall be undertaken by an experienced arborist/horticulturalist, with a minimum AQF Level 3 qualification. The arborist/horticulturalist shall provide a report to the certifying authority confirming compliance with this condition:

Tree/location	Radius in metres
T21 - <i>Casuarina cunninghamiana</i> (River Oak) / Council land adjacent to the northern boundary	2 metres

Reason: To protect existing trees.

84. Approved tree works

Prior to the commencement of any development or excavation works on site the following works to be undertaken to the specified trees;

Tree/location	Approved Tree Works
T9 - <i>Phoenix canariensis</i> (Canary Island Date Palm) / South-eastern corner of the site	Transplantation to the specified location in accordance with the Tree Transplanting Methodology by Tree Transplanters Australia Pty Ltd dated November 2017
T1 - <i>Casuarina glauca</i> (Swamp Oak) / Western boundary	Removal
T2 - <i>Elaeocarpus reticulatus</i> (Blueberry Ash) / South western corner	Removal
T3 - <i>Casuarina cunninghamiana</i> (River Oak) / South western corner	Removal
T4 - <i>Casuarina cunninghamiana</i> (River Oak)	Removal

/ South-western corner	
T5 - <i>Casuarina cunninghamiana</i> (River Oak) / South-western corner	Removal
T6 - <i>Elaeocarpus reticulatus</i> (Blueberry Ash) / South-western corner	Removal
T7 - <i>Casuarina cunninghamiana</i> (River Oak) /Southern side boundary	Removal
T8 - <i>Casuarina cunninghamiana</i> (River Oak) /Southern side boundary	Removal
T10 - <i>Eucalyptus microcorys</i> (Tallowood) / Eastern boundary	Removal
T11 - <i>Eucalyptus scoparia</i> (Willow Gum) / Eastern boundary	Removal
T12 - <i>Eucalyptus microcorys</i> (Tallowood) / North-eastern corner	Removal
T13 - <i>Eucalyptus scoparia</i> (Willow Gum) / Northern boundary	Removal
T14 - <i>Eucalyptus scoparia</i> (Willow Gum) / Northern boundary	Removal
T15 - <i>Eucalyptus microcorys</i> (Tallowood) / Northern boundary	Removal
T16 - <i>Syzygium sp.</i> (Lillypilly) / Within the public pedestrian access area along the northern boundary	Removal
T17 - <i>Eucalyptus microcorys</i> (Tallowood) / Northern boundary	Removal
T18 - <i>Syzygium sp.</i> (Lillypilly) / Northern boundary	Removal
T19 - <i>Syzygium sp.</i> (Lillypilly) / Northern boundary	Removal
T20 - <i>Syzygium sp.</i> (Lillypilly) / Northern boundary	Removal

- (i) All trees are to be clearly tagged and identified in accordance with the arborist report prior to the removal or pruning of any tree/s on site.
- (ii) Canopy and/or root pruning shall be undertaken by an experienced Arborist/Horticulturist, with a minimum AQF Level 3 qualification
- (iii) All root or canopy pruning works shall be undertaken as specified in the current version of AS 4373 - Pruning of Amenity Trees.

Removal or pruning of any other tree on the site is not approved, excluding species and works exempt under Council's 9Development Control Plan.

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

85. No storage of materials beneath trees

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

Reason: To protect existing trees.

86. Canopy replenishment trees to be planted

The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

Reason: To maintain the treed character of the area.

87. Survey and inspection of waste collection clearance and path of travel

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

- ascertain the reduced level of the underside of the slab at the driveway entry,
- certify that the level is not lower than the level shown on the approved DA plans; and
- certify that the minimum headroom of 4.5 metres will be available for the full path from the street to the collection area.
- This certification is to be provided to Council's Development Engineer prior to any concrete being poured for the ground floor slab.
- No work is to proceed until Council has undertaken an inspection to determine clearance and path of travel.

At the stage when formwork for the ground floor slab is in place and prior to concrete being poured, Council's Development Engineer and Manager Waste Services are to carry out an inspection of the site to confirm the clearance available for the full path of travel of the small waste collection vehicle from the street to the collection area. This inspection may not be carried out by a private certifier because waste management is not a matter listed in Clause 161 of the Environmental Planning and Assessment Regulation 2000.

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

88. On site retention of waste dockets

All demolition, excavation and construction waste dockets are to be retained on site, or at suitable location, in order to confirm which facility received materials generated from the site for recycling or disposal.

- Each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing.
- This information is to be made available at the request of an Authorised Officer of Council.

Reason: To protect the environment.

89. Maintenance of egress from 818 Pacific Highway

Throughout the demolition and construction phases on 810 Pacific Highway, egress from the exits on the southern side of 818 Pacific Highway shall be maintained with unimpeded pedestrian access to the Pacific Highway or Radford Place being available at all times. Where works at 810 Pacific Highway are in the vicinity of or affect the existing pathway between the two properties, Council shall be consulted on any alternative means of access. No physical change or restriction to access is to occur until written approval from Council has been provided to the alternate arrangements.

Reason: To protect the integrity and function of 810 Pacific Highway.

Conditions to be satisfied prior to the issue of an Occupation Certificate:

90. Mechanical noise control

Prior to the issue of the Occupation Certificate the Principal Certifying Authority shall be satisfied the mechanical ventilation systems and other plant, including but not limited to air conditioning systems, mechanical exhaust and ventilation systems, refrigeration equipment and the like when in operation either as an individual piece of equipment or in combination with other equipment will not exceed more than 5dB(A) above the background level during the day and shall not exceed the background level at night (10.00pm - 7.00am) when measured at the nearest potentially affected

residential property boundary. Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifying Authority.

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

91. Construction of food premises

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

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

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

Reason: To ensure compliance with standards for food premises.

92. Trade waste permit/consent - food premises

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

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

93. Garbage and recycling facilities

Prior to the issue of the occupation certificate, the Principal Certifying Authority shall be satisfied that the residential and commercial waste storage areas have been provided and

have rendered internal walls that are coved at the floor/wall intersection, have floors that are graded and drained to the sewer and are provided with taps with hot and cold water to facilitate cleaning.

Reason: To protect residential amenity.

94. Right of way created over pedestrian link from the Pacific Highway to Radford Place

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a right of carriageway for pedestrian access has been created over the pedestrian link between 810 and 818 Pacific Highway and egress from adjacent exists of the building located at 818 Pacific Highway, benefiting and burdening both properties and allowing for unrestricted public access along the pathway and has been registered on the title of both properties.

The right of way shall be created in a way in which Ku-ring-gai Council is the sole authority empowered to vary, release or modify the instrument on the title of both properties.

Reason: To protect and provide legal access over the pathway.

95. Loading area management plan

A Loading Area Management Plan (or equivalent) is to be prepared and submitted to Council's strategic traffic engineer for approval. The management plan is to plan for, and manage the impacts associated with (including but not limited to):

- Delivery times, which should be scheduled to avoid peak times to minimise traffic and pedestrian impacts;
- Management of arrivals and departures of service vehicles, to avoid queuing/waiting in Radford Place, Dumaresq Street or proximity to the service area.
- The maximum length of articulated service vehicles access the site shall not exceed 15.58m

Reason: To ensure the effective use and operation of the loading dock.

96. Trolley management policy

Prior to the issue of an Occupation Certificate, a trolley management (POM) policy shall be prepared and approved by Council's Manager Regulation and Compliance requiring the implementation of a coin operated trolley return system as well as a wheel-locking operated system.

The POM shall include:

- the location and design principles for trolley storage bays.
- a trolley containment system that encourages the confinement of trolleys to the retailer's premises. Containment systems may include the following (but not limited to):
 - coin/token operated systems with refund
 - trolleys with wheel locks activated by radio signal or magnetic strip
 - specialised paving, installation of bollards or other physical barriers that limit the removal of trolleys from the centre

A map and written schedule of surveillance and collection schedules detailing abandoned trolley services around the local town centres and neighbouring residential areas is to be supplied. This service map and schedule to be reviewed and updated at least on an annual basis. In particular, the schedule of surveillance and collection should detail the style of service to be offered and the relevant contact details of service provider. Particular attention should be given to those areas known to regularly attract abandoned trolleys, such areas are to be provided with a service at least every 24 hours.

The POM shall also include reference regarding the intended signage and public education programs which may include (but not limited to):

- signage within stores and car parks
- signage at entry and exit points of stores and car parks
- signage on trolleys
- pamphlets in stores explaining the need for customer co-operation
- local newspaper publicity
- in-store messaging over PA systems

Reason: To ensure the use of the site as a supermarket does not result in trolley abandonment in the public domain.

97. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in the BASIX Certificate have been complied with.

Reason: Statutory requirement.

98. Completion of landscape works

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

Reason: To ensure that the landscape works are consistent with the development consent.

99. Accessibility

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority 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.

100. Easement for waste collection

Prior to the issue of the Occupation Certificate, an easement for waste collection is to be created under Section 88B of the Conveyancing Act 1919. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Council's Development Engineer.

Reason: To permit legal access for Council, Council's contractors and their vehicles over the subject site for waste collection.

101. Basement pump-out maintenance

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

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

Reason: To protect the environment.

102. CCTV report of pipe after work

Prior to issue of the Occupation Certificate, a closed circuit television inspection and report on the Council drainage pipeline traversing the site is to be undertaken by appropriate contractors and provided to Council's Development Engineer. The report is to include a copy of the footage of the inside of the pipeline. Any damage that has occurred to the section of the pipeline since the commencement of construction on the site must be repaired in full to the satisfaction of Council's Development Engineer at no cost to Council.

Reason: To protect the environment.

103. Certification of as-constructed driveway/carpark - RFB

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

- the as-constructed car park complies with the approved Construction Certificate plans
- the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 - 2004 "Off-Street car parking" and the Seniors Living State Environment Planning Policy in terms of minimum parking space dimensions
- finished driveway gradients and transitions will not result in the scraping of the underside of cars

- no doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area
- the vehicular headroom requirements of:
 - Australian Standard 2890.1 - "Off-street car parking",
 - The Seniors Living SEPP (as last amended) for accessible parking spaces,
 - 2.6 metres height clearance for waste collection trucks (refer Part 23.7 of the Ku-ring-gai DCP) are met from the public street into and within the applicable areas of the basement carpark.

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

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

104. Reinstatement of redundant crossings and completion of infrastructure works

Prior to issue of the Occupation Certificate, and upon completion of any works which may cause damage to Council's property, the Principal Certifying Authority must be satisfied that he or she has received a signed inspection form from Council which states that the following works in the road reserve have been completed:

- new concrete driveway crossing in accordance with levels and specifications issued by Council
- removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials)
- full repair and resealing of any road surface damaged during construction
- full replacement of damaged sections of grass verge to match existing

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

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

Reason: To protect the streetscape.

105. Mechanical ventilation

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

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

106. Fire safety certificate

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.

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

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

107. Garbage and recycling facilities - commercial premises

An enclosed area shall be provided on the property that adequately contains the garbage and recycled waste bins. The garbage storage area shall be covered and all internal walls rendered and coved at the floor/wall intersection, the floor is to be graded and appropriately drained to the sewer and a tap is located in close proximity to facilitate cleaning. Details of the waste storage area indicating compliance with the above shall be provided to the Principal Certifying Authority (PCA) prior to issue of the Occupation Certificate.

Reason: To protect residential amenity and prevent environmental pollution.

108. Reinstatement of crossings

Prior to issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that following works have been completed:

- construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council
- removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these sections to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council
- reinstatement works match surrounding adjacent infrastructure with respect to marrying of levels and materials
- any sections of damaged grass verge are to be replaced with a non-friable turf of native variety to match existing
- any 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) has been repaired to the satisfaction of Council and at no cost to Council

Reason: To protect public infrastructure and the streetscape.

109. Construction of works in public road

Prior issue of the Occupation Certificate all road, footpath and/or drainage works in the public road must be completed in full, inspected and approved by Council. The applicant's designing engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. This certification shall be provided prior to release of the Occupation Certificate. The completed works are to be approved by Council's Development Engineer prior to release of the Occupation Certificate.

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

110. Retention and re-use positive covenant

Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 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 Certifying Authority prior to issue of an Occupation Certificate.

Reason: To protect the environment.

111. Certification of drainage works (dual occupancies and above)

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

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
- the minimum retention and on-site detention storage volume requirements of Ku-ring-gai DCP Part 24 'Water Management' have been achieved
- retained water is connected and available for use
- all grates potentially accessible by children are secured
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

Note: Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting compliance with the above is to be provided to Council prior to the issue of an Occupation Certificate.

Reason: To protect the environment.

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

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

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

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

Reason: To protect the environment.

113. OSD positive covenant/restriction

Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to the Water Management Part 24R.8.1 of the relevant 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 on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

Reason: To protect the environment.

114. Garbage and recycling facilities - commercial premises

Prior to the issue of the occupation certificate, the Principal Certifying Authority shall be satisfied that the external waste storage area has been installed and adequately contains the waste bins, is covered, has rendered internal walls that are covered at the floor/wall intersection, has a floor that is graded and drained to the sewer and is provided with a tap with hot and cold water to facilitate cleaning.

Reason: To protect residential amenity and prevent environmental pollution.

Conditions to be satisfied at all times:

115. Noise - supermarket deliveries

Deliveries to the supermarket must only occur between the hours of 6am and 10pm on weekdays and between 7am and 6pm on weekends and public holidays.

Reason: To control noise impacts for occupants and residential occupants.

116. Encroachment over burdens

At all times for the life of the approved development, no part of any structure shall encroach over any easement and no loadings shall be imposed to utilities within any easement unless approved by the owner(s) appurtenant to the burden.

This development consent does not set aside or affect in any way the exercise of any rights-at-law which may be conferred upon any parties by the existence and/or terms of the grant of any easements or rights-of-carriageway on or over the subject lot(s). It is the applicant's full responsibility to ensure that any rights-at-law are investigated and upheld. Council accepts no responsibility whatsoever, at any time, for any claim for any matter or thing arising from its approval to this application involving any encroachment or other influence upon any easement or right-of-carriageway.

The applicant's attention is directed to the rights of persons benefited by any easement or right-of-carriageway concerning the entry and breaking up of a structure approved by this consent. In the event that such a structure causes damage, blockage or other thing requiring maintenance to infrastructure within the easement or right-of-carriageway, or access is required to carry out maintenance, Council accepts no responsibility in this regard.

Reason: To ensure compliance with the development consent.

117. No door restricting internal waste collection in basement

At all times, the basement garbage storage and collection area is to be accessible by Council's Waste Collection Services. No doors, grilles, gates or other devices shall be provided in any location which would prevent this service. Where a gate, door or the like is to be erected, unimpeded access to the garbage collection point is to be provided by other means through written agreement with Council's Waste Collection Services.

Reason: To facilitate access to the garbage collection point.

118. Noise control - plant and machinery

All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest boundary.

Reason: To protect the amenity of surrounding residents.

119. Car parking

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

- restrictive covenant placed on title pursuant to Section 88B of the Conveyancing Act, 1919
- restriction on use under Section 68 of the Strata Schemes (Leasehold Development) Act, 1986 to all lots comprising in part or whole car parking spaces

Reason: To ensure adequate provision of visitor parking spaces.

120. 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. No unloading or loading shall occur unless the roller shutter is closed.

Reason: To ensure safe traffic movement.

121. Hours of operation – ALDI supermarket

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

Monday to Friday **(7am to 10pm)**

Saturday **(7am to 10pm)**

Sunday and public holidays **(8am to 9pm)**

Reason: To protect the amenity of the area.

122. Hours of operation – loading

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

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

Saturday **(7am to 4pm)**

Sunday and public holidays **(7am to 4pm)**

Reason: To protect the amenity of the area.

123. 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.

124. Graffiti removal

Any graffiti that occurs on the building shall be removed within 48 hours.

Reason: To ensure an appropriate aesthetic presentation of the site.

125. Roller shutters

At no time shall roller shutters be installed to the shopfronts of the supermarket or retail suite.

Reason: To ensure an appropriate aesthetic presentation of the site.

INTEGRATED REFERRAL CONDITIONS:

126. Roads and Maritime Services conditions

To alleviate queuing on Pacific Highway southbound due to proposed development, the right turn bay shall be extended by 40 Metres at the full cost to the developer. It is further noted that all access to the site will be provided via the local road network from Radford Place.

1. Roads and Maritime has previously acquired a strip of land for road along the Pacific Highway frontage of the subject property, as shown by blue colour on the attached Aerial - "X".

A strip of land has previously been dedicated as Public Road by private subdivision (DP768782), along the Pacific Highway frontage of the subject property, as shown by yellow colour on the attached Aerial - "X".

All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Pacific Highway boundary.

Additionally, the subject Property is within a broader investigation area to look at options to upgrade Pacific Highway at this location. The investigations have not yet advanced to the stage where options have been defined and accordingly it is not possible at this date to identify if any further part of the subject property would be required to accommodate this proposal however it is likely that the frontage of the site may be impacted in the future.

2. The proposed extension of the right turn bay on Pacific Highway shall be designed to meet Roads and Maritime requirements, and endorsed by a suitably qualified practitioner. The

design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice.

The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works.

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans. Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

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

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. Details should be forwarded to: Suppiah.Thillai@rms.nsw.gov.au

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

4. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system in Pacific Highway are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to: Suppiah.Thillai@rms.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

5. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Pacific Highway.
6. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
7. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Pacific Highway during construction activities.

Reason: Statutory requirement.

127. Ausgrid conditions

Method of Electricity Connection

The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 - 'Premise Connection Requirements'.

Supply of Electricity

It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:

- The existing network can support the expected electrical load of the development
- A substation may be required on-site, either a pad mount kiosk or chamber style and;
- Site conditions or other issues that may impact on the method of supply.

Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

Proximity to Existing Network Assets

Underground Cables

There are existing underground electricity network assets in Low Voltage & High voltage underground cables are located with the road reserve adjacent to the property. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Safework Australia - Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

Substation

There are existing electricity substation assets A kiosk substation is located at the end of Radford Place Gordon.

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

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

Any portion of a building other than a BCA class IOa structure constructed from non-combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/1 20/1 20. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier.

The development must comply with both the Reference Levels and the precautionary requirements of the Draft Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz - 3 kHz (ARPANSA, 2006).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 141. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143.

For Activities Within or Near to the Electricity Easement:

Purpose of Easement

This easement was acquired for the 11,000 volt distribution assets currently owned and operated by Ausgrid.

The purpose of the easement is to protect the distribution assets and to provide adequate working space along the route of the cables for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities under or near the distribution cables which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid's network.

The Following Conditions Apply for any Activities Within the Electricity Easement:

The easement area which runs adjacent to the property must remain clear, nothing is to be built on top of the Low Voltage / High Voltage easement

The proposed finished ground levels within the easement must provide a minimum of 600mm cover to the 11kV Distribution Cables.

The proposed finished ground levels within the easement must provide a minimum of 500mm cover to the Low Voltage Cables.

No fill material or retaining walls are to be placed within the easement without Ausgrid's written approval.

Any excavation adjacent to the easement must utilise adequate shoring to prevent destabilisation or subsidence of the ground around the LV cable.

Reason: Statutory requirement.

128. Water NSW conditions

1. A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an application for approval for water supply works, and/or water use.
2. An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see application fees for new or amended works and/or use approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plans. Please refer to the checklist.
3. If approved, the approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation being either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in the groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the *Protection of the Environment Operations Act 1997 (NSW)* may also be required.
4. WaterNSW prefer 'tanking' (ie total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (e.g. a drainage blanket behind the water-proof membrane).
5. If the basement is not 'tanked', the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of

ground water. Please note: Acquiring groundwater entitlements equivalent could be difficult, and may cause delay in project completion. If a WAL is required, please complete an application for a new water access licence with a zero hare component.

Reason: Statutory requirement.

Stuart Ratcliff

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