

Annexure A
Coles Group Property Developments Ltd v Ku-ring-gai Council
Conditions of Consent

Application No.: DA0197/18
Property: 376-384 Pacific Highway
 LINDFIELD NSW 2070
 386-390 Pacific Highway
 LINDFIELD NSW 2070
 1 Balfour Street
 LINDFIELD NSW 2070
 Balfour Lane
 LINDFIELD NSW 2070

The conditions of consent are as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation (new development)

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

| Plan no. | Drawn by | Dated |
|----------------------------|--------------------------------|------------|
| <i>Architectural Plans</i> | | |
| DA-00-01 Revision DA4 | Christiansen Obrien Architects | 8/07/2019 |
| DA-01-02 Revision DA5 | Christiansen Obrien Architects | 4/07/2019 |
| DA-01-03 Revision DA5 | Christiansen Obrien Architects | 4/07/2019 |
| DA-01-04 Revision DA5 | Christiansen Obrien Architects | 4/07/2019 |
| DA-01-05 Revision DA5 | Christiansen Obrien Architects | 4/07/2019 |
| DA-01-06 Revision DA5 | Christiansen Obrien Architects | 4/07/2019 |
| DA-01-07 Revision DA5 | Christiansen Obrien Architects | 4/07/2019 |
| DA-01-08 Revision DA5 | Christiansen Obrien Architects | 4/07/2019 |
| DA-01-09 Revision DA3 | Christiansen Obrien Architects | 31/05/2019 |
| DA-01-10 Revision DA3 | Christiansen Obrien Architects | 5/07/2019 |
| DA-02-1 Revision DA5 | Christiansen Obrien Architects | 4/07/2019 |
| DA-02-2 Revision DA5 | Christiansen Obrien Architects | 4/07/2019 |
| DA-02-3 Revision DA5 | Christiansen Obrien Architects | 5/07/2019 |
| DA-03-1 Revision DA4 | Christiansen Obrien Architects | 5/07/2019 |
| DA-03-2 Revision DA3 | Christiansen Obrien Architects | 5/07/2019 |
| DA-03-3 Revision DA2 | Christiansen Obrien Architects | 5/07/2019 |
| DA-04-1 Revision DA1 | Christiansen Obrien Architects | 29/01/2019 |
| DA-04-2 Revision DA1 | Christiansen Obrien Architects | 29/01/2019 |
| DA-04-3 Revision DA1 | Christiansen Obrien Architects | 29/01/2019 |
| DA-04-4 Revision DA1 | Christiansen Obrien Architects | 29/01/2019 |
| DA-04-5 Revision DA1 | Christiansen Obrien Architects | 29/01/2019 |
| DA-04-6 Revision DA2 | Christiansen Obrien Architects | 5/07/2019 |

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|--|--------------------------------|------------|
| DM-01 Revision DA1 | Christiansen Obrien Architects | 18/05/2018 |
| SK-IMG-01 Revision DA2 | Christiansen Obrien Architects | 5/07/2019 |
| SK-IMG-02 Revision DA2 | Christiansen Obrien Architects | 5/07/2019 |
| SK-IMG-03 Revision DA2 | Christiansen Obrien Architects | 5/07/2019 |
| SK-IMG-04 Revision DA2 | Christiansen Obrien Architects | 5/07/2019 |
| SK-IMG-05 Revision DA2 | Christiansen Obrien Architects | 5/07/2019 |
| <i>Subdivision Plan</i> | | |
| PS01 Revision B | Trehy Ingold Neate | 25/05/2018 |
| <i>Staging Plans</i> | | |
| ST-01-A Revision DA2 | Christiansen Obrien Architects | 29/01/2019 |
| ST-01-B Revision DA2 | Christiansen Obrien Architects | 29/01/2019 |
| ST-02 Revision DA2 | Christiansen Obrien Architects | 29/01/2019 |
| <i>Landscape Plans</i> | | |
| Existing Vegetation Management and Tree Survey | Conzept Landscape Architects | 4/07/2019 |
| LPDA 18-154 Page L101 Revision I | Conzept Landscape Architects | 7/06/2019 |
| LPDA 18-154 Page L102 Revision I | Conzept Landscape Architects | 4/07/2019 |
| LPDA 18-154 Page L103 Revision H | Conzept Landscape Architects | 7/06/2019 |
| LPDA 18-154 Page L104 Revision H | Conzept Landscape Architects | 4/07/2019 |
| LPDA 18-154 Page L105 Revision H | Conzept Landscape Architects | 4/07/2019 |
| LPDA 18-154 Page L106 Revision F | Conzept Landscape Architects | 4/07/2019 |
| LPDA 18-154 Page L108 Revision E | Conzept Landscape Architects | 24/06/2019 |
| LPDA 18-154 Page L109 Revision C | Conzept Landscape Architects | 24/06/2019 |
| LPDA 18-154 Page L110 Revision D | Conzept Landscape Architects | 4/07/2019 |
| <i>Civil Drawings</i> | | |
| 14888_DA_C000 Revision 05 | Henry & Hymas | 28/05/2019 |
| 14888_DA_C100 Revision 12 | Henry & Hymas | 03/07/2019 |
| 14888_DA_C110 Revision 07 | Henry & Hymas | 7/06/2019 |
| 14888_DA_C111 Revision 09 | Henry & Hymas | 3/07/2019 |
| 14888_DA_C112 Revision 06 | Henry & Hymas | 3/07/2019 |
| 14888_DA_C200 Revision 05 | Henry & Hymas | 11/01/2019 |
| 14888_DA_C201 Revision 05 | Henry & Hymas | 24/01/2019 |
| 14888_DA_C250 Revision 07 | Henry & Hymas | 11/06/2019 |
| 14888_DA_C500 Revision 08 | Henry & Hymas | 11/06/2019 |
| 14888_DA_SE01 Revision 06 | Henry & Hymas | 30/01/2019 |
| 14888_DA_SE02 Revision 04 | Henry & Hymas | 11/01/2019 |
| 14888_DA_SE03 Revision 01 | Henry & Hymas | 11/01/2019 |
| 14888_DA_BE01 Revision 05 | Henry & Hymas | 30/01/2019 |

| Document(s) | Dated |
|---|------------|
| Accessibility Assessment Report prepared by City Plan Revision 05 | 21/01/2019 |
| Wind Impact Assessment prepared by Vipac Engineers and Scientists | 29/10/2018 |
| Coles Supermarket Lindfield - Residential Component - Acoustic Assessment for DA prepared by Renzo Tonin & Associates Report Revision 4 | 1/02/2019 |

| | |
|--|--------------|
| Coles Lindfield - Supermarket Component - Acoustic Assessment for DA prepared by Renzo Tonin & Associates Report Revision 2 | 23/01/2018 |
| Basix certificate No. 755527M_04 | 8/07/2019 |
| Nathers Certificate No. 0004005920 | 8/07/2019 |
| Coles Lindfield Supermarket Operations Management Plan | 30/04/2018 |
| Development Application Report for Building Services Revision C | 29/01/2019 |
| Ausgrid letter | 31/07/2018 |
| Roads and Maritime Services letter reference SYD18/00918/04 (A26045482) | 6/03/2019 |
| Design Verification Statement prepared by Neil Christiansen of Christiansen Obrien Architects | 10/07/2019 |
| Apartment Design Guide - Compliance Assessment prepared by Christiansen O'Brien Revision DA4 | 31/05/2019 |
| Air Quality Assessment prepared by Pacific Environment | 8/05/2018 |
| ESD and Green Star Strategy Report Revision B prepared by Donnelley Simpson Cleary | 24/05/2018 |
| Letter from Geo-Logix to Howard Hathorn regarding satisfaction of SEPP 55 requirements | 14/05/2018 |
| Phase 1 Environment Site Assessment Report prepared by Geo-Logix Revision V02 | 21/03/2017 |
| Geotechnical Advice for Proposed Mixed Use Redevelopment of Existing Supermarket Site prepared by Geo-Logix – including Attachment A – Geotechnical Investigation prepared by JK Geotechnics dated 9/12/2014 | 21/03/2017 |
| Conservation Management Strategy prepared by City Plan Revision 02 | 13/12/2018 |
| Waste Management Statement prepared by Christiansen Obrien Architects Revision C | July 2019 |
| Engineering Report - Commercial Development prepared by Henry & Hymas (not including Appendix C) | January 2019 |

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

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 Development Consent prevail.

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

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

3. Tree protection fencing

Prior to the commencement of any Stage 01 (A&B) works, the tree protection zone of the listed trees is to be fenced off at the specified radius from the trunk/s to prevent any activities or storage of material within the fenced area. The fence/s shall be maintained intact until the completion of all Stage 01 (A&B) demolition/building work.

| Tree/location | Radius in metres |
|--|---|
| T1 <i>Phoenix canariensis</i> (Canary Island Date Palm) Adjacent to northwest boundary/Balfour lane | Edge of proposed garden bed |
| T2 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northwest site boundary/relocated Balfour Lane | Edge of proposed garden bed |
| T18 <i>Angophora costata</i> (Sydney Red Gum) Balfour St road reserve | Top of kerb, edge of proposed retaining wall, southeast edge of pedestrian path, 4.5m elsewhere |
| T19 <i>Eucalyptus pilularis</i> (Blackbutt) Balfour St road reserve | Top of kerb, southeast edge of pedestrian path, 10.0m elsewhere |

Reason: To protect existing trees.

4. Tree protection fencing

Prior to the commencement of any Stage 02 works, the tree protection zone of the listed trees is to be fenced off at the specified radius from the trunk/s to prevent any activities or storage of material within the fenced area. The fence/s shall be maintained intact until the completion of all Stage 02 demolition/building work.

| Tree/location | Radius in metres |
|--|---|
| T18 <i>Angophora costata</i> (Sydney Red Gum) Balfour St road reserve | Top of kerb, edge of proposed retaining wall, southeast edge of pedestrian path, 4.5m elsewhere |
| T19 <i>Eucalyptus pilularis</i> (Blackbutt) Balfour St road reserve | Top of kerb, southeast edge of pedestrian path, 10.0m elsewhere |

Reason: To protect existing trees.

5. Tree protective fencing type galvanised mesh

Prior to the commencement of any works, tree protection fencing shall be constructed of galvanised pipe at 2.4 metres spacing and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres.

Reason: To protect existing trees.

6. Tree protection signage

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

The words:

- Tree protection zone/No access.
- This fence has been installed to prevent damage to the tree/s and their growing environment both above and below ground.

and the following information:

- The name, address, and telephone number of the developer/builder and project arborist

Reason: To protect existing trees.

7. Tree protection mulching

Prior to the commencement of any works, the tree protection zone is to be mulched to a depth of 100mm with composted organic material.

The mulch is to be replenished so as to be consistent with the above requirement throughout the duration of construction works.

Reason: To protect existing trees.

8. Ground protection - avoiding soil compaction

Prior to the commencement of any works, temporary measures, to avoid root damage and soil compaction, are to be installed in accordance with Section 4.5.3 (figure 4) of the current version AS4970 Protection of trees on development sites, within the specified radius of the following listed tree/s where pedestrian access is required (outside tree protective fencing):

| Tree/Location | Radius in metres |
|--|------------------|
| T18 <i>Angophora costata</i> (Sydney Red Gum) Balfour St road reserve | 4.5m |
| T19 <i>Eucalyptus pilularis</i> (Blackbutt) Balfour St road reserve | 10.0m |

Reason: To protect existing trees.

9. Inspection of tree protection measures

Upon installation of the required tree protection measures, an inspection is to be conducted by the project arborist and the Principal Certifier to verify that tree protection measures comply with all relevant conditions of this Development Consent.

Reason: To protect existing trees.

10. Project arborist

Prior to the commencement of any works, a project arborist shall be engaged to ensure all tree protection measures and works are carried out in accordance with the conditions of this Development Consent.

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

Reason: To protect existing trees.

11. 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.

12. Notice of commencement

At least 48 hours prior to the commencement of any demolition, excavation or building works, a notice of commencement of building works or subdivision lodgement form and appointment of the Principal Certifier form shall be submitted to Council.

Reason: Statutory requirement.

13. Notification of builder's details

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

Reason: Statutory requirement.

14. Dilapidation survey and report (public infrastructure)

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

Public infrastructure

- ☐ full road pavement width, including kerb and gutter, of Pacific Highway and Balfour Street over the site frontage,
- ☐ 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 Applicant may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition prior to the commencement of works.

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

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

15. Archival recording of buildings (heritage items)

Prior to the commencement of any works on site, the Principal Certifier shall be satisfied that an archival report has been completed and submitted to Council's Heritage Advisor for 386-390 Pacific Highway Lindfield (Churchers Restaurant).

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

- ☐ title page
- ☐ statement of reasons the recording was made
- ☐ outline history of the item (including title records, subdivision plans, water and sewerage plans and any archival documents such as family records, old photographs, etc)
- ☐ statement of a heritage significance (to accepted Heritage Council criteria)
- ☐ specialised reports such as heritage assessments, dilapidation report, and builders or engineers reports
- ☐ location plan showing relationship of site to nearby area
- ☐ site plan to scale (1:200 - 1:500) showing all structures and site elements
- ☐ measured drawing including site survey, floor plans, all elevations, roof plan and one cross section (1:00)
- ☐ drawings of specific interiors or details nominated by Council's Heritage Advisor
- ☐ room inventories noting materials, profile of nominated decorative elements (1:2) and nominated by Council's Heritage Advisor
- ☐ archival quality colour photographs, contact prints, and selected prints (one copy of contact sheets and selected prints)
- ☐ digital images and archival quality DVD, CD or USB may be submitted as supplementary information.

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

- ☐ each elevation
- ☐ each interior room
- ☐ photographs of specific details nominated by Council's Heritage Advisor
- ☐ all structures on site, such as sheds, outhouses and significant landscape features
- ☐ several photographs of house from public streets or laneways including several views showing relationship to neighbouring buildings

Note: Two copies of the report must be submitted to Council's Heritage Advisor. A written acknowledgment from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier prior to the commencement of any works.

Reason: To ensure the preservation and proper management of historical artefacts through comprehensive historical recording prior to any alteration being undertaken.

16. Dilapidation survey and report (private property)

Prior to the commencement of any works, the Applicant must obtain a dilapidation report on the identified private property/ies below and the Principal Certifier shall be satisfied that a dilapidation report on the visible and structural condition of relevant structures on the following properties has been completed and submitted to Council:

Address:

- ☐ 2-4 Highfield Road (southern side of the main school building)
- ☐ 2-4 Highfield Road (existing structures within the playground including retaining structures and COLA)
- ☐ 402 Pacific Highway
- ☐ 406 Pacific Highway

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

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

Note: A copy of the dilapidation report is to be provided to Council prior to the commencement of any works. The dilapidation report is for record keeping purposes only and may be used by the 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.

17. 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 construction vehicle routes for approach and departure to and from all directions.

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

The swept path analysis plans shall show 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 and are consistent with the approved environmental site management plan.

The plan shall 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 RMS 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.

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

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.

18. Work zone

Prior to the commencement of any works, a works zone is to be provided in Balfour Street, 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 Ku-ring-gai Local 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 to minimise impacts upon surrounding roads during the construction phase.

19. 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 of construction works.

Reason: To reduce or prevent the transport of sediment from the construction site onto public roads.

20. Sediment controls

Prior to any works commencing, 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 is fully stabilised. Sediment shall be removed from the sediment and erosion control measures following each heavy or prolonged rainfall period.

Reason: To protect and enhance the natural environment.

21. Erosion and drainage management

No works shall commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifier. The plan shall comply with the guidelines set out in the Landcom manual '*Managing Urban Stormwater: Soils and Construction*'. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

Reason: To protect the natural environment.

22. Noise and vibration management plan

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

- i. identification of the specific activities that will be carried out and associated noise sources
- ii. identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- iii. the construction noise objective specified in the conditions of this consent
- iv. the construction vibration criteria specified in the conditions of this consent
- v. determination of appropriate noise and vibration objectives for each identified sensitive receiver
- vi. noise and vibration monitoring, reporting and response procedures
- vii. assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions
- viii. description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- ix. construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency

- x. procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- xi. 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.

23. Support for Council roads, footpaths, drainage reserves

Council property adjoining the construction site must be fully supported at all times during all demolition, excavation or building 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 Certifier, before the commencement of any works. A copy of these details must also 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.

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

24. SEPP 55 'Remediation of Land' Investigation Requirements

In accordance with the Geo-Logix letter dated 14/05/2018 and the staging plans referred to in condition 1 of the development consent, prior to the issue of a construction certificate for Stage 01 (new Balfour Lane) the following must occur:

- i. Detailed Site Investigation (DSI) comprising soil, groundwater and soil vapour testing in relation to Stage 01;
- ii. Preparation of a Remedial Action Plan for Stage 01 if required; and
- iii. Remediation and Validation if required to confirm the Stage 1 area shown on the approved staging plan drawings Nos ST-01-A and ST-01-B as suitable for redevelopment.

Prior to the issue of a construction certificate for Stage 02 (Mixed use development) the following must occur:

- i. Detailed Site Investigation (DSI) comprising soil, groundwater and soil vapour testing in relation to Stage 02;
- ii. Preparation of a Remedial Action Plan for Stage 02 if required; and
- iii. Remediation and Validation if required to confirm the Stage 02 (Mixed use development) area shown on the approved staging plan drawing No. ST-02 as suitable for redevelopment.

A Certifier must not issue a construction certificate unless they have received advice from a land contamination expert that the requirements of this condition have been satisfied.

For the avoidance of any doubt, nothing in this condition requires any construction certificate prior to the commencement of:

- i. demolition;

- ii. site clearing;
- iii. hoarding;
- iv. fencing; and
- v. excavation and other work that is for the purposes of investigation, remediation or validation .

Reason: To ensure compliance with SEPP 55.

25. Acoustic Design Report- Supermarket

An acoustic design report shall be prepared by an appropriately qualified acoustic consultant and submitted to the Certifier with the application for any construction certificate for Stage 02. The acoustic design report shall identify all mechanical ventilation equipment and other noise generating plant including, but not limited to air conditioners, car park exhaust, bathroom/toilet and garbage room exhaust, roller shutter doors and lifts proposed as part of the approved development.

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

A Construction Certificate for Stage 02 shall not be issued unless the Certifier is satisfied that the acoustic design report satisfies the requirements of this condition and that the proposal will be constructed in accordance with its requirements.

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

26. Compliance with approved staging plans

Existing access arrangements for properties which rely upon the existing Balfour Lane shall be maintained until such time that the new Balfour Lane is operating as a public road. A construction certificate shall not be issued for any works identified as 03 and 04 in Stage 02 of the approved staging plan drawing No. ST-02 unless all earlier works have been completed and the new Balfour Lane is operating as a public road.

Reason: To ensure that access to properties which rely upon the existing Balfour Lane is maintained until such time that the new Balfour Lane is operating as a public road.

27. Amendments to Conservation Management Strategy

Prior to the issue of a Construction Certificate for Stage 02 the approved Conservation Management Strategy is to be amended to include the following works:

- i. The existing North-East facade is to have the air-conditioning units and ducting removed and the brickwork behind is to be repaired to match the existing.
- ii. The existing South-East facade is to have the graffiti removed with appropriate cleaning methods endorsed by a heritage consultant.
- iii. The existing North-West facade is to have the paintwork removed with appropriate cleaning methods endorsed by a heritage consultant. The signs are to be removed and the existing brickwork repaired to match the existing.

Reason: To protect and enhance the heritage significance of the heritage item.

28. Livable Housing Units - Construction Certificate Stage

Silver Level and Platinum Level Livable Housing units are to satisfy Livable Housing Australia (LHA) certification as follows:

i. Prior to the issue of a Construction Certificate for Stage 02, all Silver Level and Platinum Level units are to acquire Livable Housing Design Provisional Stage Certification (DA and CC design) from an accredited LHA assessor.

Reason: To ensure compliance with the Livable Housing requirements of the Ku-ring-gai Local Centres Development Control Plan.

29. Road Markings

The plans submitted with the Construction Certificate application for Stage 01-A are to show *Keep Clear* markings in the new Balfour Lane across the southbound lanes, corresponding with the loading dock entrance.

Reason: The location of the loading dock/servicing entrance is supported, but *Keep Clear* markings are needed across southbound lanes in the new Balfour Lane, to minimise the possibility of queued vehicles from obstructing arriving/entering service vehicles.

30. Shower Facilities

The plans submitted with the Construction Certificate application for Stage 02 are to include shower facilities (as part of bicycle support facilities for mixed-use developments) in accordance with control 3 in Part 8B.3 of the Ku-ring-gai Local Centres DCP.

Reason: Lockers are provided for staff, but no shower facilities are provided. These facilities are required to support and encourage bicycle travel for staff of the retail component.

31. Electrolysis Risk

Prior to the issue of a Construction Certificate for Stage 02 an Electrolysis Expert is to prepare a report on the Electrolysis Risk to the development from stray currents. All the measures (if any) recommended in the report to control that risk are to be incorporated into the development and detailed in the documentation submitted with the Construction Certificate. A copy of the report is to be provided to the Certifier with the application for a Construction Certificate.

Reason: To manage electrolysis risk.

32. Use of cranes

If a crane or other equipment capable of intruding into the airspace above the rail corridor and or operating over any overhead wiring or transmission lines is to be used at any stage of the proposed works, a plan showing all craneage and other aerial operations for the development must be submitted to Sydney Trains for assessment. The Certifier shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that the craneage and aerial operations plan has been approved (if such a plan is required to be submitted to Sydney Trains).

Reason: To manage risks associated with the use of cranes.

33. Compliance with BASIX Certificate

Prior to the issue of any Construction Certificate for Stage 02, the Certifier shall be satisfied that all commitments listed in approved BASIX Certificate (referred to under Condition 1) have been complied with.

Reason: Statutory requirement.

34. Statement of compliance with Australian Standards

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

Reason: To ensure compliance with the Australian Standards.

35. Long service levy

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.

36. Outdoor lighting

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that all outdoor lighting will comply with AS4282-1997 *Control of the obtrusive effects of outdoor lighting* and be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set:2010 *Lighting for roads and public spaces*.

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

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

37. Access for people with disabilities (commercial)

Prior to the issue of a Construction Certificate for Stage 02, the Certifier shall be satisfied that access for people with disabilities from the public domain and all car parking areas on site to all tenancies within the building is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans

submitted with the Construction Certificate. All details shall be provided to the Certifier prior to the issue of a Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

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

38. Green star certification - construction certificate stage

Prior to the issue of a Construction Certificate for Stage 02, the Certifier must be satisfied that:

1. The Construction Certificate plans include all the matters referred to in the ESD and Green Star Strategy Report prepared by Donnelley Simpson Cleary project no 7853 dated 24/05/2018, and any additional ESD measures proposed for the achievement of the required 4 (or greater) Green Star - Design & As Built certification;
2. The plans for development have been registered with Green Building Council of Australia (GBCA) for a Green Star- Design & As Built Certification (including the provision of a registration notice and invoice for registration payment); and
3. A copy of the letter and invoices from the GBCA to the applicant, confirming the project is registered and will progress in assessment of the "As Built" component of the Green Star - Design and As Built Certification.

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

39. Heritage conservation works

Prior the issue of a Construction Certificate for Stage 02, a schedule of conservation works to be undertaken concurrent with the development works is to be submitted to Council's Heritage Advisor for approval addressing the following:

- (b) The schedule is to detail the conservation of the front facade, any intact internal spaces, the shopfronts and the front portion of the roof (all fabric identified as having heritage significance)].
- (c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.
- (d) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
- (e) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.

Reason: To protect the significance of heritage items and conservation areas.

40. Noise from road and rail (residential only)

Prior to the issue of a Construction Certificate for Stage 02, the Certifier shall be satisfied 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 Certifier prior to the issue of a Stage 02 Construction Certificate. The Certifier shall also be satisfied that the development will comply with the Department of Planning document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

Reason: To minimise the impact of road/rail noise on the occupants of the approved development.

41. Location of plant (residential flat buildings)

Prior to the issue of a Construction Certificate for Stage 02, the Certifier shall be satisfied that all plant and equipment (including but not limited to air conditioning equipment) is located within the basement (except for the plant and equipment approved to be located elsewhere).

Note: Architectural plans identifying the location of all plant and equipment shall be provided to the Certifier prior to the issue of any Construction Certificate.

Reason: To minimise impact on surrounding properties and to improve the appearance of the approved development.

42. Acoustic design report- Residential

An acoustic design report shall be prepared by an appropriately qualified acoustic consultant and submitted to the Certifier with the application for any construction certificate for Stage 02. The acoustic design report shall identify all mechanical ventilation equipment and other noise generating plant including, but not limited to air conditioners, car park exhaust, bathroom/toilet and garbage room exhaust, roller shutter doors and lifts proposed as part of the approved development.

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

A Construction Certificate for Stage 02 shall not be issued unless the Certifier is satisfied that the acoustic design report satisfies the requirements of this condition and that the proposal will be constructed in accordance with its requirements.

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

43. Driveway grades - basement car parks

Prior to the issue of the Construction Certificate for Stage 02, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted to and approved by the Certifier. 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 civil/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.

44. Basement car parking details

Prior to issue of a Construction Certificate for Stage 02, 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 Certifier. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:

- ☐ all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 - 2004 "Off-street car parking".
- ☐ a clear height clearance of **2.6 metres** (required under Part 23.7 'Waste Management' for waste collection trucks is provided over the designated garbage collection truck manoeuvring areas within the basement and all other areas within the basement required for garbage collection truck manoeuvring.
- ☐ Council and its contractor requires unimpeded access to the waste storage facility within the development for the purpose of collecting waste and recycling materials. Security doors or gates installed leading to the waste storage area are to be keyed to Council's master key to allow unimpeded access.
- ☐ the vehicle access and accommodation arrangements are to be constructed and marked in accordance with the certified plans.

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

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

Prior to issue of any Construction Certificate, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works shall be submitted to Council and approved by Council's Director of Operations on behalf of Council as a road authority:

- ☐ Design details of the footpath in Balfour Street;
- ☐ Details and sections of the retaining walls within the road reserve designed in accordance with the Earth Retaining Structures Code. The external presentation of the retaining wall within the heritage conservation area (to the south-west of the new

Balfour Lane) is to be traditional sandstone coursed block work wall rough split face dimensioned sandstone block 200-250mm wide. On the opposite side of the intersection the external appearance of the retaining wall (also known as shoring wall) shall match the retaining walls on the western side of the new Balfour Lane (i.e. sandstone faced and capped wall).

- ☐ Full drainage details including kerb inlet pit in Balfour Street;
- ☐ Details of the balustrades in Balfour Street
- ☐ Streetscape improvement works across the Balfour Street and Pacific Highway frontages;
- ☐ New kerb and gutter and layback for the full frontage of Balfour Street;

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. Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three weeks will be required for Council to assess the *Roads Act 1993* applications. Early submission is recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council prior to issue of any Construction Certificate. An engineering plan assessment fee is also applicable.

Approval must be obtained from Ku-ring-gai Council as the road authority under Section 139 Roads Act 1993 for any proposed works in the public road prior to the issue of any Construction Certificate.

Reason: To ensure compliance with the requirements of Roads Act 1993.

46. Ausgrid requirements

Prior to issue of any Construction Certificate, Ausgrid must be contacted regarding power supply for the subject development. A written response, detailing the full requirements of Ausgrid (including any need for underground cabling, substations or similar within or in the vicinity of the development) shall be submitted and approved by the Certifier for approval prior to issue of any Construction Certificate.

Any structures or other requirements of Ausgrid shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Certifier and Ausgrid. The requirements of Ausgrid must be met in full prior to issue of an Occupation Certificate.

Reason: To ensure compliance with the requirements of Ausgrid.

47. Utility provider requirements

Prior to issue of a Construction Certificate for Stage 2, 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 Certifier, must be obtained. All utility services or appropriate conduits for the same must be provided in accordance with the specifications of the utility providers.

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

48. 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 provider. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met is to be provided to the Certifier prior to the issue of any Construction Certificate for Stage 02. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed.

Reason: To provide infrastructure that facilitates the future improvement of the streetscape by location of service lines below ground.

49. Telecommunications infrastructure

Prior to the issue of any Construction Certificate for Stage 02, satisfactory documentary evidence shall be provided to the Principal Certifier that arrangements have been made for the installation of fibre-ready facilities to all individual lots and/or premises so as to enable fibre to be readily connected to any dwelling or unit that is being or may be constructed.

Prior to the issue of the Construction Certificate for Stage 02, the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or dwellings shall be demonstrated to the Principal Certifier through a written agreement between the developer/owner and a carrier. The agreement will also confirm that the carrier is satisfied the fibre ready facilities are fit for purpose.

Reason: To ensure that telecommunications infrastructure is provided in accordance with the Commonwealth Telecommunications Act 1997.

50. Design and construction of food premises-Supermarket

Plans and specifications complying with the requirements of the Food Act and Regulations, Australian Standard 4674-2004- Design, construction and fit-out of food premises and National Construction Code Volume 1 Part F4 shall be submitted to and approved by the Certifier prior to the issue of any Construction Certificate for Stage 02. Plans and specifications shall address the following:

- i. floor plans, showing the layout of the fixtures and fittings, food storage and staff personal effects storage area
- ii. elevations and sections showing floor, wall and ceiling construction and finishes
- iii. elevations and sections showing the installation of fixtures and fittings
- iv. cool room/freezer construction
- v. garbage and recycling storage areas
- vi. grease trap area
- vii. all proposed mechanical ventilation systems
- viii. 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.

51. 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 Certifier with the Construction Certificate application for Stage 02.

Reason: To protect residential amenity and prevent environmental pollution.

52. Registration of subdivision

Prior to issue of a Construction Certificate for Stage 02 the approved subdivision shall be registered with NSW Land Registry Services.

Reason: To ensure that the legal property description is consistent with the proposed site layout and that continuous structures will not be placed across separate lots.

53. Design and construction of food premises-Coffee shop

Plans and specifications complying with the requirements of the Food Act 2003, Food Standards Code 3.2.3 Food Premises and Equipment, Australian Standard AS 4674 2004 - Design, construction and fit-out of food premises and National Construction Code shall be submitted to and approved by the Certifier prior to the issue of any Construction Certificate for Stage 02. Plans and specifications shall address the following:

- i. wash up sinks, hand basins and equipment such as coffee machines and dishwashers are to be connected to sewerage for the disposal of waste water;
- ii. the food handling areas are to have accessible hand basin(s) dedicated for the sole purpose of; washing hands, face and arms. Hand basins are to be supplied with warm water through a single mixer tap, soap and single-use paper towels;
- iii. staff, accessible and public toilet facilities;
- iv. that the food handling area has a double bowl sink where the largest piece of equipment is capable of being immersed inside OR a single bowl sink and dishwasher where all equipment intended to be sanitised in the dishwasher is capable of fitting inside of the dishwasher;
- v. floor plans, showing the layout of the fixtures and fittings, food storage and staff personal effects storage areas;
- vi. elevations and sections showing floor, wall and ceiling construction and finishes (floors in food handling areas are to be coved);
- vii. elevations and sections showing the installation of fixtures and fittings;
- viii. garbage and recycling storage areas;
- ix. grease trap areas (if applicable); and
- x. all proposed mechanical ventilation systems.

Reason: To ensure compliance with standards for food premises.

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

54. Infrastructure damage security bond and inspection fee

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

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

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

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

- (f) In this condition:

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

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

Reason: To maintain public infrastructure.

55. Structural adequacy of Churchers Restaurant Heritage Item

Prior to commencement of any work associated with Stage 02, the Principal Certifier shall be satisfied that those components of the building to be retained and/or altered will be structurally sound and able to withstand the excavation and demolition process.

Reason: To ensure that the development can be undertaken in accordance with accepted construction practices as indicated on the endorsed development plans.

56. Heritage Interpretation Strategy

Prior to the issue of a Construction Certificate for Stage 02 the Certifier shall be satisfied a Heritage Interpretation Strategy has been developed for the whole subject site to ensure that the sites past is understood and conveyed into the future;

Reason To convey the collective history of the subject site

57. Temporary protection plan

Prior to the issue of a Construction Certificate for Stage 02 the Certifier shall be satisfied that a temporary protection plan has been developed to ensure that all retained heritage fabric is protected during the works.

Reason: To protect the significance of the heritage item.

58. Construction Certificate plans

The Construction Certificate plans must not be inconsistent with the approved plans and documents referred to in Condition No. 1 of this Development Consent.

Reason: To ensure that the works are carried out in accordance with the Development Consent.

59. Section 7.11 Contributions - Centres

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

| Key Community Infrastructure | Amount |
|--|-----------------------|
| Local recreation and cultural facilities; Local social facilities | \$141,391.36 |
| Local roads, local bus facilities & local drainage facilities (new roads and road modifications) | \$662,074.84 |
| Local parks and local sporting facilities | \$964,787.94 |
| Local roads, local bus facilities & local drainage facilities (townscape, transport & pedestrian facilities) | \$555,129.43 |
| Total: | \$2,323,383.57 |

The contribution shall be paid to Council prior to the issue of any Construction Certificate for Stage 02 in accordance with Ku-ring-gai Contributions Plan 2010. The certifier shall not issue a construction certificate for any of the works shown on the approved Staging Plan ST-02 Revision DA2 unless they have received confirmation from Ku-ring-gai Council that the contributions required by this condition have been paid in full.

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 <<http://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.

60. No demolition of extra fabric

Alterations to, and demolition of, the existing building shall be limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Reason: To ensure compliance with the Development Consent.

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

61. Arborist's inspection and reporting

The tree/s to be retained shall be inspected and monitored by an AQF Level 5 arborist in accordance with the current version of AS4970 - Protection of trees on development sites during and after completion of development works to ensure their long term survival.

The Principal Certifier must be provided with reports by the project arborist within 7 days of the inspection detailing date, trees 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 arborist to the Principal Certifier are required but not limited to the following times or phases of work:

| Tree/location | Time of inspection |
|--|--|
| T1 <i>Phoenix canariensis</i> (Canary Island Date Palm) Adjacent to northwest boundary/Balfour lane | *Tagging and identification of all trees to be removed ad retained consistent with the consent. |
| T2 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northwest site boundary/relocated Balfour Lane | |
| T18 <i>Angophora costata</i> (Sydney Red Gum) Balfour St road reserve | *Certification and recording of tree protective fencing and protection consistent with the consent, prior to the commencement of any works. *Direct supervision of excavation works within the identified tree protection zone/TPZ. |
| T19 <i>Eucalyptus pilularis</i> (Blackbutt) Balfour St road reserve | |

| | |
|--|--|
| | *At three monthly intervals during development works *Following the removal of tree protective measures. *Prior to the issue of the Occupation Certificate |
|--|--|

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

Reason: To ensure protection of existing trees.

62. Trees on nature strip

Removal of the following tree/s from Council's nature strip shall be undertaken at no cost to Council by an experienced tree removal contractor and or arborist holding public liability insurance amounting to a minimum cover of \$20,000,000. All pruning works shall be undertaken by an experienced arborist/horticulturist, within a minimum AQF Level 3 qualification as specified in the current version of AS 4373 – Pruning of amenity trees. :

| Tree/location |
|--|
| T14 <i>Ligustrum sp</i> (Privet) Balfour St road reserve |
| T15 <i>Alectryon tomentosus</i> (Woolly Rambutan) Balfour St road reserve |
| T16 <i>Alectryon tomentosus</i> (Woolly Rambutan) Balfour St road reserve |
| T17 <i>Alectryon tomentosus</i> (Woolly Rambutan) Balfour St road reserve |
| T20 <i>Alectryon tomentosus</i> (Woolly Rambutan) Balfour St road reserve |
| T21 <i>Cinnamomum camphora</i> (Camphor laurel) Balfour St road reserve |
| T22 <i>Cinnamomum camphora</i> (Camphor laurel) Balfour St road reserve |
| T23 <i>Platanus orientalis</i> 'Digitata' (Oriental Plane) Balfour St road reserve |
| T24 <i>Platanus orientalis</i> 'Digitata' (Oriental Plane) Balfour St road reserve |
| T25 <i>Platanus orientalis</i> 'Digitata' (Oriental Plane) Balfour St road reserve |
| T26 <i>Pittosporum rhombifolium</i> (Diamond Leaf Pittosporum) Pacific Highway road reserve |
| T27 <i>Pittosporum rhombifolium</i> (Diamond Leaf Pittosporum) Pacific Highway road reserve |

Reason: To protect existing trees.

63. Canopy/root pruning

Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced arborist/horticulturist, with a minimum qualification of a horticulture certificate or tree surgery certificate. All pruning works

shall be undertaken as specified in Australian Standard 4373-2007 - Pruning of Amenity Trees.

| Tree/location | Tree works |
|--|--|
| T19 <i>Eucalyptus pilularis</i> (Blackbutt) Balfour St road reserve | Canopy reduction of spatially conflicting limbs only. Root pruning of spatially conflicting tree roots |

Reason: To protect existing trees.

64. Cutting of tree roots and branches

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 pruning works shall be undertaken as specified in Australian Standard 4373— Pruning of Amenity Trees. The arborist/horticulturalist shall provide a report to the Certifier confirming compliance with this condition.

Reason: To protect existing trees.

65. Retention of tree roots

No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s shall be severed or injured in the process of any works during the construction period without first being exposed unharmed, being assessed by an AQF Level 5 arborist and a report submitted to Council.

| Tree/location | Radius in metres |
|--|------------------------------------|
| T1 <i>Phoenix canariensis</i> (Canary Island Date Palm) Adjacent to northwest boundary/Balfour lane | 5.0m |
| T2 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northwest site boundary/relocated Balfour Lane | 9.6m |
| T18 <i>Angophora costata</i> (Sydney Red Gum) Balfour St road reserve | 4.5m |
| T19 <i>Eucalyptus pilularis</i> (Blackbutt) Balfour St road reserve | 9.0m northeast, 12.0m elsewhere |

Reason: To protect existing trees.

66. Approved tree works

Prior to the commencement of any Stage 01 works, the following is to be undertaken to the specified trees:

| Tree/location | Approved tree works |
|--|---------------------|
| T3 <i>Cinnamomum camphora</i> (Camhor Laurel) Adjacent to southwest site boundary | Removal |
| T4 <i>Cinnamomum camphora</i> (Camhor Laurel) Adjacent to southwest site boundary | Removal |
| T5 <i>Phoenix canariensis</i> (Canary Island Date Palm) Adjacent to southwest site boundary | Removal |
| T6 <i>Cinnamomum camphora</i> (Camhor Laurel) Adjacent to southwest site boundary | Removal |
| T7 <i>Cinnamomum camphora</i> (Camhor Laurel) | Removal |

| | |
|--|---|
| Adjacent to southwest site boundary | |
| T8 <i>Cinnamomum camphora</i> (Camhor Laurel) Adjacent to southwest site boundary | Removal |
| T9 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to southwest site boundary | Removal |
| T10 <i>Callistemon salignus</i> (Willow Bottlebrush) Adjacent to southwest site boundary | Removal |
| T11 <i>Melaleuca armillaris</i> (Bracelet Honey Myrtle) Adjacent to southwest site boundary | Removal |
| T12 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southwest site boundary | Removal |
| T13 <i>Chamaecyparis obtusa</i> (Hnoki Cypress) Adjacent to southern site corner | Removal |
| T14 <i>Ligustrum sp</i> (Privet) Balfour St road reserve | Removal |
| T15 <i>Alectryon tomentosus</i> (Woolly Rambutan) Balfour St road reserve | Removal |
| T16 <i>Alectryon tomentosus</i> (Woolly Rambutan) Balfour St road reserve | Removal |
| T17 <i>Alectryon tomentosus</i> (Woolly Rambutan) Balfour St road reserve | Removal |
| T20 <i>Alectryon tomentosus</i> (Woolly Rambutan) Balfour St road reserve | Removal |
| T21 <i>Cinnamomum camphora</i> (Camphor laurel) Balfour St road reserve | Removal |
| T22 <i>Cinnamomum camphora</i> (Camphor laurel) Balfour St road reserve | Removal |
| T23 <i>Platanus orientalis</i> 'Digitata' (Oriental Plane) Balfour St road reserve | Removal |
| T24 <i>Platanus orientalis</i> 'Digitata' (Oriental Plane) Balfour St road reserve | Removal |
| T25 <i>Platanus orientalis</i> 'Digitata' (Oriental Plane) Balfour St road reserve | Removal |
| T26 <i>Pittosporum rhombifolium</i> (Diamond Leaf Pittosporum) Pacific Highway road reserve | Removal |
| T27 <i>Pittosporum rhombifolium</i> (Diamond Leaf Pittosporum) Pacific Highway road reserve | Removal |
| T19 <i>Eucalyptus pilularis</i> (Blackbutt) Balfour Street road reserve | Canopy and root pruning of spatially conflicting limbs and roots only |

1. All trees are to be clearly tagged and identified in accordance with the specifications in the arborist report prior to the removal or pruning of any tree/s.
2. Canopy and/or root pruning shall be undertaken by an experienced arborist/horticulturist, with a minimum AQF Level 3 qualification.
3. 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 Development Control Plan.

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

67. Hand excavation

All excavation within the specified radius of the trunk/s of the following tree/s shall be carried out by hand digging and/or by an air knife and shall be supervised by an experienced arborist/horticulturist, with a minimum AQF Level 3 qualification. The arborist /horticulturalist shall provide a report to the Principal Certifier confirming compliance with this condition:

| Tree/location | Radius in metres |
|--|------------------------------------|
| T1 <i>Phoenix canariensis</i> (Canary Island Date Palm) Adjacent to northwest boundary/Balfour lane | 5.0m |
| T2 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northwest site boundary/relocated Balfour Lane | 9.6m |
| T18 <i>Angophora costata</i> (Sydney Red Gum) Balfour St road reserve | 4.5m |
| T19 <i>Eucalyptus pilularis</i> (Blackbutt) Balfour St road reserve | 9.0m northeast, 12.0m elsewhere |

Reason: To protect existing trees.

68. No storage of materials beneath trees

No activities, soil compaction, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Development Control Plan at any time unless specified in other conditions of this consent.

Reason: To protect existing trees.

69. Tree planting on nature strip

Prior to the issue of the Occupation Certificate for Stage 01-B the following species shall be planted, at no cost to Council, in the nature strip fronting the property along Balfour Street. The tree/s used shall be a minimum 25 litres and massed planting 200mm container size specimen/s:

| Tree/species | Quantity | Location |
|---|----------|---|
| <i>Lagerstroemia indica</i> (Crepe Myrtle) Hot Pink | 2 | Evenly spaced within Balfour Street road reserve, in front of the neighbouring school property. |
| <i>Agapanthus</i> 'White' mass planting | 5 per m2 | |

Reason: To provide appropriate landscaping within the streetscape.

70. Tree planting on nature strip

Prior to the issue of the Occupation Certificate for Stage 02 the following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Balfour Street. The tree/s used shall be a minimum 45 litres container size specimen/s:

| Tree/species | Quantity | Location |
|-----------------------------------|----------|---|
| <i>Pyrus calleryana</i> 'Capital' | 6 | Evenly spaced within Balfour Street road reserve, with two located between the substation and Pacific Highway |

Reason: To provide appropriate landscaping within the streetscape.

71. Removal of refuse

All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

Reason: To protect the environment.

72. Landscape works near trees

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

| Tree/location | Radius in metres |
|--|------------------|
| T1 <i>Phoenix canariensis</i> (Canary Island Date Palm) Adjacent to northwest boundary/Balfour lane | 5.0m |
| T2 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northwest site boundary/relocated Balfour Lane | 9.6m |
| T18 <i>Angophora costata</i> (Sydney Red Gum) Balfour St road reserve | 4.5m |
| T19 <i>Eucalyptus pilularis</i> (Blackbutt) Balfour St road reserve | 12.0m |

Reason: To protect existing trees.

73. 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.

74. 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.

75. No Demolition of extra fabric to Churchers Restaurant Heritage Item

During any demolition, excavation and construction the Principal Certifier shall be satisfied alterations to, and part demolition of the existing building shall be limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Reason: To ensure compliance with the development consent.

76. Approved plans to be on site

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

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

77. Construction noise

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

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

78. Site notice

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

The site notice must:

- ☐ be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- ☐ display project details including, but not limited to the details of the builder, Principal Certifier and structural engineer
- ☐ be durable and weatherproof
- ☐ display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- ☐ be mounted at height of 1.6 metres above natural ground 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.

79. 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 placed around or over dust sources to minimise 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
- ☐ no advertising or signage is permitted to be attached to dust cloth material.

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

80. Post-construction dilapidation report

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

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

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

Reason: Management of records.

81. 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 the 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 Investigation by JK Geotechnics dated 9/12/2014 and peer review by Geo-Logix dated 21 March 2017.

Prior approval must be obtained from all affected property owners, including Council, where rock anchors (both temporary and permanent) are proposed below any adjoining property.

Reason: To ensure the safety and protection of property.

82. 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 footpath 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.

83. Toilet facilities

1. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons working at the site.
2. Each toilet must:
 - a. be a standard flushing toilet connected to a public sewer, or
 - b. have an on-site effluent disposal system approved under the Local Government Act 1993 <<https://www.legislation.nsw.gov.au/>>, or
 - c. be a temporary chemical closet approved under the Local Government Act 1993 <<https://www.legislation.nsw.gov.au/>>.

Reason: Statutory requirement.

84. Recycling of building material (general)

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

Reason: To facilitate recycling of materials.

85. Garbage receptacle

1. A garbage receptacle must be provided at the work site before works begin and must be maintained until all works are completed.
2. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
3. The receptacle lid must be kept closed at all times, other than when garbage is being deposited.

Reason: To ensure appropriate construction site waste management and to avoid injury to wildlife.

86. 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.

87. 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 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.

88. 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 (2009) "Manual for Uniform 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.

89. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicant's 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.

90. Erosion control

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

Reason: To protect the environment from erosion and sedimentation.

91. Sydney Water Section 73 Compliance Certificate

An application for a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994* shall be made through an authorised Water Servicing Co-ordinator. 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 Co-ordinator, 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.

92. No storage of materials beneath trees

No activities, soil compaction, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Development Control Plan at any time unless specified in other conditions of this consent.

Reason: To protect existing trees.

93. Removal of refuse

All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

Reason: To protect the environment.

94. 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:

1. Ascertain the reduced level of the underside of the slab at the driveway entry.
2. Certify that the level is not lower than the level shown on the approved DA plans.
3. Certify that the minimum headroom of 2.6 metres will be available for the full path of travel of the small waste collection vehicle from the street to the collection area.

This certification is to be provided to Council's Development Engineer prior to any concrete being poured for the ground floor slab.

No work is to proceed until Council has undertaken an inspection to determine clearance and path of travel.

At the stage when formwork for the ground floor slab is in place and prior to concrete being poured, Council's Development Engineer and Waste Contract Coordinator 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.

95. 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 Council officer.

Reason: To protect the environment.

96. Salvage and re-use of existing material

Existing building elements and materials in good condition are to be carefully removed during the works and securely stored in a place protected from damage, damp and sunlight. The salvaged building elements and materials are to be re-used in the new work, or if this is not possible, forwarded to an appropriate registered business dealing in salvaged building elements and materials.

Care should be taken in the removal of the existing doors, architraves and skirtings so they can be stored on site in a secure location such as the roof space for future restoration works.

Reason: To ensure the continuing heritage significance of the heritage item.

97. Maintenance of site

All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- ☐ all vehicles entering or leaving the site must have their loads covered, and
- ☐ all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris.

Reason: To ensure the site is appropriately maintained.

98. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 4.17 (11) (previously s80A (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.

99. 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.

100. 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.

101. Site fencing

The site must be secured and fenced prior to works commencing. 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.

If the work involved in the excavation, 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 (note that separate approval is required prior to the commencement of works to erect a hoarding or temporary fence on public property).

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

The site shall be secured/locked to prevent access at the end of each day.

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

Reason: To ensure public safety.

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

102. Completion of landscape works

Prior to the issue of the Occupation Certificate for Stage 01-B, the Principal Certifier is to be satisfied that all landscape works within the new Balfour Lane, including the removal of all environmental weed species as listed in Council's Weed Management Policy and/or species listed within Council's Development Control Plan, 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.

103. Completion of landscape works

Prior to the issue of the Occupation Certificate for Stage 02, the Principal Certifier is to be satisfied that all landscape works, 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.

104. Dedication of land as a public road

Prior to any Occupation Certificate being issued for any part of the development the new part of Balfour Lane is to be dedicated to the Council as a public road.

Reason: To ensure that the new road is created prior to the issue of an occupation certificate.

105. Construction of commercial food preparation premises-Supermarket

Prior to the issue of an Occupation Certificate for Stage 02, the Principal Certifier 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*, Australian Standard 4674-2004 *Design, Construction and Fit-out of Food Premises*.

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

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

Reason: To ensure compliance with standards for food premises.

106. Shopping Trolley Management

Prior to the issue of an Occupation Certificate for Stage 02, a Plan of Management (POM) for the on-site storage, collection, (both on and off site) and the management of shopping trolleys shall be submitted to Council for the approval of Council's Manager Regulation and Compliance.

The POM shall include:

1. the location and design principles for trolley storage bays.
2. a trolley containment system that encourages the confinement of trolleys to the site. 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
3. 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

The POM should include the commitment of the retailer or shopping centre management to the implementation of actions identified within the POM.

If containment systems are required to be installed in public land, these works shall be at no cost to Council and be the responsibility of the retailer to maintain at all times. If any part of the containment system is required to be installed on private lands, the written consent of the landowner shall be furnished with the initial submission of the Plan of Management.

The Principal Certifier shall not issue the Occupation Certificate unless they have received written confirmation from Council that a POM has been approved by Council's Manager Regulation and Compliance.

Reason: To ensure the amenity of the area. To provide for the safety of shoppers, pedestrians and road users. To recognise and respond to community expectations in minimising the problem of abandoned shopping trolleys.

107. Livable Housing Units - Occupation Certificate Stage

Silver Level and Platinum Level Livable Housing units are to satisfy Livable Housing Australia (LHA) certification as follows:

- Prior to the issue of an Occupation Certificate for Stage 02, all Silver Level and Platinum Level units are to acquire Livable Housing Design Final Stage Certification (as-built) from an accredited LHA assessor.

Reason: To ensure compliance with the Livable Housing requirements of the Ku-ring-gai Local Centres Development Control Plan.

108. Parking Restrictions

Prior to the issue of an Occupation Certificate for Stage 02 the following must occur:

1. The operator of the premises shall seek approval from Ku-ring-gai Council to provide enforcement of parking restrictions within the retail car park.

OR

2. A number plate recognition, boom gate and parking fee payment system to discourage the use of the retail car park for long term parking (i.e. greater than 3 hours) shall be installed.

Reason: A system of parking management of the retail/public parking spaces is needed to prevent long stay parking by commuters and employees in the Lindfield local centre.

109. Storage

Prior to the issue of an Occupation Certificate for Stage 02 all storage required by the Apartment Design Guideline Parts 4G-1 and 4G-2 is to be constructed within all dwellings at the following rates:

| | |
|------------------------|------------------|
| studio apartments | 4m ² |
| 1 bedroom apartments | 6m ² |
| 2 bedroom apartments | 8m ² |
| 3+-bedrooms apartments | 10m ² |

And,

- ii. A maximum of 50% of the requirement identified above may be located outside the dwelling;
- iii. All storage is to be full-height and a minimum depth of 600mm; and
- iv. Storage calculations must not include bedroom wardrobes, kitchen cupboards (including pantries), bathrooms, and space within laundry cupboards accommodating appliances and tub.

Reason: To ensure all dwellings provide adequate minimum storage for bulkier items such as vacuum cleaners, ironing boards, linen, general household possessions and items such as sports equipment and larger infrequently used items.

110. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate for Stage 02, the Principal Certifier shall be satisfied that all commitments listed in the approved BASIX Certificate (referred to under Condition No 1) have been complied with.

Reason: Statutory requirement.

111. Clotheslines and clothes dryers

Prior to the issue of an Occupation Certificate for Stage 02, the Principal Certifier shall be satisfied that the units have access to an external clothes line located in a common area.

Reason: To provide access to clothes drying facilities.

112. Mechanical Noise Control

Prior to the issue of the Occupation Certificate for Stage 02 the Principal Certifier shall be satisfied the mechanical ventilation systems and other plant, including but not limited to air conditioners, car park and garbage room exhaust, roller shutter doors and lifts when in operation either as an individual piece of equipment or in combination with other equipment will not exceed more than 5dB(A) above the background noise (LA90, 15 min) level during the day and shall not exceed the background level at night (10.00pm - 7.00am) when measured at the boundary of the nearest potentially affected residential occupancies. The background (LA90, 15 min) level is to be determined without the source noise present. Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifying Authority.

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

113. Completion of landscape works

Prior to the issue of an Occupation Certificate for Stage 02, the Principal Certifier is to be satisfied that all landscape works, including the removal of all environmental weed species as listed in Council's Weed Management Policy and/or species listed within Council's Development Control Plan, 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.

114. Green star rating - occupation certificate – Stage 02

- a) Prior to the issue of an Occupation Certificate for Stage 02, an up to date green star credit schedule demonstrating sufficient credits to achieve a GBCA certified outcome of 4 (or greater) stars for the "as built" component of the constructed development is to be provided to the Certifier. A supporting statement from a GBCA accredited project ESD consultant is to accompany the schedule stating that the contractor (and associated sub-contractors) has carried out the works in accordance with the green star standards required to achieve the green star - design & as built certification.
- b) Prior to the issue of an Occupation Certificate for Stage 02, the Owner is to provide to the Principal Certifier a notice from GBCA confirming documentation has been submitted for the final "As Built" component of the Certification.
- c) Within 3 months of an Occupation Certificate for Stage 02 being issued, the Owner is to submit to Council a copy of the GBCA green star - design & as built certificate confirming the achievement of a 4 (or greater) green star rating.

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

115. Easement for waste collection

Prior to the issue of an Occupation Certificate for Stage 02, an easement for waste collection is to be lodged 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.

116. Retention and re-use positive covenant

Prior to issue of an Occupation Certificate for Stage 02, 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 shall be lodged.

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 2015). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the NSW Land Registry Services in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

Reason: To ensure appropriate storm-water management.

117. Certification of drainage works

Prior to issue of an Occupation Certificate for Stages 01 (A and B) and 02, the Principal Certifier is to be satisfied that:

1. The relevant stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
2. The minimum retention and on-site detention storage volume requirements of Kuring-gai Local Centres DCP Part 24 'Water Management' have been achieved. Council's On-Site Detention And Retention Certification sheet shall be completed.
3. Retained water is connected and available for use.
4. All grates potentially accessible by children are secured.
5. Components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2018 and the Building Code of Australia.
6. 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 the relevant Occupation Certificate.

Reason: To ensure appropriate stormwater management.

118. Works as executed plans for stormwater management and disposal

Prior to issue of Occupation Certificates for Stages 01 (A and B) and 02, a registered surveyor must provide a works as executed survey of the relevant completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifier prior to issue of the relevant 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 Certifier stamped construction certificate stormwater plans.

Reason: To ensure appropriate stormwater management.

119. OSD positive covenant/restriction

Prior to issue of an Occupation Certificate for Stage 02, 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 shall be lodged.

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 Local Centres 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 NSW Land Registry Services in the form of a request using forms 13PC and 13RPA. The relative location of the on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

Reason: To ensure appropriate stormwater management.

120. Sydney Water Section 73 Compliance Certificate

Prior to issue of an Occupation Certificate for Stage 02, the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifier.

Reason: Statutory requirement.

121. On-site detention system marker plate

A marker plate is to be permanently attached and displayed within the immediate vicinity of the On-Site Detention System prior to the issue of the Occupation Certificate for Stage 02.

This marker plate can be purchased from Council.

Reason: To prevent unlawful alteration.

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

Prior to issue of an Occupation Certificate for Stage 02, the Principal Certifier is to be satisfied that:

1. The as-constructed car park complies with the approved Construction Certificate plans.
2. The completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 - 2004 "Off-Street car parking" in terms of minimum parking space dimensions.
3. Finished driveway gradients and transitions will not result in the scraping of the underside of cars.
4. 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.
5. The development complies with vehicular headroom requirements of:
 - ☐ Australian Standard 2890.1 - "Off-street car parking",
6. 2.6 metres height clearance for waste collection trucks (refer Part 23.7 of the Ku-ring-

gai Local Centres 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 demonstrating compliance with the above is to be provided to and approved by the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure that vehicular access and accommodation areas are compliant with Australian Standards and the Development Consent.

123. Construction of works in public road - approved plans

Prior to issue of an Occupation Certificate for Stage 02, the Principal Certifier must be satisfied that all approved road, footpath and/or drainage works have been completed in the road reserve in accordance with the Council Roads Act approval and accompanying drawings, conditions and specifications.

The works must be supervised by the Applicant's engineer and completed to the satisfaction of Council.

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

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

124. Infrastructure repair

Prior to issue of an Occupation Certificate for any stage of the development and upon completion of any works which may cause damage to Council's property, the Principal Certifier must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) is fully repaired to the satisfaction of Council and at no cost to Council.

Reason: To protect public infrastructure.

125. Mechanical ventilation

Prior to the issue of the Occupation Certificate for Stage 02, the Principal Certifier shall be satisfied that all mechanical ventilation systems are installed in accordance with the National Construction Code Part F.

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

126. Fire safety certificate

Prior to the issue of an Occupation Certificate for Stage 02, the Principal Certifier shall be satisfied that a fire safety certificate for all the essential fire or other safety measures forming part of this Development Consent has been completed and provided to Council.

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

127. Construction of food premises- coffee shop

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

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

Note: Council's Environmental Health Officer may be engaged to carry out the 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 being carried out.

Reason: To ensure compliance with standards for food premises

128. Garbage and recycling facilities

Prior to the issue of the Occupation Certificate for Stage 02, the Principal Certifying Authority shall be satisfied that the waste storage areas have been installed and adequately contains the waste and recycling bins and the waste storage rooms 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 and prevent environmental pollution.

129. Trade waste permit/consent - food premises

Prior to the issue of an Occupation Certificate for Stage 02, evidence of a Sydney Water permit or consent for the discharge of wastewater into the sewer shall be submitted to the Principal Certifier. 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

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE:

130. Special conditions to be satisfied prior to the issue of a subdivision certificate

1. The Application for the subdivision certificate is to show the new Balfour Lane being dedicated to Council as public road; and
2. Prior to the release of any subdivision certificate the new part of Balfour Lane is to be constructed and landscaped to the Council's satisfaction.

Reason: To ensure that the new public road is dedicated and constructed to an appropriate standard.

131. Sydney Water Section 73 compliance certificate

Prior to the issue of a Subdivision Certificate, the Section 73 Sydney Water compliance certificate (if required) which refers to the subdivision application must be obtained and submitted to the Council.

Reason: Statutory requirement.

132. Requirements of public authorities for connection to services

Prior to the issue of a Subdivision Certificate, Council shall be satisfied that the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection, relocation and/or adjustment of the services affected by the proposed subdivision have been complied with. All costs related to the relocation, adjustment or support of services are the responsibility of the Applicant.

Note: Details of compliance with the requirements of any relevant public authorities are to be submitted to Council.

Reason: To ensure that services are available to the allotments of land.

133. Provision of services

Prior to issue of a Subdivision Certificate, separate underground electricity, gas and phone or appropriate conduits for the same, must be provided to each allotment to the satisfaction of the utility provider. A suitably qualified and experienced engineer or surveyor is to provide certification that all new lots have ready underground access to the services of electricity, gas and phone. Alternatively, a letter from the relevant utility provider stating the same may be submitted to satisfy this condition.

Reason: Access to public utilities

134. Issue of subdivision certificate

The Subdivision Certificate must not be issued until all conditions required to be satisfied prior to the release of the subdivision certificate have been satisfied.

Reason: To ensure that the requirements for the Subdivision Certificate are completed prior to transfer of responsibility for the site and development to another person.

135. Submission of 88b instrument

Prior to the issue of a Subdivision Certificate, an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus three (3) copies, shall be submitted to Council. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the burdens.

Reason: To create all required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required.

136. Submission of plans of subdivision (Torrens title)

For endorsement of a Subdivision Certificate, an original plan of subdivision plus 3 copies, suitable for endorsement by Council shall be submitted to Council. The following details must be submitted with the plan of subdivision and its copies:

1. The endorsement fee current at the time of lodgement.
2. The 88B instrument plus 3 copies.
3. The Section 73 (Sydney Water) Compliance Certificate for the subdivision (if required).

Council will check the conditions on the Development Consent for subdivision. Failure to submit the required information will delay endorsement of the linen plan and may require payment of rechecking fees. **Plans and copies of subdivision must not be folded. Council will not accept bonds in lieu of completing subdivision works.**

Reason: Statutory requirement.

137. General easement/R.O.W. provision and certification

Prior to issue of a Subdivision Certificate, a registered surveyor is to provide details to Council that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision. Alternatively, where the surveyor is of the opinion that creation of burdens and benefits is not required, then proof to this effect must be submitted to Council.

Reason: To ensure that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

138. The use of the loading dock

The use of the loading dock is restricted to 7.00am to 10.00pm. Between 6.00pm and 10.00pm the roller door of the loading dock shall be closed except for temporary opening to allow for the entry and exit of vehicles. The roller door of the loading dock shall be closed whilst the loading dock is not in operation between the hours of 10.00pm to 7.00am.

Reason: To protect residential amenity.

139. Shopping Trolley Plan of Management

The requirements of the approved Shopping Trolley Plan of Management are to be complied with at all times.

Reason: To ensure the effective management of shopping trolleys.

140. First use of ground floor of heritage item (Churchers Restaurant)

Development consent shall be obtained prior to the use of the ground floor of the heritage item.

Reason: To ensure that an assessment of the impact of the proposed use on the heritage significance of the heritage item is undertaken prior to the use commencing.

141. Residential waste arrangements

Access to the residential waste collection area shall be configured to accommodate the use of Council's Master Key. Residential waste management and handling processes shall not include the compaction of any waste or recyclables.

Reason: To ensure that practical arrangements for the management and collection of waste are maintained.

142. Maintenance of podium edge planters

This condition applies to the raised planters of Units 102 to 111 (inclusive). The maintenance of these planters shall be subject to a strata by-law that requires each strata owner to be responsible for maintaining the planting in each planter to a consistent planting type and style per the approved landscape plans referred to in Condition 1. The strata by-laws for the residential component of the development shall enable the body corporate to rectify any deficiency or departure from the maintenance requirement.

Reason: To ensure the ongoing maintenance of the planting in the raised planters and to maintain the design quality of the development.

143. Restriction on permitted cooking equipment - coffee shop

The coffee shop is approved for the sale of only hot and cold drinks and pre-packaged non-potentially hazardous food that requires no further food preparation such as pre-packaged muffins, biscuits and cakes. The equipment installed in the premises for the purpose of preparation of food for sale is limited to coffee machines, coffee grinders, refrigerators and freezers. Deep fryers, conventional ovens, stoves/portable stoves or other food cooking and heating equipment is not permitted.

Reason: To ensure compliance with standards for food premises.

144. Outdoor lighting

All external lighting must:

1. Comply with AS/NZS 4282:2019: *Control of the obtrusive effects of outdoor lighting* and
2. Be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set: 2010 *Lighting for roads and public spaces*.

Reason: To protect the amenity of surrounding properties.

145. Noise control - plant and machinery

Noise levels associated with mechanical ventilation system/s, any plant, machinery or other equipment on any part of the site, including the supermarket and retail, shall not be audible within any habitable room in any residential premises before 7am and after 10pm. Outside these restricted hours the operation of mechanical ventilation system/s, any plant, machinery or other equipment on any part of the site, including the supermarket and retail shall emit a noise level of not greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the boundary, balcony or external living area of the nearest affected residential

occupancies. The background (LA90, 15 min) level is to be determined without the source noise present.

Reason: To protect the amenity of surrounding residents.

146. Noise control - rainwater re-use system

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

Reason: To protect the amenity of surrounding residents.

147. Loading and unloading

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

Reason: To ensure safe traffic movement.

148. Hours of trading for the supermarket and coffee shop

At all times the hours of trading are restricted to 6am to 12am. Cleaning, bakery activities and fresh food preparation may be undertaken at any time.

Reason: To protect the amenity of the area.

149. Hours of trading for the liquor store

At all times the hours of operation are restricted to:

| | |
|---------------------|-------------|
| Monday to Wednesday | 9am to 9pm |
| Thursday to Friday | 9am to 10pm |
| Saturday | 8am to 10pm |
| Sunday | 10am to 8pm |

Reason: To protect the amenity of the area.

150. Annual fire safety statement

Each 12 months after the installation of essential fire or other safety measures, the Owner of a building must provide the Council with 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 third copy must be displayed prominently in the building.

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

151. Waste and recycling collection times- Commercial

All waste/recycling collection services for the site's commercial uses shall be carried out only between 7.00am and 8.00pm Monday to Saturday and between 8.00am to 8.00pm Sunday.

Reason: To protect the amenity of the surrounding area.