

Draft Condition Set

The conditions of consent are as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation

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

Plan no.	Drawn by	Dated
<i>Architectural Plans</i>		
DA101 Revision M	GILES Tribe Architects	31/01/2025
DA200 Revision M	GILES Tribe Architects	01/10/2024
DA201 Revision P	GILES Tribe Architects	21/01/2025
DA202 Revision M	GILES Tribe Architects	21/01/2025
DA203 Revision M	GILES Tribe Architects	21/01/2025
DA204 Revision Q	GILES Tribe Architects	21/01/2025
DA205 Revision M	GILES Tribe Architects	21/01/2025
DA206 Revision K	GILES Tribe Architects	01/10/2024
DA207 Revision L	GILES Tribe Architects	01/10/2024
DA208 Revision K	GILES Tribe Architects	21/01/2025
DA209 Revision K	GILES Tribe Architects	01/11/2025
DA301 Revision M	GILES Tribe Architects	21/01/2025
DA302 Revision L	GILES Tribe Architects	04/10/2024
DA303 Revision K	GILES Tribe Architects	04/10/2024
DA304 Revision J	GILES Tribe Architects	24/09/2024
DA700 Revision E	GILES Tribe Architects	21/01/2025
DA701 Revision D	GILES Tribe Architects	09/04/2024
<i>Landscape Plans</i>		
LA-000 Revision D	Studio IZ	23/01/2025
LA-001 Revision D	Studio IZ	23/01/2025
LA-002 Revision D	Studio IZ	23/01/2025
LA-100 Revision D	Studio IZ	23/01/2025
LA-101 Revision D	Studio IZ	23/01/2025
LA-200 Revision D	Studio IZ	23/01/2025
LA-201 Revision D	Studio IZ	23/01/2025
LA-300 Revision D	Studio IZ	23/01/2025
LA-301 Revision D	Studio IZ	23/01/2025
LA-302 Revision D	Studio IZ	23/01/2025
LA-303 Revision D	Studio IZ	23/01/2025
LA-304 Revision D	Studio IZ	23/01/2025
LA-305 Revision D	Studio IZ	23/01/2025
LA-401 Revision D	Studio IZ	23/01/2025
LA-402 Revision D	Studio IZ	23/01/2025
LA-500 Revision D	Studio IZ	23/01/2025
LA-600 Revision D	Studio IZ	23/01/2025
<i>Stormwater Management Plans</i>		

D00 Revision B	Smart Structures Australia	02/10/2024
D01 Revision B	Smart Structures Australia	02/10/2024
D02 Revision C	Smart Structures Australia	02/10/2024
D03 Revision B	Smart Structures Australia	02/10/2024
D05 Revision D	Smart Structures Australia	08/10/2024
D06 Revision C	Smart Structures Australia	02/10/2024
D09 Revision B	Smart Structures Australia	02/10/2024
D10 Revision C	Smart Structures Australia	08/10/2024
D12 Revision B	Smart Structures Australia	02/10/2024
D15 Revision A	Smart Structures Australia	18/04/2024
D16 Revision B	Smart Structures Australia	02/10/2024
D19 Revision A	Smart Structures Australia	18/04/2024
D20 Revision B	Smart Structures Australia	02/10/2024
D21 Revision A	Smart Structures Australia	18/04/2024

Documents	Dated
Basix certificate No. 1749708M_03	12/02/2025
NatHERS summary certificate 0009477430	12/02/2025
Acoustic DA Assessment prepared by Acouras Consultancy	04/10/2024
Accessibility Report prepared by Design Confidence	13/05/2024
Building Code of Australia Assessment Report prepared by Certatude	24/05/2024
Geotechnical Report prepared by Stantec	17/05/2024
Traffic and Car Parking Assessment prepared by TRAFFIX and Addendum	21/05/2024 & 01/10/2024
Waste Management Plan prepared by Elephants Foot Consulting	30/09/2024

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. Green buildings

Prior to construction, the development is to demonstrate NABERS embodied carbon commitments are satisfied consistent with the *Embodied Emissions Report* prepared by Certified Energy dated 03/06/2024.

Reason: To ensure Ku-ring-gai's Green Buildings strategy is delivered.

4. 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 Safework NSW.

Reason: To ensure public safety.

5. 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.

6. 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.

7. Dilapidation survey and report

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 includes:

- the full road pavement width, including kerb and gutter, of Merriwa Street and Fitzsimons Lane over the site frontage, including the full intersection, and
- 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 for any recent damage to public infrastructure in the vicinity of the site caused by the carrying out of the development, where such damage is not accurately recorded by the requirements of this condition prior to the commencement of works.

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

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

8. Dilapidation survey and report

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 all structures on the following

properties has been completed and submitted to Council:

Address:

- 1 Merriwa Street Gordon (Lot 100, DP 1094583)
- 11-15 Merriwa Street Gordon (Lot 14, DP 249171)

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 qualified 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.

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.

9. Construction traffic management plan

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

The plan is to consist of a report with traffic control plans attached.

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

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

The traffic control plans are to be prepared by a 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.

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.

10. Work zone

Prior to the commencement of any works, a works zone is to be provided in Merriwa 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.

11. 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.

12. 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.

13. 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.

14. Tree protection fencing

Prior to the commencement of any 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 remain in place and be kept intact until the completion of all demolition/building work.

Tree/Location	Radius in metres
Tree1 Eucalyptus microcorys (Tallowood)	Along western side of existing driveway from Merriwa Street and 6m radius to remaining TPZ
Tree 2 Corymbia maculata (Spotted Gum) to southern frontage.	Along western side of existing driveway from Merriwa Street and 2m radius to remaining TPZ
Trees 4, Corymbia citriodora (Lemon scented Gum), to southern frontage.	4m
Tree 5 Corymbia maculata (Spotted Gum) to southern frontage.	4m
Trees 6 Corymbia maculata (Spotted Gum) to southern frontage.	5.4m
Tree 7 Eucalyptus microcorys (Tallowood)/ to southern frontage	7.2m
Tree 8 Eucalyptus microcorys (Tallowood)/to southern frontage	4m
Tree 10 Corymbia maculata (Spotted Gum) to southern frontage.	3m
Tree 21 and 22 Eucalyptus pilularis (Blackbutt).	3m

Reason: To protect existing trees.

15. Tree protective fencing type galvanised mesh

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.

16. 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.

17. 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.

18. Trunk and branch protection

Prior to the commencement of any works, the trunk/s and branches of the listed trees are to be protected by the placement of 50 x 100mm timbers over suitable protective padding material in accordance with Section 4.5.2 of the current version of **Australian Standard AS 4970 - Protection of trees on development sites**. The trunk and branch protection shall be maintained intact until the completion of all works.

Any damage to the tree/s is to be treated in a timely manner by an experienced arborist, with minimum AQF Level 5 qualification and a report detailing the works carried out shall be submitted to the Principal Certifier:

Tree/Location
Tree 23 and 26 Callistemon sp (bottlebrush) to Fitzsimmons Lane footpath.
Tree 24 and 25 Eucalyptus pilularis (Blackbutt) to Fitzsimmons Lane footpath.
Tree 27 and 28 Eucalyptus pilularis (Blackbutt) to Fitzsimmons Lane footpath.

Reason: To protect existing trees.

19. Inspection of tree protection measures

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

Reason: To protect existing trees.

20. 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 and a copy shall be provided to Council.

Reason: To protect of existing trees.

21. Construction waste management plan

Prior to the commencement of any works, the Principal Certifier shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with the waste management controls in the Ku-ring-gai Development Control Plan.

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

Reason: To ensure appropriate management of construction waste.

22. Noise and vibration management plan (Part 1)

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

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

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

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

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

23. CCTV report of existing Council pipe system near works

Prior to the commencement of any works, a qualified practitioner must undertake a closed circuit television inspection of the Council drainage pipeline traversing the subject property, in accordance with the Australian Water Association guidelines, including full span at each joint, and then prepare a report on the existing condition of the Council drainage pipeline. The Applicant or their contractor is to obtain the relevant pipe and pit identification numbers from Council prior to the CCTV inspection and use these numbers in the CCTV recording and report. In the event that the Council finds the CCTV shows damage or obstructions, the Applicant or their contractor will be contacted by Council's Drainage Engineer to discuss procedures to rectify the pipe / adjust the design to account for the findings of the CCTV. The report must be provided to Council's Drainage Engineer and is to include a copy of the video footage of the pipeline. A written acknowledgment from Council's Drainage Engineer (attesting to this condition being satisfied and if any corrective action is required) shall be obtained and submitted to the Principal Certifier prior to the commencement of any works on site.

Reason: To protect Council's infrastructure.

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

24. Housing and productivity contribution

Housing and Productivity Contribution	Amount
Housing and productivity contribution (base amount)	\$284,488.59
Total housing and productivity component	\$284,488.59

The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with **Condition 25**, is required to be paid:

Reason: To help deliver essential state infrastructure

25. The amount payable at the time of payment is the amount shown in **Condition 24** as the total housing and productivity contribution adjusted by multiplying it by:

Highest PPI number

Consent PPI number

where:

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made, and

consent PPI number is the PPI number last used to adjust HPC rates when consent was granted, and

June quarter 2023 and ***PPI*** have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

Reason: Statutory requirement

26. The HPC must be paid before the issue first Construction Certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

Development	Time by which HPC must be paid
Development consisting of only residential subdivision within the meaning of the HPC order	Before the issue of the first subdivision certificate
High-density residential development within the meaning of the HPC Order for which no construction certificate is required	Before the issue of the first strata certificate
Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building	Before the issue of the first strata certificate
Manufactured home estate for which no construction certificate is required	Before the installation of the first manufactured home

In the Table, HPC Order means the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

Reason: Statutory requirement

27. The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).

Reason: Statutory requirement

28. If the Minister administering the Environmental Planning and Assessment Act 1979 agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:

- (a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
- (b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out. If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with **condition 24** at the time of payment.

Reason: Statutory requirement

29. Despite **Condition 24**, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

Reason: Statutory requirement

30. Livable housing - silver and platinum units

Prior to the issue of a Construction Certificate, an independent and accredited Livable Housing Australia Assessor is to submit Stage 1 – Provisional Mark Certification certifying that detailed plans and construction drawings demonstrate full compliance with the requirements of each standard within the Liveable Housing Design Guidelines, and as identified within the *Livable Housing Design Guidelines Assessment Report* prepared by Design Confidence dated 13 May 2024 as follows:

- a) All apartments identified as Silver Level; and
- b) Apartments 502, 602, 702, 802 and 803 identified as Platinum Level.

Reason: To ensure Ku-ring-gai's housing strategy for equitable and dignified access to housing for all people is constructed.

31. External screening

Prior to the issue of any Construction Certificate, all approved external screening for solar protection and/or for visual privacy must be demonstrated and is to be operable.

Reason: To ensure adequate resident amenity and building performance is achieved.

32. Green buildings – prior to CC

Prior to the issue of any Construction Certificate, the development is to demonstrate NABERS embodied carbon commitments are satisfied consistent with the *Embodied Emissions Report* prepared by Certified Energy dated 03/06/2024.

Reason: To ensure Ku-ring-gai's Green Buildings strategy is delivered for the whole of the development.

33. Compliance with BASIX Certificate

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that all commitments listed in the approved BASIX Certificate (referred to under Condition 1) are detailed on the plans forming the Construction Certificate.

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 and approved by the Certifier prior to the commencement of any demolition 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. In order to pay your levy, you will need to register an account with The Long Service Corporation on the online portal at www.longservice.nsw.gov.au.

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 AS/NZS 4282:2019 *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*.

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. Stormwater quality control

Prior to issue of any Construction Certificate, the Certifier is to be satisfied that Stormwater Treatment Measures for the proposed development have been designed in accordance with the requirements of Part 24C.6 of the Ku-ring-gai DCP and is to be included with the plans and specifications accompanying any Construction Certificate. Any variation to the approved proprietary device as shown on the stormwater management plans listed in condition 1 of the consent will require lodgement of a Section 4.55 application to Council to modify the consent and the approval of that application.

Reason: To protect the environment.

38. Excavation for services

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that no proposed underground services (ie: water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under the Ku-ring-gai Development Control Plan, located on the subject allotment and adjoining allotments.

Reason: To protect existing trees.

39. Noise from road

Prior to the issue of any Construction Certificate, 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 any Construction Certificate.

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

40. Acoustic design report

An acoustic design report shall be prepared by an appropriately qualified acoustic consultant and submitted to the Certifier with the application for any Construction Certificate. The acoustic design report shall identify all mechanical ventilation equipment and other noise generating plant including, but not limited to air conditioners, car park exhaust, bathroom/toilet and garbage room exhaust, roller shutter doors, lifts and pumps associated with rain water reuse systems 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 be audible within any habitable room in any residential occupancy before 7.00am and after 10.00pm. Outside of these restricted hours noise from an individual piece of equipment or in combination shall not be greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary.

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

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

41. Driveway crossing levels

Prior to issue of any Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be

issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings".

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

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

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

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

42. Driveway grades - basement car parks

Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the 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 ramp along the path of travel to the garbage loading/unloading area can be obtained using grades of 20% (1 in 5) maximum,
- 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.

43. Basement car parking details

Prior to issue of any Construction Certificate, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements must be submitted to and approved by the 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 can have unimpeded access to the waste storage facility within the development for the purpose 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.

44. Car parking allocation

Car parking within the development shall be allocated as follows:

commercial/retail spaces	6
resident car spaces	53
visitor spaces	7 (resident), 1 (commercial)
total spaces	67

Each adaptable dwelling must be provided with car parking complying with the dimensional and location requirements of AS2890.1 - *parking spaces for people with disabilities*. The car parking allocated within the basement must be amended to demonstrate accessible spaces are allocated to units (designated accessible units).

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

The car parking shall be dedicated for the use of the corresponding units based on bedroom numbers as approved and cannot be sold separately.

Access from disabled car parking spaces to other areas within the building and to footpath and roads shall be clearly shown on the plans submitted with any Construction Certificate.

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

45. Design of works in public road

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:

- construction of 900 x 900 sealed pit
- construction of new vehicular crossing off Merriwa Street
- construction of new footpath works on Merriwa Street frontage and Fitzsimon Lane frontage

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 the location of existing utility services, (mains and house connections) both alignment and depth/level and any trees and/or tree roots likely to be affected by the works. The designer is responsible for ensuring the design is clear of all existing services, or shows the relocation of services that don't have sufficient clearance from their design. Construction of the works must proceed strictly 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 assessment of plans and inspections of works carried out by Council Engineers, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council prior to release of approved plans required for issue of any Construction Certificate.

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. On State Roads, approval from TfNSW will also be required for any work on TfNSW assets and/or interruption to traffic <delete if not state road, change colour to black if state road>.

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 the 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 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 the issue of an Occupation Certificate.

Reason: To ensure compliance with the requirements of Ausgrid.

47. Utility provider requirements

Prior to issue of any Construction Certificate, the Applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the 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. 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. Design and construction of mechanical ventilation

Prior to the issue of any Construction Certificate the Certifier shall be satisfied that plans and specifications demonstrate that the installation of mechanical ventilation systems will comply with:

- The National Construction Code
- Australian Standard 1668
- Australian Standard 3666 where applicable.

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

50. Waste and recycling storage facilities - commercial and residential

Prior to the issue of a Construction Certificate the Certifier must be satisfied that the waste storage areas will be of adequate size to contain the waste and recycling bins. All internal walls of the waste storage areas are to be rendered and coved at the floor/wall intersection. The floor is to be graded and appropriately drained to the sewer. A tap with hot and cold water is to be located in close proximity to facilitate cleaning.

Details of the waste storage area demonstrating compliance with the requirements of this condition shall be submitted to and approved by the Certifier prior to the issue of any Construction Certificate.

Reason: To protect amenity and to prevent environmental pollution.

51. 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 manner:

- (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 any 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 by Council of an 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 by Council 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.

52. Section 7.11 Local infrastructure contributions

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
Gordon Town Centre new roads	\$495,228.51
Gordon Town Centre local parks and sporting facilities	\$613,528.44
Gordon Town Centre townscape, transport and pedestrian facilities	\$270,107.83
Total:	\$1,454,444.04

The contribution specified above is subject to indexation and will continue to be indexed to reflect changes in the Consumer Price Index (All Groups Sydney) and Established House Price Index (Sydney) until paid in accordance with Ku-ring-gai Contributions Plan 2010 subject to the requirement of any Ministerial Direction in effect under s7.17 which limits the maximum amount of local infrastructure contributions payable in this area.

Prior to payment, please contact Council directly to verify the current contribution payable.

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

Note: Copies of Council's Contributions Plan can be viewed at Council Chambers at 818 Pacific Hwy Gordon or on Council's website at www.krg.nsw.gov.au.

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

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

53. Road opening permit

The opening of any footway, roadway, road shoulder or any part of the road reserve (excluding where a Driveway Application and Roads Act Approval is required) shall not be carried out without a road opening permit being applied for and obtained from Council (and upon payment of any required fees) beforehand.

Reason: Statutory requirement (Roads Act 1993 Section 138) and to maintain the integrity of Council's infrastructure.

54. Prescribed conditions

The work shall comply with any relevant prescribed conditions of development consent under Sections 69, 70, 71, 72, 73, 74 and 75 of the Environmental Planning and Assessment Regulation 2021. For the purposes of section 4.17 (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989

- 1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.
- 2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
- 3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*.
- 4) In subsection (1), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.
- 5) In subsection (3), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
- 6) This section does not apply -
 - (a) to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or

- (b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
- 7) **relevant date** has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 19.

Erection of signs

- 1) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- 2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out -
 - (a) showing the name, address and telephone number of the principal certifier for the work, and
 - (b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- 3) The sign must be -
 - (a) maintained while the building work, subdivision work or demolition work is being carried out, and
 - (b) removed when the work has been completed.
- 4) This section does not apply in relation to -
 - (a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - (b) Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Notification of Home Building Act 1989 requirements

- 1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
- 2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following -
 - (a) for work that requires a principal contractor to be appointed -
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,
 - (b) for work to be carried out by an owner-builder -
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989 - the number of the owner-builder permit.

- 3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
- 4) This section does not apply in relation to Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Shoring and adequacy of adjoining property

- 1) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
- 2) It is a condition of the development consent that 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 on adjoining land from possible damage from the excavation, and
 - (b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
- 3) This section does not apply if -
 - (a) the person having the benefit of the development consent owns the adjoining land, or
 - (b) the owner of the adjoining land gives written consent to the condition not applying.

Fulfilment of BASIX commitments

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled -

- a) BASIX development,
- b) BASIX optional development, if the development application was accompanied by a BASIX certificate.

Reason: Statutory requirement.

55. Hours of work

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

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

Where it is necessary for works to occur outside of these hours (ie placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by Transport for NSW (TfNSW) from travelling during daylight hours to deliver, erect or remove machinery, tower

cranes, pre-cast panels, beams, tanks or service equipment to or from the site), approval for such activities will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

Failure to obtain a permit to work outside of the approved hours will result in regulatory action.

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

56. 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.

57. Control of construction noise

During any demolition, excavation or building works, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

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

58. 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 prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out at least daily
- no advertising or signage is permitted to be attached to dust cloth material.

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

59. 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.

60. Compliance with submitted geotechnical report

A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified 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 Report prepared by Stantec dated 17 May 2024.

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

Reason: To ensure the safety and protection of property.

61. 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 of rectification against the applicant/owner/builder or any other responsible person, as the case may be.

Reason: To ensure safety and amenity of the area.

62. Toilet facilities

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed. One toilet, plus one additional toilet for every 20 persons working at the site are to be provided. 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/>](https://www.legislation.nsw.gov.au/).

Reason: Statutory requirement.

63. Recycling of building material

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.

64. 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.

65. 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 take actions to stop work, which may include the bringing of proceedings.

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

66. 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.

67. 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.

Reason: To protect the environment from erosion and sedimentation.

68. 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.

69. 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 **Australian Standard AS 4970 - 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 the date of inspection, identifying the trees by their number, the 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 and/or mitigation works prescribed and/or undertaken.

Regular inspections and documentation shall be given by the arborist to the Principal Certifier. These are required, at the following times or phases of work, but may be given more regularly:

Tree/Location	Time of inspection
Tree1 Eucalyptus microcorys (Tallowood)/ to southern frontage	Demolition of concrete drive and thrust boring
Tree 2 Corymbia maculata (Spotted Gum) to southern frontage.	Demolition of concrete drive and thrust boring
Tree 8 Eucalyptus microcorys (Tallowood)/ to southern frontage	Demolition
Tree 10 Corymbia maculata (Spotted Gum) to southern frontage.	Demolition
Tree 21 and 22 Eucalyptus pilularis (Blackbutt)/to northern frontage	Demolition and excavation
Tree 23 and 26 Callistemon sp (bottlebrush) to Fitzsimmons Lane footpath.	Demolition
Tree 24 and 25 Eucalyptus pilularis (Blackbutt) to Fitzsimmons Lane footpath.	Demolition
Tree 27 Eucalyptus pilularis (Blackbutt) to Fitzsimmons Lane footpath.	Demolition

Tree 28 Eucalyptus pilularis (Blackbutt) to Fitzsimmons Lane footpath.	Demolition
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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.

70. 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
Tree1 Eucalyptus microcorys (Tallowood)/ to southern frontage	7.2m
Tree 2 Corymbia maculata (Spotted Gum) to southern frontage.	2m
Trees 4, Corymbia citriodora (Lemon scented Gum), to southern frontage.	6m
Tree 5 Corymbia maculata (Spotted Gum) to southern frontage.	5.4m
Trees 6 Corymbia maculata (Spotted Gum) to southern frontage.	5.4m
Tree 7 Eucalyptus microcorys (Tallowood)/ to southern frontage	7.2m
Tree 8 Eucalyptus microcorys (Tallowood)/ to southern frontage	7.2m
Tree 10 Corymbia maculata (Spotted Gum) to southern frontage.	4.8m
Tree 21 and 22 Eucalyptus pilularis (Blackbutt).	6m
Tree 23 and 26 Callistemon sp	3m
Tree 24, and 25 Eucalyptus pilularis (Blackbutt) to Fitzsimmons Lane footpath.	4.8m
Tree 27 Eucalyptus pilularis (Blackbutt) to Fitzsimmons Lane footpath.	6m
Tree 28 Eucalyptus pilularis (Blackbutt) to Fitzsimmons Lane footpath.	7.2m

Reason: To protect existing trees.

71. 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. All pruning of roots less than 50mm in diameter shall be undertaken by an experienced arborist/horticulturalist, with a minimum AQF Level 3 qualification.

Tree/Location	Radius in metres
Tree1 Eucalyptus microcorys (Tallowood)/ to southern frontage	7.2m
Tree 2 Corymbia maculata (Spotted Gum) to southern frontage.	2m
Trees 4, Corymbia citriodora (Lemon scented Gum), to southern frontage.	6m
Tree 5 Corymbia maculata (Spotted Gum) to southern frontage.	5.4m
Trees 6 Corymbia maculata (Spotted Gum) to southern frontage.	5.4m
Tree 7 Eucalyptus microcorys (Tallowood)/ to southern frontage	7.2m
Tree 8 Eucalyptus microcorys (Tallowood)/ to southern frontage	7.2m
Tree 10 Corymbia maculata (Spotted Gum) to southern frontage.	4.8m
Tree 21 and 22 Eucalyptus pilularis (Blackbutt).	6m
Tree 23 and 26 Callistemon sp	3m
Tree 24, and 25 Eucalyptus pilularis (Blackbutt) to Fitzsimmons Lane footpath.	4.8m

Tree 27 Eucalyptus pilularis (Blackbutt) to Fitzsimmons Lane footpath.	6m
Tree 28 Eucalyptus pilularis (Blackbutt) to Fitzsimmons Lane footpath.	7.2m

Reason: To protect existing trees.

72. Approved tree works

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

Tree/location	Approved tree works
Tree 3 Corymbia maculata (Spotted Gum)/to Merriwa frontage	Remove
Tree 9 Eucalyptus microcorys (Tallowood)/to Merriwa frontage	Remove
Tree 11 Corymbia citriodora (Lemon scented Gum)/to Merriwa frontage	Remove
Tree 12 Corymbia maculata (Spotted Gum)/to Merriwa frontage	Remove
Tree 13,14,15 Corymbia maculata (Spotted Gum)/to Merriwa frontage	Remove
Tree 16, Corymbia maculata (Spotted Gum)/to Merriwa frontage	Remove
Tree 17,18 Corymbia citriodora (Lemon scented Gum),	Remove
Tree 19 - Privet (Exempt - Priority weed species)/to Fitzsimmons Lane frontage.	Remove
Tree 20 Jacaranda mimosifolia (Jacaranda)/ to Fitzsimmons Lane frontage	Remove

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 current version of **Australian Standard 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.

73. Excavation near trees

No mechanical excavation shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning, by hand digging and/or air knife to a depth of 600mm, is undertaken by an experienced arborist/horticulturist, with a minimum AQF Level 3 qualification. The arborist/horticulturist shall provide a report to the Principal Certifier confirming compliance with this condition:

Tree/Location	Radius in metres
Trees 4, Corymbia citriodora (Lemon scented Gum)/to southern	6m

frontage.	
Tree 8 Eucalyptus microcorys (Tallowood)/ to southern frontage	7.2m

Reason: To protect existing trees.

74. 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
Tree 10 Corymbia maculata (Spotted Gum) to southern frontage.	4.8m

Reason: To protect existing trees.

75. Thrust boring/directional drilling

Excavation for the installation of any services within the specified radius of the trunk/s of the following tree/s shall utilise the thrust boring or directional drilling method and comply with the following:

1. The tunnelling shall be carried out at least 600mm beneath natural ground level.
2. The launching pit for the tunnelling machine shall be located outside the tree protection zone (defined in the current version of **Australian Standard AS 4970 - Protection of trees on development sites**) of any tree unless approved in writing by the project arborist.

Tree/Location	Radius in metres
Tree1 Eucalyptus microcorys (Tallowood)/ to southern frontage	7.2m

Reason: To protect and minimise damage to existing trees.

76. 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.

77. Tree planting on nature strip

The following tree species Callistemon 'Kings Park Special' shall be planted, at no cost to Council, in the nature strip fronting the property along Merriwa Street. The tree/s used shall be a minimum 45 litre container size and of quality consistent with AS 2303:2018, Tree Stock for Landscape Use.

Planting must be undertaken by one of Council's pre-approved contractors. A list is of the pre-approved contractors is available from Council's Tree Management Team in Council's Operations Department. The final location of the tree(s) will be confirmed by Council's Tree Management Officer in Council's Operations Department. Any tree plantings that fail to survive within two years of planting must be replanted under the conditions outlined above.

You and/or the contractor will be responsible for the reporting and/or repair of any services damaged as a result of works undertaken:

Tree/species	Quantity	Location
Callistemon King's park Special' (Bottlebrush)	3	East of proposed driveway

Reason: To provide appropriate landscaping within the streetscape.

78. 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.

79. Canopy replenishment trees to be planted

The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5 metres when they will be protected by Council's Development Control Plan. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

Reason: To maintain the treed character of the area.

80. 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 the Principal Certifier 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 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 and that unimpeded access to the garbage collection point has been provided. This inspection may not be carried out by a private certifier because waste management is not a matter listed in Clause 73 of the Environmental Planning and Assessment Regulation (Development and Fire Safety Certification) 2021.

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

81. 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.

82. 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.

83. 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 residential amenity during construction.

84. Control of 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.

Reason: To protect the amenity of neighbouring properties

85. 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:

86. Acoustic control measures - internal noise

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the acoustic measures as recommended in Section 3.1 and 3.2 of Acoustic DA Assessment Ref SYD2024-1057-R001B dated 04/10/2024 prepared by Acouras Consultancy have been installed. Written advice from an acoustic engineer is to be submitted to the Principal Certifier confirming that the acoustic measures achieve the noise objectives specified in the acoustic assessment.

Reason: To protect occupier amenity.

87. Compliance with BASIX certificate

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

Reason: Statutory requirement.

88. Mechanical ventilation

Following completion, installation and testing of all the mechanical ventilation systems the installation and performance of these systems must comply with:

- The National Construction Code
- Australian Standard 1668
- Australian Standard 3666 where applicable.

The Principal Certifier shall be satisfied of the above prior to the issue of any Occupation Certificate.

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

89. Completion of landscape works

Prior to the issue of an Occupation Certificate, the Principal Certifier is to be satisfied that all landscape works have been undertaken in accordance with the approved plan(s) and conditions of this development consent.

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

90. Mechanical noise control

Prior to the issue of an Occupation Certificate, the Principal Certifier must be satisfied that the mechanical ventilation systems and other plant, including but not limited to air conditioners, car park and garbage room exhaust, roller shutter doors, lifts and pumps associated with rain water reuse systems when in operation either as an individual piece of equipment or in combination with other equipment will not be audible within any habitable room in any residential occupancy before 7.00am and after 10.00pm. Outside of these restricted hours noise from an individual piece of equipment or in combination must not be greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present. Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifier.

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

91. Outdoor Lighting

Prior to the issue of the Occupation Certificate, the Principal Certifier shall be satisfied that all outdoor lighting will comply with AS/NZS 4282:2019 *Control of the obtrusive effects of outdoor lighting* and is mounted, screened and directed in a way that 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 provide high quality external lighting for security without adverse impacts on public amenity from excessive illumination.

92. Easement for waste collection

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

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

93. Retention and re-use positive covenant/restriction

Prior to issue of an Occupation Certificate, the positive covenant and restriction on the use of

land under Section 88D/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 created.

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 24R.8.2 of the Ku-ring-gai Development Control Plan). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the 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.

94. Certification of drainage works

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

1. The 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 Ku-ring-gai 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 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.

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

Reason: To ensure appropriate stormwater management.

95. Works as executed plans for stormwater management and disposal

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

96. Basement pump-out maintenance

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

The maintenance regime (which must be provided to the Principal Certifier prior to the issue of an Occupation Certificate) must (at a minimum) specify that the system is to be regularly inspected and checked by qualified practitioners and is to be prepared by a suitably qualified professional.

Reason: To ensure appropriate stormwater management.

97. OSD positive covenant/restriction

Prior to issue of an Occupation Certificate, a positive covenant and restriction on the use of land under Section 88B/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 created.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to the Water Management Part 24R.8.1 of the relevant Ku-ring-gai Development Control Plan 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 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 an Occupation Certificate.

Reason: To ensure appropriate stormwater management.

98. CCTV report of pipe after work

Prior to issue of an Occupation Certificate, a closed circuit television inspection and report on the Council drainage pipeline traversing the site is to be undertaken by appropriately

qualified contractors and provided to Council's Development Engineer. The report is to include a copy of the footage of the inside of the pipeline. Any damage that has occurred to the section of the pipeline since the commencement of construction on the site must be repaired in full to the satisfaction of Council's Development Engineer at no cost to Council.

Reason: To protect public infrastructure.

99. Sydney Water Section 73 Compliance Certificate

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

Reason: Statutory requirement.

100. 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.

This marker plate can be purchased from Council.

Reason: To prevent unlawful alteration.

101. Stormwater quality control positive covenant/restriction

Prior to issue of an Occupation Certificate, a positive covenant and restriction on the use of land under Section 88B of the Conveyancing Act 1919 shall be created, burdening the owner with the requirement to maintain the stormwater quality control devices on the lot (i.e. Bio-retention, Stormfilter devices, enviropods).

The terms of the instruments are to be to the satisfaction of Council. 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. The relative location of the stormwater quality control devices, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

The registered title documents showing the creation of 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 stormwater management.

102. Certification of as-constructed driveway/carpark

Prior to issue of an Occupation Certificate, 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" and SEPP (Housing) 2021 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",
 - SEPP (Housing) 2021 (as last amended) for accessible parking spaces,
 6. **2.6 metres** of height clearance for waste collection trucks (refer Part 23.7 of the Kuring-gai DCP) are met from the public street into and within the applicable areas of the basement carpark.

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.

103. Certification of as-constructed driveway crossover and access handle

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

1. The completed vehicular access complies with Australian Standard 2890.1 - 2004 "Off-Street car parking"
2. Finished driveway gradients and transitions will not result in the scraping of the underside of cars.

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 a Final Certificate.

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

104. Reinstatement of redundant crossings and completion of infrastructure works

Prior to issue of an Occupation Certificate, and upon completion of any works which may cause damage to Council's property, the Principal Certifier must receive a signed inspection form from Council which states that the following works in the road reserve have been completed:

1. new concrete driveway crossing in accordance with levels and specifications issued by Council
2. removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials)
3. full repair and resealing of any road surface damaged during construction
4. full replacement of damaged sections of grass verge to match existing
5. reconstruction of kerb and gutter with associated road pavement restoration for the full frontage of the development site

This inspection may not be carried out by the Principal Certifier because restoration of Council property outside the boundary of the site is not a matter listed in Section 73 of the Environmental Planning and Assessment (Development Certification and Fire Safety)

Regulation 2021.

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

Reason: To protect the public infrastructure.

105. Construction of works in public road

Prior to issue of an Occupation Certificate, 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's Operations Department 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 an Occupation Certificate being issued.

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

106. Infrastructure repair

Prior to issue of an Occupation Certificate 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.

107. Fire safety certificate

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

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

108. Waste and recycling storage facilities

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the waste storage areas have been installed, are of adequate size to contain the waste bins and all internal walls are rendered and coved at the floor/wall intersection. The floor has

been graded and drained to the sewer and a tap with hot and cold water located in close proximity to facilitate cleaning.

Reason: To protect amenity and to prevent environmental pollution.

109. Livable Housing - silver and platinum units

Prior to the issue of any Occupation Certificate, an independent and accredited Livable Housing Australia Assessor is to submit Stage 2 – Final Mark Certification certifying that the constructed building demonstrates full compliance with the requirements of each standard within the Liveable Housing Design Guidelines, and as identified within the *Livable Housing Design Guidelines Assessment Report* prepared by Design Confidence dated 13 May 2024 as follows:

- a) All apartments identified as Silver Level; and
- b) Apartments 502, 602, 702, 802 and 803 identified as Platinum Level.

Reason: To ensure Ku-ring-gai's housing strategy for equitable and dignified access to housing for all people is constructed.

110. External screening

Prior to the issue of any Occupation Certificate, all approved external screening for solar protection and/or for visual privacy must be installed and is to be operable.

Reason: To ensure approved resident amenity and building performance is constructed.

111. Green buildings

Prior to the issue of any Occupation Certificate, the development is to demonstrate NABERS embodied carbon commitments are satisfied consistent with the *Embodied Emissions Report* prepared by Certified Energy dated 03/06/2024.

Reason: To ensure Ku-ring-gai's Green Buildings strategy is delivered.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

112. 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.

113. Noise control - mechanical plant

Noise levels associated with mechanical plant installed on the premises must not be audible within any habitable room in any other neighbouring residential premises before 7.00am and

after 10.00pm. Outside of these restricted hours noise levels associated with mechanical plant installed on the premises either as an individual piece of equipment or in combination must not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.

Reason: To protect the amenity of neighbouring residential occupants and neighbouring properties.

114. Noise control - rainwater re-use system

Noise levels associated with rainwater re-use system(s) installed on the premises must not be audible within any habitable room in any other neighbouring residential premises before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with rainwater re-use system(s) installed on the premises either as an individual piece of equipment or in combination must not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.

Reason: To protect the amenity of neighbouring residential occupants and neighbouring properties.

115. Noise control - mechanical exhaust ventilation

Noise levels associated with mechanical exhaust ventilation installed on the premises must not be audible within any habitable room in any other neighbouring residential premises before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with mechanical exhaust ventilation installed on the premises either as an individual piece of equipment or in combination must not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.

Reason: To protect the amenity of neighbouring residential occupants and neighbouring properties.

116. Deliveries and waste collections - commercial premises

All deliveries and waste collection services for the business are to be carried out between 6:00am and 10:00pm only.

Reason: To protect the amenity of the surrounding area.

117. 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.