

Draft Without Prejudice Condition Set (updated 25/08/2025)

Re: eDA0516/24
Proposal: Demolition works, tree removal, subdivision, lot consolidation and construction of a residential flat building development including basement, landscaping and associated works
Property: 136, 138, 140, 142, 144 and 148 Fox Valley Road, Wahroonga
Lot & DP Lot 103 in DP 1293107 and Lot 1 in DP 824963

The conditions of consent are as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:**1. Approved architectural plans and documentation (new development)**

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

Plan no.	Drawn by	Dated
<i>Subdivision Plans</i>		
1 of 2 Sheets – Subdivision of Lot 103 in DP 1293107 & Lot 1 In DP 824963	Matthew Russell Stanley	31/07/2025 (Preliminary Issue)
2 of 2 Sheets – Subdivision of Lot 103 in DP 1293107 & Lot 1 In DP 824963	Matthew Russell Stanley	31/07/2025 (Preliminary Issue)
<i>Architectural Plans</i>		
Earthworks Staging Plan Sheet 1	Capital Corporation	29/4/2025
Earthworks Staging Plan Sheet 2	Capital Corporation	29/4/2025
DA-001-101 Rev A	Turner	2/5/2025
DA-100-030, Rev F	Turner	2/5/2025
DA-110-006, Rev N	Turner	2/5/2025
DA-110-007, Rev Q	Turner	2/5/2025
DA-110-008, Rev N	Turner	2/5/2025
DA-110-010, Rev N	Turner	2/5/2025
DA-100-020, Rev A	Turner	12/08/2025
DA-110-030, Rev N	Turner	2/5/2025
DA-210-101, Rev M	Turner	2/5/2025
DA-210-201, Rev M	Turner	2/5/2025
DA-210-301, Rev M	Turner	2/5/2025
DA-310-101, Rev I	Turner	2/5/2025
DA-310-201, Rev H	Turner	2/5/2025
DA-310-301, Rev E	Turner	2/5/2025
DA-310-501, Rev E	Turner	2/5/2025
DA-110-040, Rev P	Turner	3/6/2025
DA-110-100, Rev O	Turner	3/6/2025
<i>Landscape Plans</i>		
LA-000 Index Plan Finishes and Grading Issue E	Arcadia	7/5/2025

Commented [JG1]: Subdivision plans updated to reflect those provided to Council on 14/08

LA-001 Finishes and Grading Issue E	Arcadia	7/5/2025
LA-002 Finishes and Grading Issue E	Arcadia	7/5/2025
LA-003 Finishes and Grading Issue E	Arcadia	7/5/2025
LA-004 Finishes and Grading Issue E	Arcadia	7/5/2025
LA-010 Index Plan Softworks Plan Issue E	Arcadia	7/5/2025
LA-011 Softworks Plan Issue E	Arcadia	7/5/2025
LA-012 Softworks Plan Issue E	Arcadia	7/5/2025
LA-013 Softworks Plan Issue E	Arcadia	7/5/2025
LA-014 Softworks Plan Issue E	Arcadia	7/5/2025
LA-015 Softworks Schedule Issue E	Arcadia	7/5/2025
<i>Stormwater Management Plans</i>		
231292-TTW-00-DR-CI-00001, Rev C	TTW	7/5/2025
231292-TTW-00-DR-CI-00003, Rev B	TTW	31/10/2024
231292-TTW-00-DR-CI-00004, Rev B	TTW	31/10/2024
231292-TTW-00-DR-CI-00011, Rev C	TTW	6/08/2025
231292-TTW-00-DR-CI-01011, Rev C	TTW	7/05/2025
231292-TTW-00-DR-CI-01012, Rev C	TTW	7/05/2025
231292-TTW-00-DR-CI-01013, Rev C	TTW	7/05/2025
231292-TTW-00-DR-CI-01014, Rev C	TTW	7/05/2025
231292-TTW-00-DR-CI-02001, Rev C	TTW	7/05/2025
231292-TTW-00-DR-CI-02011, Rev C	TTW	7/05/2025
231292-TTW-00-DR-CI-03001, Rev B	TTW	31/10/2024
231292-TTW-00-DR-CI-03011, Rev C	TTW	7/05/2025
231292-TTW-00-DR-CI-03041, Rev C	TTW	7/05/2025
231292-TTW-00-DR-CI-04001, Rev B	TTW	31/10/2024
231292-TTW-00-DR-CI-04011, Rev F	TTW	11/08/2025
231292-TTW-00-DR-CI-04012, Rev A	TTW	7/5/2025
231292-TTW-00-DR-CI-04041, Rev B	TTW	11/08/2025
231292-TTW-00-DR-CI-04042, Rev C	TTW Structural Civil Traffic Facade	20/08/2025
231292-TTW-00-DR-CI-04100, Rev B	TTW	6/08/2025
231292-TTW-00-DR-CI-05001, Rev B	TTW	31/10/2024
231292-TTW-00-DR-CI-05011, Rev D	TTW	8/06/2025
231292-TTW-00-DR-CI-09201, Rev B	TTW	31/10/2024
231292-TTW-00-DR-CI-09211, Rev D	TTW	6/08/2025

Document(s)	Dated
NSW Rural Fire Service Conditions	5/6/2025
Water NSW General Terms of Approval	11/3/2025
Preliminary Site (Contamination) Investigation prepared Douglas Partners	4/2025
Crime Prevention Through Environmental Design prepared by Ethos Urban	8/5/2025
Geotechnical Investigation prepared Douglas Partners	9/2024
MUSICLink report	7/5/2025
BASIX certificate No. BSX-25218M_02	5/5/2025
Acoustic Report prepared by Koikas Acoustics Pty Ltd	8/05/2025
Civil Development Application Report prepared by TTW	20/08/2025
Bushfire Protection Assessment prepared by Australian Bushfire Protection Planners Pty Ltd	6/6/2025

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.

GENERAL TERMS OF APPROVAL:

3. Water NSW General Terms of Approval

This development consent is subject to the General Terms of Approval issued by Water NSW listed in Condition 1. During all relevant stages of the works the Certifier and Principal Certifier is responsible for ensuring compliance with these requirements.

Reason: To ensure the Water NSW General Terms of Approval are adhered to.

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

4. Submission of plans of subdivision (Torrens title)

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

1. The endorsement fee current at the time of lodgement.
2. The 88B instrument.
3. If relevant, a copy of the Compliance Certificate for any subdivision works approved under eDA0516/24
4. All surveyor's and/or consulting engineers' certification(s) required under this consent and which relate to the subdivision
5. The Section 73 (Sydney Water) Compliance Certificate for the subdivision.
6. Proof of payment of any required S.711 contribution.

Council will check the conditions on the Development Consent that relate to the subdivision. Failure to submit the required information will delay endorsement of the linen plan and may require payment of rechecking fees. **Plans and copies of subdivision must not be folded.**

Reason: Statutory requirement.

5. Sydney Water Section 73 compliance certificate

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

Reason: Statutory requirement.

6. Requirements of public authorities for connection to services

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

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

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

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

7. Erosion 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.

8. 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.

9. 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.

10. 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.

11. Dilapidation survey and report (public infrastructure)

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

has been completed and submitted to Council:

Public infrastructure includes:

- the full road pavement width, including kerb and gutter, of Fox Valley Road 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.

12. Dilapidation survey and report (private property)

Prior to the commencement of any works, the Applicant must obtain a dilapidation report on the identified private properties 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:

- 148 Fox Valley Road, Wahroonga (Seventh Day Adventist Great Sydney Conference Building)
- 134 Fox Valley Road, Wahroonga

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.

13. 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.

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

When a satisfactory CTMP is received and the relevant fees paid in accordance with Council's adopted fees and charges, a letter of approval will be issued with conditions attached. Traffic management at the site must comply with the approved CTMP as well as any conditions in the letter issued by Council. No works may be carried out unless Council has approved the CTMP.

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

14. 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. 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.~~

15. 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
Tree 104 and 105 Eucalyptus saligna (Sydney Blue Gum)/ to the western boundary within neighbouring lot	To edge of existing kerb to 7m where no kerb
Tree 107 Eucalyptus saligna (Sydney Blue Gum)/ to the western boundary within neighbouring lot	4m
Tree 108 Eucalyptus saligna (Sydney Blue Gum)/ to southwestern corner	4m
Tree 109 Syncarpia glomulifera (Turpentine)/ to southwestern corner	3m
Tree 134 Platanus x hispanica (Plane tree)/ to southwestern corner.	4m

Reason: To protect existing trees.

16. 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.

17. 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:

Commented [JG2]: Deleted as duplicated from Condition 7

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.

18. 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.

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. 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.

21. 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.

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

20. Amended architectural plans

Prior to the issue of any Construction Certificate or Subdivision Works Certificate, the Certifier shall be satisfied that the approved plans listed in Condition 1 above, have been amended in accordance with the requirements of this condition as well as other conditions of this Development Consent:

1. Skylight detail:

- a) All skylights are to be pop-up types with vertical glazed faces and shade protection.
- b) Where the skylights are relied upon for solar access amenity, the glazing is to be clear float type for BASIX performance requirements.
- c) Where skylights are relied upon for natural ventilation, the glazing is to be operable.

2. External shading devices are to be provided to exposed openings within the east-north-west aspect for solar protection.

3. Provide 50% deep soil area (4135.65m²), excluding areas within private open space, paths wider than 1.2m and areas less than 2m in width, by provided the following amendments:

- a) The fencing and planter walling within the western setback to the ground floor units A1.03 to A1.06 are to be relocated in line with western edge of the proposed courtyard paving to each unit.

Commented [JG3]: Condition deleted per SNPP deferral actions

- ~~b) The private open space areas of the southern and eastern lower ground floor units ALG.01, ALG.02 and AGL.04 and BLG.02, BLG.03 and BLG.04 are to be reduced in size back to the line of the basement below unless additional area is required to achieve the minimum private open space per unit of 15m².~~
- ~~c) The swimming pool is not approved and is to be deleted from all plans and documentation. This swimming pool area is to be replaced with landscaped area.~~

Reason: ~~To ensure suitable amenity and balance between built form and soft landscaping, consistent with the objectives of the Ku-ring-gai DCP provisions.~~

22. Housing and productivity contribution

Before the issue of any Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$765,605.14
Transport project component	\$0
Strategic Biodiversity Component	\$0
Total Housing and productivity contribution	\$765,605.14

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.

The HPC 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 HPC Order exempts the development from the contribution.

Reason: To require contributions towards the provision of regional infrastructure.

23. Livable Housing - Silver and Platinum Units

Prior to the issue of the relevant 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 Statement of Compliance Access for People with a Disability prepared by Accessible Building Solutions, dated 18.09.2024 as follows:

- a) All apartments identified as Silver Level; and
- b) Apartments: ALG01, ALG02, AGL01, A109, A209, A309, BGL02, BGL04, BGL05, B102, B105, B202, B205, B302 & B305 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.

24. Amendments to approved landscape plan

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

Plan no.	Drawn by	Dated
LA-000 Index Plan Finishes and Grading Issue E	Arcadia	7/5/2025
LA-001 Finishes and Grading Issue E	Arcadia	7/5/2025
LA-002 Finishes and Grading Issue E	Arcadia	7/5/2025
LA-003 Finishes and Grading Issue E	Arcadia	7/5/2025
LA-004 Finishes and Grading Issue E	Arcadia	7/5/2025
LA-010 Index Plan Softworks Plan Issue E	Arcadia	7/5/2025
LA-011 Softworks Plan Issue E	Arcadia	7/5/2025
LA-012 Softworks Plan Issue E	Arcadia	7/5/2025
LA-013 Softworks Plan Issue E	Arcadia	7/5/2025
LA-014 Softworks Plan Issue E	Arcadia	7/5/2025
LA-015 Softworks Schedule Issue E	Arcadia	7/5/2025

The above landscape plans shall be amended as follows:

- ~~a) In accordance with the required amendments to the architectural plans.~~
- ~~a) Area of indigenous/low water use planting (3055.59m²) is to be identified on the landscape plans as required under the BASIX.~~
- ~~Provide a Landscape Plan for Level 4 Planter boxes. Provide planting plan and update plant schedule consultant to certify the amended Landscape Plans.~~
- a) Area of indigenous/low water use planting (3055.59m²) is to be identified on the landscape plans as required under the BASIX.
- b) Provide a landscape Plan for Level 4 planter boxes. Provide a planting plan and update plant schedule.
- c) Bushfire consultant to certify the amended Landscape Plans

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

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

Reason: To ensure adequate landscaping of the site.

25. Environmental Site Management Plan

Prior to commencement of any works, the Principal Certifier shall be satisfied that an Environmental Site Management Plan (ESMP), has been prepared in accordance with part 23.9 of the Ku-ring-gai Development Control plan. The ESMP shall include the following

details, as relevant to the proposal:

- i) Tree protection areas;
- ii) Machinery usage zones;
- iii) storage areas;
- iv) site sheds; and
- v) Stormwater pollution barriers.

Reason: To manage the site in accordance with Council requirements during construction

26. Compliance with BASIX Certificate

Prior to the issue of the relevant Construction Certificate, the Certifier shall be satisfied that:

- BASIX Certificate to be updated in accordance with amended Landscape Plans and the proposed Landscape area for Unit A406 to be included in certificate.
- All other commitments listed in the approved BASIX Certificate (referred to under Condition 1) are detailed on the plans forming the Construction Certificate.

Reason: Statutory requirement.

27. 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.

28. 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.

29. Outdoor lighting

Prior to the issue of the relevant 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.

Commented [JG4]: Deleted - amended plans submitted 14/08 and 20/08 resolve these issues

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

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

30. Basement excavation to be fully tanked

Prior to the issue of the relevant Construction Certificate, the Certifier is to be satisfied that the basement has been designed as a fully tanked structure as per the requirement of Part 24 C.3(8) of the Ku-ring-gai DCP, unless the Certifier is satisfied that ongoing dewatering will be less than 3ML/year and the proposal does not require approval by NSW DPI Office of Water. The Certifier shall consult with a geotechnical engineer before making their decision.

Reason: To protect the environment.

31. Stormwater quality control

Prior to issue of the relevant 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 compliance with the pollutant load standards set out in Part 24C.6 of the KDCP. ~~lodgement of a Section 4.55 application to Council to modify the consent and the approval of that application.~~

Commented [JG5]: Amended per discussions with the applicant

Reason: To protect the environment.

32. Excavation for services

Prior to the issue of the relevant 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.

33. Location of air conditioning condensers (residential flat buildings)

Prior to the issue of the relevant Construction Certificate, the Certifier shall be satisfied that architectural plans show all air conditioning condensers on the roof of both buildings in accordance with Section 7.4 of DA Acoustic Report titled 'Proposed Residential Development at 136-144 Fox Valley Road Wahroonga' dated 8/05/2025 (Version 2) prepared by Koikas Acoustics.

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

34. 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 the relevant 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 rainwater 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.

The relevant 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.

35. Driveway vehicular access

Prior to issue of the relevant 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 prepared by a suitably qualified civil/traffic engineer and submitted to and approved by the Certifier. The vehicle access profiles are to be at a recognised scale along both edges of the proposed driveway, starting from the centreline of the public road to the proposed basement entry and must also demonstrate that the driveway gradient shows 5% for the first 6m within the site boundary. The driveway profiles must demonstrate that the maximum grade entry into the parking area and that all changes in grade (transitions) comply with the relevant standards to prevent the scraping of the underside of vehicles.

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

36. Driveway grades - basement carparks

Prior to the issue of the relevant Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for approval 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 maximum grades of 20% or 1 in 5,
- vehicular access throughout the carpark has maximum grades of 25% or 1 in 4, and
- all changes in grade (transitions) are compliant with Australian Standard 2890.1 - "Off-street car parking" (refer clause 2.5.3) to prevent the scraping of the underside of vehicles
- visual splays (sight line triangles of 2m x 2.5m) are provided at the property boundary on either side of the driveway, as required by Figure 3.3 of AS2890.1:2004.
- demonstrate that the driveway gradient of 5% for the first 6m has been provided as per AS2890.1:2004.

- the proposed driveway crossing must connect with the relevant design of the adjoining intersection.

Commented [JG6]: Amended per discussions with the applicant

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.

37. Basement car parking details

Prior to issue of the relevant 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.

38. Car parking allocation

Car parking within the development shall be allocated as follows:

Resident car spaces	118
Visitor spaces	18
Car Shared spaces	1
Car Wash spaces	1
Total	138

Each platinum unit must be provided with car parking complying with the dimensional and location requirements of the Livable Housing Guidelines

At least one visitor space shall also comply with the dimensional and location requirements of AS2890.6 - *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 the relevant Construction Certificate.

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

39. Ausgrid requirements

Prior to issue of the relevant 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 relevant 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.

40. 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.

41. 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 the relevant 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.

42. Design and construction of mechanical ventilation

Prior to the issue of the relevant 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.

43. Waste and recycling storage facilities - residential flat building

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

Details of the waste storage room demonstrating compliance with the requirements of this condition shall be provided to and approved by the Certifier prior to the issue of the relevant Construction Certificate.

Reason: To protect amenity and to prevent environmental pollution

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

44. 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.

45. Section 7.11 Local infrastructure contributions (amounts to be inserted)

Commented [SK7]: Section 7.11 to be confirmed

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

Key Community Infrastructure	Amount
Local recreation and cultural facilities; Local social facilities	\$
Local parks and local sporting facilities	\$
Total:	\$

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:

46. Contamination investigation

The recommendations under Part 14 of the Preliminary Site (Contamination) Investigation (prepared by Douglas Partners; dated April 2025) must be implemented.

Reason: To ensure compliance with State Environmental Planning Policy (Resilience and Hazards) 2021 and environmental health.

47. Imported fill

Where it is necessary to import landfill material onto the site to fill the land to levels shown on the plans forming part of the consent, a certificate, prepared by a suitably qualified and experienced contaminated land consultant, shall be submitted to Council being the regulatory authority prior to the commencement of any works, certifying that the imported fill is virgin excavated natural material (VENM) or compliant with a NSW EPA Resource Recovery Order which permits land application.

Reason: To ensure compliance with SEPP (Resilience and Hazards) 2021 and environmental health.

48. Discovery of additional information (Contaminated Land)

Any new information discovered during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council being the regulatory authority for the management of contaminated land immediately upon discovery.

Reason: To ensure compliance with SEPP (Resilience and Hazards) 2021 and environmental health.

49. 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.

50. 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.

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.

51. 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.

52. 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.

53. Control of construction noise (Noise and vibration management plan)

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.

54. 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.

55. 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.

56. 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 report Project No. 207660.02 dated September 2024 prepared by Douglas Partners.

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

Reason: To ensure the safety and protection of property.

57. 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.

58. 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/>](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.

59. Recycling of building material (general)

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

Reason: To facilitate recycling of materials.

60. 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.

61. Construction signage

All construction signs must comply with the following requirements:

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

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

62. 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.

63. 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.

64. Temporary disposal of stormwater

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

Reason: To protect the natural environment.

65. 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 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.

66. 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
Tree 104 Eucalyptus saligna (Sydney Blue Gum) to the western boundary within neighbouring lot	11.6m

Tree 105 Eucalyptus saligna (Sydney Blue Gum) to the western boundary within neighbouring lot	6.4m
Tree 107 Eucalyptus saligna (Sydney Blue Gum) to the western boundary within neighbouring lot	6.8m
Tree 108 Eucalyptus saligna (Sydney Blue Gum))/ to southwestern corner	5.8m
Tree 109 Syncarpia glomulifera (Turpentine)/ to southwestern corner	4.6m
Tree 134 Platanus x hispanica (Plane tree)/ to southwestern corner.	3.6m

Reason: To protect existing trees.

67. 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
Tree 104 Eucalyptus saligna (Sydney Blue Gum) to the western boundary within neighbouring lot	11.6m
Tree 105 Eucalyptus saligna (Sydney Blue Gum) to the western boundary within neighbouring lot	6.4m
Tree 107 Eucalyptus saligna (Sydney Blue Gum) to the western boundary within neighbouring lot	6.8m
Tree 108 Eucalyptus saligna (Sydney Blue Gum))/ to southwestern corner	5.8m
Tree 109 Syncarpia glomulifera (Turpentine)/ to southwestern corner	4.6m
Tree 134 Platanus x hispanica (Plane tree)/ to southwestern corner.	3.6m

Reason: To protect existing trees.

68. 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 1, 2, 3,10,13, 14, 15, 16, 17, and 19 are approved for removal under the road widening works for the intersection.	Removal
Tree 4, 5, 6, 7, 8, 9, 11, 12, 18, 20. 21, 22, 24, 25, 110 - 120	Removal

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/horticulturalist, 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.

69. 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
Tree 104 Eucalyptus saligna (Sydney Blue Gum) to the western boundary within neighbouring lot	11.6m
Tree 105 Eucalyptus saligna (Sydney Blue Gum) to the western boundary within neighbouring lot	6.4m
Tree 107 Eucalyptus saligna (Sydney Blue Gum) to the western boundary within neighbouring lot	6.8m
Tree 108 Eucalyptus saligna (Sydney Blue Gum))/ to southwestern corner	5.8m
Tree 109 Syncarpia glomulifera (Turpentine)/ to southwestern corner	4.6m
Tree 134 Platanus x hispanica (Plane tree)/ to southwestern corner.	3.6m

Reason: To protect existing trees.

70. 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.

71. Tree planting on nature strip

The following tree species, shall be planted, at no cost to Council, in the nature strip fronting the property along Fox Valley Road and Link Road. 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
Ulmus parvifolia (Chinese Elm)	9	Fox Valley Road

Callistemon 'Hannah Ray' (red Bottlebrush)	3	Link Road
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Reason: To provide appropriate landscaping within the streetscape.

72. 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.

73. 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.

74. 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.

75. 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.

76. 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.

77. 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:

78. OSD positive covenant stormwater detention facilities

Prior issue of a Occupation Certificate, a positive covenant and restriction on the use of land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on site shall be created. The terms of the instruments are to be generally in accordance with the Council's "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.4.1 of the Ku-ring-gai Development Control Plan). The location of the on-site detention facilities for all dwellings is to be noted on the final plan of subdivision.

Commented [JG8]: Changed to OC stage as subdivision to occur before CC is issued

Reason: To ensure maintenance of on-site stormwater detention facilities.

79. Positive covenant retention and re-use facilities

Prior to issue of a Occupation Certificate, the Applicant shall create a positive covenant and restriction on the use of land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site retention and re-use facilities. The terms of the instruments are to be generally in accordance with the Council's "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.4.2 of the Ku-ring-gai Development Control Plan). The location of the on-site detention facilities for all dwellings is to be noted on the final plan of subdivision.

Commented [JG9]: Changed to OC stage as subdivision to occur before CC is issued

Reason: To ensure maintenance of site retention and re-use facilities.

80. Easement for waste collection

Prior to the issue of a Occupation Certificate, an easement for waste collection under Section 88B of the Conveyancing Act 1919 shall be created. 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.

Commented [JG10]: Changed to OC stage as subdivision to occur before CC is issued

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

81. Submission of 88b instrument

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

Commented [JG11]: Changed to OC stage as subdivision to occur before CC is issued

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

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

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

Commented [JG12]: Changed to OC stage as subdivision to occur before CC is issued

required, then proof to this effect must be submitted to the Principal Certifier.

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

83. Validation report to be submitted

If the further investigations required by the approved Preliminary Site (Contamination) Investigation (prepared by Douglas Partners) in Condition 1 identify that contamination and remediation works are required, the following is applicable:

After completion of the remedial works, a copy of the validation report shall be submitted to Council being the regulatory authority for the management of contaminated land, prior to the issue of any Occupation Certificate. The Validation Report shall be prepared in accordance with the NSW Environment Protection Authority's (EPA) guidelines, Consultants Reporting on Contaminated Sites, and shall:

- describe and document all works performed
- include results of validation testing and monitoring
- include validation results of any fill imported on to the site
- show how all agreed clean-up criteria and relevant regulations have been complied with
- include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

Reason: To ensure compliance with SEPP (Resilience and Hazards) 2021 and environmental health.

84. Storage

Prior to the relevant Occupation Certificate, certification must be provided to the Certifier demonstrating that storage has been provided in accordance with ADG 4C-1 and 4G-2, including:

a) At the following rates:

- Studio apartments: 4m³
- 1 bedroom apartments: 6m³
- 2 bedroom apartments: 8m³
- 3+ bedroom apartments: 10m³

And

b) All storage to a maximum of 50% of (a) above is to be constructed and allocated if located elsewhere outside the dwelling; and

c)

d) Storage calculations excludes bedroom wardrobes, kitchen cupboards and pantries, bathrooms.

Commented [JG13]: Changed per discussions with the applicant

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

85. Livable Housing - Silver and Platinum Units

Prior to the issue of the relevant 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 Livable Housing Design Guidelines, and as identified within the Statement of Compliance Access for People with a Disability prepared by Accessible Building Solutions, dated 18.09.2024 as follows:

- a) All apartments identified as Silver Level; and
- b) Apartments ALG01, ALG02, AGL01, A109, A209, A309, BGL02, BGL04, BGL05, B102, B105, B202, B205, B302 & B305 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.

86. Compliance with BASIX Certificate

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

Reason: Statutory requirement.

87. 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.

88. Completion of landscape works

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

Reason: To ensure that all landscape works within the site are completed prior to Occupation Certificates being issued for all dwellings within the development.

Commented [JG14]: Changed per discussions with the applicant

89. Mechanical noise control

Prior to the issue of any 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.

90. Outdoor Lighting

Prior to the issue of the relevant 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.

91. Location of air conditioning condensers

Prior to the issue of any Occupation Certificate, the Principal Certifier shall be satisfied that all air conditioning condensers are located on the roof and comply with the requirements and recommendations of Section 7.4 of DA Acoustic Report titled 'Proposed Residential Development 136-144 Fox Valley Road Wahroonga' dated 8/05/2025 (Version 3) prepared by Koikas Acoustics.

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

92. Certification of drainage works

Prior to issue of any 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 any Occupation Certificate.

Reason: To ensure appropriate stormwater management.

93. Works as executed plans for stormwater management and disposal

Prior to issue of the relevant 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 any 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.

94. Basement pump-out maintenance

Prior to issue of any 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 any 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.

95. Sydney Water Section 73 Compliance Certificate

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

Reason: Statutory requirement.

96. 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 any Occupation Certificate.

This marker plate can be purchased from Council.

Reason: To prevent unlawful alteration.

97. Certification of as-constructed driveway/carpark

Prior to issue any 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" in terms of minimum parking space dimensions.
3. Finished driveway gradients and transitions will not result in the scraping of the underside of cars.
4. No doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
5. The development complies with vehicular headroom requirements of Australian Standard 2890.1 - "Off-street car parking"
6. **2.6 metres** of height clearance for waste collection trucks (refer Part 25 of the Kuring-gai DCP) are met from the public street into and within the applicable areas of the basement carpark.
7. The car share space in Basement 1 level is to be reserved for car share operation, with no charge to the car share operator to use the space/s.
8. The space must be available/accessible to verified members of the car share scheme (including members who are not residents of the development) and should be well-lit with safe pedestrian access.
9. The space must be contracted to an operator (a Car Share Provider that has been approved by the Responsible Authority) with evidence of agreement submitted to the Principal Certifier (with a copy to Council) prior to issuing of the relevant Occupation Certificate.
10. Car share vehicles must be operational within 4 weeks of issue of the relevant Occupation Certificate.
11. The agreement must ensure appropriate insurance and vehicle maintenance is in place, including public liability.
12. Sufficient cellular communications connectivity must be available at the location of the carshare space to ensure proper car share management/operation.

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 any Occupation Certificate.

Commented [JG15]: Car share space requirements added for consideration by the applicant - note: a car space has already been shown on the plans, the requirements relate to how the car share scheme operates

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

98. Reinstatement of redundant crossings and completion of infrastructure works

Prior to issue of any 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:

- i. 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)
- ii. full repair and resealing of any road surface damaged during construction
- iii. full replacement of damaged sections of grass verge to match existing

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.

99. Infrastructure repair

Prior to issue of the relevant 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.

100. Fire safety certificate

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

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

101. Waste and recycling storage facilities- residential flat building

Prior to the issue of any Occupation Certificate, the Principal Certifier shall be satisfied that the waste storage room has been installed in the basement and is of adequate size to contain the waste bins. The waste storage room must be covered and all internal walls must be rendered and coved at the floor/wall intersection. The floor must be graded and appropriately drained to the sewer and a tap with hot and cold water must be located in close proximity to facilitate cleaning.

Reason: To protect amenity and to prevent environmental pollution.

102. Stormwater quality control positive covenant/restriction

Prior to issue of the Occupation Certificate, the Applicant shall create a positive covenant and restriction on the use of land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater quality control devices (i.e. Bio-retention, Stormfilter devices, enviropods) and outlet works. The terms of the instruments are to be to the satisfaction of Council. The location of the stormwater quality devices is to be noted on the final plan of subdivision.

Reason: To ensure maintenance of stormwater treatment devices.

Commented [JG16]: Changed to OC stage as subdivision to occur before the CC is issued

104. Issue of subdivision certificate

~~The Subdivision Certificate must not be issued until all conditions of this Development Consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifier.~~

~~**Reason:** To ensure that the development is completed prior to transfer of responsibility for the site and development to another person.~~

Commented [JG17]: Subdivision certificate conditions moved to the start of the condition set

CONDITIONS TO BE SATISFIED AT ALL TIMES:

103. 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.
3. 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.

104. Encroachment over burdens

No part of any structure shall encroach over any easement and no loadings are to be imposed upon utilities within any easement unless approved by the owner(s) of the land having the benefit of the easement, or the person having benefit of any easement in gross, or the owner of any such utilities.

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

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

Reason: To ensure compliance with the Development Consent.

105. 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.

106. Rainwater reuse system - noise

Prior to the issue of any Occupation Certificate, the Principal Certifier shall be satisfied that:

1. 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, and
2. Outside of these restricted hours noise from pumps associated with rain-water reuse systems shall 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 or another suitably qualified individual that the development achieves the above requirements is to be submitted to the Principal Certifier.

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

107. 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.

108. Canopy replenishment trees to be maintained

The canopy replenishment trees required 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.