

6 August 2025

Response to Conditions

Proposed changes to the Conditions of Consent and their associated justification is provided in **Table 1**. The principles which have guided the proposed changes to the draft conditions are:

- Changes to the timing of conditions to prevent any unnecessary delays in obtaining relevant construction certificates;
- Deletion of condition which require a significant redesign of the development as these are considered unnecessary and not required in order for the development to provide a high level of residential amenity;
- Deletion to conditions which are duplicated throughout the draft conditions;
- Amendments to reference of plans and reports to reflect the latest documentation issued to Council.

Words proposed to be deleted are shown in **~~bold strike through~~** and words to be inserted are shown in ***bold italics***.

Table 1 Requested amendments to Conditions of Consent and associated justification

Original Condition		Proposed Condition		Justification
1. Approved architectural plans and documentation (new development)**		1. Approved architectural plans and documentation (new development)**		To reflect the correct reference to plans and documents submitted to Council.
Plan no.	Dated	Plan no.	Dated	<i>Note: There are no changes proposed to plans not referenced in the adjoining table.</i>
1 of 2 Sheets – Subdivision of Lot 103 in DP 1293107	5/5/2025	1 of 2 Sheets – Subdivision of Lot 103 in DP 1293107	5/5/2025	
1 of 2 Sheets – Subdivision of Lot 103 in DP 1293107	5/5/2025	<i>1 2</i> of 2 Sheets – Subdivision of Lot 103 in DP 1293107	5/5/2025	
Earthworks Staging Plan Sheet 1	29/4/2025	Earthworks Staging Plan Sheet 1	29/4/2025	
Earthworks Staging Plan Sheet 1	29/4/2025	Earthworks Staging Plan Sheet <i>1 2</i>	29/4/2025	
DA-100-03, Rev F	2/5/2025	DA-100-03 <i>0</i> , Rev F	2/5/2025	

Original Condition		Proposed Condition		Justification
231292-TTW-00-DR-CI-04011, Rev C	7/5/2025	231292-TTW-00-DR-CI-04011, Rev C	7/5/2025 8/5/2025	
231292-TTW-00-DR-CI-04100, Rev A	7/5/2025	231292-TTW-00-DR-CI-04100, Rev A	7/5/2025 8/5/2025	
Document(s)	Dated	Document(s)	Dated	
Crime Prevention Through Environmental Design prepped by Ethos Urban	8/5/2025	Crime Prevention Through Environmental Design prepped prepared by Ethos Urban	8/5/2025	
Geotechnical Investigation prepared Douglas Partners	9/2025	Geotechnical Investigation prepared Douglas Partners	9/2025 9/2024	
Acoustic Report prepared by Koikas Acoustics Pty Ltd	11/6/2025	Acoustic Report prepared by Koikas Acoustics Pty Ltd	11/6/2025 8/5/2025	
10. Construction traffic management plan		10. Construction traffic management plan		It is an onerous and inefficient requirement to have separate traffic controls plans. It is likely each stage will consist of a common access point and site layout and it is suitable, efficient and appropriate to have only one Traffic Management Plan for the entire construction phase of the development. It is also noted that a vehicle crossing is not proposed to be constructed on Council's property, and no vehicles will be reversing into and out of the site during construction at any point, and therefore these requirements are not relevant to the proposed project. In addition, the wording in the condition that relates to vehicle movements on Fox Valley Road is proposed to be amended to ensure consistency with the wording contained in Condition 11 for DA0539/21 (as amended by eMOD01070/24) which relates to Stages 1 and 2 of the Wahroonga Estate. The Stage 1 and 2 development approval only restricts MRVs or greater during school drop-off and pick-up times. It is unreasonable to restrict all other vehicle movements as they will not significantly impact on the operation of the surrounding road network. .
A construction traffic management plan (CTMP) is to be submitted to Council and approved prior to the commencement of any works.		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 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		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		

Original Condition	Proposed Condition	Justification
- 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.	- 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. <i>Traffic control plans must be provided as part of the Construction Traffic Management Plan for each access arrangement to the site. One traffic control plan must be provided to Council for each of the following stages of the works:</i> <i>-demolition</i> <i>-excavation</i> <i>-concrete pour</i> <i>-construction of vehicular crossing and reinstatement of footpath</i> <i>-traffic control for vehicles reversing into or out of the site</i> 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 <i>(Medium Rigid Vehicle of 8.8m or greater)</i> 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	

Original Condition	Proposed Condition	Justification
	has approved the CTMP.	
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.	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.	This condition is requested to be deleted as it is a duplicate of Condition 4.
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	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	As discussed in the response dated 29/07/2025 the proposed amendments to the skylights and external shading devices are considered unreasonable and are proposed to be deleted. Additionally, the Applicant will work with Council on the deep soil matter to find an acceptable solution. As such, it is proposed that this condition can be deleted through amended plans rather than a condition.

Original Condition	Proposed Condition	Justification
relocated in line with western edge of the proposed courtyard paving to each unit. 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.	relocated in line with western edge of the proposed courtyard paving to each unit. b) The private open space areas of the southern and eastern lower ground floor units ALG AGL.01, ALG AGL.02 and AGL.04 and BLG BGL.02, BLG BGL.03 and BLG BGL.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.	
22. Livable Housing - Silver and Platinum Units Prior to the issue of any 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, BGL05, B102, B105, B202, B205, B302 & B305 identified as Platinum Level.	22. Livable Housing - Silver and Platinum Units Prior to the issue of any 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: AGL01, AGL02, AGL01, A109, A209, A309, BGL02, BGL04, BGL05, B102, B105, B202, B205, B302 & B305 identified as Platinum Level.	To enable the Condition to be satisfied prior to the issue of the 'relevant' Construction Certificate and enable the flexibility to provide staged Construction Certificates. This amendment seeks to include unit BGL04 which is also a platinum level unit.
23. Amendments to approved landscape plan Prior to the issue of any 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: ... The above landscape plans shall be amended as follows: c) In accordance with the required amendments to the architectural plans. Area of indigenous/low water use planting (3055.59m²) is to be identified on the landscape	23. Amendments to approved landscape plan Prior to the issue of any 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: ... The above landscape plans shall be amended as follows: c) In accordance with the required amendments to the architectural plans. 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	To enable the Condition to be satisfied prior to the issue of the 'relevant' Construction Certificate and enable the flexibility to provide staged Construction Certificates. This condition should only be required prior to be satisfied prior to the commencement of building works/landscape works. The first sentence of c) is proposed to be deleted as it appears to be a typo and not required.

Original Condition	Proposed Condition	Justification
plans as required under the BASIX. Provide a Landscape Plan for Level 4 Planter boxes. Provide planting plan and update plant schedule. d) Bushfire consultant to certify the amended Landscape Plans. e) 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.	Plan for Level 4 Planter boxes. Provide planting plan and update plant schedule. d) Bushfire consultant to certify the amended Landscape Plans. e) An amended plan, prepared by a landscape architect or qualified landscape designer shall be submitted to the Certifier. Prior to the issue of any the relevant Construction Certificate, the Certifier shall be satisfied that the landscape plan has been amended as required by this condition.	
24. Amendments to approved engineering plans Prior to the issue of a Construction Certificate, the Certifier shall be satisfied that the approved engineering plan, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition and amended architectural and landscape plans as well as other conditions of this Development Consent: The Civil Engineering Plan - Project No. 231292 dated 31.10.24 prepared by TTW Engineering shall be amended as follows: • The proposed pump-out tank is required to demonstrate compliance with the storage requirements for the 100-year 2-hour storm as specified under Part 24B.5 of the Ku-ring-gai DCP. • The rising main from the pump out system shall be connected to the on-site detention system. • Supporting hydraulic calculations shall demonstrate compliance with Part 24C.3-4 of the Ku-ring-gai DCP that requires rainwater retention and re-use to be provided to achieve a 50% reduction in runoff days. A water balance model is to be submitted. • The purpose of the proposed rainwater tank shall be stated on the plans given that a retention component would also be required. • Design details of the dispersal trench to confirm sizing and functionality of the system is to be provided. The dispersal trench is to be designed in accordance with the Ku-ring-gai Council 'Technical Guideline for Water Management'.	24. Amendments to approved engineering plans Prior to the issue of a the relevant Construction Certificate, the Certifier shall be satisfied that the approved engineering plan, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition and amended architectural and landscape plans as well as other conditions of this Development Consent: The Civil Engineering Plan – Project No. 231292 dated 31.10.24 and 7/5/2025 prepared by TTW Engineering shall be amended as follows: • The proposed pump-out tank is required to demonstrate compliance with the storage requirements for the 100-year 2-hour storm as specified under Part 24B.5 of the Ku-ring-gai DCP. • The rising main from the pump out system shall be connected to the on-site detention system. • Supporting hydraulic calculations shall demonstrate compliance with Part 24C.3-4 of the Ku-ring-gai DCP that requires rainwater retention and re-use to be provided to achieve a 50% reduction in runoff days. A water balance model is to be submitted. • The purpose of the proposed rainwater tank shall be stated on the plans given that a retention component would also be required. • Design details of the dispersal trench to confirm sizing and functionality of the system is to be provided. The dispersal trench is to be designed in accordance with the	To enable the Condition to be satisfied prior to the issue of the 'relevant' Construction Certificate and enable the flexibility to provide staged Construction Certificates. Furthermore, several civil plans are dated 7/5/2025. As such, the condition should include an accurate reference to all civil plans.

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The dispersal system is to be relocated from the adjoining site to within the subject property. An amended engineering plan, prepared by a qualified engineer shall be submitted to the Certifier.	Ku-ring-gai Council 'Technical Guideline for Water Management'. The dispersal system is to be relocated from the adjoining site to within the subject property. An amended engineering plan, prepared by a qualified engineer shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate.	
25. Compliance with BASIX Certificate Prior to the issue of any 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.	25. Compliance with BASIX Certificate Prior to the issue of any 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 A4.06 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.	To enable the Condition to be satisfied prior to the issue of the 'relevant' Construction Certificate and enable the flexibility to provide staged Construction Certificates.
	25A Environmental Site Management Plan <i>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> <i>i) Tree protection areas;</i> <i>ii) Machinery usage zones;</i> <i>iii) storage areas;</i> <i>iv) site sheds; and</i> <i>v) Stormwater pollution barriers.</i>	A new condition is proposed to response to Council's concern regarding an environmental site management plan.
28. Outdoor Lighting Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that all outdoor lighting will comply with AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting and be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.	28. Outdoor Lighting Prior to the issue of any 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.	To enable the Condition to be satisfied prior to the issue of the 'relevant' Construction Certificate and enable the flexibility to provide staged Construction Certificates.

Original Condition	Proposed Condition	Justification
Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set:2010 Lighting for roads and public spaces. Details demonstrating compliance with these requirements are to be submitted to the Certifier prior to the issue of a Construction Certificate.	Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set:2010 Lighting for roads and public spaces. Details demonstrating compliance with these requirements are to be submitted to the Certifier prior to the issue of a the relevant Construction Certificate.	
29. Basement excavation to be fully tanked Prior to the issue of any 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.	29. Basement excavation to be fully tanked Prior to the issue of any 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.	To enable the Condition to be satisfied prior to the issue of the 'relevant' Construction Certificate and enable the flexibility to provide staged Construction Certificates.
30. Stormwater quality control Prior to issue of any Construction Certificate, the Certifier is to be satisfied that Stormwater Treatment Measures for the proposed development have been designed in accordance with the requirements of Part 24C.6 of the Ku-ring-gai DCP and is to be included with the plans and specifications accompanying any Construction Certificate. Any variation to the approved proprietary device as shown on the stormwater management plans listed in Condition 1 of the consent will require lodgement of a Section 4.55 application to Council to modify the consent and the approval of that application.	30. Stormwater quality control Prior to issue of any 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 lodgment of a Section 4.55 application to Council to modify the consent and the approval of that application.	To enable the Condition to be satisfied prior to the issue of the 'relevant' Construction Certificate and enable the flexibility to provide staged Construction Certificates. The requirement to submit a variation to the proprietary device is unreasonable. It's standard practice for the design to evolve through the detailed design and construction certificate process. The stormwater water quality modelling in MUSIC as presented in the Civil Development Application Report had utilised the term "or approved equivalent". This would allow competitive tendering options, and any substituted products would still require compliance with Council pollutant reduction targets.
31. Excavation for services Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that no proposed underground services (ie: water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under the Ku-ring-gai Development Control Plan, located on the subject allotment and adjoining allotments.	31. Excavation for services Prior to the issue of any 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.	To enable the Condition to be satisfied prior to the issue of the 'relevant' Construction Certificate and enable the flexibility to provide staged Construction Certificates.

Original Condition	Proposed Condition	Justification
32. Location of air conditioning condensers (residential flat buildings) Prior to the issue of any 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.	32. Location of air conditioning condensers (residential flat buildings) Prior to the issue of any 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.	To enable the Condition to be satisfied prior to the issue of the 'relevant' Construction Certificate and enable the flexibility to provide staged Construction Certificates.
33. Acoustic design report An acoustic design report shall be prepared by an appropriately qualified acoustic consultant and submitted to the Certifier with the application for any Construction Certificate. The acoustic design report shall identify all mechanical ventilation equipment and other noise generating plant including, but not limited to air conditioners, car park exhaust, bathroom/toilet and garbage room exhaust, roller shutter doors, lifts and pumps associated with 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. A Construction Certificate shall not be issued unless the Certifier is satisfied that the acoustic design report satisfies the requirements of this condition, and that the proposal will be constructed in accordance with its requirements.	33. Acoustic design report An acoustic design report shall be prepared by an appropriately qualified acoustic consultant and submitted to the Certifier with the application for any 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. A 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.	To enable the Condition to be satisfied prior to the issue of the 'relevant' Construction Certificate and enable the flexibility to provide staged Construction Certificates.
34. Driveway vehicular access Prior to issue of any Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the	34. Driveway vehicular access Prior to issue of any the relevant Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings	This information would only be known prior to the commencement of building works and would prevent a construction certificate from being issued for demolition and other enabling works.

Original Condition	Proposed Condition	Justification
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.	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.	The amendment is to enable the Condition to be satisfied prior to the issue of the 'relevant' Construction Certificate and enable the flexibility to provide staged Construction Certificates.
35. Driveway grades - basement carpark Prior to the issue of any 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 approved design for the footpath and nature-strip as per Part 3A Concept approval.	35. Driveway grades - basement carpark Prior to the issue of any 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 approved design for the footpath and nature-strip as per Part 3A Concept approval relevant design of the adjoining intersection.	To enable the Condition to be satisfied prior to the issue of the 'relevant' Construction Certificate and enable the flexibility to provide staged Construction Certificates. Information relating to the driveway section would only be known prior to commencement of detailed design and construction certificate documentation. The current wording would significantly delay a construction certificate from being issued for demolition and enabling works. Additionally, to ensure flexibility, it is requested the driveway connects to the most recent design of the adjoining intersection. Reference to footpaths and nature strips is

Original Condition	Proposed Condition	Justification
If a new driveway crossing is proposed, the longitudinal sections must incorporate the driveway crossing levels as issued by Council upon prior application.	If a new driveway crossing is proposed, the longitudinal sections must incorporate the driveway crossing levels as issued by Council upon prior application.	removed as these are not relevant for the connection of the driveway crossing.
36. Basement car parking details Prior to issue of any Construction Certificate, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements must be submitted to and approved by the Certifier. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that: • all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 - 2004 "Off-street car parking" • a clear height clearance of 2.6 metres (required under Part 23.7 'Waste Management' for waste collection trucks is provided over the designated garbage collection truck manoeuvring areas within the basement and all other areas within the basement required for garbage collection truck manoeuvring • Council and its contractor can have unimpeded access to the waste storage facility within the development for the purpose collecting waste and recycling materials. Security doors or gates installed leading to the waste storage area are to be keyed to Council's master key to allow unimpeded access. • the vehicle access and accommodation arrangements are to be constructed and marked in accordance with the certified plans	36. Basement car parking details Prior to issue of any 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	To enable the Condition to be satisfied prior to the issue of the 'relevant' Construction Certificate and enable the flexibility to provide staged Construction Certificates.
37. Car parking allocation ... 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 AS2890.1 - parking spaces for people with disabilities. ...	37. Car parking allocation ... 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 AS2890.1 AS2890.6 - parking spaces for people with disabilities.	The reference included is the incorrect Australian Standard. The proposed condition seeks to correct this. To enable the Condition to be satisfied prior to the issue of the 'relevant' Construction Certificate and enable the flexibility to provide staged Construction Certificates.

Original Condition	Proposed Condition	Justification
Access from disabled car parking spaces to other areas within the building and to footpath and roads shall be clearly shown on the plans submitted with any Construction Certificate.	... Access from disabled car parking spaces to other areas within the building and to footpath and roads shall be clearly shown on the plans submitted with any the relevant Construction Certificate.	
38. Ausgrid requirements Prior to issue of any Construction Certificate, Ausgrid must be contacted regarding the power supply for the subject development. A written response, detailing the full requirements of Ausgrid (including any need for underground cabling, substations or similar within or in the vicinity of the development) shall be submitted and approved by the Certifier prior to issue of any Construction Certificate. Any structures or other requirements of Ausgrid shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Certifier and Ausgrid. The requirements of Ausgrid must be met in full prior to the issue of an Occupation Certificate.	38. Ausgrid requirements Prior to issue of any 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.	The information required from Ausgrid relate to servicing of the full development and is not required in order for demolition to occur in an orderly manner. Amendments are proposed to enable a Construction Certificate to be staged.
40. Underground services All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the requirements of the relevant service provider. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met is to be provided to the Certifier prior to the issue of any Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed.	40. Underground services All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the requirements of the relevant service provider. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met is to be provided to the Certifier prior to the issue of any 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.	The information from Ausgrid relates to the proposed building and is not required in order for demolition to occur in an orderly manner. Amendments are proposed to enable a Construction Certificate to be staged.
41. Design and construction of mechanical ventilation Prior to the issue of any Construction Certificate the Certifier shall be satisfied that plans and specifications demonstrate that the installation of mechanical ventilation systems will comply with:	41. Design and construction of mechanical ventilation Prior to the issue of any the relevant Construction Certificate the Certifier shall be satisfied that plans and specifications demonstrate that the installation of mechanical ventilation systems will comply with:	To enable the Condition to be satisfied prior to the issue of the 'relevant' Construction Certificate and enable the flexibility to provide staged Construction Certificates.

Original Condition	Proposed Condition	Justification
• The National Construction Code • Australian Standard 1668 • Australian Standard 3666 where applicable.	• The National Construction Code • Australian Standard 1668 • Australian Standard 3666 where applicable.	
42. Consolidation of lots Prior to issue of any Construction Certificate, the Applicant must consolidate the existing lots (Lot 1 DP 834963, Lot 701 in DP 1291622, Lot 1 and Lot 103 in DP 1293107) which will form the development site into a single lot. Evidence of lot consolidation, in the form of a plan registered with NSW Land Registry Services, must be submitted to the Certifier prior to the issue of any Construction Certificate.	42. Consolidation of lots - Two lot subdivision Prior to issue of any the relevant Construction Certificate, the Applicant must consolidate subdivide the existing lots (Lot 1 DP 834963, Lot 701 in DP 291622, Lot 1 and Lot 103 in DP 1293107) into two new lots, one of which will form the development site into a single lot and the other will be a residual lot. Evidence of lot consolidation subdivision, in the form of a plan registered with NSW Land Registry Services, must be submitted to the Certifier prior to the issue of any Construction Certificate.	To enable the Condition to be satisfied prior to the issue of the 'relevant' Construction Certificate and enable the flexibility to provide staged Construction Certificates. The condition incorrectly refers to consolidation when the application involves the subdivision of two lots. Amendments are also proposed to remove lots which are not relevant for this application.
43. Waste and recycling storage facilities - residential flat building Prior to the issue of a 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 any Construction Certificate.	43. Waste and recycling storage facilities - residential flat building Prior to the issue of any 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 any the relevant Construction Certificate.	To enable the Condition to be satisfied prior to the issue of the 'relevant' Construction Certificate and enable the flexibility to provide staged Construction Certificates.
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).	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.	As per the NSW EPA guidelines, imported fill can either be virgin material or can demonstrate compliance with the Resource Recovery Order.

Original Condition		Proposed Condition	Justification
68. Approved tree works Prior to the commencement of any works, the following is to be undertaken to the specified trees:		68. Approved tree works Prior to the commencement of any works, the following is to be undertaken to the specified trees:	The Arborist Report recommends Tree 18 or removal as it is located within the footprint of the proposed basement excavation.
Tree Location	Approved tree works	Tree Location	
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 1, 2, 3,10,13, 14, 15, 16, 17, and 19 are approved for removal under the road widening works for the intersection.	
Tree 4, 5, 6, 7, 8, 9, 11, 12, 20, 21, 22, 24, 25, 110 - 120	Removal	Tree 4, 5, 6, 7, 8, 9, 11, 12, 18 , 20, 21, 22, 24, 25, 110 - 120	
79. Storage Prior to any Occupation Certificate, all storage required by ADG 4G-1 and 4G-2 is to be constructed within all dwellings: 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) All storage is to be full-height and a minimum depth of 600mm; and d) Storage calculations excludes bedroom wardrobes, kitchen cupboards and pantries, bathrooms, laundry cupboards accommodating appliances and tub.		79. Storage Prior to any the relevant Occupation Certificate, certification must be provided to the Certifier demonstrating that storage has been provided in accordance with ADG 4G-1 and 4G-2, including: all storage required by ADG 4G-1 and 4G-2 is to be constructed within all dwellings: 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) All storage is to be full-height and a minimum depth of 600mm; and	The original wording is unclear and provides no neat mechanisms for the certifier to validate the design of the storage. The proposed wording provides a clear process for the Certifier to adhere to. The ADG does not limit or control storage to certain heights or depths. It is proposed that this condition is removed to align with standard architectural practices. The ADG does not restrict storage from being included in the laundry cupboards or tubs. Amendments are proposed to align with the ADG.

Original Condition	Proposed Condition	Justification
	d) Storage calculations excludes bedroom wardrobes, kitchen cupboards and pantries, bathrooms, laundry cupboards accommodating appliances and tub.	
80. Livable Housing – Silver and Platinum Units Prior to the issue of any Occupation Certificate, an independent and accredited Livable Housing Australia Assessor is to submit Stage 2 - Final Mark Certification certifying that the constructed building demonstrates full compliance with the requirements of each standard within the 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, BGL05, B102, B105, B202, B205, B302 & B305 identified as Platinum Level.	80. Livable Housing – Silver and Platinum Units Prior to the issue of any 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: AGL01, AGL02, AGL01, A109, A209, A309, BGL02, BGL04 BGL05, B102, B105, B202, B205, B302 & B305 identified as Platinum Level.	To enable the Condition to be satisfied prior to the issue of the 'relevant' Occupation Certificate and enable the flexibility to provide staged Occupation Certificates. This amendment seeks to include unit BGL04 which is also a platinum level unit.
83 Completion of landscape works Prior to the issue of any Occupation Certificate, the Principal Certifier is to be satisfied that all landscape works have been undertaken in accordance with the approved plan(s) and conditions of this development consent.	83 Completion of landscape works Prior to the issue of any the relevant Occupation Certificate, the Principal Certifier is to be satisfied that all landscape works have been undertaken in accordance with the approved plan(s) and conditions of this development consent.	Amendments are proposed to allow for the flexibility in staging Occupation Certificates.
85. Outdoor Lighting Prior to the issue of any 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.	85. Outdoor Lighting Prior to the issue of any 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.	Amendments are proposed to allow for the flexibility in staging Occupation Certificates.
86. 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	86. 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	Amendments are proposed to correct the reference to the Acoustic Report.

Original Condition	Proposed Condition	Justification
requirements and recommendations of 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.'	requirements and recommendations of Section 7.4 of DA Acoustic Report titled 'Proposed Residential Development, at 136-144 Fox Valley Road Wahroonga' dated 8/05/2025 (Version 2.3) prepared by Koikas Acoustics.'	
88. Works as executed plans for stormwater management and disposal Prior to issue of any 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	88. Works as executed plans for stormwater management and disposal Prior to issue of any 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	To enable the Condition to be satisfied prior to the issue of the 'relevant' Occupation Certificate and enable the flexibility to provide staged Occupation Certificates.

Original Condition	Proposed Condition	Justification
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.	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 the relevant 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.	
93. 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: 1. new concrete driveway crossing in accordance with levels and specifications issued by Council 2. removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials) 3. full repair and resealing of any road surface damaged during construction 4. full replacement of damaged sections of grass verge to match existing 5. reconstruction of kerb and gutter with associated road pavement restoration for the full frontage of the development site This inspection may not be carried out by the Principal Certifier because restoration of Council property outside the boundary of the site is not a matter listed in Section 73 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.	93. 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: 1. new concrete driveway crossing in accordance with levels and specifications issued by Council 2. removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials) 3. full repair and resealing of any road surface damaged during construction 4. full replacement of damaged sections of grass verge to match existing 5. reconstruction of kerb and gutter with associated road pavement restoration for the full frontage of the development site This inspection may not be carried out by the Principal Certifier because restoration of Council property outside the boundary of the site is not a matter listed in Section 73 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.	There is no new driveway crossing proposed on Council land. Council are not required to inspect the proposed driveway crossing. The proposed new intersection works occur prior to construction of Stage 3. The new intersection will reconstruct this kerb and gutter to the site frontage. The wording of the proposed condition would require complete reconstruction of the kerb and gutter which would only be recently installed after the intersection works. This is considered unnecessary as the kerb and gutter proposed under the intersection works would remain in good condition.
94. Infrastructure repair	94. Infrastructure repair	Amendments are proposed to allow for the flexibility in staging Occupation Certificates.

Original Condition	Proposed Condition	Justification
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 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, subcontractors, concrete vehicles) is fully repaired to the satisfaction of Council and at no cost to Council.	Prior to issue of any 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, subcontractors, concrete vehicles) is fully repaired to the satisfaction of Council and at no cost to Council.	
98. OSD positive covenant stormwater detention facilities Prior issue of a Subdivision 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.	98. OSD positive covenant stormwater detention facilities Prior issue of a Subdivision Certificate a final plan of subdivision , 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.	This amendment seeks to clarify that the condition should only apply at the point of final subdivision (being the strata subdivision for the development lot), rather than the initial two lot subdivision.
99. Positive covenant retention and re-use facilities Prior to issue of a Subdivision 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.	99. Positive covenant retention and re-use facilities Prior to issue of a Subdivision Certificate a final plan of subdivision , 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.	This amendment seeks to clarify that the condition should only apply at the point of final subdivision (being the strata subdivision for the development lot), rather than the initial two lot subdivision.
100. Easement for waste collection Prior to the issue of a Subdivision Certificate, an easement for waste collection under Section 88B of the Conveyancing	100. Easement for waste collection Prior to the issue of a Subdivision Certificate a final plan of subdivision , an easement for waste collection under Section	This amendment seeks to clarify that the condition should only apply at the point of final subdivision (being the strata

Original Condition	Proposed Condition	Justification
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.	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.	subdivision for the development lot), rather than the initial two lot subdivision.
101. Stormwater quality control positive covenant/restriction Prior to issue of the Subdivision 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.	101. Stormwater quality control positive covenant/restriction Prior to issue of the Subdivision Certificate a final plan of subdivision , 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.	This amendment seeks to clarify that the condition should only apply at the point of final subdivision (being the strata subdivision for the development lot), rather than the initial two lot subdivision.
103. Requirements of public authorities for connection to services Prior to the issue of a Subdivision Certificate, the Principal Certifier 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 the Principal Certifier.	103. Requirements of public authorities for connection to services Prior to the issue of a Subdivision Certificate a final plan of subdivision , the Principal Certifier 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 the Principal Certifier.	This amendment seeks to clarify that the condition should only apply at the point of final subdivision (being the strata subdivision for the development lot), rather than the initial two lot subdivision.
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.	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.	Other conditions relating to subdivision enforce the same intent of this condition. This condition does not add any additional requirements and should be deleted.
106. General easement/R.O.W. provision and certification Prior to issue of a Subdivision Certificate, a registered surveyor is to provide details to Council that all physical structures are fully contained within the proposed	106. General easement/R.O.W. provision and certification Prior to issue of a Subdivision Certificate a final plan of subdivision , a registered surveyor is to provide details to Council that all physical structures are fully contained within	This amendment seeks to clarify that the condition should only apply at the point of final subdivision (being the strata subdivision for the development lot), rather than the initial two lot subdivision.

Original Condition	Proposed Condition	Justification
allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision. Alternatively, where the surveyor is of the opinion that creation of burdens and benefits is not required, then proof to this effect must be submitted to the Principal Certifier.	the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision. Alternatively, where the surveyor is of the opinion that creation of burdens and benefits is not required, then proof to this effect must be submitted to the Principal Certifier.	