

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-576
DA Number	eMOD0170/24
LGA	Ku-ring-gai
Proposed Development	Modification to Land and Environment Court Consent 35670 of 2022 (DA0539/21) for changes to Building C, including amalgamation of 8 units into 4 and internal design changes.
Street Address	161, 163, 185A Fox Valley Road, Wahroonga
Applicant/Owner	The Trustee for Capital Corporation Wahroonga Unit Trust (applicant) Australasian Conference Association Limited (Owner)
Date of MOD lodgement	4 December 2024
Total number of Submissions Number of Unique Objections	Nil
Recommendation	Approval
Regional Significant Development (Schedule 6 of the SEPP (Planning Systems) 2021	A Section 4.56 modification of consent application to a development with an estimated development cost of more than \$30 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Regulation 2021 • Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Sustainable Buildings) 2022 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Housing) 2021 • Ku-ring-gai Local Environmental Plan 2015 • Ku-ring-gai Development Control Plan
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1. Architectural Plans • Attachment 2. Architectural Design Statement • Attachment 3. Traffic Impact Statement • Attachment 4. Statement of Environmental Effects
Clause 4.6 requests	N/A
Summary of key submissions	N/A
Report prepared by	Asmaa Rabiee
Report date	2 April 2025

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Not applicable
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes



MODIFICATION APPLICATION

ASSESSMENT REPORT

PURPOSE OF REPORT

To determine Modification Application No. eMOD0170/24 for a modification to Land and Environment Court Approval 35670 of 2022 (DA0539/21) proposing changes to Building C, including amalgamation of 8 units into 4 and internal design changes.

This application is reported to the Sydney North Planning Panel (SNPP) for determination as it is a Section 4.56 modification application to a development with an estimated development cost of more than \$30 million. Pursuant to Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, the SNPP is the consent authority.

INTEGRATED PLANNING AND REPORTING

Places, spaces & infrastructure

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

EXECUTIVE SUMMARY

Issues:	No unresolved issues
Submissions:	Nil
Land and Environment Court:	DA0539/21 was approved by the Land and Environment Court on 15 September 2022
Recommendation:	Approval

THE DEVELOPMENT APPLICATION

On 15 September 2022, the NSW Land and Environment Court upheld an appeal (by way of a Section 34 agreement) in relation to DA0539/21. The works approved as part of the DA included the following:

- Demolition of existing structures, Torrens title subdivision into two (2) lots, construction of four residential flat buildings comprising 178 apartments, with basement car parking, new internal road and associated works, including tree removal at 161, 163 and 185A Fox Valley Road, Wahroonga (site). Specifically, the following works:
 - i. site preparation works including demolition of existing structures and tree removal,
 - ii. construction and use of four residential flat buildings, comprising 178 residential apartments, parking for 325 vehicles, 15 motorcycles and 12 bicycles, storage and associated facilities,
 - iii. new two-lane access road, providing access to the shared basement for proposed buildings A, B and C, and 29 at-grade visitor parking spaces and a turning bay,
 - iv. landscaping and public domain works, including planting of 122 new trees,
 - v. relocation of the stormwater detention basins,
 - vi. Torrens title subdivision of the site into two lots,
 - vii. extension/augmentation of services and infrastructure
- Buildings A, B and C are grouped together at the rear of the existing Wahroonga Adventist School and are serviced by a new access road. Building E will be separately located, adjacent to a future school playground and to the east of Buildings A, B and C and will be directly accessible from Fox Valley Road.
- The DA comprised two stages:
 - i. Stage one: the erection of proposed Buildings A, B and C and the common basement below those buildings, and
 - ii. Stage two: the erection of proposed Building E and the basement below that building.
- The Development Application was 'Integrated Development' under Section 4.46 of *the Environmental Planning and Assessment Act 1979* (the *Act*), as the proposed development includes the subdivision of bushfire prone land that could lawfully be used for residential purposes (as set out under Section 100B(1-a) of the *Rural Fires Act, 1997*).

If not commenced, the consent will lapse on 15 September 2027.

PREVIOUS MODIFICATION

MOD0173/22 - A modification to Land and Environment Court Approval 35670 of 2022 (DA0539/21), proposing internal and external changes to the approved residential flat buildings, was approved by Sydney North Planning Panel on 6 July 2023. This modification included amendments to basement level service rooms, removal of two car spaces, plus amalgamation of 1 and 2 bedroom apartments into larger apartments. The modification resulted in a reduction in the overall number of apartments in Buildings A, B and C from 143 to 132.

THE PROPOSAL

Under the provisions of Section 4.56 of the *Act*, consent is sought to modify the development by amalgamating 4 x 1 bedroom apartments and 4 x 2 bedroom apartments into 4 x 3 bedroom apartments and to make various internal floor layout changes. Details of the modification are below:

Building C - Ground level

- Unit CG01
 - i. Reconfiguration of kitchen benches/island
 - ii. Amalgamation of utility room and laundry space
- Unit CG02
 - i. Reconfiguration of laundry room
- Unit CG06
 - i. Amalgamation of bathroom and laundry space
 - ii. Re-design of the utility space
- Unit CG07
 - i. Reconfiguration of bedroom 1 wardrobe space
 - ii. Reconfiguration of laundry / study space

Building C - Levels 1, 2, 3, 4

- Unit C106, C206, C306 and C406
 - i. Amalgamation of previous units C105 and C106 to create a 3-bedroom unit
 - ii. Amalgamation of previous units C205 and C206 to create a 3-bedroom unit
 - iii. Amalgamation of previous units C305 and C306 to create a 3-bedroom unit
 - iv. Amalgamation of previous units C405 and C406 to create a 3-bedroom unit

Building C - Levels 1, 2, 3, 4 and 5

- Unit C108, C208, C308, C408 and C508
 - i. Amalgamation of bathroom and laundry space
 - ii. Reconfiguration of the ensuite
- Unit C109, C209, C309, C409 and C509
 - i. Reconfiguration of bedroom 1 wardrobe space
 - ii. Reconfiguration of laundry space
- Reconfigure bathroom in Unit C505

The modifications described above would require changes to Conditions 1, 23, 48 and 90 of the development consent to DA0539/21.

THE SITE

The site comprises the following allotments:

- Part Lot 201 in DP 1234558;
- Lot 709 in DP 1222418;
- Part Lot 708 in DP 1222418;
- Lot 707 in DP 1222418; and
- Lot 706 in DP 1222418.

The site now has a designated street address of Nos 161, 163 and 185A Fox Valley Road, Wahroonga. At the time the DA was determined, the site was identified as Nos 161, 163, 167 and 169 Fox Valley Road. However, under Council's DA mapping system, 167 and 169 Fox Valley Road are now known as No. 185A Fox Valley Road (**Figures 1 and 2**).



Figure 1: Aerial photograph of part of the site, area the subject of the MOD application (red dashed line) (Source: Team2 Architects, 2024)



Figure 2: Aerial photograph of part of the site (Source: Council Mapping System, 2025)

The site is part of the 'Wahroonga Estate,' which includes the Sydney Adventist Hospital. The Wahroonga Estate spans approximately 62.4 hectares and is situated within both the Ku-ring-gai and Hornsby Local Government Areas. However, the subject site itself is entirely located within the Ku-ring-gai Local Government Area. The Wahroonga Estate is subject to Concept Approval MP07_0166, initially approved under Part 3A of the Environmental Planning and Assessment Act 1979. The Concept Approval divides the Wahroonga Estate into five precincts. The site is situated within Precinct B of the Wahroonga Estate, referred to as the Central Church precinct. Precinct B is situated in the north-eastern portion of the Wahroonga Estate. An extract from the

Wahroonga Estate Concept Plan, illustrating the location of Precinct B, is provided below in **Figure 3**.



Figure 3 – Area enclosed by the blue outline represents the portion of Wahroonga Estate that contains the subject site. (Source: Wahroonga Estate Concept Plan – Part 3A Section 75W Modification Assessment (MP07_0166 MOD8, 2019))

The site has an irregular shape, as outlined in blue in **Figure 3** above.

The eastern portion of the site fronts Fox Valley Road, with a street frontage of approximately 106.8 metres. This area currently accommodates two detached dwellings, an open grassed and landscaped area and at-grade parking.

The western (or main) portion of the site is located to the rear of Sydney Adventist School (to the south) and backs onto an area of bushland containing a watercourse known as 'Coups Creek'. This area contains an existing at grade carpark and a detention basin (in the form of a large, open grass depression).

The site is zoned partly as C2 – Environmental Conservation (northern part of the site) and partly as R4 – High Density Residential under the Ku-ring-gai Local Environmental Plan 2015. An extract of the relevant zoning map is provided below in **Figure 4**.

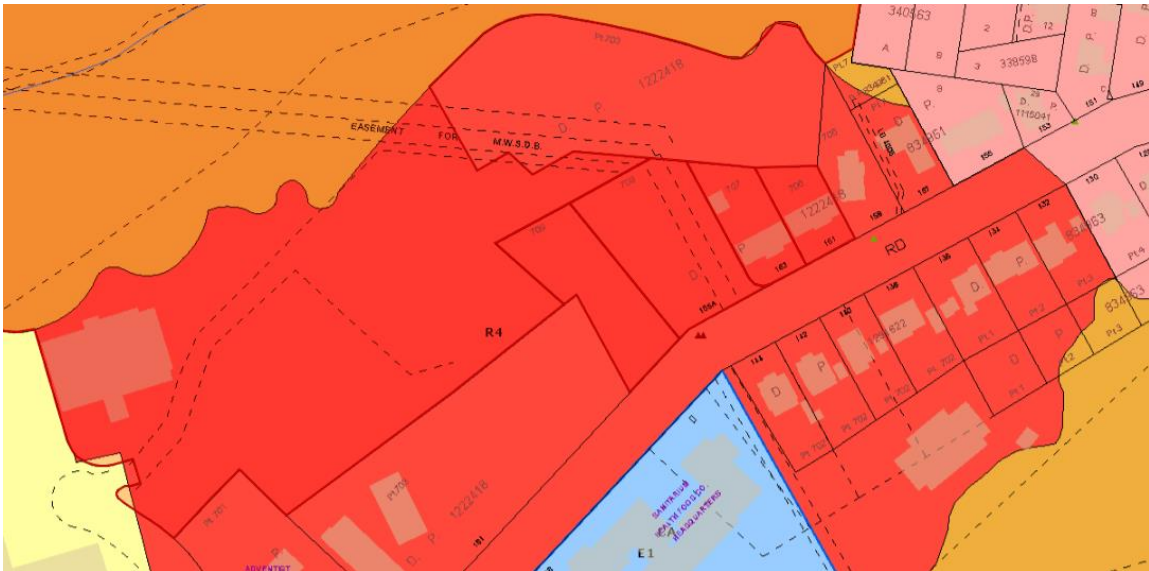


Figure 4: Zoning of the site

The site slopes predominantly from south to north, descending from the Fox Valley Road frontage toward the bushland at the rear. The topography of the site varies by up to 10 metres, with the highest point located at the Fox Valley Road frontage and the lowest point at the base of the detention basin.

The site is generally devoid of any significant vegetation and only 18 trees currently exist on the site. However, dense bushland is located at the rear of the site. Additionally, the site contains several easements related to drainage, construction and sewerage.

Constraint:	Application:
Visual character study category	1945-1968
Easements/rights of way	Yes
Heritage Item - Local	No
Heritage Item - State	No
Heritage conservation area	No
Within 100m of a heritage item	Yes
Bush fire prone land	Yes
Natural Resources Biodiversity	Yes
Natural Resources Greenweb	Yes
Natural Resources Riparian	Yes
Within 25m of Urban Bushland	Yes
Contaminated land	Yes
Within 25m of Classified Road	No
Within 25m of a rail corridor/tunnel	No

SURROUNDING DEVELOPMENT

To the north of the site, lies bushland, which spans Coups Creek. This land is zoned C2 – Environmental Conservation under the Ku ring gai Local Environmental Plan (KLEP) 2015.

To the south of the site, is the Wahroonga Adventist School, which comprises several school buildings that reach up to four storeys in height, as viewed from Fox Valley Road. On the opposite side of Fox Valley Road is the ‘Seventh-Day Adventist Administrative Building’, which is zoned E1 – Local Centre. Additionally, low density, detached residential dwellings on land zoned R4 – High Density Residential are located to the south-east of the site.

Further east of the site, are low-density, detached residential developments, most of which are

zoned R2 – Low Density Residential. However, properties within the Wahroonga Estate area are zoned either R4 – High Density Residential or C2 – Environmental Conservation.

To the west of the site, are the Fox Valley Community Centre, Wahroonga Adventist Church, and the Sydney Adventist Hospital (the SAN). The SAN is situated on land zoned SP1 – Special Activities and consists of numerous buildings of varying heights and architectural styles.

HISTORY

Concept Plan MP07_0166 (as modified)

Concept Approval MP07_0166 was granted by the Minister of Planning on 31 March 2010. The Concept Approval has been modified, including **Modification 8**, which was approved on 13 January 2021. Modification 8 included –

- Modification to the building envelopes of the proposed residential flat buildings in Precinct B: Central Church
- Deletion of Building D and use of the associated land as an area for the school grounds
- Modification to the car parking rates for the residential flat buildings in Precinct B: Central Church

The relevance of Modification 8 is discussed in further detail below.

Modification Application history

A pre-development application consultation meeting was not undertaken for the proposed modification.

This Modification Application

Date	Action
4 December 2024	Application lodged.
8 January 2025	The application was notified for a period of 14 days in accordance with the Ku-ring-gai Community Participation Plan from 15/01/2025 to 29/01/2025. No submissions were received.
12 February 2025	Council sent a letter to the applicant advising that the following issues were required to be addressed: <ul style="list-style-type: none">• insufficient storage area• inconsistencies between BASIX information and proposed modification• clarification regarding additional construction details on plans
28 February 2025	The applicant responded to the Council's preliminary assessment letter and submitted amended plans and additional information, which contained the following: <ul style="list-style-type: none">• detailed floor plans demonstrating storage areas within 3 bedroom apartments• amended BASIX Certificate• letter in response to Council's letter
12 March 2025	A briefing with the Sydney North Planning Panel was held.

COMMUNITY CONSULTATION

In accordance with Appendix 1 of the Ku-ring-gai Community Participation Plan, owners of surrounding properties were given notice of the application. No submissions were received.

Amended plans submitted 28 February 2025

In accordance with the criteria in Appendix 1 of the CPP, Council's Development Assessment Team Leader determined that notification of the amended plans was not required as the amendments were unlikely to detrimentally affect the enjoyment of adjoining or neighbouring land.

Internal Referrals

Development Engineer

Council's Development Engineer provided the following comments:

Water management

A revised BASIX Certificate has been submitted for Buildings A, B, and C.

Stage 1 has water commitments requiring a central water tank of 42,000 litres to collect runoff from at least 2,782m² of roof area, with connections to irrigation of 6,372m² of common landscaped areas and car washing in two car washing bays. The water commitments submitted under this revised BASIX Certificate remain unchanged.

Stage 2 has water commitments requiring a central water tank of 5,000 litres to collect runoff from at least 923m² of roof area, with connections to irrigation of 99m² of common landscaped areas and car washing in two car washing bays.

The sizing of the rainwater retention tank and BASIX water commitments have been satisfied. The supporting hydraulic calculation, submitted with this modification, demonstrates compliance with Part 24C.3-4 of the Ku ring gai Development Control Plan (KDCP), which requires rainwater retention and reuse to be provided to achieve a 50% reduction in runoff days.

Vehicular access and parking accommodation

Vehicular access remains unchanged from the approved plans.

The changes to the apartment mix are as follows:

Table 2 *Changes to the Building C apartment mix*

	Approved Development	Proposed Development	Difference
1 Bedroom	20	16	-4
2 Bedroom	75	71	-4
3 Bedroom	70	74	+4
4 Bedroom	1	1	-
Total	166	162	-4

A Traffic Impact Statement, prepared by TTW Pty Ltd to compare the changes in apartment mix, has been submitted.

Under the proposed unit mix, the development is to provide a maximum of 298 parking spaces. The parking layout and number of spaces (319) is not altered by the proposed modification.

The parking requirements specified in Condition B9 of the concept plan are below:

Building A, B, C & E	Proposed Unit Mix	Parking Rate (maximum)	Required Parking Spaces
1 Bedroom	16	1 space per unit	16
2 Bedroom	71	1.25 spaces per unit	89
3 Bedroom	74	2 spaces per unit	148
4 Bedroom	1	2 spaces per unit	2
Visitor parking		1 space per 4 units	41
Car Share space		1 space per 90 dwellings or part thereof	2
TOTAL	162		298

The previous mod (MOD0173/22) for Buildings A, B and C consisted of 17 one bedroom, 55 two bedroom, 59 three bedroom, and 1 four bedroom apartments, resulting in 241 spaces comprising 206 residential spaces, 33 visitor spaces (132/4) and 2 car share spaces.

The proposal requires a total of 239 car parking spaces, comprising 205 residential car parking spaces, 2 car share spaces and 32 visitor spaces. No changes to the car parking spaces are proposed; therefore, the car parking provision remains over the maximum specified in Condition B9 of the concept plan.

One accessible visitors space is provided in the basement of Building A-C as well as Building E, which is compliant.

Under DA0539/21 and MOD0173/22, no parking or traffic issues were identified. The traffic report at the time found that the improved intersection network adjacent to the site will have sufficient capacity for the traffic generated by the project.

The modification increases the excess number of car spaces from 19 to 21.

The modification will reduce the number of vehicle trips generated by the development, resulting in an improved outcome. According to the RMS Guide to Traffic Generating Developments trip generation rates, the development will result in one less trip per weekday peak hour. Adjoining intersections will remain to operate at satisfactory levels. In this instance, it is not expected to have a significant effect on traffic flows or traffic implications.

Council Engineers raise no concerns as to the number of parking spaces exceeding the maximum 298 required by Condition B9 of the concept plan, given that the increase in parking did not create any traffic implication or amenity issues and is considered reasonable due to the larger apartment sizes and a nett reduction of apartment units under this modification. Consideration has been given to the Development Engineer's assessment and it is agreed the proposal is acceptable in this regard.

External Referrals

Rural Fire Service

In accordance with the provisions of Section 4.46 of the Environmental Planning and Assessment Act 1979 and Section 100B of the Rural Fires Act 1997, Council has consulted with the Commissioner of the NSW Rural Fire Service concerning measures to be taken with respect to the protection of persons, property and the environment from danger that may arise from a bush fire. The comments provided by the Rural Fire Service are as follows:

“The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amendments and raises no objections, subject to compliance with our previous terms of approval dated 12/02/2023.”

The General Terms of Approval, provided by NSW RFS, have been included in **Conditions 126** and **245**.

STATUTORY PROVISIONS

Section 4.56 of the Environmental Planning and Assessment Act 1979 - Modification of consents granted by the Court

Subsection (1) (a): Substantially the same development

The development, as now proposed to be modified, is substantially the same development as that approved in the development consent. The proposed modifications do not alter the essence or character of the development in any materially significant way. The development will remain as residential flat buildings, albeit with minor design changes to internal elements, such as the reconfiguration of kitchens and bathrooms, a reduction in the total number of approved apartments by four and a change to the apartment mix. The development remains essentially quantitatively and qualitatively the same.

Subsection (1)(b): Notification

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

As required by Section 105 of the Environmental Planning Assessment Regulation 2021 (Regulation 2021), the Land and Environment Court was notified of the application on 14 January 2025.

Subsection (1)(c) Notification of previous submitters

Each person who made a submission in respect of the original development application has been notified or a reasonable attempt has been made to notify each person by sending written notice to the last known address.

Subsection (1)(d): Submissions

No submissions were received in response to the notification of the proposal.

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

This assessment report includes consideration of the matters specified in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The reasons for granting the consent were not specifically identified by the Court in the Section 34 agreement that was reached between the parties. However, the application was found to satisfy the matters of consideration under Section 4.15 of the Act. The modification application is considered acceptable, subject to modified conditions of consent.

Section 4.15(1) considerations

Environmental Planning and Assessment Regulation 2021

The modification application is required to be reported to the Sydney North Planning Panel as the modification of a development consent for regionally significant development under Section 4.56 of the Act is not a function exercisable by Council under Section 275(2) of the Regulation.

As required by Section 105 of the Regulation 2021, the Land and Environment Court was notified of the application on 14 January 2025.

The current BASIX certificate is no longer consistent with the proposed modifications and a new BASIX certificate has been provided; accordingly, the requirements of Section 100(3)(b) of the Regulation 2021 are satisfied.

Section 102 of the Regulation 2021 requires the submission of a design verification statement from the building designer for modification applications. A revised design verification statement has been submitted and is generally satisfactory.

Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017

Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 sets out the applicable planning framework where a Part 3A Concept Approval is approved and in force. These provisions allow for development consents issued under Part 3A to remain active and outlines the future approval pathway for detailed applications resulting from Part 3A Concept Approvals. As detailed earlier in this report, the site is the subject of Concept Approval - Major Project No. 07_0166.

Schedule 2, Clause 3B of the Regulation applies to development for which a concept plan has been approved under Part 3A, before or after the repeal of Part 3A.

3B Provisions applying with respect to approval of concept plans

- (1) This clause applies to development (other than an approved project) for which a concept plan has been approved under Part 3A, before or after the repeal of Part 3A, and so applies whether or not the project or any stage of the project is or was a transitional Part 3A project.*
- (2) After the repeal of Part 3A, the following provisions apply to any such development (whether or not a determination was made under section 75P(1)(b) when the concept plan was approved)—*
 - (a) if Part 4 applies to the carrying out of the development, the development is taken to be development that may be carried out with development consent under Part 4 (despite anything to the contrary in an environmental planning instrument)*
 - (b) if Part 5 applies to the carrying out of the development, the development is taken to be development that may be carried out without development consent under Part 4 (despite anything to the contrary in an environmental planning instrument)*
 - (c) any development standard that is within the terms of the approval of the concept plan has effect*
 - (d) a consent authority must not grant consent under Part 4 for the development unless it is satisfied that the development is generally consistent with the terms of the approval of the concept plan*

- (e) *a consent authority may grant consent under Part 4 for the development without complying with any requirement under any environmental planning instrument relating to a master plan*
- (f) *the provisions of any environmental planning instrument or any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan*
- (g) *this clause applies instead of section 75P(2), but any direction, order or determination made under section 75P(2) in connection with the concept plan continues to have effect*

The proposed modifications are generally consistent with the terms of the approval of the Concept Approval.

State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 Remediation of land

The provisions of Chapter 4 of this SEPP require Council to consider the potential for a site to be contaminated. A detailed site Contamination Assessment report was submitted as part of the DA and concluded that the site could be made suitable for the proposed development from a contamination perspective, subject to a number of recommendations. The detailed site Contamination Assessment report formed part of Condition 1 of the development consent to DA0539/21. The subject application does not alter this outcome.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 6 Water Catchments

Matters for consideration under this SEPP include biodiversity, ecology and environmental protection, public access to and scenic qualities of foreshores and waterways, maintenance of views, control of boat facilities and maintenance of a working harbour. The proposed modification will not detract from the scenic qualities of nearby watercourses and does not seek any changes to the approved stormwater management system that has been designed to ensure environmental protection. The proposal is considered to meet the requirements of this chapter.

State Environmental Planning Policy (Sustainable Buildings) 2022

A valid BASIX certificate has been submitted. The certificate demonstrates compliance with the provisions of the SEPP and adequately reflects all amendments to the application. The architectural plans also bear a stamp of endorsement from the Accredited Assessor.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Consideration is required pursuant to Section 2.119 of Division 17 Roads and Traffic, Subdivision 2 of this SEPP (Transport and Infrastructure) 2021. The proposed modifications do not result in any changes to the approved car parking spaces; therefore, a re-referral to TfNSW is not necessary. The proposed modifications do not seek any changes to the approved access road off Fox Valley Road. The requirements provided by TfNSW in their letter dated 22 December 2021 were included within the conditions of consent and remain unchanged.

State Environmental Planning Policy (Housing) 2021

Section 148 of SEPP Housing 2021 contains three non-discretionary development standards for car parking, internal area of apartments and ceiling heights. The following comments are provided in respect of these three non-discretionary development standards:

Carparking – under the proposed unit mix, 298 parking spaces are required. No changes are proposed to the parking layout, and the development will continue to provide 319 spaces—two more than the 317 approved under Modification MOD0173/22.

This results in an exceedance of 21 spaces above the maximum rates set out in Condition B9 of the Concept Plan. However, traffic generation will decrease slightly, with one less trip per weekday peak hour based on RMS guidelines and surrounding intersections will continue to operate satisfactorily.

Council Engineers have raised no concerns with the exceedance, noting that it does not result in traffic or amenity impacts and is considered reasonable given the larger apartment sizes and overall reduction in apartment numbers proposed by this modification.

Internal area of the apartments – the proposed consolidation of a number of apartments within Building C complies with the minimum internal area for a three bedroom apartment as specified in the Apartment Design Guide (ADG).

Ceiling heights – the proposed modifications retain the approved 3.2m floor-to-floor height and the 2.7m floor-to-ceiling height, which comply with the ADG.

Section 102 of the Regulation 2021 requires the submission of a design verification statement from the building designer for modification applications. A revised design verification statement has been submitted and is satisfactory.

Section 147(a) of the SEPP (Housing) 2021 requires the assessment of modification of consent applications for residential flat development against the design principles for residential apartment development set out in Schedule 9 of SEPP (Housing) 2021. As the proposed changes are minor, this modification application was not referred to the Council's Urban Design Consultant for assessment. An assessment against Schedule 9 of SEPP (Housing) 2021 is provided in the sections below.

SEPP (Housing) 2021 also requires consideration of the matters contained in the ADG. As such, the following consideration has been given to the requirements of the SEPP (Housing) 2021 and associated ADG.

Schedule 9 Design principles for residential apartment development

Schedule 9 of SEPP (Housing) 2021 outlines the following design principles that are to be considered for residential apartment developments. An assessment against each design principle is provided in the sections below.

1. Context and Neighbourhood Character

The proposed internal changes do not impact the local context or the external approved design elements. The changes are entirely within the building's interior and maintain the integrity of the approved external design.

2. Built Form and Scale

The proposed internal modifications to the plan layout do not alter the approved building form and scale nor do they result in any changes to the external elements. The impact of the building form and scale on the existing or desired future character of the street and surrounding buildings was deemed acceptable when the development was originally approved and subsequently modified.

3. Density

The modifications reduce the number of apartments whilst maintaining the number of bedrooms within Building C.

4. Sustainability

The proposed modifications support sustainable design principles, ensuring high levels of amenity for apartment residents. The proposed amalgamated three bedroom apartments would facilitate natural cross ventilation and access to sunlight, enhancing residents' overall amenity and liveability.

6. Amenity

Room dimensions – The room dimensions and area are consistent with the minimum dimensions and area specified in ADG.

The amended documentation includes a drawing (Title: Building C – Storage RFI, Drawing No. A 2031.01, Revision 1, dated 21/02/2025) that demonstrates the typical location of storages within the amalgamated units (C106, C206, C306, and C406). A condition of consent is recommended to ensure that the designated storage areas, as shown on the amended plans, are permanently secured. **(Condition 23a)**

Layout – *The modification has an acceptable internal layout compared to the DA and the previously approved model design.*

8. Housing Diversity and Social Interaction

The modification maintains a range of apartment sizes, providing housing options for diverse demographics, living needs and household budgets.

9. Aesthetics

The proposed modification does not introduce any external changes that would impact the approved building form, elevation or architectural design.

Apartment Design Guide

Pursuant to Section 147 of the SEPP (Housing) 2021, the consent authority is to take into consideration the ADG. An assessment of the proposal against the design criteria relevant to the modification is provided below.

Apartment Design Guide COMPLIANCE TABLE		
Design criteria	Proposed	Complies
4A Solar and daylight access		
1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	72.2% of the total number of apartments within Buildings A, B, C and E receive a minimum of 2 hours of solar access between 9am and 3pm on 21 June.	NO
2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter.	A maximum of 15.4% of the total number of apartments within Buildings A, B, C and E are south facing.	
3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.	Refer to discussion provided under this table.	

Apartment Design Guide COMPLIANCE TABLE												
Design criteria	Proposed	Complies										
4B Natural ventilation												
1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	A total of 69.1% of the apartments within Buildings A, B, C and E would be naturally cross ventilated.	YES										
4D Apartment size and layout												
<p>1. Apartments are required to have the following minimum internal areas:</p> <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each</p> <p>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>The proposed consolidation of a number of the apartments ensures that the internal areas significantly exceed the minimum internal areas required for 3 bedroom apartments.</p> <p>No changes are proposed to the habitable room windows.</p>	YES
Apartment type	Minimum internal area											
Studio	35m ²											
1 bedroom	50m ²											
2 bedroom	70m ²											
3 bedroom	90m ²											
4D Apartment size and layout												
<p>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</p> <p>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>3. Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none">3.6m for studio and 1 bedroom apartments4m for 2 and 3 bedroom apartments <p>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	The bedrooms and living areas comply with the dimensional requirements.	YES										
4E Private open space and balconies												
1. All apartments are required to have primary balconies as follows:	All amalgamated 3 bedroom apartments have a 10m ² primary balcony with 2.9 metres depth and an 8m ² secondary balcony with 2.1	NO										

Apartment Design Guide COMPLIANCE TABLE				
Design criteria			Proposed	Complies
Dwelling type	Minimum area	Minimum depth	metres.	
Studio apartments	4m ²	-	Refer to discussion provided under this table.	
1 bedroom apartments	8m ²	2m		
2 bedroom apartments	10m ²	2m		
3+ bedroom apartments	12m ²	2.4		
The minimum balcony depth to be counted as contributing to the balcony area is 1m.				
4F Common circulation and spaces				
1.The maximum number of apartments off a circulation core on a single level is eight			In Building C the maximum apartments per core is 5.	YES
4G Storage				
1.In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:			The amalgamated apartments comply with the minimum storage requirements and at least 50% of the total storage volume is provided within the apartments. Condition 23a requires that full details of storage areas be provided at CC stage.	YES
Dwelling type	Storage size volume			
Studio apartments	4m ³			
1 bedroom apartments	6m ³			
2 bedroom apartments	8m ³			
3+ bedroom apartments	10m ³			
At least 50% of the required storage is to be located within the apartment.				
Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.			Complies	YES
Objective 4K-2 The apartment mix is distributed to suitable locations within the building.			Each level of the buildings has an appropriate mix of apartment types.	YES
Objective 4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members.			Universal design features are included in the design of the amalgamated apartments.	YES
Objective 4Q-2 A variety of apartments with adaptable designs are provided.			Amalgamated apartments incorporate adaptable designs.	YES
Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs.			The apartment layouts are flexible and can accommodate a range of lifestyles particularly given the larger sizes of these apartments.	YES

An assessment of the variation to the design criteria identified in the compliance table is provided below.

4A Solar and daylight access

Design Criterion 3 in Part 4A of the ADG states that no more than 15% of apartments in a building should receive no direct sunlight between 9:00 am and 3:00 pm at mid-winter. The objective of this provision is to optimise sunlight access to habitable rooms, primary windows, and private open space.

As a result of the current modification, the proportion of apartments receiving no direct sunlight during this period would increase slightly - from 15% to 15.4% - due to a reduction of four apartments in the overall apartment count. No changes are proposed to the approved number of south-facing apartments. Accordingly, the development remains consistent with the objective of this provision, and the minor variation to the design criterion is acceptable.

4E Private open space and balconies

Design Criteria 1 in Part 4E of the ADG states that 3 bedroom apartments are required to have primary balconies with a minimum area of 12m² and minimum depth of 2.4 metres.

The amalgamated 3 bedroom apartments include two balconies, a 10m² primary balcony, with a depth of 2.9 metres, accessible from the living area, and an 8m² secondary balcony with a depth of 2.1 metres, accessible from the master bedroom.

In total, the combined balcony area for each 3 bedroom apartment is 18m² and the primary balcony has a depth of 2.9 metres, which exceeds the minimum depth requirement by 0.5 metres. The inclusion of two separate balconies enhances residential amenity. The development remains consistent with the objective of this provision despite the minor variation to the design criterion.

Concept Approval – Major Project No. 07_0166

The Concept Approval was issued on March 31 2010 and has been subject to various modifications.

The function of the Concept Approval is to provide in-principle approval of a development, and in this instance, the Wahroonga Estate redevelopment incorporates the Sydney Adventist Hospital. The Concept Approval provides certainty and direction about the redevelopment potential of the site and guides further considerations to be made and addressed in order to realise the development envisaged under the Concept Approval.

The Concept Approval requires that future development subject to Part 4 of the *Act* to be generally consistent with the terms of the approval of the Concept Plan, as specified by Condition A2 (3).

A compliance assessment of the Modification Application against the relevant terms and further assessment requirements of the Concept Approval (as modified) in relation to Precinct B: Central Church, is provided below.

A2 Development in Accordance with Plans and Documentation

- (1) *The development shall generally be in accordance with the following plans and documentation (including any application therein):*
 - (a) *Wahroonga Estate Redevelopment Incorporating Sydney Adventist Hospital Environmental Assessment and Concept Plan dated April 2009, as amended by the Wahroonga Estate Redevelopment Incorporating Sydney Adventist Hospital Final Preferred Report and Concept Plan dated January 2010, and the appendices of the document titled Wahroonga Estate Redevelopment Incorporating Sydney Adventist Hospital preferred Project Report and Concept Plan dated September 2009, prepared by Urbis.*

- (b) *Section 75W Modification Request 'Claiming and Redistribution of Approved Wahroonga Estate Hospital Floorspace (07_0166)' dated 23 November 2012 and Response to Submissions letter dated 22 February 2013, prepared by MacroPlanDimasi.*
- (c) *Section 75W Modification Request '(MP07_0166 MOD 4) Modification of Wahroonga Estate Concept Plan to better articulate residential and commercial development components' dated 18 September 2013 and Response to Submissions letter dated 19 November 2013, prepared by MacroPlanDimasi.*

Except as otherwise provided for in the Department's administrative terms of approval and further assessment requirements as set out this Schedule.

- (2) *In event of any inconsistencies between administrative terms of approval and further assessment requirements of this concept approval and the plans and documentation described in this schedule, the administrative terms of approval and further assessment of this concept approval prevail.*
- (3) *Future development subject to Part 4 of the Act is to be generally consistent with the terms of the approval of the Concept Plan, under section 75P(2)(a) of the Act.*

A4 Dwellings

- (1) *The maximum dwellings / other accommodation types for each precinct is detailed in the following table:*

Precinct	Maximum Dwellings
Precinct A: Mount Pleasant	16 Dwelling Houses 38 Townhouses 27 Residential Flat Building Dwellings
Precinct B: Central Church	9 Dwelling Houses 200 Residential Flat Building Dwellings
Precinct C: Central Hospital	3 Dwelling Houses 105 Residential Flat Building Dwelling
Precinct D: Fox Valley Road East	8 Dwelling Houses 88 Residential Flat Building Dwelling
Precinct E: Residential East	6 Dwelling Houses

The Concept Approval limited the maximum number of residential flat building dwellings in Precinct B to 200. DA0539/21 included consent for 178 apartments, this was reduced to 166 apartments by the amalgamation of apartments in MOD0173/22. The proposed modification further reduces the number of apartments in Precinct A to 162.

B5 Bushfire Protection

As per the advice received from NSW RFS, the previous General Terms of Approval remain applicable (**Condition 126**).

B9 Car parking

- (1) *Residential car parking rates are to be determined having regard to the rates specified in the Preferred Project Report, with the exception of residential car parking rates for*

the Residential Flat Buildings within the Central Church Precinct which are to be as follows:

- (a) 1 bedroom apartment: a maximum of 1 space per dwelling
 - (b) 2 bedroom apartment: a maximum of 1.25 spaces per dwelling
 - (c) 3 bedroom apartment: a maximum of 2 spaces per dwelling
 - (d) visitor parking: 1 visitor space per 4 dwellings
 - (e) car share spaces: a minimum of 1 car share space per 90 dwellings or part thereof
- (2) Residential car parking is to be provided at grade or below ground level within the footprint of the building.
- (3) The consent authority is to have regard to the provisions of the relevant Council Development Control Plan regulating car parking at the time of the application, the final Preferred Project Report and any other relevant traffic, transport and car parking reports when determining car parking requirements for employment generating land uses.
- (4) Applications for non-residential land uses must be accompanied by a traffic and car parking assessment prepared by a suitably qualified traffic planner, demonstrating that sufficient car parking has been provided having regard to the RTA's Guide to Traffic Generating Developments and Council's DCP requirements.

Condition B9 (1) provides residential car parking rates for Buildings A, B, C and E. These residential parking rates are consistent with Part 22R.1 of the KDCP for residential flat buildings, except for the use of the word "maximum" in Condition B9, as opposed to the use of "minimum" in Part 22R.1 of the KDCP.

The proposed apartment mix results in an exceedance of 19 spaces above the maximum rates set out in Condition B9 of the Concept Plan.

Council's Development Engineers have not raised concerns with the exceedance of car parking spaces, noting that it does not result in traffic or amenity impacts and is considered reasonable given the larger apartment sizes and overall reduction in apartment numbers under this modification.

While the Concept Plan aims to reduce reliance on private vehicles and promote alternative modes of transport, the addition of two extra parking spaces in a development comprising 162 apartments is not expected to undermine this objective. Given the minor increase in the total, along with the context of the approved apartment count, the proposal is considered consistent with the objectives of the Concept Plan. Therefore, exceeding the maximum number of parking spaces specified under Condition B9 is acceptable in this instance.

Ku-ring-gai LEP 2015

Zone objectives and Land Use Table

The proposed modifications do not change the approved land use. The development, as modified, is a permissible form of development under the provisions of the KLEP 2015 and remains consistent with the zone objectives.

Parts 4, 5 and 6 of the Ku-ring-gai LEP 2015

KLEP 2015 identifies several provisions within Parts 4, 5 and 6 that would ordinarily apply to this site. The site is, however, the subject of a Concept Plan Approval. Schedule 2, Clause 3B of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 applies to development for which a concept plan has been approved under Part 3A, before or after the repeal of Part 3A. Clause 3B(f) of the Regulations makes it clear that "the provisions of an Environmental Planning Instrument or any Development Control Plan do not have effect to

the extent to which they are inconsistent with the terms of the approval of the concept plan."

The building height of 14.5 metres and the floor space ratio of 0.24:1 specified under Clauses 4.3 and 4.4 in KLEP 2015, which would ordinarily apply to the site, are inconsistent with the Concept Plan Approval. These provisions in KLEP 2015 therefore, have no effect. The maximum building height and maximum dwelling number under Conditions A3, A4 and A8 are discussed earlier in this report.

The proposed modifications do not result in any additional impacts on the diversity or condition of the native vegetation at the rear of the site nor involve any additional earthworks. Appropriate conditions were imposed on the DA consent relating to compliance with the geotechnical report and Biodiversity Management Plan.

The proposed modifications are satisfactory in terms of the KLEP 2015.

Ku-ring-gai DCP

The provisions of a Development Control Plan do not have any effect to the extent they are inconsistent with the terms of the approval of the concept plan. Consideration is given in the table below to those controls in Part 7 of the KDCP that are not covered by the Conditions of the concept plan.

Part 7: Residential Flat Buildings

COMPLIANCE TABLE										
Development Control	Proposed	Complies								
Part 7 Residential Flat Buildings										
7B.1 – Car parking provision										
All residential flat developments are to provide on-site car parking within basements.	The approval provided a majority of the car parking within the basement levels below Buildings A, B, C and E. Some visitor car parking was also provided along the access road.	No change								
Car parking rates: <table><tr><td>Studio</td><td>0.5 spaces</td></tr><tr><td>One bedroom</td><td>1 space</td></tr><tr><td>Two bedrooms</td><td>1.25 spaces</td></tr><tr><td>Three or more bedrooms</td><td>2 spaces</td></tr></table> Visitors: 1 per 4 units Note: Studios or the like will be considered as bedrooms for the purpose of the DCP.	Studio	0.5 spaces	One bedroom	1 space	Two bedrooms	1.25 spaces	Three or more bedrooms	2 spaces	The number of car parking spaces exceeds the minimum car parking rates, which is acceptable, as discussed earlier.	YES
Studio	0.5 spaces									
One bedroom	1 space									
Two bedrooms	1.25 spaces									
Three or more bedrooms	2 spaces									
At least one visitor car space is to be accessible and be provided within the site for every 6 apartments or part thereof and is to comply with the dimensional and locational requirements of AS2890.6.	One accessible visitor space is provided within the basement levels below Buildings A, B and C.	YES								
7B.2 – Bicycle parking and support facilities provision										
Provide on-site, secure bicycle parking spaces	No changes to the approved	No change								

and storage at the following rates: i) 1 bicycle parking space per 5 units or part thereof for residents within the residential car park area; and ii) 1 bicycle parking space (in the form of a bicycle rail) per 10 units for visitors in the visitor car park area.	number of bicycle parking spaces.	
7C – Building design and sustainability		
Part 7C.1 - SEPP 65 and Apartment Design Guide requirements		
All residential flat buildings are to comply with the objectives, Design Criteria and Design Guidance of the following <i>Apartment Design Guide</i> sections: 3F Visual Privacy 4A Solar and Daylight Access 4B Natural Ventilation 4C Ceiling Heights 4D Apartment Size and Layout 4E Private Open Space and Balconies 4F Common Circulation and Spaces 4G Storage	Refer to the ADG compliance table.	YES
7C.3 – Ground floor apartments		
Ground floor apartments are to be separated from noise sources such as common areas, communal open space and the public domain.	The ground floor apartments are appropriately separated from the common area and communal open space by a fence.	YES
Ground and podium level apartments are to have private outdoor areas differentiated from communal areas by at least one of the following: i) a change in level; ii) walls to deflect noise; iii) planting, such as hedges and low shrubs; iv) a fence/wall to a maximum height of 1.8m. Any solid wall component is to be a maximum height of 1.2m with at least 30% transparent component above.	The ground floor apartments have private open space that is differentiated from the communal open space by a fence.	YES
A gate is to be provided from each ground floor apartment private open space into common areas where practical.	No changes to the existing gates.	YES
7C.4 – Apartment mix and accessibility		
Range of apartment sizes (one, two, three bedroom) included within the development	A range of one, two, three, and four bedroom apartments is provided within the development.	YES
Mix of 1, 2 & 3 bedroom apartments located on the ground level.	An appropriate mix of one, two, and three bedroom apartments is located on the ground floor of the buildings.	YES
All apartments are to be designed to Silver Level under the Livable Housing Design Guidelines	All apartments are required to be designed as Silver Level	YES

	under the LHD Guidelines as per the conditions of consent.	
At least 15% of the dwellings (or part thereof) are to be designed to Platinum Level under the Livable Housing Design Guidelines.	The proposed modifications result in 16% of the total number of apartments within the development (Buildings A, B, C and E) designed as Platinum Level dwellings under the LHD Guidelines.	YES
7C.11 – Acoustic Privacy		
Noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, other mechanical ventilation systems and other plant are to comply with the requirements in Part 23.8 of the DCP.	Appropriate conditions were imposed on the DA consent to manage noise levels associated with air conditioning and other mechanical ventilation.	YES

Ku-ring-gai Contributions Plan 2010

The proposed modifications result in a change to the number and mix of the apartments within Building C, consequently, an amended Section 7.11 contribution condition is required. It is noted that the Section 7.11 contributions were staged and two conditions were imposed on the consent (**Conditions 48 and 172**). **Condition 48** relates to the Section 7.11 contribution in association with Buildings A, B and C and is required to be amended because of the changes to the number and mix of the apartments within Building C. There is no change to the number or mix within Buildings A and B. **Condition 142** relates to Building E and this condition does not require amending because there is no change to the number or mix of apartments within this building.

LEC Approved within Buildings A, B and C

23 x 1B apartments
75 x 2B apartments
45 x 3B+ apartments

Mod0173/22 approved within Buildings A, B and C

17 x 1B apartments
55x 2B apartments
60 x 3B+ apartments (59 x 3B apartments + 1 x 4B apartment)

Proposed within Buildings A, B and C

13 x 1B apartments
51 x 2B apartments
64 x 3B+ apartments (63 x 3B apartments + 1 x 4B apartment)

The amended Section 7.11 contribution in respect of Buildings A, B and C is \$2,560,000.00. It is therefore recommended that **Condition 48** is amended accordingly.

LIKELY IMPACTS

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

SUITABILITY OF THE SITE

The site remains suitable for the modified development.

PUBLIC INTEREST

The modified development is in the public interest.

EPA REGULATION 2021

The proposed modifications relate to development for which the development application was required to be accompanied by a BASIX certificate. The current BASIX certificate is no longer consistent with the proposed development and a new BASIX certificate has been provided, accordingly the requirements of section 100(3)(b) are satisfied.

The modifications relate to residential apartment development and the development application was required to be accompanied by a design verification statement from a qualified designer under Section 29. A revised design verification statement for the proposed modification has been prepared by a qualified designer and submitted with the application per the requirements of Section 102.

CONCLUSION

Having regard to Section 4.56 and Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposed modifications to the development consent are satisfactory.

RECOMMENDATION

PURSUANT TO 4.56 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979:

THAT the Sydney North Planning Panel as the consent authority, being satisfied that the proposed modification satisfies Section 4.56 of the Environmental Planning and Assessment Act 1979 and will be in the public interest, modifies the development consent to DA0539/21 in the manner proposed in modification of consent application eMOD0170/24 proposing changes to Building C including amalgamation of 8 units into 4 and internal design changes, subject to amended conditions, on land at 161, 163 and 185A Fox Valley Road, Wahroonga.

All the conditions that now apply in the Notice of Determination to DA0539/21, as amended, are detailed below:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

- 1. Approved architectural plans and documentation (new development) (*Modified - ~~MOD0173/22~~ eMOD0170/24*)**

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

Plan no.	Drawn by	Dated
<i>Architectural Plans</i>		
A0000 E G A Location plan & drawing list	Group GSA Team2 Architects	30/08/2024
A0010 G I Site plan	Group GSA	21/06/2022 17/05/2023
A1000 D Demolition plan	Group GSA	21/06/2022
A2000 E G A Basement 2 – Building ABC	Team2 Architects	30/08/2024
A2001 E G A Basement 1 – Building ABC	Team2 Architects	30/08/2024
A2002A E Basement 2 – Building E	Group GSA	21/06/2022
A2002B E Basement 1 – Building E	Group GSA	21/06/2022
A2011 E H Building A - Ground	Group GSA	21/06/2022 17/05/2023
A2012 E H Building A – LV 1-4	Group GSA	21/06/2022 17/05/2023
A2013 F I Building A – LV 5	Group GSA	21/06/2022 17/05/2023
A2014 F G Building A – Roof plant	Group GSA	21/06/2022 17/05/2023
A2015 F G Building A – Roof	Group GSA	21/06/2022 17/05/2023
A2020 D G Building B – Ground	Group GSA	21/06/2022 17/05/2023
A2021 D F Building B – LV 1-4	Group GSA	21/06/2022 17/05/2023
A2022 F H Building B – LV 5	Group GSA	21/06/2022 17/05/2023
A2023 F H Building B – Roof plant	Group GSA	21/06/2022 17/05/2023
A2024 F H Building B – Roof	Group GSA	21/06/2022 17/05/2023
A2030 F A Building C – Ground	Team2 Architects	30/08/2024
A2031 F A Building C – LV 1-2	Team2 Architects	30/08/2024
A2032 F A Building C – LV3	Team2 Architects	30/08/2024
A2033 F A Building C – LV 4	Team2 Architects	30/08/2024
A2034 F A Building C – LV 5	Team2 Architects	30/08/2024
A2035 F H Building C – Roof plant	Group GSA	21/06/2022 17/05/2023
A2036 F H Building C – Roof	Group GSA	21/06/2022

		17/05/2023
A2040 F Building E – Lower Ground	Group GSA	21/06/2022
A2041 F Building E – Ground	Group GSA	21/06/2022
A2042 F Building E – Level 1-2	Group GSA	21/06/2022
A2042B F Building E – Level 3	Group GSA	21/06/2022
A2043 F G Building E – Roof Plant	Group GSA	21/06/2022 17/05/2023
A2044 F G Building E – Roof	Group GSA	21/06/2022 17/05/2023
A3000 E G Elevation – Building A – North	Group GSA	21/06/2022 17/05/2023
A3001 E G Elevation – Building A – East	Group GSA	21/06/2022 17/05/2023
A3002 E G Elevation – Building A – South	Group GSA	21/06/2022 17/05/2023
A3003 F G Elevation – Building A – West	Group GSA	21/06/2022 17/05/2023
A3010 E G Elevation – Building B – North	Group GSA	21/06/2022 17/05/2023
A3011 E G Elevation – Building B – East	Group GSA	21/06/2022 17/05/2023
A3012 E G Elevation – Building B – South	Group GSA	21/06/2022 17/05/2023
A3013 E G Elevation – Building B – West	Group GSA	21/06/2022 17/05/2023
A3020 E G Elevation – Building C – North	Group GSA	21/06/2022 17/05/2023
A3021 F H Elevation – Building C – East	Group GSA	21/06/2022 17/05/2023
A3022 E G Elevation – Building C – South	Group GSA	21/06/2022 17/05/2023
A3023 E G Elevation – Building C – West	Group GSA	21/06/2022 17/05/2023
A3030 E G Elevation – Building E – North	Group GSA	21/06/2022 17/05/2023
A3031 E G Elevation – Building E – East	Group GSA	21/06/2022 17/05/2023
A3032 E G Elevation – Building E – South	Group GSA	21/06/2022 17/05/2023
A3033 E G Elevation – Building E – West	Group GSA	21/06/2022 17/05/2023
A3040 D F Elevation – Overall – North	Group GSA	21/06/2022 17/05/2023
A3100 E G Section – Overall	Group GSA	21/06/2022 17/05/2023
A3101 E G Section – Building A	Group GSA	21/06/2022 17/05/2023
A3102 E G Section – Building B	Group GSA	21/06/2022 17/05/2023
A3103 E G A Section – Building C	Team2 Architects	30/08/2024
A3104 E G Section – Building E	Group GSA	21/06/2022

		17/05/2023
A3105 E G Section 02 – Building E	Group GSA	21/10/2021 17/05/2023
A3106 A Section 02 – Building C	Group GSA	17/05/2023
A3200 C Ramp section – Buildings ABC	Group GSA	21/10/2021
A3201 E Ramp Section – Building E	Group GSA	21/06/2022
A3202 E G Section detail – Typical northern façade	Group GSA	21/06/2022 17/05/2023
A3203 A C Section detail – Typical eastern façade	Group GSA	21/06/2022 17/05/2023
A8300 E G Material & finishes	Group GSA	21/06/2022 17/05/2023
A9100 D F Platinum apartment layout	Group GSA	21/06/2022 17/05/2023
A9101 D Platinum apartment layout	Group GSA	21/06/2022
A9102 D Platinum apartment layout	Group GSA	21/06/2022
A9103 A Platinum apartment Layout	Team2 Architects	30/08/2024
<i>Landscape Plans</i>		
L-0000 J Cover sheet	Group GSA	20/06/2022
L-0001 H K Master plan	Group GSA	17/06/2022 2/11/2022
L-0002 H Planting strategy	Group GSA	17/06/2022
L-0003 H K Fence strategy	Group GSA	16/06/2022 2/11/2022
L-0004-E 2m wide deep soil plan	Group GSA	21/06/2022
L-0005 L 6m wide deep soil plan	Group GSA	21/06/2022
L-1002 C BASIX turf plan	Group GSA	16/06/2022
L-1003-F Fire compliance landscape plan	Group GSA	16/06/2022
L-1004-G Landscape zone RFS	Group GSA	20/06/2022
L-1005-E Drought tolerant/indigenous species	Group GSA	20/06/2022
L-5001 D Material palette	Group GSA	16/06/2022
L-7000 C Indicative entry signage	Group GSA	16/06/2022
L-2001 H General arrangement plan	Group GSA	15/06/2022
L-2002 G General arrangement plan	Group GSA	15/06/2022
L-2003 H K General arrangement plan	Group GSA	17/06/2022 1/11/2022
L-2004 F G General arrangement plan	Group GSA	15/06/2022 1/11/2022
L-2005 F General arrangement plan	Group GSA	15/06/2022
L-2006 F General arrangement plan	Group GSA	15/06/2022
L-2007 F General arrangement plan	Group GSA	15/06/2022
L-2008 G General arrangement plan	Group GSA	15/06/2022
L-2009 G General arrangement plan	Group GSA	15/06/2022
L-2010 H General arrangement plan	Group GSA	15/06/2022
L-2011 E General arrangement plan	Group GSA	15/06/2022
L-3001 G Planting plan	Group GSA	17/06/2022
L-3002 F Planting plan	Group GSA	17/06/2022
L-3003 F G Planting plan	Group GSA	17/06/2022

		2/11/2022
L-3004 F G Planting plan	Group GSA	17/06/2022 2/11/2022
L-3005 F Planting plan	Group GSA	17/06/2022
L-3006 F Planting plan	Group GSA	17/06/2022
L-3007 G Planting plan	Group GSA	17/06/2022
L-3008 H Planting plan	Group GSA	17/06/2022
L-3009 H Planting plan	Group GSA	17/06/2022
L-3010 F Planting plan	Group GSA	17/06/2022
L-3011 F Planting plan	Group GSA	17/06/2022
L-3201 H K Plant schedule Building ABC	Group GSA	17/06/2022 2/11/2022
L-4001 C Sections	Group GSA	17/06/2022
L-4002 E Sections	Group GSA	17/06/2022
<i>Stormwater Management Plans</i>		
SKC000 P11 Notes & legend	Taylor Thomson Whitting	17/06/2022
SKC001 P11 Erosion & sediment control	Taylor Thomson Whitting	17/06/2022
SKC200 P16 Overall linemarking	Taylor Thomson Whitting	17/06/2022
SKC201 P19 Overall site works	Taylor Thomson Whitting	17/06/2022
SKC202 P18 Siteworks & stormwater	Taylor Thomson Whitting	22/06/2022
SKC203 P19 Siteworks & stormwater	Taylor Thomson Whitting	22/06/2022
SKC204 P15 Siteworks & stormwater	Taylor Thomson Whitting	17/06/2022
SKC210 P13 Building E Turnings Paths Sheet 1	Taylor Thomson Whitting	17/06/2022
SKC211 P11 Building E Turnings Paths Sheet 2	Taylor Thomson Whitting	19/10/2021
SKC212 P11 Truck turning path	Taylor Thomson Whitting	17/06/2022
SKC213 P9 Basement A-C Turning paths	Taylor Thomson Whitting	17/06/2022
SKC214 P10 Mini bus turning paths	Taylor Thomson Whitting	17/06/2022
SKC215 P10 MRV turning paths	Taylor Thomson Whitting	17/06/2022
SKC221 P10 Details sheet 1	Taylor Thomson Whitting	17/06/2022
SKC222 P10 Details sheet 2	Taylor Thomson Whitting	17/06/2022
SKC223 P11 Details sheet 3	Taylor Thomson Whitting	17/06/2022
SKC230 P7 Bulk earthworks plan	Taylor Thomson Whitting	17/06/2022
SKC231 P7 Cut/fill plan	Taylor Thomson Whitting	17/06/2022
SKC250 P3 Section sheet 1	Taylor Thomson	17/06/2022

	Whitting	
SKC260 P3 Driveway long section	Taylor Thomson Whitting	17/06/2022
<i>Subdivision Plans</i>		
PLAN OF SUBDIVISION OF LOT 201 IN DP1234558 AND LOTS 703, 706, 707, 708 & 709 IN DP1222418 (two sheets)	Unauthored	30/03/2022
Document(s)		Dated
Accessibility Report prepared by Accessible Building Solutions, Issue B C and Covering Letter		20 June 2022 1/11/2022 and 23/09/2024
Acoustic Report prepared by PKA Acoustic Consulting, Version 5		24 June 2022
Basix certificate No.914197M_05-6-8		23 June 2022 4 November 2022 26 February 2025
Basix certificate No.1221329M_04 5		23 June 2022 4 November 2022
NatHERS Certificate No. PNYUSVTY2Q 1FP4DYW1A8		4 November 2022 25 September 2024
NatHERS Certificate No. KSIK1CVIX		22 June 2022
Building Code of Australia Assessment Report prepared by Private Certifiers Australia, Version 2 and Covering Letters		23 June 2022 26 October 2021 and 3 August 2021
Design Verification Statement prepared by Group GSA		23 June 2022 9 June 2023
Biodiversity Management Plan prepared by Cumberland Ecology, Version 4		20 May 2022
Geotechnical Report prepared by Douglas Partners		16 June 2022
Heritage Impact Statement prepared by GBA Heritage, Issue B		25 October 2021
Traffic and Car Parking Assessment prepared by TTW (Parts 1 and 2 Rev 6-8		17 June 2022 2/11/2022
Traffic Impact Statement prepared by TTW		15/11/2024
Waste Management Plan prepared by EcCell, Version 5 6		27 July 2021 31/10/2022
Contamination Report prepared by Douglas Partners		6 October 2021
Construction Management Plan prepared by Westbourne		Undated
Stormwater Report prepared by Intrax Projects, Revision F		19 May 2022

Note: eMOD0170/24 does not include approval for specific construction details including wall materials, wall thickness, connections between doors and wall and the like. Any such details must be shown in the construction certificate documentation.

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

2. Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this Development Consent prevail.

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

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

3. Submission of plans of subdivision (Torrens title)

For endorsement of a Subdivision Certificate, an original plan of subdivision plus 2 copies, 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 plus 2 copies.

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

Reason: Statutory requirement

CONDITIONS APPLICABLE TO BUILDINGS A, B AND C

The following conditions [1] – [126] apply to the works for Buildings A, B, C on Drawing Number A0011, Revision C, Staging Plan dated 21 June 2022, and applications for certificates under Part 6 of the Act for those works only.

4. Universal and accessible housing

Prior to the issue of the relevant Construction Certificate, evidence from an appropriately qualified Liveable Housing Accredited Assessor/Access consultant is to be submitted to and approved by the Team Leader Development Assessment, demonstrating compliance with the following requirements:

(a) Platinum Level Housing

At least 15% of the units are designed to Platinum Level under the *Liveable Housing Design Guidelines*.

(b) Silver Level Housing

All units are designed to Silver Level under the *Liveable Housing Design Guidelines*.

(c) Visitable dwellings

At least 70% of units are a visitable housing unit as defined in AS 4299-1995 Adaptable Housing.

Reason: To ensure universal and accessible housing is provided.

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

5. Site health and safety plan

A site Health & Safety Plan shall be prepared prior to the commencement of remediation works by a person competent to do so. All works shall be carried out in accordance with this plan. This plan shall include:

- Hazard identification and control
- Site security
- Personal protective equipment
- Work zones and decontamination procedures
- Contingency plans and incident reporting
- Environmental monitoring

Reason: To comply with State Environmental Planning Policy (Resilience and Hazards) 2021.

6. Imported landfill material

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 works, certifying that the imported fill is suitable for the land use.

Reason: To comply with State Environmental Planning Policy (Resilience and Hazards) 2021

7. 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.

8. 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.

9. 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.

10. Geotechnical report

Prior to the commencement of any works, the results of the detailed geotechnical investigation comprising a minimum of three cored boreholes to at least 1 metre below the proposed basement level shall be submitted to the Principal Certifier. The report is to address such matters as:

- appropriate excavation methods and techniques
- vibration management and monitoring
- dilapidation survey
- support and retention of excavated faces
- hydrogeological considerations

The recommendations of the report are to be implemented during the course of the works.

Reason: To ensure the safety and protection of property.

11. Construction traffic management plan

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

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

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

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

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

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

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

For safety and amenity, no construction vehicle (Medium Rigid Vehicle of 8.8m or greater) movements are to occur in school zones provided for the Wahroonga Adventist School on 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.

12. 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.

13. Sediment controls

Prior to any works commencing, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the Landcom manual '*Managing Urban Stormwater: Soils and Construction*'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site is fully stabilised. Sediment shall be removed from the sediment and erosion control measures following each heavy or prolonged rainfall period.

Reason: To protect and enhance the natural environment.

14. 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 be maintained intact until the completion of all demolition/building work.

Tree/Location	Radius in metres
Tree 1 <i>Ficus microcarpa</i> 'hillii' (Hill's Fig) Adjacent to southwest site boundary	7.0m east, 13.0m elsewhere
Tree 2 <i>Ficus microcarpa</i> 'hillii' (Hill's Fig) Adjacent to southwest site boundary	7.0m
Tree 3 <i>Lophostemon confertus</i> (Brushbox) Adjacent to southwest site boundary	7.0m east, 11.0m elsewhere
Tree 4 <i>Lophostemon confertus</i> (Brushbox) Adjacent to southwest site boundary	5.0m
Tree 5 <i>Eucalyptus</i> sp (Eucalypt) Adjacent to northwest/rear site boundary	10.0m
Tree 6 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northwest/rear site boundary	15.0m
Tree 7 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northwest/rear site boundary	11.5m
Tree 8 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northwest/rear site boundary	11.5m
Tree 16 Unidentified tree sp. Fox Valley Rd site frontage/southeast school corner	5.0m
Tree 17 <i>Lophostemon confertus</i> (Brushbox) Adjacent to southwest site	8.0m

boundary	
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Reason: To protect existing trees.

16. Tree protective fencing type galvanised mesh

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

Reason: To protect existing trees.

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:

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. Project arborist

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

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

provided to the Principal Certifier with a copy provided to Council.

Reason: To protect of existing trees.

21. Construction waste management plan

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

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

Reason: To ensure appropriate management of construction waste.

22. Noise and vibration management plan (Part 1)

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

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

- identification of the specific activities that will be carried out and associated noise sources
- identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- the construction noise objective specified in the conditions of this consent
- the construction vibration criteria specified in the conditions of this consent
- determination of appropriate noise and vibration objectives for each identified sensitive receiver
- noise and vibration monitoring, reporting and response procedures
- assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions
- description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- contingency plans to be implemented in the event of non-compliances and/or noise complaints

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

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

23. Storage (Modified eMOD0170/24)

Prior to the issue of the relevant Construction Certificate, the following units are to demonstrate internal fit-outs of all spaces/rooms without access to natural daylight or natural ventilation - notionally identified as storage, are fitted out to prevent their use as habitable spaces/rooms:

- Building A: AG06, A106, A206, A306, A406, A506,
- Building C: CG01, CG02, CG07, CG08, CG09, C101, ~~C105~~, C108, C109, C201, ~~C205~~, C208, C209, C301, ~~C305~~, C308, C309, C310, C401, ~~C405~~, C408, C409, C410, C501, C505, C508, C509, C510

Reason: To ensure compliance with SEPP 65 ADG for natural daylight and natural ventilation to all habitable rooms.

23a. Storage (Added eMOD0170/24)

Prior to the issue of the relevant Construction Certificate, the Certifier shall be satisfied that the designated storage areas within units 106, 206, 306, and 406, as identified on Drawing No. A 9103 (Title: Platinum Apartment Layout, Revision A, dated 30/08/2024), are permanently secured. Details of storage areas are to be provided on the plans forming the construction Certificate.

Reason: To ensure compliance with SEPP 65 ADG for minimum storage size volume.

24. Compliance with BASIX Certificate

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

Reason: Statutory requirement.

25. Statement of compliance with Australian Standards

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

Reason: To ensure compliance with the Australian Standards.

26. Long service levy

A Construction Certificate shall not be issued until any long service levy payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

27. Builder's indemnity insurance

The Applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Certifier for endorsement of the plans accompanying the Construction Certificate, unless an exemption under the *Home Building Regulation 2014* applies.

It is the responsibility of the Applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$20,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$20,000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

Reason: Statutory requirement

28. 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*.

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.

29. Prohibition of external service pipes and the like

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the building. Details confirming compliance with this condition must be shown on Construction Certificate plans and detailed with Construction Certificate specifications. Required external vents or vent pipes on the roof or above the eaves must be shown on Construction Certificate plans and detailed with Construction Certificate specifications. External vents or roof vent pipes must not be visible from any place unless detailed upon development consent plans. Where there is any proposal to fit external service pipes or the like, this must be detailed in an application to modify this Development Consent (S4.55) and submitted to Council for determination.

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

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

30. Certification of external materials, colours and finishes - major development

The Certifier shall not issue the relevant Construction Certificate unless the external materials, colours and finishes specified in the Construction Certificate application are consistent with the approved plans and documents referred to in Condition No. 1 of the Development Consent.

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

31. Access for people with disabilities (residential)

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

access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access.

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

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

32. Livable housing - silver and platinum units (Modified by MOD0173/22)

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, including for car parking and as identified within the accessibility report prepared by Accessible Building Solutions, dated 08.07.2021 as follows:

- a) All apartments identified as Silver Level; and
- b) Apartments ~~AG02~~, AG05, AG06, ~~A102~~, A105, ~~A202~~, A205, ~~A302~~, A305, ~~A402~~, A405, ~~A502~~, A505, C103, C106, C203, C206, C303, C306, C403, C406, C503, C506 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.

33. 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.

34. Recycling and waste management

Prior to the issue of the relevant Construction Certificate, the Certifier shall be satisfied that the development provides a common garbage collection/separation area sufficient in size to store all wheelie garbage bins and recycling bins provided by Council for the number of units in the development in accordance with the Ku-ring-gai DCP. Access to the basement and the garbage collection point is to be provided to Council's Waste Collection Services.

The waste management is to identify who has responsibility for:

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

Reason: Effective waste management and recycling.

35. 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 display that all air conditioning condensers will be located within the basement or roof top plant enclosure.

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

36. 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 proposed as part of the approved development.

The acoustic design report shall provide acoustic design detailing and recommendations to address any potential noise impacts to ensure that the operation of an individual piece of equipment or operation of equipment in combination will not be audible within any habitable room in any residential occupancy before 7.00am and after 10.00pm. Outside of these restricted hours noise from an individual piece of equipment or in combination shall not be greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary..

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

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

37. Driveway crossing levels

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

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

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

The construction of footpaths and driveways outside the property in materials other than those

approved by Council is not permitted.

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

38. 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 to and approved by the Certifier. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The civil/traffic engineer shall provide specific written certification on the plans that:

- vehicular access ramp along the path of travel to the garbage loading/unloading area can be obtained using grades of 20% (1 in 5) maximum,
- vehicular access can be obtained using grades of 25% (1 in 4) maximum, and
- all changes in grade (transitions) comply with Australian Standard 2890.1 - "Off-street car parking" (refer clause 2.5.3) to prevent the scraping of the underside of vehicles

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

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

39. 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 require 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.

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

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

- Construction of a new access road supported by a signalised intersection at Fox Valley Road (subject to separate approval)

- Removal of old vehicular crossings on Fox Valley Rd
- Construction of a new vehicular crossing to Building E from Fox Valley Road.
- Reconstruction of kerb and gutter for the full frontage of the development in Fox Valley Rd, along with associated road pavement reconstruction
- Reconstruction of 1.2m wide concrete footpath for the full frontage of the development in Fox Valley Rd

The required plans and specifications are to be designed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2014. The drawings must detail existing utility services, (mains and house connections) and trees affected by the works. Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three weeks will be required for Council to assess the *Roads Act 1993* applications. Early submission is recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current Fees and Charges

Schedule are payable to Council prior to issue of the relevant Construction Certificate. An engineering plan assessment fee is also applicable.

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

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

41. Ausgrid requirements

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

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

Reason: To ensure compliance with the requirements of Ausgrid.

42. Utility provider requirements

Prior to issue of the relevant 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.

43. 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.

44. Waste and recycling storage facilities - residential flat building

The Certifier must be satisfied that the waste storage room shall be located within the respective basement(s) and will be of adequate size to contain the waste and recycling bins. All internal walls shall be 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 above shall be provided to 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 THE CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION (WHICHEVER COMES FIRST):

45. Notification of any new contamination information discovered

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.

Reason: To comply with State Environmental Planning Policy (Resilience and Hazards) 2021

46. Infrastructure damage security bond and inspection fee

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

- 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.
- 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.
- The Infrastructure damage security bond and infrastructure inspection fee must be paid to Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- In consideration of payment of the infrastructure damage security bond and infrastructure inspection fee, Council will undertake such inspections of Council Property as Council considers necessary and will also undertake, on behalf of the applicant, such restoration work to Council property, if any, that Council considers necessary, as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure damage security bond payable pursuant to this condition.

- (e) **Release of the bond** – Upon receipt of the Final Occupation Certificate, Council will undertake an inspection of Council's Infrastructure and release the bond if no damage is found.

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

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

- (f) In this condition:

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

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

Reason: To maintain public infrastructure.

47. Construction Certificate plans

The Construction Certificate plans must be consistent with the approved plans and documents referred to in Condition No. 1 of this Development Consent.

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

48. ~~Section 7.11 development contributions – other than identified centres (For DAs determined on or after 19 December 2010). (Modified by MOD0173/22) (Deleted eMOD0170/24)~~

~~Section 7.11 Local infrastructure contributions – for Buildings A, B and C~~

- ~~(a) 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	\$281,873.71 \$267,300.00
Local parks and local sporting facilities	\$2,578,126.29 \$2,372,700.00
Total:	\$2,860,000.00 \$2,640,000.00

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

(b) ~~A development contribution that is required under the conditions of this consent must be paid before the issue of the first occupation certificate in respect of any building to which this consent relates, except as provided by (c) below.~~

(c) ~~If no construction certificate in respect of the erection of any building to which the consent relates has been issued before or on 25 September 2022, the development contribution must be paid prior to the issue of the first relevant construction certificate, or Occupation Certificate after that date.~~

~~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 <<http://www.krg.nsw.gov.au>>.~~

Reason: ~~To comply with the Ministerial Direction that came into effect on 8 July 2020 and 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.~~

48a. Section 7.11 development contributions - other than identified centres (For DAs determined on or after 19 December 2010). (Added eMOD0170/24)

Section 7.11 Local infrastructure contributions – for Buildings A, B and C

(a) 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
LGA Wide Local Recreational & Cultural	\$265,497.60
Northern Area Local Parks & Sporting Facilities	\$2,294,502.40
Total:	2,560,000.00

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

(b) A development contribution that is required under the conditions of this consent must be paid before the issue of the first occupation certificate in respect of any building to which this consent relates, except as provided by (c) below.

(c) If no construction certificate in respect of the erection of any building to which the consent relates has been issued before or on 25 September 2022, the development contribution must be paid prior to the issue of the first relevant construction certificate, or Occupation Certificate after that date.

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 <<http://www.krg.nsw.gov.au>>.

Reason: To comply with the Ministerial Direction that came into effect on 8 July 2020 and 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:

49. Road opening permit

The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a road opening permit being obtained from Council (upon payment of the required fee) beforehand.

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

50. 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.

51. Combustibility of external walls and cladding

External walls, including attachments, must comply with the relevant requirements of the Building Code of Australia (BCA) and the Building Products (Safety) Act 2017.

Prior to the issue of the relevant Construction Certificate the Certifier must:

1. Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls, including finishes and cladding such as synthetic or aluminium composite panels, comply with the relevant requirements of the BCA and the Building Products (Safety) Act 2017; and
2. Ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built and does not include a building product listed as unsafe or banned under the Building Products (Safety) Act 2017.

Prior to the issue of the relevant Occupation Certificate the Principal Certifier must:

1. Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls, including finishes and cladding such as synthetic or aluminium composite panels, comply with the relevant requirements of the BCA and the Building Products (Safety) Act 2017; and
2. Ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built and does not include a building product listed as unsafe or banned under the Building Products (Safety) Act 2017.

Reason: To ensure the safety of occupants.

52. 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.

53. Site notice

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

The site notice must:

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

Reason: To ensure public safety and public information.

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. Compliance with submitted geotechnical report

A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation.

Geotechnical aspects of the development work, namely:

- appropriate excavation method and vibration control
- support and retention of excavated faces
- hydro-geological considerations

must be undertaken in accordance with the recommendations of the approved geotechnical report.

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

Reason: To ensure the safety and protection of property.

56. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The footpath shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

Reason: To ensure safety and amenity of the area.

57. 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 at a ratio of one toilet plus one additional toilet for every 20 persons working at the site. 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.

58. 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.

59. 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.

60. 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.

61. Approval for rock anchors

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

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

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 undertake proceedings to stop work.

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 rock anchors

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

1. Details of how the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road.
2. A copy of the plans and sections showing the location, including level and angle, of the installed anchors is to be provided to Council so that the locations of the rock anchors are registered with "Dial Before You Dig".
3. Evidence confirming that approval of all utility authorities likely to use the public road has

been obtained. All temporary rock anchors are located outside the allocations for the various utilities.

4. Evidence confirming that any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
5. Placement and maintenance of signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Operations for approval before any signs are installed.

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

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

Reason: To ensure the safety and protection of property.

65. 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 Principal Certifier.

Reason: To protect the natural environment.

66. Arborist's inspection and reporting

The tree/s to be retained shall be inspected and monitored by an AQF Level 5 arborist in accordance with the current version of **Australian Standard AS 4970 - Protection of trees on development sites** during and after completion of development works to ensure their long term survival.

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

Regular inspections and documentation from the arborist to the Principal Certifier are required but not limited to the following times or phases of work:

Tree/location	Time of inspection
Trees: 1, 2, 3, 4, 5, 6, 7, 8, 16, 17, 24 & 24a On site and adjacent to the site	*Immediately prior to the commencement of ANY works on site *Certification of tree protection fencing/requirements consistent with the consent conditions *Direct supervision of excavation works within the recognised TPZ *At the completion of bulk excavation works and prior to basement construction works. *At three monthly intervals during construction *At the completion of all works on site.

All works as recommended by the project arborist are to be undertaken by an experienced

arborist with a minimum AQF Level 3 qualification.

Reason: To ensure protection of existing trees.

67. 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 1 <i>Ficus microcarpa 'hillii'</i> (Hill's Fig) Adjacent to southwest site boundary	13.0m
Tree 2 <i>Ficus microcarpa 'hillii'</i> (Hill's Fig) Adjacent to southwest site boundary	7.0m
Tree 3 <i>Lophostemon confertus</i> (Brushbox) Adjacent to southwest site boundary	11.0m
Tree 4 <i>Lophostemon confertus</i> (Brushbox) Adjacent to southwest site boundary	5.0m
Tree 5 <i>Eucalyptus sp</i> (Eucalypt) Adjacent to northwest/rear site boundary	10.0m
Tree 6 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northwest/rear site boundary	15.0m
Tree 7 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northwest/rear site boundary	11.5m
Tree 8 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northwest/rear site boundary	11.5m
Tree 16 Unidentified tree sp. Fox Valley Rd site frontage/southeast school corner	5.0m
Tree 17 <i>Lophostemon confertus</i> (Brushbox) Adjacent to southwest site boundary	8.0m

Reason: To protect existing trees.

68. Trees on nature strip

Removal or pruning of the following tree/s on Council's nature strip shall be undertaken at no cost to Council by one of Council's approved tree contractors. A list of contractors is available from Council's Tree Management Team, who are in Council's Operation's Department.

Council's Tree Maintenance Supervisor must be advised via email, within a minimum of 48 hours prior to commencement of the works, with the following detail:

- selected contractor,
- the item code
- associated rate provided.

You and/or the contractor will be responsible for the reporting and/or repair of any services damaged because of works undertaken. :

Tree/location	Tree Works
Tree 10A <i>Liquidambar styraciflua</i> (Sweet Gum) Fox Valley Rd nature strip	Removal

Reason: To protect existing trees.

69. Cutting of tree roots and branches

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

Reason: To protect existing trees.

70. 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 1 <i>Ficus microcarpa 'hillii'</i> (Hill's Fig) Adjacent to southwest site boundary	9.0m east, 13.0m elsewhere
Tree 2 <i>Ficus microcarpa 'hillii'</i> (Hill's Fig) Adjacent to southwest site boundary	7.0m
Tree 3 <i>Lophostemon confertus</i> (Brushbox) Adjacent to southwest site boundary	9.0m east, 11.0m elsewhere
Tree 4 <i>Lophostemon confertus</i> (Brushbox) Adjacent to southwest site boundary	5.0m
Tree 5 <i>Eucalyptus sp</i> (Eucalypt) Adjacent to northwest/rear site boundary	10.0m
Tree 6 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northwest/rear site boundary	15.0m
Tree 7 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northwest/rear site boundary	11.5m
Tree 8 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northwest/rear site boundary	11.5m
Tree 16 Unidentified tree sp. Fox Valley Rd site frontage/southeast school corner	5.0m
Tree 17 <i>Lophostemon confertus</i> (Brushbox) Adjacent to southwest site boundary	8.0m

Reason: To protect existing trees.

71. 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
T9 <i>Chamaecyparis obtusa</i> (Hinoki Cypress) On site within proposed internal road	Removal
T10 <i>Chamaecyparis obtusa</i> (Hinoki Cypress) On site within proposed footpath/internal road	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/horticulturist, with a minimum AQF Level 3 qualification.
3. All root or canopy pruning works shall be undertaken as specified in current version of **Australian Standard AS 4373 - Pruning of amenity trees**.

Removal or pruning of any other tree on the site is not approved, excluding species and works

exempt under Council's Development Control Plan.

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

72. Hand excavation

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

Tree/Location	Radius in metres
Tree 1 <i>Ficus microcarpa 'hillii'</i> (Hill's Fig) Adjacent to southwest site boundary	9.0m east, 13.0m elsewhere
Tree 2 <i>Ficus microcarpa 'hillii'</i> (Hill's Fig) Adjacent to southwest site boundary	7.0m
Tree 3 <i>Lophostemon confertus</i> (Brushbox) Adjacent to southwest site boundary	9.0m east, 11.0m elsewhere
Tree 4 <i>Lophostemon confertus</i> (Brushbox) Adjacent to southwest site boundary	5.0m
Tree 5 <i>Eucalyptus sp</i> (Eucalypt) Adjacent to northwest/rear site boundary	10.0m
Tree 6 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northwest/rear site boundary	15.0m
Tree 7 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northwest/rear site boundary	11.5m
Tree 8 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northwest/rear site boundary	11.5m
Tree 16 Unidentified tree sp. Fox Valley Rd site frontage/southeast school corner	5.0m
Tree 17 <i>Lophostemon confertus</i> (Brushbox) Adjacent to southwest site boundary	8.0m

Reason: To protect existing trees.

73. Thrust boring/directional drilling

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

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

Tree/Location	Radius in metres
Tree 1 <i>Ficus microcarpa 'hillii'</i> (Hill's Fig) Adjacent to southwest site boundary	13.0m
Tree 2 <i>Ficus microcarpa 'hillii'</i> (Hill's Fig) Adjacent to southwest site boundary	7.0m
Tree 3 <i>Lophostemon confertus</i> (Brushbox) Adjacent to southwest site boundary	11.0m
Tree 4 <i>Lophostemon confertus</i> (Brushbox) Adjacent to southwest site boundary	5.0m
Tree 5 <i>Eucalyptus sp</i> (Eucalypt) Adjacent to northwest/rear site boundary	10.0m

Tree 6 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northwest/rear site boundary	15.0m
Tree 7 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northwest/rear site boundary	11.5m
Tree 8 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northwest/rear site boundary	11.5m
Tree 16 Unidentified tree sp. Fox Valley Rd site frontage/southeast school corner	5.0m
Tree 17 <i>Lophostemon confertus</i> (Brushbox) Adjacent to southwest site boundary	8.0m

Reason: To protect and minimise damage to existing trees.

74. 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.

75. 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.

76. 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.

77. Removal of weeds

All urban environmental weed species as listed in the Biosecurity Act 2015 (NSW), Council's Weed Management Policy and/or weed species listed within Council's Development Control Plan shall be removed from the property prior to completion of building works/

Reason: To protect the environment.

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

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

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

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

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

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

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

79. 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.

80. Salvage and re-use of existing material

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

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

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

81. 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.

82. Vibration

Vibration emitted from activities associated with the demolition, excavation, construction and fitout of buildings and associated infrastructure shall satisfy the values referenced in Table 2.2 of the Environment Protection Authority Assessing Vibration - a Technical Guideline.

Reason: To protect residential amenity during construction.

83. Control of construction noise (Australian Standard)

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

Reason: To protect the amenity of neighbouring properties

84. Prescribed conditions

The work shall comply with any relevant prescribed conditions of development consent under Section 69 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:

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

Reason: Statutory requirement.

85. 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.

86. 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:

87. Validation report

Validation Report shall be submitted to Council being the Regulatory Authority for the management of contaminated land prior to issue of the Occupation Certificate. The Validation Report shall be prepared in accordance with the NSW EPA's guidelines, Consultants Reporting on Contaminated sites and shall:

- Describe and document all works performed
- Include results of validation testing and monitoring
- Including validation results of any fill imported on to the site
- Show how all agreed clean-up criteria and relevant regulations have been complied with; and
- 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 comply with State Environmental Planning Policy (Resilience and Hazards) 2021

88. Review of Validation Report

An accredited auditor under the Contaminated Land Management Act 1997 shall review the Validation Reported prepared by the contaminated land consultant and issue a site Audit

Statement. The accredited auditor shall provide Council being the Regulatory Authority for the management of contaminated land, with a copy of the site Audit Report and site Audit Statement, prior to issue of the Occupation Certificate.

Reason: To comply with State Environmental Planning Policy (Resilience and Hazards) 2021

89. Site audit statement

A site Audit Statement (SAS) shall be submitted to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of the Occupation Certificate, clearly demonstrating that the site is suitable for the intended use. Conditions imposed on the SAS shall form part of this consent. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail.

Reason: To comply with State Environmental Planning Policy (Resilience and Hazards) 2021

90. Storage (*Modified eMOD0170/24*)

Prior to the issue of the relevant Occupation Certificate, the following units are to demonstrate internal fit-outs of all spaces/rooms without access to natural daylight or natural ventilation - notionally identified as storage, are fitted out to prevent their use as habitable spaces/rooms:

- Building A: AG06, A106, A206, A306, A406, A506,
- Building C: CG01, CG02, CG07, CG08, CG09, C101, ~~C105~~, C108, C109, C201, ~~C205~~, C208, C209, C301, ~~C305~~, C308, C309, C310, C401, ~~C405~~, C408, C409, C410, C501, C505, C508, C509, C510,

Reason: To ensure compliance with SEPP 65 ADG for natural daylight and natural ventilation to all habitable rooms.

91. Acoustic control measures - glazing

Prior to the issue of the relevant Occupation Certificate, the Principal Certifier shall be satisfied that the acoustic glazing for the development has been installed as specified in Part 5.1 of DA Acoustic Report Ref: ID:11042 RO1v4 dated 26 October 2021 prepared by PKA Acoustic Consulting.

Written confirmation from an acoustic engineer that the acoustic glazing has been installed as specified in the DA Acoustic Report is to be submitted to the Principal Certifier.

Reason: To protect the amenity of the occupants.

92. Compliance with BASIX Certificate

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

Reason: Statutory requirement.

93. Clotheslines and clothes dryers

Prior to the issue of the relevant Occupation Certificate, the Principal Certifier shall be satisfied that the units either have access to an external clothesline located in common open space or will have a mechanical clothes dryer installed.

Reason: To provide access to clothes drying facilities.

94. 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 the relevant Occupation Certificate.

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

95. Completion of landscape works

Prior to the issue of 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.

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

96. Mechanical noise control

Prior to the issue of the relevant Occupation Certificate, the Principal Certifier shall 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 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 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 that the development achieves the above requirements is to be submitted to the Principal Certifier.

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

97. 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.

98. Location of air conditioning condensers

Prior to the issue of the relevant Occupation Certificate, the Principal Certifier shall be satisfied that all air conditioning condensers are located in the basement or roof top plant enclosure.

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

99. Accessibility

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

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 - 2009 and the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

Reason: To facilitate disabled access.

100. Livable housing - silver and platinum units (*Modified by MOD0173/22*)

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 Liveable Housing Design Guidelines, including for car parking and as identified within the accessibility report prepared by Accessible Building Solutions, dated 08.07.2021 as follows:

- a) All apartments identified as Silver Level; and
- b) Apartments ~~AG02~~, AG05, AG06, ~~A102~~, A105, ~~A202~~, A205, ~~A302~~, A305, ~~A402~~, A405, ~~A502~~, A505, C103, C106, C203, C206, C303, C306, C403, C406, C503, C506 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.

101. Certification of drainage works

Prior to issue of the relevant 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 2018 and the Building Code of Australia.
6. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting

compliance with the above is to be provided to Council prior to the issue of the relevant Occupation Certificate.

Reason: To ensure appropriate stormwater management.

102. 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 the relevant Occupation Certificate. The survey must indicate:

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

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

Reason: To ensure appropriate stormwater management.

103. Basement pump-out maintenance

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

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

Reason: To ensure appropriate stormwater management.

104. On-site detention system marker plate

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

This marker plate can be purchased from Council.

Reason: To prevent unlawful alteration.

105. Certification of as-constructed driveway and carpark

Prior to issue of the relevant 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 the Australian Standard 2890.1 - "Off-street car parking",
6. **2.6 metres** height clearance for waste collection trucks (refer Part 23.7 of the Ku-ring-gai DCP) are met from the public street into and within the applicable areas of the basement carpark.

Evidence from a suitably qualified and experienced traffic/civil engineer demonstrating compliance with the above is to be provided to and approved by the Principal Certifier prior to the issue of the relevant Occupation Certificate.

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

106. Reinstatement of redundant crossings and completion of infrastructure works

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 receive a signed inspection form from Council which states that the following works in the road reserve have been completed:

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

This inspection may not be carried out by the Principal Certifier because restoration of Council property outside the boundary of the site is not a matter listed in Section 73 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

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

Reason: To protect the public infrastructure.

107. Construction of works in public road - approved plans

Prior to issue of the relevant Occupation Certificate, the Principal Certifier must be satisfied that all approved road, footpath and/or drainage works have been completed in the road reserve in

accordance with the Council Roads Act approval and accompanying drawings, conditions and specifications.

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

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

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

108. Infrastructure repair

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

Reason: To protect public infrastructure.

109. Fire safety certificate

Prior to the issue of the relevant 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.

110. Waste and recycling storage facilities- residential flat building

Prior to the issue of the relevant 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. All internal walls of the waste storage rooms are rendered and coved at the floor/wall intersection, the floor is graded and drained to the sewer and a tap with hot and cold water is located in close proximity to facilitate cleaning.

Reason: To protect amenity and to prevent environmental pollution.

111. OSD positive covenant stormwater detention facilities

Prior issue of the Final 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.8.1 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.

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

112. Positive covenant retention and re-use facilities

Prior to issue of the Final 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.8.2 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.

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

113. Easement for waste collection

Prior to the issue of the Final 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.

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

114. Submission of 88b instrument

Prior to the issue of the Final Occupation Certificate, an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus two (2) copies, shall be submitted to Council. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the burdens.

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

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

Prior to issue of the Final Occupation Certificate, a registered surveyor is to provide details to Council that all physical structures are fully contained within the 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.

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

CONDITIONS TO BE SATISFIED AT ALL TIMES:

116. Outdoor lighting

All external lighting must:

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

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

Reason: To protect the amenity of surrounding properties.

117. Screening of air conditioning condenser units

The air conditioning condenser units located on the roof level are to be adequately screened in order to ensure they cannot be seen from the adjoining properties.

Reason: To ensure the air conditioning condenser units are screened.

118. Trees to be retained on bushfire prone land

Trees: 05, 06, 07, 08, 24, 24A as numbered on plan L-1002 issue F prepared by GSA, dated 03/05/2022 are to be retained.

Reason: To maintain the existing landscape character for conservation purposes and protect the environment.

119. Noise control - mechanical plant

Noise levels associated with mechanical plant installed on the premises shall not be audible within any habitable room in any 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 shall 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 occupants and neighbouring properties.

120. Noise control - rainwater re-use system

Noise levels associated with rainwater re-use system(s) installed on the premises shall not be audible within any habitable room in residential premises before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with rainwater re-use system(s) installed on the premises either as an individual piece of equipment or in combination shall 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 occupants and neighbouring properties.

121. Noise control - air conditioning

Noise levels associated with air conditioning units installed on the premises shall not be audible within any habitable room in any residential occupancy before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with air conditioning units installed on the premises either as an individual piece of equipment or in combination shall 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 residential occupants and neighbouring properties.

122. Noise Control - mechanical exhaust ventilation

Noise levels associated with mechanical exhaust ventilation installed on the premises shall not be audible within any habitable room in any residential premises before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with mechanical exhaust ventilation installed on the premises either as an individual piece of equipment or in combination shall 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.

123. Use of car parking

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

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

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

124. Loading and unloading

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

Reason: To ensure safe traffic movement.

125. 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.

INTEGRATED REFERRAL CONDITIONS:

126. General terms of approval - Rural Fire Service

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, have been issued that are subject to the following conditions:

Asset Protection Zones

Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

1. Prior to the issue of subdivision or construction certificate (whichever occurs first), the areas denoted outer protection area (OPA) and inner protection area (IPA) on the 'Fire Compliance Landscape Plan' prepared by Group GSA Pty Ltd, project no. 180846, dwg

no. L-1003, issue F, dated 16/06/2022 must be managed in perpetuity in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.

When establishing and maintaining an OPA, the following requirements apply:

- Trees tree canopy cover be less than 30%;
- Canopies are separated by 2 to 5m;
- Shrubs are not form a continuous canopy;
- Shrubs do not form more than 20% of ground cover;
- Grass to be kept mown to a height of less than 100mm; and
- Leaf and other debris are removed; and
- NSW Rural Fire Service's document *Standards for asset protection zones*

When establishing and maintaining an IPA, the following requirements apply:

- Tree canopy cover be less than 15% at maturity;
- Trees at maturity are not touching or overhang the building;
- Lower limbs are removed up to a height of 2m above the ground;
- Tree canopies are separated by 2 to 5m;
- Preference is given to smooth-barked and evergreen trees;
- Large discontinuities or gaps in vegetation are provided to slow down or break the progress of fire towards buildings;
- Shrubs are not located under trees;
- Shrubs do not form more than 10% of ground cover;
- Clumps of shrubs are separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- Grass to be kept mown (as a guide grass should be kept to no more than 100mm in height);
- Leaves and vegetation debris are removed; and
- NSW Rural Fire Service's document *Standards for asset protection zones*.

Construction Standards

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

2. New construction (except for the southern elevation/s) must comply with Sections 3 and 7 (BAL 29) of the Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate, and Section 7.5 of *Planning for Bush Fire Protection 2019*.
3. New construction on the southern elevation/s must comply with Sections 3 and 6 (BAL 19) of the Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate, and Section 7.5 of *Planning for Bush Fire Protection 2019*.
4. Any new Class 10b structures as defined per the *National Construction Code* must be non-combustible.

Access – Public Roads

Intent of measures: to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

5. The new access road must comply with the following requirements for perimeter roads under Table 5.3b of *Planning for Bush Fire Protection 2019*:
 - a two-way sealed road with a minimum 8m carriageway width kerb to kerb;
 - parking is provided outside of the carriageway width;
 - hydrants are located clear of parking areas;
 - all roads are through roads;
 - curves of roads have a minimum inner radius of 6m;
 - the maximum grade road is 15 degrees and average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
 - the road crossfall does not exceed 3 degrees; and
 - a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.
 - traffic management devices are constructed to not prohibit access by emergency services vehicles;
 - where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
 - one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
 - the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating;
 - hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
 - hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - *Fire hydrant installations System design, installation and commissioning*.

Water and Utility Services

Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

6. The provision of water, electricity and gas must comply with Table 5.3c of *Planning for Bush Fire Protection 2019*.

Reason: To ensure the development is adequately protected from the threat of bush fire.

Landscaping Assessment

7. Before the start of building works, a Vegetation Management Plan (VMP), and/or a landscape plan, that can be legally and practically enforced for the life of the development must be produced for the management of the entire site outside of the IPA and OPA specified in Condition 1 above. The VMP, and/or landscape plan, must be certified by an accredited bushfire consultant to ensure that landscaping is designed and managed to ensure that the land does not become a bushfire hazard.

CONDITIONS APPLICABLE TO BUILDINGS E

The following conditions [127] – [245] apply to the works for Building E on Drawing Number A0011, Revision C, Staging Plan dated 21 June 2022, and applications for certificates under Part 6 of the Act for those works only.

127. Universal and accessible housing

Prior to the issue of the relevant Construction Certificate, evidence from an appropriately qualified Liveable Housing Accredited Assessor/Access consultant is to be submitted to and approved by the Team Leader Development Assessment, demonstrating compliance with the following requirements:

(a) Platinum Level Housing

At least 15% of the units are designed to Platinum Level under the *Liveable Housing Design Guidelines*.

(b) Silver Level Housing

All units are designed to Silver Level under the *Liveable Housing Design Guidelines*.

(c) Visitable dwellings

At least 70% of units are a visitable housing unit as defined in AS 4299-1995 Adaptable Housing.

Reason: To ensure universal and accessible housing is provided.

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

128. Site health and safety plan

A site Health & Safety Plan shall be prepared prior to the commencement of remediation works by a person competent to do so. All works shall be carried out in accordance with this plan. This plan shall include:

- Hazard identification and control
- Site security
- Personal protective equipment
- Work zones and decontamination procedures
- Contingency plans and incident reporting
- Environmental monitoring

Reason: To comply with State Environmental Planning Policy (Resilience and Hazards) 2021.

129. Imported landfill material

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 works, certifying that the imported fill is suitable for the land use.

Reason: To comply with State Environmental Planning Policy (Resilience and Hazards) 2021

130. 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.

131. 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.

132. 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.

133. Geotechnical report

Prior to the commencement of any works, the results of the detailed geotechnical investigation comprising a minimum of three cored boreholes to at least 1 metre below the proposed basement level shall be submitted to the Principal Certifier. The report is to address such matters as:

- appropriate excavation methods and techniques
- vibration management and monitoring
- dilapidation survey
- support and retention of excavated faces
- hydrogeological considerations

The recommendations of the report are to be implemented during the course of the works.

Reason: To ensure the safety and protection of property.

134. Construction traffic management plan

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

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

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

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

- show locations for site offices and materials storage areas which are to be located outside the tree protection zones

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

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

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

For safety and amenity, no construction vehicle (Medium Rigid Vehicle of 8.8m or greater) movements are to occur in school zones provided for the Wahroonga Adventist School on 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.

135. 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.

136. Sediment controls

Prior to any works commencing, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the Landcom manual '*Managing Urban Stormwater: Soils and Construction*'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site is fully stabilised. Sediment shall be removed from the sediment and erosion control measures following each heavy or prolonged rainfall period.

Reason: To protect and enhance the natural environment.

137. 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.

138. 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 be maintained intact until the completion of all demolition/building work.

Tree/Location	Radius in metres
Tree 10C <i>Acer bergueranum</i> (Trident Maple) Fox Valley Rd nature strip	Top of kerb, southern side of pedestrian path, 3.5m elsewhere
Tree 10D <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to western site boundary	9.5m
Tree 10E <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to western site boundary	4.5m
Tree 10F <i>Acacia sp</i> (Wattle) Adjacent to western site boundary	3.0m
Tree 10G <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to western site boundary	4.5m
Tree 10 J <i>Liquidambar styraciflua</i> (Sweet Gum) Fox Valley Rd nature strip	Top of kerb, southern side of pedestrian path, 4.5m elsewhere
Tree 10L <i>Corymbia citriodora</i> (Lemon Scented Gum) Adjacent to eastern site boundary in neighbouring site	8.0m west, 9.5m elsewhere
Tree 11 <i>Prunus sp</i> Adjacent to eastern site boundary within site frontage	2.0m

Reason: To protect existing trees.

139. Tree protective fencing type galvanised mesh

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

Reason: To protect existing trees.

140. Tree protection signage

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

The words:

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

and the following information:

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

Reason: To protect existing trees.

141. 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.

142. 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.

143. Project arborist

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

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

Reason: To protect of existing trees.

144. 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.

145. 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 THE CONSTRUCTION CERTIFICATE:

146. Subterranean unit

Prior to the issue of the relevant Construction Certificate, coordinated waterproofing details of the south-western wall of Unit ELG01 are to be verified by the appropriately qualified Waterproofing specialist consultant for 'Wall section detail BLG E' of drawing 3204 (A) for subterranean conditions.

Reason: To provide effective waterproofing and confirm compliance with the Design and Building Practitioners Act.

147. Storage

Prior to the issue of the relevant Construction Certificate, the following units are to demonstrate internal fit-outs of all spaces/rooms without access to natural daylight or natural ventilation - notionally identified as storage, are fitted out to prevent their use as habitable spaces/rooms: Building E: ELG01, ELG02, EG02, EG06, E102, E106, E202, E206, E302, E306, E402, E406.

Reason: To ensure compliance with SEPP 65 ADG for natural daylight and natural ventilation to all habitable rooms.

148. Compliance with BASIX Certificate

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

Reason: Statutory requirement.

149. Statement of compliance with Australian Standards

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

Reason: To ensure compliance with the Australian Standards.

150. Long service levy

A Construction Certificate shall not be issued until any long service levy payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

151. Builder's indemnity insurance

The Applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Certifier for endorsement of the plans accompanying the Construction Certificate, unless an exemption under the *Home Building Regulation 2014* applies.

It is the responsibility of the Applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$20,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$20,000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

Reason: Statutory requirement.

152. 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*.

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.

153. Prohibition of external service pipes and the like

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the building. Details confirming compliance with this condition must be shown on Construction Certificate plans and detailed with Construction Certificate specifications. Required external vents or vent pipes on the roof or above the eaves must be shown on Construction Certificate plans and detailed with Construction Certificate specifications. External vents or roof vent pipes must not be visible from any place unless detailed upon development consent plans. Where there is any proposal to fit external service pipes or the like, this must be detailed in an application to modify this Development Consent (S4.55) and submitted to Council for determination.

Vent pipes required by Sydney Water must not be placed on the front elevation of the building or

front roof elevation. The Applicant, owner and builder must protect the appearance of the building from the public place and the appearance of the streetscape by elimination of all external services excluding vent pipes required by Sydney Water and those detailed on the Development Consent plans.

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

154. Certification of external materials, colours and finishes - major development

The Certifier shall not issue the relevant Construction Certificate unless the external materials, colours and finishes specified in the Construction Certificate application are consistent with the approved plans and documents referred to in Condition No. 1 of the Development Consent.

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

155. Access for people with disabilities (residential)

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

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

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

156. 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, including for car parking and as identified within the accessibility report prepared by Accessible Building Solutions, dated 08.07.2021 as follows:

- a) All apartments identified as Silver Level; and
- b) Apartments ELG04, E107, E207 & E307 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.

157. 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.

158. Recycling and waste management

Prior to the issue of the relevant Construction Certificate, the Certifier shall be satisfied that the development provides a common garbage collection/separation area sufficient in size to store all wheelie garbage bins and recycling bins provided by Council for the number of units in the development in accordance with the Ku-ring-gai DCP. Access to the basement and the garbage collection point is to be provided to Council's Waste Collection Services.

The waste management is to identify who has responsibility for:

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

Reason: Effective waste management and recycling.

159. 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 display that all air conditioning condensers will be located within the basement or roof top plant enclosure.

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

160. 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 proposed as part of the approved development.

The acoustic design report shall provide acoustic design detailing and recommendations to address any potential noise impacts to ensure that the operation of an individual piece of equipment or operation of equipment in combination will not be audible within any habitable room in any residential occupancy before 7.00am and after 10.00pm. Outside of these restricted hours noise from an individual piece of equipment or in combination shall not be greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary..

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

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

161. Driveway crossing levels

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 obtained from Council. Such levels are only able to be

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

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

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

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

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

162. Driveway grades - basement car parks

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 to and approved by the Certifier. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The civil/traffic engineer shall provide specific written certification on the plans that:

- vehicular access ramp along the path of travel to the garbage loading/unloading area can be obtained using grades of 20% (1 in 5) maximum,
- vehicular access can be obtained using grades of 25% (1 in 4) maximum, and
- all changes in grade (transitions) comply with Australian Standard 2890.1 - "Off-street car parking" (refer clause 2.5.3) to prevent the scraping of the underside of vehicles

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

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

163. 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 requires 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.

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

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

- Removal of old vehicular crossings on Fox Valley Rd
- Construction of a new vehicular crossing to Building E from Fox Valley Road.
- Reconstruction of kerb and gutter for the full frontage of the development in Fox Valley Rd, along with associated road pavement reconstruction
- Reconstruction of 1.2m wide concrete footpath for the full frontage of the development in Fox Valley Rd

The required plans and specifications are to be designed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2014. The drawings must detail existing utility services, (mains and house connections) and trees affected by the works. Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

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

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

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

165. Ausgrid requirements

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

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

Reason: To ensure compliance with the requirements of Ausgrid.

166. Utility provider requirements

Prior to issue of the relevant 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.

167. 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.

168. Waste and recycling storage facilities - residential flat building

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. All internal walls shall be 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 above shall be provided to 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 THE CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION (WHICHEVER COMES FIRST):

169. Notification of any new contamination information discovered

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.

Reason: To comply with State Environmental Planning Policy (Resilience and Hazards) 2021

170. Infrastructure damage security bond and inspection fee

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

- (a) All work or activity undertaken pursuant to this development consent must be undertaken in a manner to avoid damage to Council property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- (b) The applicant, builder, developer or any person acting in reliance on this consent shall be responsible for making good any damage to Council property and for the removal from

Council property of any waste bin, building materials, sediment, silt, or any other material or article.

- (c) The Infrastructure damage security bond and infrastructure inspection fee must be paid to Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- (d) In consideration of payment of the infrastructure damage security bond and infrastructure inspection fee, Council will undertake such inspections of Council Property as Council considers necessary and will also undertake, on behalf of the applicant, such restoration work to Council property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure damage security bond payable pursuant to this condition.
- (e) **Release of the bond** – Upon receipt of the Final Occupation Certificate, Council will undertake an inspection of Councils Infrastructure and release the bond if no damage is found.

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

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

- (f) In this condition:
"Council property" includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and
"Infrastructure damage security bond and infrastructure inspection fee" means the Infrastructure damage security bond and infrastructure inspection fee as calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council property associated with this condition.

Reason: To maintain public infrastructure.

171. Construction Certificate plans

The Construction Certificate plans must be consistent with the approved plans and documents referred to in Condition No. 1 of this Development Consent.

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

172. Section 7.11 development contributions - other than identified centres (For DAs determined on or after 19 December 2010).

Section 7.11 Local infrastructure contributions – for Buildings E

- (a) 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
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Local recreation and cultural facilities; Local social facilities	\$67,018.91
Local parks and local sporting facilities	\$612,981.09
Total:	\$680,000.00

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

- (b) A development contribution that is required under the conditions of this consent must be paid before the issue of the first occupation certificate in respect of any building to which this consent relates, except as provided by (c) below.
- (c) If no construction certificate in respect of the erection of any building to which the consent relates has been issued before or on 25 September 2022, the development contribution must be paid prior to the issue of the first relevant construction certificate or Occupation Certificate after that date.

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 <<http://www.krg.nsw.gov.au>>.

Reason: To comply with the Ministerial Direction that came into effect on 8 July 2020 and 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:

173. Road opening permit

The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a road opening permit being obtained from Council (upon payment of the required fee) beforehand.

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

174. 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.

175. Combustibility of external walls and cladding

External walls, including attachments, must comply with the relevant requirements of the Building Code of Australia (BCA) and the Building Products (Safety) Act 2017.

Prior to the issue of the relevant Construction Certificate the Certifier must:

1. Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls, including finishes and cladding such as synthetic or aluminium composite panels, comply with the relevant

- requirements of the BCA and the Building Products (Safety) Act 2017; and
2. Ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built and does not include a building product listed as unsafe or banned under the Building Products (Safety) Act 2017.

Prior to the issue of the relevant Occupation Certificate the Principal Certifier must:

1. Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls, including finishes and cladding such as synthetic or aluminium composite panels, comply with the relevant requirements of the BCA and the Building Products (Safety) Act 2017; and
2. Ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built and does not include a building product listed as unsafe or banned under the Building Products (Safety) Act 2017.

Reason: To ensure the safety of occupants.

176. 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.

177. Site notice

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

The site notice must:

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

Reason: To ensure public safety and public information.

178. 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.

179. Compliance with submitted geotechnical report

A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation.

Geotechnical aspects of the development work, namely:

- appropriate excavation method and vibration control
- support and retention of excavated faces
- hydro-geological considerations

must be undertaken in accordance with the recommendations of the approved geotechnical report.

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

Reason: To ensure the safety and protection of property.

180. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The footpath shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

Reason: To ensure safety and amenity of the area.

181. 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 at a ratio of one toilet plus one additional toilet for every 20 persons working at the site. 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.

182. 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.

183. 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.

184. 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.

185. Approval for rock anchors

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

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

186. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (2009) "Manual for Uniform Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

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

187. 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.

188. Temporary rock anchors

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

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

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

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

Reason: To ensure the safety and protection of property.

189. 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 Principal Certifier.

Reason: To protect the natural environment.

190. Arborist's inspection and reporting

The tree/s to be retained shall be inspected and monitored by an AQF Level 5 arborist in accordance with the current version of **Australian Standard AS 4970 - Protection of trees on development sites** during and after completion of development works to ensure their long term survival.

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

Regular inspections and documentation from the arborist to the Principal Certifier are required but not limited to the following times or phases of work:

Tree/location	Time of inspection
Trees: 10C, 10D, 10E, 10F, 10G, 10J, 10L, and 11 On site and adjacent to the site	*Immediately prior to the commencement of ANY works on site *Certification of tree protection fencing/requirements consistent with the consent conditions *Direct supervision of ANY excavation works within the recognised TPZ *At the completion of bulk excavation works and prior to basement construction works. *At three monthly intervals during construction *At the completion of all works on site.

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

Reason: To ensure protection of existing trees.

191. 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 10C <i>Acer bergueranum</i> (Trident Maple) Fox Valley Rd nature strip	3.5m
Tree 10D <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to western site boundary	9.5m
Tree 10E <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to western site boundary	4.5m
Tree 10F <i>Acacia sp</i> (Wattle) Adjacent to western site boundary	3.0m
Tree 10G <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to western site boundary	4.5m
Tree 10 J <i>Liquidambar styraciflua</i> (Sweet Gum) Fox Valley Rd nature strip	4.5m
Tree 10L <i>Corymbia citriodora</i> (Lemon Scented Gum) Adjacent to eastern site boundary in neighbouring site	9.5m
Tree 11 <i>Prunus sp</i> Adjacent to eastern site boundary within site frontage	2.0m

Reason: To protect existing trees.

192. Trees on nature strip

Removal or pruning of the following tree/s on Council's nature strip shall be undertaken at no cost to Council by one of Council's approved tree contractors. A list of contractors is available from Council's Tree Management Team, who are in Council's Operation's Department.

Council's Tree Maintenance Supervisor must be advised via email, within a minimum of 48 hours prior to commencement of the works, with the following detail:

- selected contractor,
- the item code
- associated rate provided.

You and/or the contractor will be responsible for the reporting and/or repair of any services damaged because of works undertaken.

Tree/location	Tree Works
Trees: 10B, 10H, and 10I Fox Valley Rd nature strip	Removal

Reason: To protect existing trees.

193. Cutting of tree roots and branches

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

Reason: To protect existing trees.

194. 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/horticulturist, with a minimum AQF Level 3 qualification.
work.

Tree/Location	Radius in metres
Tree 10C <i>Acer bergueranum</i> (Trident Maple) Fox Valley Rd nature strip	3.5m
Tree 10D <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to western site boundary	9.5m
Tree 10E <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to western site boundary	4.5m
Tree 10F <i>Acacia sp</i> (Wattle) Adjacent to western site boundary	3.0m
Tree 10G <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to western site boundary	4.5m
Tree 10 J <i>Liquidambar styraciflua</i> (Sweet Gum) Fox Valley Rd nature strip	4.5m
Tree 10L <i>Corymbia citriodora</i> (Lemon Scented Gum) Adjacent to eastern site boundary in neighbouring site	9.5m
Tree 11 <i>Prunus sp</i> Adjacent to eastern site boundary within site frontage	2.0m

Reason: To protect existing trees.

195. Approved tree works

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

Tree/location	Approved tree works
Tree 10K <i>Cupressus sempervirens</i> (Cypress) site frontage within driveway footprint	Removal
Tree 12 Unidentified tree species Adjacent to northeast site corner	Removal
Tree 13 <i>Callistemon salignus</i> (Bottlebrush) Rear setback	Removal
Tree 14 Unidentified tree species Rear setback	Removal
Tree 15 Unidentified tree species Rear setback	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/horticulturist, with a minimum AQF Level 3 qualification.
3. All root or canopy pruning works shall be undertaken as specified in current version of **Australian Standard AS 4373 - Pruning of amenity trees.**

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

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

196. Hand excavation

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

Tree/Location	Radius in metres
Tree 10C <i>Acer bergueranum</i> (Trident Maple) Fox Valley Rd nature strip	3.5m
Tree 10D <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to western site boundary	9.5m
Tree 10E <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to western site boundary	4.5m
Tree 10F <i>Acacia sp</i> (Wattle) Adjacent to western site boundary	3.0m
Tree 10G <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to western site boundary	4.5m
Tree 10 J <i>Liquidambar styraciflua</i> (Sweet Gum) Fox Valley Rd nature strip	4.5m
Tree 10L <i>Corymbia citriodora</i> (Lemon Scented Gum) Adjacent to eastern site boundary in neighbouring site	9.5m
Tree 11 <i>Prunus sp</i> Adjacent to eastern site boundary within site frontage	2.0m

Reason: To protect existing trees.

197. Thrust boring/directional drilling

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

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

Tree/Location	Radius in metres
Tree 10C <i>Acer bergueranum</i> (Trident Maple) Fox Valley Rd nature strip	3.5m
Tree 10D <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to western site boundary	9.5m
Tree 10E <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to western site boundary	4.5m
Tree 10F <i>Acacia sp</i> (Wattle) Adjacent to western site boundary	3.0m
Tree 10G <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to western site boundary	4.5m
Tree 10 J <i>Liquidambar styraciflua</i> (Sweet Gum) Fox Valley Rd nature strip	4.5m
Tree 10L <i>Corymbia citriodora</i> (Lemon Scented Gum) Adjacent to eastern site boundary in neighbouring site	9.5m

Reason: To protect and minimise damage to existing trees.

198. 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.

199. Tree planting on nature strip

The following tree species *Liquidambar styraciflua* (Sweet Gum) shall be planted, at no cost to Council, in the nature strip fronting the property along Fox Valley Rd. 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 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
<i>Liquidambar styraciflua</i> (Sweet Gum)	3	Equally spaced in front of site within the nature strip

Reason: To provide appropriate landscaping within the streetscape.

200. 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.

201. 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.

202. Removal of weeds

All urban environmental weed species as listed in the Biosecurity Act 2015 (NSW), Council's Weed Management Policy and/or weed species listed within Council's Development Control Plan shall be removed from the property prior to completion of building works/

Reason: To protect the environment.

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

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

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

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

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

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

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

204. 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.

205. Salvage and re-use of existing material

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

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

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

206. 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.

207. Vibration

Vibration emitted from activities associated with the demolition, excavation, construction and fitout of buildings and associated infrastructure shall satisfy the values referenced in Table 2.2 of the Environment Protection Authority Assessing Vibration - a Technical Guideline.

Reason: To protect residential amenity during construction.

208. Control of construction noise (Australian Standard)

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

Reason: To protect the amenity of neighbouring properties

209. Prescribed conditions

The work shall comply with any relevant prescribed conditions of development consent under Section 69 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:

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

Reason: Statutory requirement.

210. 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.

211. 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:

212. Validation report

Validation Report shall be submitted to Council being the Regulatory Authority for the management of contaminated land prior to issue of the Occupation Certificate. The Validation Report shall be prepared in accordance with the NSW EPA's guidelines, Consultants Reporting on Contaminated sites and shall:

- Describe and document all works performed
- Include results of validation testing and monitoring
- Including validation results of any fill imported on to the site
- Show how all agreed clean-up criteria and relevant regulations have been complied with; and
- 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 comply with State Environmental Planning Policy (Resilience and Hazards) 2021

213. Review of validation report

An accredited auditor under the Contaminated Land Management Act 1997 shall review the Validation Report prepared by the contaminated land consultant and issue a site Audit Statement. The accredited auditor shall provide Council being the Regulatory Authority for the management of contaminated land, with a copy of the site Audit Report and site Audit Statement, prior to issue of the Occupation Certificate.

Reason: To comply with State Environmental Planning Policy (Resilience and Hazards) 2021

214. Site audit statement

A site Audit Statement (SAS) shall be submitted to Council being the Regulatory Authority for the management of contaminated land, prior to the issue of the Occupation Certificate, clearly demonstrating that the site is suitable for the intended use. Conditions imposed on the SAS shall form part of this consent. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail.

Reason: To comply with State Environmental Planning Policy (Resilience and Hazards) 2021

215. Storage

Prior to the issue of the relevant Construction Certificate, the following units are to demonstrate internal fit-outs of all spaces/rooms without access to natural daylight or natural ventilation - notionally identified as storage, are fitted out to prevent their use as habitable spaces/rooms: Building E: ELG01, ELG02, EG02, EG06, E102, E106, E202, E206, E302, E306, E402, E406.

Reason: To ensure compliance with SEPP 65 ADG for natural daylight and natural ventilation to all habitable rooms.

216. Acoustic control measures - glazing

Prior to the issue of the relevant Occupation Certificate, the Principal Certifier shall be satisfied that the acoustic glazing for the development has been installed as specified in Part 5.1 of DA Acoustic Report Ref: ID:11042 RO1v4 dated 26 October 2021 prepared by PKA Acoustic Consulting.

Written confirmation from an acoustic engineer that the acoustic glazing has been installed as specified in the DA Acoustic Report is to be submitted to the Principal Certifier.

Reason: To protect the amenity of the occupants.

217. Compliance with BASIX Certificate

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

Reason: Statutory requirement.

218. Clotheslines and clothes dryers

Prior to the issue of the relevant Occupation Certificate, the Principal Certifier shall be satisfied that the units either have access to an external clothes line located in common open space or will have a mechanical clothes dryer installed.

Reason: To provide access to clothes drying facilities.

219. 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 the relevant Occupation Certificate.

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

220. Completion of landscape works

Prior to the issue of 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.

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

221. Mechanical noise control

Prior to the issue of the relevant Occupation Certificate, the Principal Certifier shall 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 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 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 that the development achieves the above requirements is to be submitted to the Principal Certifier.

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

222. 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.

223. Location of air conditioning condensers

Prior to the issue of the relevant Occupation Certificate, the Principal Certifier shall be satisfied that all air conditioning condensers are located in the basement or roof top plant enclosure.

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

224. Accessibility

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

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 - 2009 and the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

Reason: To facilitate disabled access.

225. 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 Liveable Housing Design Guidelines, including for car parking and as identified within the accessibility report prepared by Accessible Building Solutions, dated 08.07.2021 as follows:

- a) All apartments identified as Silver Level; and
- b) Apartments ELG04, E107, E207 & E307 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.

226. Certification of drainage works

Prior to issue of the relevant 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 2018 and the Building Code of Australia.
6. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

Reason: To ensure appropriate stormwater management.

227. 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 the relevant Occupation Certificate. The survey must indicate:

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

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

stamped construction certificate stormwater plans.

Reason: To ensure appropriate stormwater management.

228. Basement pump-out maintenance

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

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

Reason: To ensure appropriate stormwater management.

229. On-site detention system marker plate

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

This marker plate can be purchased from Council.

Reason: To prevent unlawful alteration.

230. Certification of as-constructed driveway and carpark

Prior to issue of the relevant 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 the Australian Standard 2890.1 - "Off-street car parking",
6. **2.6 metres** height clearance for waste collection trucks (refer Part 23.7 of the Ku-ring-gai DCP) are met from the public street into and within the applicable areas of the basement carpark.

Evidence from a suitably qualified and experienced traffic/civil engineer demonstrating compliance with the above is to be provided to and approved by the Principal Certifier prior to the issue of the relevant Occupation Certificate.

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

231. Reinstatement of redundant crossings and completion of infrastructure works

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 receive a signed inspection form from Council which states that the following works in the road reserve have been completed:

1. new concrete driveway crossing in accordance with levels and specifications issued by Council

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

This inspection may not be carried out by the Principal Certifier because restoration of Council property outside the boundary of the site is not a matter listed in Section 73 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

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

Reason: To protect the public infrastructure.

232. Construction of works in public road - approved plans

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

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

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

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

233. Infrastructure repair

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

Reason: To protect public infrastructure.

234. Fire safety certificate

Prior to the issue of the relevant 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.

235. Waste and recycling storage facilities- residential flat building

Prior to the issue of the relevant 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. All internal walls of the waste storage rooms are rendered and coved at the floor/wall intersection, the floor is graded and drained to the sewer and a tap with hot and cold water is located in close proximity to facilitate cleaning.

Reason: To protect amenity and to prevent environmental pollution.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

236. Outdoor lighting

All external lighting must:

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

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

Reason: To protect the amenity of surrounding properties.

237. Screening of air conditioning condenser units

The air conditioning condenser units located on the roof level are to be adequately screened in order to ensure they cannot be seen from the adjoining properties.

Reason: To ensure the air conditioning condenser units are screened.

238. Noise control - mechanical plant

Noise levels associated with mechanical plant installed on the premises shall not be audible within any habitable room in any 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 shall 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 occupants and neighbouring properties.

239. Noise control - rainwater re-use system

Noise levels associated with rainwater re-use system(s) installed on the premises shall not be audible within any habitable room in residential premises before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with rainwater re-use system(s) installed on the premises either as an individual piece of equipment or in combination shall 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 occupants and neighbouring properties.

240. Noise Control - air conditioning

Noise levels associated with air conditioning units installed on the premises shall not be audible within any habitable room in any residential occupancy before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with air conditioning units installed on the premises either as an individual piece of equipment or in combination shall 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 residential occupants and neighbouring properties.

241. Noise Control - mechanical exhaust ventilation

Noise levels associated with mechanical exhaust ventilation installed on the premises shall not be audible within any habitable room in any residential premises before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with mechanical exhaust ventilation installed on the premises either as an individual piece of equipment or in combination shall 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.

242. Use of car parking

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

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

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

243. Loading and unloading

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

Reason: To ensure safe traffic movement.

244. 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.

INTEGRATED REFERRAL CONDITIONS:

245. GENERAL TERMS OF APPROVAL - RURAL FIRE SERVICE

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, have been issued that are subject to the following conditions:

Asset Protection Zones

Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

8. Prior to the issue of subdivision or construction certificate (whichever occurs first), the areas denoted outer protection area (OPA) and inner protection area (IPA) on the 'Fire Compliance Landscape Plan' prepared by Group GSA Pty Ltd, project no. 180846, dwg no. L-1003, issue F, dated 16/06/2022 must be managed in perpetuity in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.

When establishing and maintaining an OPA, the following requirements apply:

- Trees tree canopy cover be less than 30%;
- Canopies are separated by 2 to 5m;
- Shrubs are not form a continuous canopy;
- Shrubs do not form more than 20% of ground cover;
- Grass to be kept mown to a height of less than 100mm; and
- Leaf and other debris are removed; and
- NSW Rural Fire Service's document *Standards for asset protection zones*

When establishing and maintaining an IPA, the following requirements apply:

- Tree canopy cover be less than 15% at maturity;
- Trees at maturity are not touching or overhang the building;
- Lower limbs are removed up to a height of 2m above the ground;
- Tree canopies are separated by 2 to 5m;
- Preference is given to smooth-barked and evergreen trees;
- Large discontinuities or gaps in vegetation are provided to slow down or break the progress of fire towards buildings;
- Shrubs are not located under trees;
- Shrubs do not form more than 10% of ground cover;
- Clumps of shrubs are separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- Grass to be kept mown (as a guide grass should be kept to no more than 100mm in height);
- Leaves and vegetation debris are removed; and
- NSW Rural Fire Service's document *Standards for asset protection zones*.

Construction Standards

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

9. New construction (except for the southern elevation/s) must comply with Sections 3 and 7 (BAL 29) of the Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate, and Section 7.5 of *Planning for Bush Fire Protection 2019*.
10. New construction on the southern elevation/s must comply with Sections 3 and 6 (BAL 19) of the Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate, and Section 7.5 of *Planning for Bush Fire Protection 2019*.
11. Any new Class 10b structures as defined per the *National Construction Code* must be non-combustible.

Access – Public Roads

Intent of measures: to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

12. The new access road must comply with the following requirements for perimeter roads under Table 5.3b of *Planning for Bush Fire Protection 2019*:
 - a two-way sealed road with a minimum 8m carriageway width kerb to kerb;
 - parking is provided outside of the carriageway width;
 - hydrants are located clear of parking areas;
 - all roads are through roads;
 - curves of roads have a minimum inner radius of 6m;
 - the maximum grade road is 15 degrees and average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
 - the road crossfall does not exceed 3 degrees; and
 - a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.
 - traffic management devices are constructed to not prohibit access by emergency services vehicles;
 - where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
 - one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
 - the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating;
 - hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
 - hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - *Fire hydrant installations System design, installation and commissioning*.

Water and Utility Services

Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

13. The provision of water, electricity and gas must comply with Table 5.3c of *Planning for Bush Fire Protection 2019*.

Reason: To ensure the development is adequately protected from the threat of bush fire.

Landscaping Assessment

14. Before the start of building works, a Vegetation Management Plan (VMP), and/or a landscape plan, that can be legally and practically enforced for the life of the development must be produced for the management of the entire site outside of the IPA and OPA specified in Condition 1 above. The VMP, and/or landscape plan, must be certified by an accredited bushfire consultant to ensure that landscaping is designed and managed to ensure that the land does not become a bushfire hazard.

Signed



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