

Without Prejudice Draft Condition Set
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Application	eDA0470/25
Proposal:	Tree removal, construction of a 9 storey residential flat building over 3 levels of basement parking plus associated landscaping and civil works
Property:	4 Cherry Street Warrawee

SCHEDULE A: Deferred Commencement – Terms to be satisfied prior to the consent becoming operable:

The following deferred commencement term(s) must be complied with to the satisfaction of Council within five (5) years of the date of issue of this deferred commencement consent:

1. Amendments to engineering plans

Prior to the operation of this development consent, full hydraulic design documentation for the required drainage system must be submitted for approval by Council's Development Engineers. The following engineering details must be included:

- a) The existing Council trunk drainage system to which stormwater connection is proposed must be investigated by a service locator/plumber to confirm that the existing pipeline is functional and in good working condition.
- b) The existing surface and invert levels of the stormwater pit within the road reserve to which connection is proposed must be confirmed by a registered surveyor/drainage contractor.
- c) Stormwater plans must show Before you Dig Australia searches. The overlay is required to ensure there is no conflict of existing utility services.
- d) Supporting hydraulic calculations shall be submitted to confirm that the hydraulic performance of the pipeline to which connection is proposed to Councils stormwater system has sufficient hydraulic capacity to accept the post developed flows. This shall be in the form of DRAINS modelling.

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

2. Parking Provision and Design

Prior to the operation of this development consent, the proposed the parking provisions and vehicular access must be submitted for approval by Council's Development Engineers. The following details must be included:

- a) Information in relation to the driveway configuration between the property boundary and the road/edge of bitumen shall be provided.
- b) One visitor bicycle parking device located at street level near the pedestrian entry on the Cherry Street frontage shall be provided and is to be of a type complying with AS2890.3.
- c) To facilitate home deliveries (e.g. groceries, parcels etc), bulky goods waste collection and other service vehicles that cannot access the basement due to the height clearance, the development shall provide an on-site loading area (a separate

hardstand area is not permitted). The position of the loading area must not prevent access to and from the basement level car park, with at least one travel lane to be maintained at all times while loading/unloading takes place on the driveway.

- d) At least one on-site loading space which is at least 3.5m wide is to be provided to cater for a minimum 6.7 m long service vehicle. This would require the width of the driveway next to the median to be modified. The loading space/s shall be line marked and/or signposted as a designated loading area.
- e) Due to the narrow footpath on Cherry Street and absence of a central median in the driveway, a sight triangle shall be provided on the northern side of the access driveway, for safety of pedestrians. The minimum sight lines 2.0m x 2.5m for pedestrian safety as per Figure 3.3 of AS2890.1:2004 is to be provided.

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

3. Construction Traffic Management Plan

Prior to the operation of this development consent, a Construction Traffic Management Plan must be submitted for approval by Council's Development Engineers. The following details must be included:

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 the 12.5m heavy rigid 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
- Discussion on a potential location for a work zone is to be provided unless it is demonstrated through a swept path analysis that all loading and unloading is carried out within the site.

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

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

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

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

No loaded trucks on Treatts Road or Park Avenue railway bridge will be permitted. Other railway bridges will require the applicant to provide approval from Transport for NSW (TfNSW) for all vehicles over 4.5t gross vehicle mass as well as obtaining a permit under the National Heavy Vehicle Regulator (NHVR) if required by Heavy Vehicle National Law (HVNL)

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 the development is in accordance with the Development Consent and to ensure that appropriate measures have been made to minimise impacts upon surrounding roads during the construction phase.

Note: Following resolution of the deferred commencement terms, Condition 1 of Schedule B will be updated to include plans/documents approved by Council per the requirements of Schedule A.

SCHEDULE B - The standard conditions of consent are set out as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation (new development)

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

Plan no.	Drawn by	Dated
<i>Architectural Plans</i>		
DA002 D	Giles Tribe	10/07/2025
DA003 A	Giles Tribe	10/07/2025
DA004 A	Giles Tribe	10/07/2025
DA101 B	Giles Tribe	10/07/2025
DA103 A	Giles Tribe	27/06/2025
DA200 E	Giles Tribe	10/07/2025
DA201 D	Giles Tribe	27/06/2025
DA202 E	Giles Tribe	10/07/2025
DA203 H	Giles Tribe	10/07/2025
DA204 H	Giles Tribe	10/07/2025
DA205 F	Giles Tribe	10/07/2025
DA206 G	Giles Tribe	10/07/2025
DA207 G	Giles Tribe	10/07/2025
DA208 G	Giles Tribe	10/07/2025
DA209 E	Giles Tribe	27/06/2025
DA300 D	Giles Tribe	27/06/2025
DA301 E	Giles Tribe	10/07/2025
DA302 F	Giles Tribe	10/07/2025

DA303 E	Giles Tribe	10/07/2025
DA304 B	Giles Tribe	10/07/2025
DA310 C	Giles Tribe	10/07/2025
DA311 C	Giles Tribe	10/07/2025
DA312 B	Giles Tribe	27/06/2025
DA320 A	Giles Tribe	10/07/2025
DA321 A	Giles Tribe	10/07/2025
DA322 A	Giles Tribe	10/07/2025
DA407 A	Giles Tribe	10/07/2025
DA408 A	Giles Tribe	10/07/2025
DA600 A	Giles Tribe	10/07/2025
DA700 B	Giles Tribe	27/06/2025
DA701 B	Giles Tribe	27/06/2025
<i>Landscape Plans</i>		
LA000, Revision B	Studio IZ Pty Ltd	11/07/2025
LA001, Revision B	Studio IZ Pty Ltd	11/07/2025
LA200, Revision B	Studio IZ Pty Ltd	11/07/2025
LA201, Revision B	Studio IZ Pty Ltd	11/07/2025
LA202, Revision B	Studio IZ Pty Ltd	11/07/2025
LA301, Revision B	Studio IZ Pty Ltd	11/07/2025
LA302, Revision B	Studio IZ Pty Ltd	11/07/2025
LA401, Revision B	Studio IZ Pty Ltd	11/07/2025
LA402, Revision B	Studio IZ Pty Ltd	11/07/2025
LA501, Revision B	Studio IZ Pty Ltd	11/07/2025
LA502, Revision B	Studio IZ Pty Ltd	11/07/2025
LA503, Revision B	Studio IZ Pty Ltd	11/07/2025
LA504, Revision B	Studio IZ Pty Ltd	11/07/2025
LA505, Revision B	Studio IZ Pty Ltd	11/07/2025
LA600, Revision B	Studio IZ Pty Ltd	11/07/2025
LA700, Revision B	Studio IZ Pty Ltd	11/07/2025
<i>Stormwater Management Plans</i>		
D00, Revision A	Smart Structures Australia	2/07/2025
D03, Revision A	Smart Structures Australia	2/07/2025
D04, Revision A	Smart Structures Australia	2/07/2025
D05, Revision A	Smart Structures Australia	2/07/2025
D06, Revision A	Smart Structures Australia	2/07/2025
D11, Revision A	Smart Structures Australia	2/07/2025
D12, Revision A	Smart Structures Australia	2/07/2025
D15, Revision A	Smart Structures Australia	2/07/2025
D16, Revision A	Smart Structures Australia	2/07/2025
D20, Revision A	Smart Structures Australia	2/07/2025
D21, Revision A	Smart Structures Australia	2/07/2025
D25, Revision A	Smart Structures Australia	2/07/2025
D26, Revision A	Smart Structures Australia	2/07/2025
D35, Revision A	Smart Structures Australia	2/07/2025
D36, Revision A	Smart Structures Australia	2/07/2025

Document(s)	Dated
Access Report prepared by Access I Pty Ltd, Ref: 25133-R1.2	11/07/2025
BASIX certificate No. 1803843M	11/07/2025
NatHERS Certificate HR-LXSTX9-01	11/07/2025
Design Verification Statement prepared by Giles Tribe, Nominated Architect: Victor Schneider	Not dated
Remediation Action Plan, prepared by JK Environments Pty Ltd, Ref: E37648BTcpt3-RAP	18/08/2025
Geotechnical Investigation prepared by JKGeotechnics, Ref: 7647SFcpt	11/07/2025
Crime Prevention Through Environmental Design, prepared by Gyde	17/07/2025
Construction and Demolition Waste Management Plan prepared by Elephants Foot, Revision B	11/07/2025
Letter prepared by Transport for NSW	3/10/2025
General Terms of Approval, WaterNSW	10/04/2026

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.

3. Compliance with Transport for NSW Conditions

This development consent is subject to all conditions in Attachment A of the letter prepared by Transport for NSW listed in Condition 1 of this Development Consent. The Certifier and Principal Certifier is responsible for ensuring compliance with these conditions.

Reason: To ensure compliance with the requirements of Transport for NSW.

4. Compliance with WaterNSW General Terms of Approval

This development consent is subject to all General Terms of Approval issued by WaterNSW, as listed in Condition 1 of this Development Consent. The Certifier and Principal Certifier is responsible for ensuring compliance with these conditions.

Reason: To ensure compliance with the requirements of WaterNSW.

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

5. 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.

6. 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.

7. 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.

8. Dilapidation survey and report (public infrastructure)

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

Public infrastructure includes:

- the full road pavement width, including kerb and gutter, of Cherry Stree over the site frontage, including the full intersection, and
- all driveway crossings and laybacks opposite the subject site

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both written and photographic) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The Applicant may be held liable for any recent damage to public infrastructure in the vicinity of the site caused by the carrying out of the development, where such damage is not accurately recorded by the requirements of this condition prior to the commencement of works.

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

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

9. Dilapidation survey and report (private property)

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

Address:
18 Ray Street
6 Cherry street

2 Cherry Street (northern side only)

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

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

A copy of the dilapidation report is to be provided to Council prior to the commencement of any works. The dilapidation report is for record keeping purposes only and may be used by the Applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

Reason: To record the structural condition of likely affected properties before works commence.

10. Work zone

Prior to the commencement of any works, a works zone is to be provided in Cherry Street, subject to the advice from the Ku-ring-gai Local Traffic Forum and approval of Council.

No loading or unloading must be undertaken from the public road or nature strip unless within a works zone which has been approved and paid for.

In the event the work zone is required for a period beyond that initially approved by the Council, the Applicant shall make a payment to Council for the extended period in accordance with Council's schedule of fees and charges for work zones prior to the extended period commencing.

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

11. Temporary construction exit

A temporary construction exit, together with necessary associated temporary fencing, shall be provided prior to commencement of any work on the site and shall be maintained throughout the duration of construction works.

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

12. Sediment controls

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

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

Reason: To protect and enhance the natural environment.

13. Erosion and drainage management

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

Reason: To protect the natural environment.

14. Ground protection - avoiding soil compaction

Prior to the commencement of any works, temporary measures, to avoid root damage and soil compaction, are to be installed in accordance with Section 4.5.3 (figure 4) of the current version of **Australian Standard AS 4970 - Protection of trees on development sites**, within the specified radius of the following listed tree/s:

Tree/Location
T4 / South west corner
T19 / Adjoining property 6 Cherry St
T53 / Adjoining property 2 Cherry St
T94 / Adjoining property 6 Cherry St

Reason: To protect existing trees.

15. Trunk and branch protection

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

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

Tree/Location
T4 / South west corner

Reason: To protect existing trees.

16. 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.

17. Project arborist

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

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

Reason: To protect of existing trees.

18. Noise and vibration management plan

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

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

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

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

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

19. Amendments to approved stormwater plan

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

Plan no.	Drawn by	Dated
Plan D06 Rev C	Smart Structures Australia	09/07/25

The above stormwater plan(s) shall be amended as follows:

- i. All trees approved for retention must be numbered in accordance with the approved landscape plans.
- ii. Tree T53, located within the adjoining property No. 2 Cherry Street, must be indicated for retention
- iii. The plans must clearly note that the trenching for the installation of the stormwater pipes and pits within 12 metres of the trunk of T94 must be dug by hand and all roots greater than 50mm to be left intact.
- iv. Tree T4 - *Franklinia axillaris* (Gordonia) located in the southwest corner of the site (not identified on the survey) must be indicated for retention. The proposed building entry path in the southwest corner of the site is to be redesigned under the guidance and recommended construction methods recommended by the Project Arborist to preserve T4. Details of the tree sensitive methods to preserve T4 are to be indicated on the plans.

Reason: To ensure consistency with the approved documentation, and to protect existing trees.

20. Amendments to approved architectural plans

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

Plan no.	Drawn by	Dated
DA103, Revision A	Giles Tribe	27/06/2025
DA202, Revision E	Giles Tribe	10/07/2025
DA203, Revision H	Giles Tribe	10/07/2025
DA402, Revision E	Giles Tribe	27/06/2025
DA407, Revision A	Giles Tribe	10/07/2025
DA300, Revision D	Giles Tribe	27/06/2025
DA301, Revision E	Giles Tribe	10/07/2025
DA302, Revision F	Giles Tribe	10/07/2025
DA303, Revision E	Giles Tribe	10/07/2025
DA304, Revision B	Giles Tribe	10/07/2025

DA320, Revision A	Giles Tribe	10/07/2025
DA321, Revision A	Giles Tribe	10/07/2025
DA322, Revision A	Giles Tribe	10/07/2025

The above Architectural plan(s) shall be amended as follows:

- i. Tree T53, located within the adjoining property No. 2 Cherry Street, must be indicated for retention.
- ii. Tree T4 - *Franklinia axillaris* (*Gordonia*) located in the southwest corner of the site (not identified on the survey) must be indicated for retention. The proposed building entry path in the southwest corner of the site is to be redesigned under the guidance and recommended construction methods recommended by the Project Arborist to preserve T4. Details of the tree sensitive methods to preserve T4 are to be indicated on the plans.
- iii. The plans are to be amended in accordance with the amended schedule of materials, colours and finishes approved by Council's Heritage Advisor in accordance with the condition entitled 'Material, colours and finishes'.

21. Amendments to approved landscape plan

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

Plan no.	Drawn by	Dated
LA000, Revision B	Studio IZ Pty Ltd	11/07/2025
LA001, Revision B	Studio IZ Pty Ltd	11/07/2025
LA200, Revision B	Studio IZ Pty Ltd	11/07/2025
LA201, Revision B	Studio IZ Pty Ltd	11/07/2025
LA202, Revision B	Studio IZ Pty Ltd	11/07/2025
LA301, Revision B	Studio IZ Pty Ltd	11/07/2025
LA302, Revision B	Studio IZ Pty Ltd	11/07/2025
LA401, Revision B	Studio IZ Pty Ltd	11/07/2025
LA402, Revision B	Studio IZ Pty Ltd	11/07/2025
LA501, Revision B	Studio IZ Pty Ltd	11/07/2025
LA502, Revision B	Studio IZ Pty Ltd	11/07/2025
LA503, Revision B	Studio IZ Pty Ltd	11/07/2025
LA504, Revision B	Studio IZ Pty Ltd	11/07/2025
LA505, Revision B	Studio IZ Pty Ltd	11/07/2025

The above landscape plans shall be amended as follows:

- i. Tree T4 - *Franklinia axillaris* (*Gordonia*) located in the southwest corner of the site (not identified on the survey) must be indicated for retention. The proposed building entry path in the southwest corner of the site is to be redesigned under the guidance and recommended construction methods recommended by the Project Arborist to preserve T4. Details of the tree sensitive methods to preserve T4 are to be indicated on the plans.
- ii. The proposed hedge of *Viburnum odoratissimum* "Dense Fence" along the northern boundary must be reduced by 50% and replaced with a minimum six (6) varieties of screening species ranging from 4 to 8 metres in height.

- iii. The proposed hedge of *Photinia fraseri* ‘Red Fence’ along the southern boundary must be reduced by 50% and replaced with a minimum six (6) varieties of screening species ranging from 4 to 8 metres.
- iv. The proposed hedge of *Syzygium australe* ‘Resilience’ along the eastern boundary must be reduced by 50% and replaced with a minimum six (6) different varieties of screening species ranging from 4 to 8 metres in height.
- v. A minimum four (4) evergreen mid layer canopy tree species that will attain a height of 10 metres must be planted within the southern setback. The trees are to be evenly distributed along the boundary.
- vi. One (1) additional evergreen canopy tree that will attain a height of 18 metres must be planted in the front setback.
- vii. Tree T53, located within the adjoining property No. 2 Cherry Street, must be indicated for retention.

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

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

Reason: To ensure adequate landscaping of the site.

22. Material, colours and finishes

Prior to the issue of any Construction Certificate a revised schedule of materials, colours and finishes to Council’s Heritage Advisor for approval. The revised schedule shall satisfy the following requirements:

- (a) The design is to be amended to incorporate materials and treatments that minimise visual dominance and reduce impacts on views from surrounding properties, including:
 - Use of brickwork in lieu of textured concrete and metal cladding;
 - Provision of internal blinds in lieu of the proposed vertical blinds, where balcony is not proposed; and.
 - Provision of horizontal blinds, in lieu of the proposed vertical blinds.

The development shall be carried out in accordance with the revised schedule approved by Council’s Heritage Advisor and included in the approved construction certificate documentation.

Reason: To respond appropriately to the aesthetic of the heritage conservation area in the vicinity.

23. Universal and accessible housing

Prior to the issue of a Construction Certificate, evidence from an appropriately qualified access consultant is to be submitted to and approved by the Certifier, demonstrating compliance with the following requirements:

(a) Platinum Level Housing

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

(b) Silver Level Housing

All units are designed to Silver Level under the *Livable 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.

24. Compliance with BASIX Certificate

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

Reason: Statutory requirement.

25. Long service levy

A Construction Certificate shall not be issued until any long service levy payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* (or where such levy is payable by instalments, the first instalment of the levy) has been paid. In order to pay your levy, you will need to register an account with The Long Service Corporation on the online portal at www.longservice.nsw.gov.au.

Reason: Statutory requirement.

26. Outdoor lighting

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that all outdoor lighting will comply with AS/NZS 4282:2019 *Control of the obtrusive effects of outdoor lighting* and be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

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

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

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

27. 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 (in accordance with S4.55 of the EPA Act) 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.

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

The Certifier shall not issue any 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 as amended by any conditions of this development consent.

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

29. Access for people with disabilities (residential)

Prior to the issue of any 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. Dignified and equitable access shall be provided.

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 any 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 AS1735.12.

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

30. Liveable housing guidelines- platinum and silver level

Prior to the issue of any Construction Certificate, detailed plans and construction drawings shall be prepared as follows:

Apartments identified as Silver - showing compliance with the Silver Level requirements of the Livable Housing Australia Livable Housing Guidelines and as detailed in the access report prepared by Access I Pty Ltd (Ref: 25133-R1.2, dated 11/07/2025) listed in Condition 1 of the consent.

Apartments (UG02, UG04, U102, U202, U302, U402, U502, U602, U702) identified as Platinum - showing compliance with the Platinum Level requirements of the Livable Housing Australia Livable Housing Guidelines and as detailed in the access report prepared by Access I Pty Ltd (Ref: 25133-R1.2, dated 11/07/2025) listed in Condition 1 of the consent.

The detailed plans and construction drawings showing full compliance with the requirements of each standard within the Livable Housing Guidelines and as identified within the access report prepared by Access I Pty Ltd (Ref: 25133-R1.2, dated 11/07/2025) listed in Schedule B of Condition 1 of the consent shall be certified as compliant by a suitably qualified access consultant and provided to the Certifier for inclusion in the Construction Certificate documentation.

Reason: Equitable access.

31. Electric vehicle charging points

Prior to the issue of any Construction Certificate, the Certifier is to be satisfied that the Construction Certificate plans show that parking areas are constructed so that electric vehicle charging points can be installed, as required under Part 7b.1 of Ku-ring-gai DCP.

Reason: Provision of electric vehicle charging points.

32. Fully tanked basement

Prior to the issue of any Construction Certificate, the Certifier is to be satisfied that the basement has been designed as a fully tanked structure as per the requirement of Part 24 C.3(8) of the Ku-ring-gai DCP, and any Dewatering Water Supply Work Approval has been obtained from WaterNSW.

Reason: To protect the environment.

33. Stormwater quality control

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

Reason: To protect the environment.

34. Excavation for services

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

Reason: To protect existing trees.

35. Noise from road and rail (residential only)

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the development will be acoustically designed and constructed to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building 35 dB(A) at any time between 10.00pm and 7.00am
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) 40 dB(A) at any time

Plans and specifications of the required acoustic design shall be prepared by a practicing acoustic engineer and shall be submitted to the Certifier prior to the issue of any Construction Certificate.

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

36. Location of air conditioning condensers

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that architectural plans display that all air conditioning condensers will be located on the roof within a roof top plant room as specified in the Acoustic DA Assessment by Acouras Consultancy dated 11/07/25 Document Reference SYD2025-1083-R001C.

Reason: To minimise noise impacts on surrounding properties.

37. Acoustic design report

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

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

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

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

38. Driveway crossing levels

Prior to issue of any Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways

are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings".

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

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

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

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

39. Driveway grades - basement car parks

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

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

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

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

40. Basement car parking details

Prior to issue of any Construction Certificate, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements must be submitted to and approved by the Certifier. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:

- all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 - 2004 "Off-street car parking"

- a clear height clearance of **2.6 metres** (required under Part 25 '*Waste Management*' for waste collection trucks is provided over the designated garbage collection truck manoeuvring areas within the basement and all other areas within the basement required for garbage collection truck manoeuvring
- Council and its contractor can have unimpeded access to the waste storage facility within the development for the purpose collecting waste and recycling materials. Security doors or gates installed leading to the waste storage area are to be keyed to Council's master key to allow unimpeded access.
- the vehicle access and accommodation arrangements are to be constructed and marked in accordance with the certified plans

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

41. Car parking allocation

Car parking within the development shall be allocated as follows:

Resident car spaces	76
Visitor spaces	10
total spaces	86

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

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

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

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

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

42. Number of bicycle spaces

The basement car park shall be adapted to provide 55 residential and 10 visitor bicycle spaces in accordance with the Ku-ring-gai DCP. The bicycle parking spaces shall be designed in accordance with AS2890.3. Details shall be submitted to the satisfaction of the Certifier prior to the issue of any Construction Certificate.

Reason: To provide for alternative modes of transport to and from the site.

43. Basement parking and intercom system

The basement car park entry and each ground level entry to the development must be provided with an intercom system. Details of the intercom system must be provided to the Certifier prior to the issue of any Construction Certificate.

Reason: To ensure the safety and security of residents.

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

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

- construction of a new 300mm pipeline to Council' stormwater pit.
- construction of a new kerb inlet pit (to the discretion of Council's Engineer)

The required plans and specifications are to be designed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2014. The drawings must detail the location of existing utility services, (mains and house connections) both alignment and depth/level and any trees and/or tree roots likely to be affected by the works. The designer is responsible for ensuring the design is clear of all existing services, or shows the relocation of services that don't have sufficient clearance from their design. Construction of the works must proceed strictly in accordance with any conditions attached to the Roads Act approval issued by Council.

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

Approval must be obtained from Ku-ring-gai Council as the road authority under Section 139 *Roads Act 1993* for any proposed works in the public road prior to the issue of any Construction Certificate. On State Roads, approval from TfNSW will also be required for any work on TfNSW assets and/or interruption to traffic.

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

45. Ausgrid requirements

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

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

Reason: To ensure compliance with the requirements of Ausgrid.

46. Utility provider requirements

Prior to issue of any Construction Certificate, the Applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifier, must be obtained. All utility services or appropriate conduits for the same must be provided in accordance with the specifications of the utility providers.

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

47. Underground services

All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the requirements of the relevant service provided. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met is to be provided to the Certifier prior to the issue of any Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed.

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

48. Design and construction of mechanical ventilation

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

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

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

49. Waste and recycling storage facilities - residential flat building

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

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

Reason: To protect amenity and to prevent environmental pollution

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

50. Infrastructure damage security bond and inspection fee

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

- (a) All work or activity undertaken pursuant to this development consent must be undertaken in a manner to avoid damage to Council property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- (b) The applicant, builder, developer or any person acting in reliance on this consent shall be responsible for making good any damage to Council property and for the removal from Council property of any waste bin, building materials, sediment, silt, or any other material or article.
- (c) The Infrastructure damage security bond and infrastructure inspection fee must be paid to Council by the applicant prior to both the issue of any Construction Certificate and the commencement of any earthworks or construction.
- (d) In consideration of payment of the infrastructure damage security bond and infrastructure inspection fee, Council will undertake such inspections of Council Property as Council considers necessary and will also undertake, on behalf of the applicant, such restoration work to Council property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure damage security bond payable pursuant to this condition.
- (e) **Release of the bond** – Upon receipt by Council of an Occupation Certificate, Council will undertake an inspection of 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 by Council of the final occupation certificate, after which you may request Council to return any bond monies.

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

- (f) In this condition:

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

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

Reason: To maintain public infrastructure.

51. 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, as modified by any conditions of consent.

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

52. Section 7.11 Local infrastructure contributions

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

Key Community Infrastructure	Amount
Local recreation and cultural facilities; Local social facilities	\$137,060.87
Local roads, local bus facilities & local drainage facilities (new roads and road modifications)	\$262,681.26
Local parks and local sporting facilities	\$1,223,819.21
Local roads, local bus facilities & local drainage facilities (townscape, transport & pedestrian facilities)	\$718,150.44
Total:	\$2,341,711.78

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.

In accordance with Ku-ring-gai Contributions Plan 2010, the development contribution is due and payable to Council prior to the issue of any Construction Certificate, Linen Plan, Subdivision Certificate or Occupation Certificate, whichever comes first.

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

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

53. Housing and productivity contribution

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

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$573,045.54
Total Housing and productivity contribution	\$573,045.54

The HPC must be paid using the NSW planning portal.

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

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

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

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

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

54. Road opening permit

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

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

55. Prescribed conditions

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

Compliance with Building Code of Australia and insurance requirements under [Home Building Act 1989](#)

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

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

Erection of signs

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

Notification of [Home Building Act 1989](#) requirements

- 1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
- 2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following -
 - (a) for work that requires a principal contractor to be appointed -
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer of the work under the [Home Building Act 1989](#), Part 6,
 - (b) for work to be carried out by an owner-builder -
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under the [Home Building Act 1989](#) - the number of the owner-builder permit.
- 3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.

- 4) This section does not apply in relation to Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Shoring and adequacy of adjoining property

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

Fulfilment of BASIX commitments

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

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

Reason: Statutory requirement.

56. 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.

57. 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.

58. 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 any Construction Certificate the Certifier must:

1. Be satisfied that suitable evidence has been 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 any Occupation Certificate the Principal Certifier must:

1. Be satisfied that suitable evidence has been 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.

59. 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.

60. 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.

61. 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.

62. Post-construction dilapidation report

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

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

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

Reason: Management of records.

63. Compliance with submitted geotechnical report

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

Geotechnical aspects of the development work, namely:

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

must be undertaken in accordance with the recommendations of the Geotechnical Report by JKGeotechnics Ref: 37647SFprt dated 11 July 2025 and Geotechnical Review by JKGeotechnics Ref: 37647SFlet Rev 1 dated 18 August 2025.

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.

64. Use of road or footpath

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

Reason: To ensure safety and amenity of the area.

65. Toilet facilities

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed. One toilet, plus one additional toilet for every 20 persons working at the site are to be provided. Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an on-site effluent disposal system approved under the Local Government Act 1993 [<https://www.legislation.nsw.gov.au/>](https://www.legislation.nsw.gov.au/), or
- c) be a temporary chemical closet approved under the Local Government Act 1993 [<https://www.legislation.nsw.gov.au/>](https://www.legislation.nsw.gov.au/).

Reason: Statutory requirement.

66. 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.

67. 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.

68. 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.

69. Maintenance period for works in public road

A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant. In that maintenance period, the applicant shall be liable for any section of the public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the applicant receives written notice from Council stating that the works involving public infrastructure have been completed satisfactorily.

Reason: To protect public infrastructure.

70. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the

roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (2009) "Manual for Uniform Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may take actions to stop work, which may include the bringing of proceedings.

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

71. 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.

72. 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 Transport for NSW 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 "[Before You Dig Australia <https://www.byda.com.au/>](https://www.byda.com.au/)".
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.

73. Erosion control

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

Reason: To protect the environment from erosion and sedimentation.

74. Sydney Water Section 73 Compliance Certificate

An application for a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994* shall be made through an authorised Water Servicing Co-ordinator. The applicant should refer to Sydney Water's web site at <http://www.sydneywater.com.au> or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Reason: Statutory requirement.

75. Arborist's inspection and reporting

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

The Principal Certifier must be provided with reports by the project arborist within 7 days of the inspection detailing the date of inspection, identifying the trees by their number, the location and species, tree health, compliance with conditions of the Development Consent, description of the works inspected, description of any impacts to trees and any rectification and/or mitigation works prescribed and/or undertaken.

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

Tree/location	Time of inspection
T4 / South west corner T19, T21a & T94 / Adjoining property 6 Cherry St T53, T55 & T57 / Adjoining property 2 Cherry St	The arborist must be on site to supervise all earthworks, and construction works within the designated notional root zones of the trees.

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.

76. 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.

77. 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
T4 / South west corner	3 metres
T19 / Adjoining property 6 Cherry St	4 metres
T94 / Adjoining property 6 Cherry St	12 metres
T53, T55 & T57 / Adjoining property 2 Cherry St	2 metres

Reason: To protect existing trees.

78. 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
T5, T10, T13, T14, T17, T18, T21, T37, T39, T40, T41, T42, T43, T44, T56, T58, T60, T62, T63, T66, T72, T75, T85, T91, T92, T93	Remove

1. All trees are to be clearly tagged and identified in accordance with the specifications in the arborist report prior to the removal or pruning of any tree/s .
2. Canopy and/or root pruning shall be undertaken by an experienced arborist/horticulturalist, with a minimum AQF Level 3 qualification.
3. All root or canopy pruning works shall be undertaken as specified in current version of **Australian Standard AS 4373 - Pruning of amenity trees**.

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

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

79. 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.

80. 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.

81. 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.

82. 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.

83. 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.

84. Compliance with Remediation Action Plan (RAP)

The contaminated site shall be remediated in accordance with '*State Environmental Planning Policy (Resilience and Hazards) 2021*'. All remediation works shall be carried out in accordance with the Remediation Action Plan dated 18 August 2025 prepared by JK Environments Pty Ltd.

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

85. Imported fill

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

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

86. Discovery of additional information (Contaminated Land)

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

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

87. 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.

88. 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

89. 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:

90. Noise from road and rail

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that acoustic treatments required to attenuate road and rail noise for future occupants of the development have been installed. Written advice from an acoustic engineer is to be submitted to the Principal Certifier confirming that the acoustic measures installed ensure that the following internal LAeq noise levels are not exceeded:

- (a) in any bedroom in the building 35 dB(A) at any time between 10.00pm and 7.00am; and
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) 40 dB(A) at any time.

Reason: To protect the amenity of occupants of the approved development.

91. Car sharing

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

1. At least 1 space on Basement Level 1 has been reserved for car share operation, with no charge to the car share operator to use it.
2. The space must be available to all members of the car share scheme (including members who are not residents of the development) during the operating hours of the car park, and should be well-lit with safe pedestrian access.
3. These spaces must be contracted to an operator (a Car Share Provider that has been approved by the Responsible Authority) with evidence of agreement submitted to Council prior to issuing of the Occupation Certificate.
4. Car share vehicles must be operational within 4 weeks of issue of the Occupation Certificate
5. The agreement must ensure appropriate insurance and vehicle maintenance is in place, including public liability.
6. Since car share spaces are located in the basement, sufficient cellular communications connectivity must be available at the location of the carshare spaces to ensure proper car share management/operation.

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

Reason: To ensure appropriate car share operation/ management.

92. EV Charging

Prior to issue of an Occupation Certificate, the Principal Certifier is to be satisfied that EV readiness has been provided for all car parking spaces within the development.

Reason: To ensure compliance with Council's DCP requirements.

93. Bicycle Parking

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

1. 55 resident bicycle and 10 visitor bicycle parking spaces have been provided.
2. Access doors to individual storage areas containing bicycle parking have been designed so as not be obstructed by parked vehicles.
3. The lifts and lobbies are to be of a suitable size such that residents can transport their bicycles between their storage area and ground/road level without using the internal car park ramps.

Reason: To ensure compliance with the KDCP requirements.

94. Bulky Goods Waste Collection

An on-site Bulky Goods Collection Point as part of the entry access driveway is to be provided in accordance with Section 25B.2 of the Ku-ring-gai DCP. The position of the loading area must not prevent access to and from the basement level car park, with at least one travel lane to be maintained at all times.

Reason: To facilitate home deliveries, bulky goods waste collection and other service vehicles that cannot access the basement due to the height clearance.

95. Compliance with BASIX Certificate

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

Reason: Statutory requirement.

96. Clotheslines and clothes dryers

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that all units have access to an external clothes line located in common open space or a screened private clothes drying area.

Reason: To provide access to clothes drying facilities.

97. Mechanical ventilation

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

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

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

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

98. Completion of landscape works

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

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

99. Mechanical noise control

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

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

100. Outdoor Lighting

Prior to the issue of the Occupation Certificate, the Principal Certifier shall be satisfied that all outdoor lighting will comply with AS/NZS 4282:2019 *Control of the obtrusive effects of outdoor lighting* and is mounted, screened and directed in a way that does not create a nuisance or light spill on to buildings on adjoining lots or public places.

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

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

101. Location of air conditioning condensers

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that all air conditioning are located within the roof top plant room as specified in the Acoustic DA Assessment by Acouras Consultancy dated 11/07/25 Document Reference SYD2025-1083-R001C.

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

102. Accessibility

Prior to the issue of an 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.

103. Silver and platinum units

Prior to the issue of an Occupation Certificate, an accredited Livable Housing Australia assessor shall certify that:

Apartments identified as Silver - comply with the Silver Level requirements of the Livable Housing Australia Liveable Housing Guidelines and as detailed on the Construction Certificate plans.

Apartments (UG02, UG04, U102, U202, U302, U402, U502, U602, U702), identified as Platinum - comply with the Platinum Level requirements of the Livable Housing Australia Liveable Housing Guidelines and as detailed on the Construction Certificate plans.

A suitably qualified access consultant shall certify that the as constructed development achieves compliance with the requirements of each standard within the Livable Housing Guidelines and the certification shall be provided to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure equitable access.

104. Easement for waste collection

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

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

105. Retention and re-use positive covenant/restriction

Prior to issue of an Occupation Certificate, the positive covenant and restriction on the use of land under Section 88D/88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property shall be created.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to 24R.8.2 of the Ku-ring-gai Development Control Plan). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the NSW Land Registry Services in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

Reason: To ensure appropriate storm-water management.

106. Certification of drainage works (dual occupancies and above)

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

1. The stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
2. The minimum retention and on-site detention storage volume requirements of Kuring-gai DCP Part 24 'Water Management' have been achieved. Council's 'On-Site Detention and Retention Certification sheet' shall be completed.
3. Retained water is connected and available for use.
4. All grates potentially accessible by children are secured.
5. Components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 and the Building Code of Australia.
6. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

Reason: To ensure appropriate stormwater management.

107. Works as executed plans for stormwater management and disposal

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

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

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

Reason: To ensure appropriate stormwater management.

108. Basement pump-out maintenance

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

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

Reason: To ensure appropriate stormwater management.

109. OSD positive covenant/restriction

Prior to issue of an Occupation Certificate, a positive covenant and restriction on the use of land under Section 88B/88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot shall be created.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to the Water Management Part 24R.8.1 of the relevant Ku-ring-gai Development Control Plan). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the NSW Land Registry Services in the form of a request using forms 13PC and 13RPA. The relative location of the on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

Reason: To ensure appropriate stormwater management.

110. Sydney Water Section 73 Compliance Certificate

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

Reason: Statutory requirement.

111. On-site detention system marker plate

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

This marker plate can be purchased from Council.

Reason: To prevent unlawful alteration.

112. Stormwater quality control positive covenant/restriction

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

The terms of the instruments are to be to the satisfaction of Council (refer to Part 24R.4.4 of the Ku-ring-gai Development Control Plan). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the NSW Land Registry Services. The relative location of the stormwater quality control devices, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

Reason: To ensure appropriate stormwater management.

113. Certification of as-constructed driveway/carpark

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

1. The as-constructed car park complies with the approved Construction Certificate plans.
2. The completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 - 2004 "Off-Street car parking"
3. Finished driveway gradients and transitions will not result in the scraping of the underside of cars.
4. No doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
5. The development complies with vehicular headroom requirements of Australian Standard 2890.1 - "Off-street car parking",
6. **2.6 metres** of height clearance for waste collection trucks (refer Part 25A.3 of the Ku-ring-gai DCP) are met from the public street into and within the applicable areas of the basement carpark.
7. At least one on-site loading space is to be provided to cater for a minimum 6.7 m long service vehicle. The loading space/s should be line marked and/or signposted as a designated loading area.
8. Vegetation adjacent to the 2m x 2.5m sight triangle at the property boundary must be maintained to avoid encroachment into the sight triangle as required under Australian Standard 2890.1 - "Off-street car parking".

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

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

114. Reinstatement of redundant crossings and completion of infrastructure works

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

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

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

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

Reason: To protect the public infrastructure.

115. Construction of works in public road - approved plans

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

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

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

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

116. 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.

117. Fire safety certificate

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

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

118. Waste and recycling storage facilities- residential flat building

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

Reason: To protect amenity and to prevent environmental pollution.

119. Validation report to be submitted

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

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

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

120. Prescribed condition - Temporarily affordable housing

- (2) It is a condition of the development consent that before the issue of an occupation certificate for the development-
- (a) a restriction must be registered, in accordance with the Conveyancing Act 1919, section 88E, against the title of the property relating to the development, which will ensure the requirements of subsection (3)(a) and (b) are met, and
 - (b) evidence of an agreement with a registered community housing provider for the management of the affordable housing component must be given to the Registrar of Community Housing, including the name of the registered community housing provider, and
 - (c) evidence that the requirements of paragraphs (a) and (b) have been met must be given to the consent authority.

- (3) It is a condition of the development consent that during the relevant period-
- (a) the affordable housing component must be used for affordable housing, and
 - (b) the affordable housing component must be managed by a registered community housing provider, and
 - (c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and
 - (d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.

- (4) In this condition-

affordable housing component has the same meaning as in [State Environmental Planning Policy \(Housing\) 2021](#), section 21.

relevant period means a period of 15 years commencing on the day on which an occupation certificate is issued for all parts of the building or buildings to which the development consent relates.

Reason: Statutory requirement per Section 82 'In-fill affordable housing' of the Environmental Planning and Assessment Regulation 2021.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

121. 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.

122. Noise control - mechanical plant

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

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

123. Noise control - rainwater re-use system

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

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

124. Noise control - air conditioning

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

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

125. Noise Control - mechanical exhaust ventilation

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

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

126. 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.

127. Deliveries and waste collections - commercial premises

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

Reason: To protect the amenity of the surrounding area.

128. 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.

129. Affordable housing

The apartments shown on drawing DA002D prepared by Giles Tribe and dated 10/07/2025, being U104, U105, U106, U204, U205, U206, U304, U305, U306, U403, U503, U603 and U703 must be used for the purposes of affordable housing and otherwise managed in accordance with section 82(3) of *State Environmental Planning Policy (Housing) 2021* for a period of 15 years from the date of the issue of an Occupation Certificate.

Reason: To ensure the development is consistent with the SEPP provisions.