

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. DA 126-05-2004

(FILE NO. S04/01180 PT.5)

**MULTI-UNIT HOUSING DEVELOPMENT, MERRIWA AND MCINTYRE STREETS,
GORDON**

I, the Minister for Infrastructure and Planning, pursuant to Section 80 (1) (a) of the *Environmental Planning & Assessment Act, 1979*, and clause 25(2) of State Environmental Planning Policy No.53 – Metropolitan Residential Development, determine the development application referred to in the attached Schedule 1, by granting consent to the application, subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) to encourage good urban design and a high standard of architecture;
- (2) to maintain the amenity of the local area;
- (3) to promote the orderly and ecologically sustainable development and use of the land;
- (4) to require the provision of developer contributions due to an increase in the demand for public amenities and public services within the area;
- (5) to require high quality landscaping and planting within the public and private domain.

Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Sydney,

2004

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**MULTI-UNIT HOUSING DEVELOPMENT, MERRIWA AND MCINTYRE STREETS,
GORDON**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), pursuant to Section 80 (1) (a) of the *Environmental Planning & Assessment Act, 1979*, and clause 25(2) of State Environmental Planning Policy No.53 – Metropolitan Residential Development, determine the development application referred to in the attached Schedule 1, by granting consent to the application, subject to the conditions of consent in the attached Schedule 2.

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- (5) to require high quality landscaping and planting within the public and private domain.

Diane Beamer MP

Minister for Juvenile Justice

Minister for Western Sydney

**Minister Assisting the Minister for Infrastructure and Planning
(Planning Administration)**

Sydney,

2004

SCHEDULE 1

PART A—TABLE

Application made by:	Stockland Development Pty Ltd 157 Liverpool Street, Sydney, NSW 2000
Application made to:	Minister for Infrastructure and Planning
Development Application:	No. 126-05-2004
On land comprising:	Lot 1 DP924841, Lot 1 DP963395, Lot 2 DP963202, Lot F DP166390, Lots 1 to 5 DP11852, Lot 47 DP656332 at 4-14 Merriwa Street and 3-11 McIntyre Street, Gordon
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Estimated Cost of Works	\$46,000,000
Type of development:	Local Development and Integrated Development
S.119 Public inquiry held:	No
BCA building class:	Class 2 and 7a
Approval Body:	Ku-ring-gai Council
Determination made on:	
Determination:	Consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 126-05-2004

Responsibility for other approvals / agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid within 12 months after the date on which the applicant received this notice, or

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

Section 94 Conditions

Part B of Schedule 2 of this consent contains a levy for development imposed under Section 94 of the Act. The levies imposed are in accordance with Ku-ring-gai Section 94 Contributions Plan 2000-Residential Development.

Ku-ring-gai Section 94 Contributions Plan 2000-Residential Development may be inspected at Ku-ring-gai Council, 818 Pacific Highway, Gordon.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means Stockland Development Pty Ltd or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act.

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means Ku-ring-gai Council.

DA No. 126-05-2004 means the development application and supporting documentation submitted by the applicant on 25 May 2004.

Department means the Department of Infrastructure, Planning and Natural Resources or its successors.

Director means the Director of the Urban Assessments Branch (or its successors) of the Department.

Director-General means the Director-General of the Department.

Minister means the Minister for Infrastructure and Planning.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Road Authority means the road authority identified within the Roads Act 1993.

RTA means the Roads and Traffic Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule.

Team Leader means the Team Leader of the Urban Assessments Branch (or its successors) of the Department.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 126-05-2004

PART A—ADMINISTRATIVE CONDITIONS

A1 Development Description

Condition A1 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-20-5 approved on 1-08-2005))

Development consent is granted only to carrying out the development described below:

- ~~(1) demolition of 9 existing dwellings and associated structures on the site;~~
- ~~(2) relocation and adaptive reuse of a cottage on the site for communal use by the development's residents;~~
- ~~(3) construction of 2 buildings containing a total of 149 apartments comprising:~~
 - ~~(a) McIntyre St building - 6 storey building containing 5 x 1-bedroom, 44 x 2-bedroom and 9 x 3-bedroom dwellings;~~
 - ~~(b) Merriwa St building - 7 storey building containing 27 x 1-bedroom, 52 x 2-bedroom and 12 x 3-bedroom dwellings;~~
- ~~(4) construction of a basement structure under the McIntyre St building containing 87 car parking spaces on two levels;~~
- ~~(5) construction of a basement structure under the Merriwa St building containing 129 car parking spaces on three levels;~~
- ~~(6) associated landscaping works; and~~
- ~~(7) strata title subdivision of the completed development.~~

Condition A1 is amended to reflect the following: (modified by Section 96(2) modification (DA126-052004 MOD 7 approved on 26-08-2009))

Development consent is granted only to carrying out the development described in detail below:

- (1) demolition of 9 existing dwellings and associated structures on the site;**
- (2) relocation and adaptive reuse of a cottage on the site for communal use by the development's residents;**
- (3) construction of 2 buildings containing a total of 140 **148** apartments comprising:**
 - (a) McIntyre St building - 6 storey building containing **5** **4** x 1-bedroom, **20** **45** x 2-bedroom and **27** **8** x 3-bedroom dwellings;**
 - (b) Merriwa St building - 7 storey building containing **24** **27** x 1-bedroom, 52 x 2-bedroom and **15** **12** x 3-bedroom dwellings;**
- (4) construction of a basement structure under the McIntyre St building containing 101 car parking spaces on three levels;**
- (5) construction of a basement structure under the Merriwa St building containing **129** **127** car parking spaces on three levels;**
- (6) associated landscaping works; and**
- (7) strata title subdivision of the completed development.**

A2 Development in Accordance with Plans

The development shall be generally in accordance with development application No. 126-05-2004 submitted by the applicant on 25 May 2004, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Statement of Environmental Effects, compiled by urbisJHD and dated May 2004, comprising:

- **Volume 1 Site 6, 3-11 McIntyre Street & 4-14 Merriwa Street, Gordon,**
- **Volume 2 Architectural Drawings and Plans, Site 6, 3-11 McIntyre Street & 4-14 Merriwa Street, Gordon,**
- **Volume 3 Supporting Documents, Site 6, 3-11 McIntyre Street & 4-14 Merriwa Street, Gordon,**

Report titled: *Gordon Apartments – Addendum to DA Submission, Response to Issues raised by DIPNR*, prepared by urbisJHD, dated August 2004.

Letter from urbisJHD to DIPNR, titled: *DA 126-5-2004, Residential Development, Merriwa & McIntyre Streets, Gordon*, dated 17 August 2004 and accompanying reports titled:

- a. *No.9 McIntyre Street Gordon Proposed Relocation of Existing Structure Response to Council Report July 2004*, prepared by NBRS & Partners, undated**

Report titled: *Gordon Apartments - Development Application Response to Building Sustainability Index BASIX*, prepared by urbisJHD, dated 20 August.

Letter from urbisJHD to DIPNR, titled: *DA 126-5-2004, Residential Development, Merriwa & McIntyre Streets, Gordon*, dated 24 August 2004 and accompanying reports titled:

- **Appendix 2 - Storage Area Calculations and Plans.**
- **Appendix 3 - Response prepared by Robert Staas of NBRS & Partners.**
- **Appendix 4 - Arboricultural Assessment prepared by Context.**

Letter from urbisJHD to DIPNR, titled: *DA 126-5-2004, Residential Development, Merriwa & McIntyre Streets, Gordon*, dated 9 September 2004 and accompanying reports and plans titled:

- **Appendix 1 – Plan of Amended Roof Terrace Areas.**
- **Appendix 2 – Letter of Advice from CBHK.**
- **Appendix 3 – Water Management Plan & Drainage Concept Plan by Steve Paul & Partners.**

Architectural Drawings prepared by *marchese+popov*

Drawing No.	Revision	Name of Plan	Date
03066-1.01	A	Site Location Plan	12 May 2004
03066-1.02	A	Site Analysis	12 May 2004
03066-1.03	A	Site Response Plan	12 May 2004
03066-1.04	A	Concept Diagram	12 May 2004
03066-1.05	A	Site Plan	12 May 2004
03066-2.00	A	Merriwa Street Block RL107	12 May 2004
03066-2.01	B	Merriwa Street Block RL110	12 May 2004
03066-2.02	B	Merriwa Street Block RL113	12 May 2004
03066-2.03	C	Merriwa Street Block RL116	12 May 2004
03066-2.04	C	Merriwa Street Block RL119	12 May 2004

03066-2.05	A	Merriwa Street Block RL122	12 May 2004
03066-2.06	A	Merriwa Street Block RL125	12 May 2004
03066-2.07	A	Merriwa Street Block RL128	12 May 2004
03066-2.08	A	Merriwa Street Block RL131	12 May 2004
03066-2.10	B	McIntyre Street Block RL107	12 May 2004
03066-2.11	B	McIntyre Street Block RL110	12 May 2004
03066-2.12	C	McIntyre Street Block RL113	12 May 2004
03066-2.13	C	McIntyre Street Block RL116	12 May 2004
03066-2.14	C	McIntyre Street Block RL119	12 May 2004
03066-2.15	A	McIntyre Street Block RL122	12 May 2004
03066-2.16	A	McIntyre Street Block RL125	12 May 2004
03066-2.17	C	McIntyre Street Block RL128	12 May 2004
03066-2.18	A	McIntyre Street Block RL131	12 May 2004
03066-3.00	A	Typical Sections	12 May 2004
03066-4.00	B	Merriwa & McIntyre St Elevations	12 May 2004
03066-4.01	B	Courtyard Elevations	12 May 2004
03066-4.02	B	East and West Elevations	12 May 2004
03066-4.04	A	Sectional Elevations	12 May 2004
03066-5.00	A	Development Calculations	12 May 2004
Landscape Drawings prepared by Context Landscape Design			
Drawing No.	Revision	Name of Plan	Date
LWD 04513-01	B	Site Analysis	19 April 2004
LWD 04513-02	B	Slope Analysis	19 April 2004
LWD 04513-03	B	Trees to be Removed or Retained	19 April 2004
LWD 04513-04	B	Landscape Plan	19 April 2004
LWD 04513-05	B	Street Landscape Elevations	19 April 2004
LWD 04513-06	B	Landscape Sections	19 April 2004
LWD 04513-07	B	Landscape Details	19 April 2004
LWD 04513-08	B	Landscape Details	19 April 2004
LWD 04513-09	B	Landscape Notes	19 April 2004
LWD 04513-10	B	Landscape Report	19 April 2004
Survey Drawings prepared by Lean, Lackenby and Hayward Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
58170-1	-	Levels, Contours and Details	March 2004
58170-2	-	Levels, Contours and Details	March 2004
58170-3	-	Levels, Contours and Details	March 2004

Condition A2 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005))

As modified by:

Statement to Accompany Section 96 Application, prepared by urbis JHD, dated March

2005.

Letter from Colston Budd Hunt and Kafes to Stockland Developments Pty Ltd, dated 13 April 2005.

Letter from urbis JHD to Albert Bonanno Planning Consultants Pty Ltd dated 4 May 2005.

Letter from Denny Linker & Co. to Stockland Developments Pty Ltd, dated 10 May 2005.

Letter from urbis JHD to DIPNR, dated 12 May 2005.

Architectural Drawings prepared by marchese*popov

<u>Drawing No.</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Date</u>
<u>03066-1.05</u>	<u>A</u>	<u>Staging Plan</u>	<u>12 May 2004</u>
<u>03066-2.00</u>	<u>E</u>	<u>Merriwa Street Block RL107</u>	<u>8 February 2005</u>
<u>03066-2.01</u>	<u>E</u>	<u>Merriwa Street Block RL110</u>	<u>8 February 2005</u>
<u>03066-2.02</u>	<u>E</u>	<u>Merriwa Street Block RL113</u>	<u>8 February 2005</u>
<u>03066-2.03</u>	<u>E</u>	<u>Merriwa Street Block RL116</u>	<u>8 February 2005</u>
<u>03066-2.04</u>	<u>E</u>	<u>Merriwa Street Block RL119</u>	<u>8 February 2005</u>
<u>03066-2.05</u>	<u>E</u>	<u>Merriwa Street Block RL122</u>	<u>8 February 2005</u>
<u>03066-2.06</u>	<u>E</u>	<u>Merriwa Street Block RL125</u>	<u>8 February 2005</u>
<u>03066-2.07</u>	<u>E</u>	<u>Merriwa Street Block RL128</u>	<u>8 February 2005</u>
<u>03066-2.08</u>	<u>A</u>	<u>Merriwa Street Block RL131</u>	<u>8 February 2005</u>
<u>03066-2.10</u>	<u>E1</u>	<u>McIntyre Street Block RL107</u>	<u>8 February 2005</u>
<u>03066-2.11</u>	<u>E1</u>	<u>McIntyre Street Block RL110</u>	<u>8 February 2005</u>
<u>03066-2.12</u>	<u>E</u>	<u>McIntyre Street Block RL113</u>	<u>8 February 2005</u>
<u>03066-2.13</u>	<u>E</u>	<u>McIntyre Street Block RL116</u>	<u>8 February 2005</u>
<u>03066-2.14</u>	<u>E</u>	<u>McIntyre Street Block RL119</u>	<u>8 February 2005</u>
<u>03066-2.15</u>	<u>E</u>	<u>McIntyre Street Block RL122</u>	<u>8 February 2005</u>
<u>03066-2.16</u>	<u>E</u>	<u>McIntyre Street Block RL125</u>	<u>8 February 2005</u>
<u>03066-2.18</u>	<u>A</u>	<u>McIntyre Street Block RL131</u>	<u>8 February 2005</u>
<u>03066-3.00</u>	<u>F</u>	<u>Typical Sections</u>	<u>18 April 2005</u>
<u>03066-4.00a</u>	<u>E2</u>	<u>Merriwa St Elevations & Sections</u>	<u>8 February 2005</u>
<u>03066-4.00b</u>	<u>E2</u>	<u>McIntyre St Elevations & Sections</u>	<u>8 February 2005</u>
<u>03066-4.02</u>	<u>F</u>	<u>End Elevations & Sections</u>	<u>18 April 2005</u>
<u>03066-4.03</u>	<u>F</u>	<u>Sectional Elevations</u>	<u>18 April 2005</u>

Landscape Drawings prepared by Context Landscape Design

<u>Drawing No.</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Date</u>
<u>LWD 04513-500</u>	<u>G</u>	<u>Landscape Planting Plan Sheet 1</u>	<u>6 April 2005</u>
<u>LWD 04513-501</u>	<u>F</u>	<u>Landscape Planting Plan Sheet 2</u>	<u>6 April 2005</u>

Survey Drawings prepared by Lean, Lackenby and Hayward Pty Ltd

<u>Drawing No.</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Date</u>
<u>58170-1 LD1</u>	<u>A</u>	<u>Levels, Contours and Details</u>	<u>13 September 2004</u>
<u>58170-2 LD2</u>	<u>A</u>	<u>Levels, Contours and Details</u>	<u>28 April 2004</u>
<u>58170-3 LD3</u>	<u>B</u>	<u>Levels, Contours and Details</u>	<u>6 December 2004</u>

Condition A2 is amended to reflect the following: (modified by Section 96(2) modification (DA126-052004 MOD 7 approved on 26-08-2009)

Except as modified by the following:

<u>Except as modified by the Statement of Environmental Effects prepared by Meriton Apartments Pty Ltd, dated May 2009:</u>			
<u>Architectural Drawings prepared by Meriton Apartments Pty Ltd</u>			
<u>Drawing No.</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Date</u>
<u>S96-000-COV</u>	<u>C</u>	<u>Cover Sheet 2</u>	<u>17 August 2009</u>
<u>S96-101-L01</u>	<u>B</u>	<u>Level 1 Floor Plan</u>	<u>1 June 2009</u>
<u>S96-102-L02</u>	<u>B</u>	<u>Level 2 Floor Plan</u>	<u>1 June 2009</u>
<u>S96-103-L03</u>	<u>B</u>	<u>Level 3 Floor Plan</u>	<u>1 June 2009</u>
<u>S96-104-L04</u>	<u>A</u>	<u>Level 4 Floor Plan</u>	<u>1 June 2009</u>
<u>S96-105-L05</u>	<u>A</u>	<u>Level 5 Floor Plan</u>	<u>1 June 2009</u>
<u>S96-106-L06</u>	<u>A</u>	<u>Level 6 Floor Plan</u>	<u>1 June 2009</u>
<u>S96-107-L07</u>	<u>A</u>	<u>Level 7 Floor Plan</u>	<u>1 June 2009</u>
<u>S96-108-L08</u>	<u>A</u>	<u>Level 8 Floor Plan</u>	<u>1 June 2009</u>
<u>S96-109-RF</u>	<u>A</u>	<u>Roof Level Plan</u>	<u>1 June 2009</u>
<u>S96-111-EL</u>	<u>B</u>	<u>Site Elevations - Street</u>	<u>1 June 2009</u>
<u>S96-113-EL</u>	<u>C</u>	<u>Site Elevations – East & West</u>	<u>1 June 2009</u>
<u>S96-114-EL</u>	<u>B</u>	<u>Site Elevations - Sectional</u>	<u>1 June 2009</u>

Condition A2 is amended to reflect the following: (modified by Section 96(1A) modification (Mod 126-05-2004(4) approved on 29-04-2009)

As modified by:

Letter to Accompany Section 96 (1A) Application, prepared by Meriton Apartments Pty Ltd, dated 27 March 2009.

Letter from Golder Associates to Department of Planning, dated 24 March 2009.

Architectural Drawings prepared by Meriton Apartments Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
E-500-EX	P	Bulk Excavation	6 March 2009

and as amended by following conditions:

A3 Inconsistency between documents

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

A4 Prescribed conditions

The Applicant shall comply with the prescribed conditions of development consent under the clause 98 of the Regulations.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Details and Changes

B1 Additional Details

Condition B1 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005))

~~In order to ensure satisfactory design treatment of external building elements, additional details in regard to the following matters shall be submitted to and approved by the Team Leader prior to the issue of a Construction Certificate for above ground works:~~

In order to ensure satisfactory design treatment of external building elements, additional details in regard to the following matters shall be submitted to and approved by the Team Leader prior to the issue of the first Construction Certificate for above ground works

- (1) proposed use of the relocated part of the heritage item, its suitability and impact on the item's heritage significance, proposed interpretative methods, schedules of conservation works, materials and finishes;
- (2) detail elevation and section drawings of all boundary fencing, screens and enclosures to private garden and courtyards;
- (3) detail elevations and sections of sunshading devices, terrace enclosures and/or balustrading and their setbacks from building edges;
- (4) plan showing the locations of external lighting to the communal open space areas, and entrances to the site and buildings; and
- (5) detail plans, elevations and sections of privacy screens between adjacent balconies, terraces and private gardens, and between apartments and private gardens.

B2 Confirmation of Areas

Condition B2 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005))

Condition B2 is amended to reflect the following: (modified by Section 96(2) modification (DA126-052004 MOD 7 approved on 26-08-2009))

~~The total floor space of the development shall be calculated in accordance with the definition of floor space in the Ku-ring-gai Sites Report and shall not exceed 14,837m². **The total floor space of the development shall be calculated in accordance with the definition of floor space in the Ku-ring-gai Sites Report and shall not exceed 14,867m². 15,090m²**~~ The floor areas to be excluded from the total floor space calculation shall be in accordance with the floor space exclusions referred to in the Ku-ring-gai Sites Report's General Controls and Guidelines. Storage, garbage areas, plant rooms and car parks, with a floor level above natural ground level, must not be counted as floor space exclusions.

The total deep soils area to be included in the development shall be no less than 2,711m². The total deep soils area calculations may include the footprint areas of the relocated heritage item, the swimming pool, and suitably pervious paving areas of minimum dimensions required for access to and between the buildings and around the swimming pool. Areas having a dimension of less than 3 metres shall be excluded from the deep soil area calculations.

~~The applicant shall submit for the PCA's approval, a qualified surveyor's certificate certifying compliance with the above areas, accompanied by dimensioned site and floor plans at a scale of 1:200, identifying the deep soil and floor space areas that have been included and excluded from the total deep soil area and total floor space calculations. A copy of the documents approved by the PCA is to be referred to the Department.~~

Condition B2 is amended to reflect the following: (modified by Section 96(1A) modification (Mod 126-05-2004(5) approved on 26-06-2009)

Prior to the issue of the first Construction Certificate for above ground works (with the exception of basement car parking levels that protrude above ground level, which may also be directly/physically connected to a residential unit/s due to the slope of the land), the applicant shall submit for the PCA's approval, a qualified surveyor's certificate certifying compliance with the above areas, accompanied by dimensioned site and floor plans at a scale of 1:200, identifying the deep soil and floor space areas that have been included and excluded from the total deep soil area and total floor space calculations. A copy of the documents approved by the PCA is to be referred to the Department.

B3 Design Modifications

Condition B3 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

In order to ensure appropriate building bulk, privacy of adjoining dwellings and proposed apartments and improve residential amenity and safety, the design of the buildings shall be amended as follows:

- ~~(1) terraces at the western end of the Merriwa St building (RL116) shall not extend more than 2 metres from the western walls of apartments BE4.01 and BE4.02;~~
- (1) terraces to apartments BE4.01 and BE4.02 at the western end of the Merriwa St building (RL116) shall not extend more than 5.75 metres from the western wall of apartment BE4.02**
- ~~(2) terraces at the western end of the McIntyre St building (RL116) shall not extend more than 2 metres from the western wall of apartments D4.02 and D4.03 and 4.7 metres from the northern wall of apartment D4.03;~~
- (3) terraces at the western end of the McIntyre St building (RL119) shall not extend more than 5 metres from the building's western wall;
- (4) terrace enclosures and balustrades shall be set back from building edges so as not to appear as additional building height when viewed from the public domain;
- (5) the width of all cross-through apartments must not be less than 4 metres, measured between the finished wall faces;

- (6) the proposed storage areas for the residents shall be exclusive of bedroom wardrobes and kitchen cupboards;
- (7) each of the two entrance lobbies of the Merriwa St building (RL110.3), shall incorporate doors leading east and west to the apartment access corridors; and
- (8) incorporation of measures recommended by a crime risk assessment of the development undertaken by the Applicant, and provision of adequate outdoor lighting.
- (9) **“the bay windows to apartments BE6.04 and BE6.05 at RL122 of the Merriwa Street building shall be deleted. These bay windows may be replaced by façade wall glazing that aligns with the corresponding glazing at RL119”.**
- (10) **“the private gardens, planter boxes and paved terraces to the following apartments that front Merriwa Street and McIntyre Street shall be modified as follows:**
 - Merriwa Street building**
 - RL110 apartments B2.13, B2.14 and B2.15: to be modified in accordance with drawing DA 2.01 Revision B**
 - RL113, apartments B3.03, AW3.04 and AW3.05: to be modified in accordance with drawing DA 2.02 Revision B**
 - RL116, apartments 4.05, 4.06 and 4.07: to be modified in accordance with drawing DA 2.03 Revision C**
 - McIntyre Street building:**
 - RL110, apartments CW2.01, CW2.02 and CW2.03: to be modified in accordance with drawing DA 2.11 Revision B**
 - RL113, apartment C3.01: to be modified in accordance with drawing DA 2.12 Revision C**
 - The Landscape Planting Plans shall be modified in accordance with the above drawings.**

Note: The Drawings referred in the above condition are the ones that were already approved under DA 126-05-2005.

~~Three sets of the drawings referred to in Condition A2, that are in accordance with this consent and incorporate amendments necessitated by conditions of this consent shall be submitted to the Team Leader for approval prior to the release of the construction certificate for above ground works.~~

Three sets of the drawings referred to in Condition A2, that are in accordance with this consent and incorporate amendments necessitated by conditions of this consent shall be submitted to the Team Leader prior to the release of the first Construction Certificate for above ground works

B4 Reflectivity

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place.

B5 Design Verification Statement – Residential Flat Buildings

Condition B5 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~Prior to the issue of a Construction Certificate for above ground works, the Applicant shall in accordance with clause 50(1A) of the Regulations submit to the Certifying Authority a Design Verification Statement.~~

Prior to the issue of the first Construction Certificate for below ground works, the Applicant shall in accordance with clause 115(1A) of the Regulations submit to the Certifying Authority a Design Verification Statement.

B6 Disabled Access

Condition B6 is amended to reflect the following: (modified by Section 96(2) modification (DA126-052004 MOD 7 approved on 26-08-2009)

Access and facilities for people with disabilities shall be provided in accordance with the recommendations of the DA Access Report contained in Volume 3 Supporting Documents, referred to in Condition A2, and Australian Standard 4299-1995 Adaptable Housing accessibility report, provided by Morris-Goding Accessibility Consulting dated 3 June 2009.

Noise Mitigation

B7 Mitigation of noise

Condition B7 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

Road traffic noise from the Pacific Highway shall be mitigated through the use of durable materials, in accordance with the Environmental Protection Authority criteria 'The Environmental Criteria for Road Traffic Noise, May 1999'. Where the EPA external noise criteria cannot be practically or reasonably met, all dwellings within the development are to be constructed so that the repeatable maximum L Aeq (1 hour) level does not exceed the following levels:

(i) In a naturally ventilated – windows closed condition:

Sleeping areas (night time only: 10p.m.-7a.m.)	35dB
Living areas (24 hours)	45dB

(ii) In a naturally ventilated – windows open condition (i.e. Windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):

Sleeping areas (night time only: 10p.m.-7a.m.)	45dB
Living areas (24 hours)	55dB

(iii) Where a naturally ventilated – windows open condition cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.

(iv) The following repeatable maximum L Aeq (1 hour) levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating:

Sleeping areas (night time only: 10p.m.-7a.m.)	38dB
Living areas (24 hours)	46dB

(These levels correspond to the combined measured level of external sources and the ventilation system operating normally)

~~The cost of noise attenuation measures for all dwellings within the development, for the entire life of the dwellings, shall be at no cost to the RTA, the Department, or their successors. Details of compliance with this condition shall be submitted to the satisfaction of the Certifying Authority prior to the issue of Construction Certificate for above ground works.~~

The cost of noise attenuation measures for all dwellings within the development, for the entire life of the dwellings, shall be at no cost to the RTA, the Department, or their successors. Details of compliance with this condition shall be submitted to the satisfaction of the Certifying Authority prior to the first Construction Certificate for above ground works.

Noise level measurements at the boundaries of the post-developed site shall generally not exceed 5dbA above background noise levels.

Remediation / Demolition / Earthworks

B8 Remediation of Land

Condition B8 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

Condition B8 is amended to reflect the following: (modified by Section 96(1A) modification (Mod 126-05-2004(4) approved on 29-04-2009)

- ~~(1) Prior to the issue of a Construction Certificate for below ground works, the Applicant shall submit to the Director the Remedial Action Plan prepared by Golder Associates Pty Ltd and a Hazardous Materials Survey. The Remedial Action Plan must be accompanied by a statement from a site auditor accredited by the Environment Protection Authority to issue site audit statements.~~
- (1) Prior to the issue of the Construction Certificate for below ground works for Stage B, the Applicant shall submit to the Director the Remedial Action Plan prepared by Golder Associates Pty Ltd and a Hazardous Materials Survey. The Remedial Action Plan must be accompanied by a statement from a site auditor accredited by the Environment Protection Authority to issue site audit statements.**
- (2) The remedial works shall at all times be carried out strictly in accordance with the submitted Remedial Action Plan and other requirements of this consent.
- (3) Following completion of remedial works a Remediation and Validation Report is to be prepared by a suitably qualified environmental consultant. This report, together with a final site audit statement by the accredited site auditor, including Notice of Completion statement, pursuant to clauses 17(2) and 18 of *State Environmental Planning Policy No.55—Remediation of Land*, shall be submitted to the satisfaction of the certifying authority prior to occupation of the building. The site audit statement must verify that the land is suitable for the proposed uses.
- (4) Notice shall be provided to the Council, **separately for Stages A and B**, in accordance with clause 17(2) of State Environmental Planning Policy No.55.
- (5) If required, the Remedial Action Plan shall incorporate measures and site procedures to ensure that, if Stage A is completed before commencement of**

the remedial works at the Stage B site, the staging of the development will not lead to the contamination of Stage A.

- (6) **Prior to the issue of an Occupation Certificate for any part of the development, the applicant shall submit to the Certifying Authority written verification from a suitably qualified Environmental Consultant stating that Stage B of the site is suitable for occupation by its approved uses.**
- (7) **If the suitably qualified Environmental Consultant makes any recommendations for any land remediation works and/or for the removal of any hazardous materials found to exist on the site, including Stage B, after further testing, the Consultant shall prepare and submit to the Department of Planning for approval by the Director General or his nominee, a report outlining the methodologies for removal or treatment of any contaminated or hazardous materials prior to the verification required in Condition B8 (6) being issued.**

B9 Erosion and Sedimentation Control

Condition B9 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~Prior to issue of the Construction Certificate for below ground works the applicant shall submit, for approval by the PCA, a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Council's Water Management Development Control Plan No.47.~~

Prior to issue of each Construction Certificate for below ground works the applicant shall submit, for approval by the PCA, a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Council's Water Management Development Control Plan No.47.

B10 Dilapidation Reports

Condition B10 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~A Dilapidation Report detailing the current structural condition of the adjoining buildings, infrastructure and roads, including the retaining wall in McIntyre Street, shall be prepared and endorsed by a qualified structural engineer. The report shall be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate for below ground works.~~

~~A second Dilapidation Report shall be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the adjoining buildings, infrastructure and roads. The report shall also be submitted to the satisfaction of the PCA and should be compared with the earlier report to ascertain if any change has occurred.~~

~~A copy of both reports is to be forwarded to the Director and Council.~~

A Dilapidation Report detailing the current structural condition of the adjoining buildings, infrastructure and roads, including the retaining wall in McIntyre Street, shall be prepared and endorsed by a qualified structural engineer. The report shall be

submitted to the satisfaction of the PCA prior to the issue of the first Construction Certificate for below ground works.

A second Dilapidation Report shall be prepared by a suitably qualified person at the completion of each development stage to ascertain if any structural damage has occurred to the adjoining buildings, infrastructure and roads. The report shall also be submitted to the satisfaction of the PCA and should be compared with the earlier report to ascertain if any change has occurred.

In respect of roads, the dilapidation reports shall address, but not necessarily be limited to, the condition of, and the damage on completion of each development stage to, Merriwa Street, McIntyre Street and the sections of Vale Street and Ridge Street giving access to Merriwa Street and McIntyre Street.

A copy of each Dilapidation Report is to be forwarded to the Director and Council.

Traffic & Parking

B11 Traffic Control Devices

Condition B11 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

In order to ensure that vehicles exit the site in a safe manner, the following traffic control measures shall be provided:

- (1) signage and line marking shall be installed and be clearly visible at the upper threshold of the driveways;
- (2) signage shall be installed in each of the loading areas indicating the headroom clearance available for loading and unloading, and that reverse exit movements from the loading areas onto the public way are prohibited. The exception to this may be garbage trucks entering and exiting the building for the purpose of waste collection.

~~Details of the type, location and operation of the devices shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for above ground works.~~

Details of the type, location and operation of the devices shall be submitted to the satisfaction of the Certifying Authority prior to the issue of each Construction Certificate for above ground works.

B12 Traffic Management - Signage

Condition B12 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~Detail drawings for the installation of "No Right Turn" signage for the right hand turn movement from the Pacific Highway into Merriwa St between 3pm to 7pm from Monday to Friday, and an associated traffic management plan (TMP) shall be submitted to the RTA prior to the issue of a Construction Certificate for above ground works.~~

Detail drawings for the installation of "No Right Turn" signage for the right hand turn movement from the Pacific Highway into Merriwa St between 3pm to 7pm from

Monday to Friday, and an associated traffic management plan (TMP) shall be submitted to the RTA prior to the issue of the first Construction Certificate for above ground works.

B13 Traffic Management – Median Strip

Condition B13 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~A TMP and detailed design must be prepared by the applicant for the extension of the eastern end of the median in McIntyre Street to the Pacific Highway. This extension is to have provision for pedestrians crossing McIntyre Street at the Pacific Highway. The TMP shall be submitted to Council's Local Traffic Committee prior to the issue of a Construction Certificate for above ground works.~~

A TMP and detailed design must be prepared by the applicant for the extension of the eastern end of the median in McIntyre Street to the Pacific Highway. This extension is to have provision for pedestrians crossing McIntyre Street at the Pacific Highway. The TMP shall be submitted to Council's Local Traffic Committee prior to the issue of a Construction Certificate for above ground works for Stage B.

B14 Number of Car Spaces

Condition B14 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

Condition B14 is amended to reflect the following: (modified by Section 96(2) modification (DA126-052004 MOD 7 approved on 26-08-2009)

~~Car space numbers for the development must comply with the table below. Confirmation of this shall be submitted to the Certifying Authority prior to issue of a Construction Certificate for below ground works.~~

Car parking allocation	Number
Maximum residential car parking spaces in the Merriwa St building	116
Minimum visitor car parking spaces in the Merriwa St building	13
Minimum disabled persons' car spaces in the Merriwa St building	1
Car wash bays in the Merriwa St building	1
Maximum residential car parking spaces in the McIntyre St building	79
Minimum visitor car parking spaces in the McIntyre St building	8
Minimum disabled persons' car spaces in the McIntyre St building	1
Car wash bays in the McIntyre St building	1

Car space numbers for the development must comply with the table below. Confirmation of this shall be submitted to the Certifying Authority prior to issue of each Construction Certificate for below ground works"

Car parking allocation	Number
<u>Maximum residential car parking spaces in the Merriwa St building</u>	116 118
<u>Minimum visitor car parking spaces in the Merriwa St building</u>	13 9

Minimum disabled persons' car spaces in the Merriwa St building	<u>1</u>
Car wash bays in the Merriwa St building	<u>1</u>
Maximum residential car parking spaces in the McIntyre St building	<u>94</u>
Minimum visitor car parking spaces in the McIntyre St building	<u>7</u>
Minimum disabled persons' car spaces in the McIntyre St building	<u>1</u>
Car wash bays in the McIntyre St building	<u>1</u>

B15 Number of Bicycle Spaces

Condition B15 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~A minimum of 30 resident bicycle spaces and 9 visitor bicycles spaces shall be provided for the Merriwa St building. A minimum of 19 resident bicycle spaces and 6 visitor bicycle spaces shall be provided for the Merriwa St building. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for below ground works.~~

A minimum of 30 resident bicycle spaces and 9 visitor bicycles spaces shall be provided for the Merriwa St building. A minimum of 19 resident bicycle spaces and 6 visitor bicycle spaces shall be provided for the McIntyre St building. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of each Construction Certificate for below ground works.

B16 Car Park and Service Vehicle Layout

Condition B16 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

Condition B16 is amended to reflect the following: (modified by Section 96(2) modification (DA126-052004 MOD 7 approved on 26-08-2009)

- (1) Layout of the car parks, including sight distance requirements, aisle widths, ramp grades, turn paths, driveway widths and parking bay dimensions shall comply with *Australian Standard for Parking Facilities (Part 1: Off-street car parking)* AS2890.1-2004. All parking spaces are to be linemarked.
- (2) Layout of service vehicle areas shall comply with *Australian Standard for Parking Facilities (Part 2: Off-street commercial vehicles facilities)* AS2890.2-2002.
- (3) The sizes and headroom clearances of the loading areas shall accommodate Council's garbage and recycling collection vehicles and comply with Council's requirements. **For access by Councils small waste collection vehicle, a minimum headroom of 2.5 metres is to be provided at the entry into the basement carparks and for the whole of the required path of travel to and from the waste collection points.**
- (4) Stacked parking spaces are to be allocated to the same apartment.
- (5) Driveways and access ramps must be designed not to scrape the underside of cars.

~~(6) Details demonstrating compliance with this condition shall be submitted to the satisfaction of the PCA prior the issue of a Construction Certificate for below ground works.~~

(6) Details demonstrating compliance with this condition shall be submitted to the satisfaction of the PCA prior the issue of each Construction Certificate for below ground works

Note 1: This shall include certification that headroom requirements are met below all suspended service lines, stormwater and sewer lines, structural supports, building and balcony overhangs.

Note 2: All driveway access widths, grades, transitions, circulation aisle widths, sight distances, signage and clearances are to comply with these requirements.

B17 Utility Services

The Applicant shall consult with the public authorities that provide telephone, electricity, gas, water and sewer services to determine their requirements. The Applicant shall make arrangements satisfactory to the Water Board and Council for the provision of water supply, drainage and facilities for the removal and disposal of sewage.

The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to the Council.

Merriwa Street and McIntyre Street

B18 Undergrounding of Power Lines

All power lines adjoining the property boundary are to be placed underground in accordance with the requirements of the relevant authority at the Applicant's expense.

Landscaping

B19 Landscape Plan

In order to ensure appropriate landscaping of the site, a revised landscape plan incorporating the following shall be submitted to and approved by the PCA prior to the issue of Construction Certificate for below ground works:

- (1) inclusion of a minimum of 10 endemic canopy trees, 6 endemic smaller trees, 30 endemic understorey shrubs; and 100 endemic ground cover species and the mature tree heights and removal of noxious weeds, as recommended in Section 6.2 of the abovementioned Flora & Fauna Assessment report. The trees, shrubs and ground cover species shall be selected from the schedules at section 6.2.1 – 6.2.4 of that report.
- (2) to compensate for the proposed removal of tree Nos.28, 30 and 43, six additional trees of the same species shall be planted within the Merriwa St setback area or the site's central communal open space area;
- (3) alternative arrangements shall be made in respect of Council's current use of seeds gathered from tree Nos.28 and 30 to propagate seedlings at the Council nursery for replenishment throughout Ku-ring-gai;
- ~~(4) the landscape plan shall clearly delineate the extent of pervious and impervious paving areas and provide details of proposed pervious paving treatments and materials;~~

Condition B19 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

- (4) the landscape plan shall clearly delineate the extent of pervious and impervious paving areas and provide details of proposed pervious paving treatments and materials. Where decomposed granite gravel, or another type gravel, is to be used as a surface treatment to deep soil areas, a coarse grade of gravel that will ensure a high degree of water penetration and resistance to heavy compaction over time, shall be used;
- (5) to compensate for the removal of tree Nos.16, 42, 53 and 54, the landscape plan shall allow for the planting of four additional trees of the same species within the Merriwa St setback area or the site's central communal open space area;
- (6) new plantings shall be located so they are not over underground services; and
- (7) new plantings shall be located so they do not interfere with sight lines from vehicles entering or departing the proposed underground carparking, or existing access to adjoining properties.

B20 Bond for Protection of Tree Species

Condition B20 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~A cash bond/bank guarantee of \$5000 shall be lodged with the Council prior to the release of the Construction Certificate for below ground works to ensure that Angophora floribunda (Rough Barked Apple) trees Nos. 47, 49 and 50 on the Merriwa St site are maintained in the same condition as found prior to commencement site development work.~~

Condition B20 is deleted to reflect the following: (modified by Section 96(1A) modification (DA 126-05-2004(MOD 6) approved on 26-06-2009)

~~A cash bond/bank guarantee of \$5000 shall be lodged with the Council prior to the release of the Construction Certificate for below ground works for Stage A to ensure that Angophora floribunda (Rough Barked Apple) trees Nos. 47, 49 and 50 on the Merriwa St site are maintained in the same condition as found prior to commencement site development work.~~

~~The bond will be returned following issue of the final Certificate of Compliance, provided the trees are undamaged.~~

~~In the event that any specified trees are found damaged, dying or dead as a result of any negligence by the applicant or its agent, or as a result of the construction works at any time during the construction period, the Council will have the option to demand the whole or part therefore of the bond.~~

B21 Protection of Sydney Blue Gum Community Species

Condition B21 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~To ensure that all retained Blue Gum trees and Angophora floribunda (Rough Barked Apple) trees receive the same amount of natural drainage following completion of the approved development that they currently receive, details for a watering system to emulate the current~~

~~natural drainage regime shall be implemented prior to issue of the final Certificate of Compliance. Details for the proposed watering system, including the results of a hydrological study, shall be submitted to the PCA prior to release of the Construction Certificate for below ground works.~~

To ensure that all retained Blue Gum trees and Angophora floribunda (Rough Barked Apple) trees receive the same amount of natural drainage following completion of the approved development that they currently receive, details for a watering system to emulate the current natural drainage regime shall be implemented prior to issue of the final Certificate of Compliance. Details for the proposed watering system, including the results of a hydrological study, shall be submitted to the PCA prior to release of each Construction Certificate for below ground works.

B22 Ecologically Sustainable Development (ESD)

Condition B22 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

- ~~(1) The following NatHERS rating requirements shall be complied with:

 - ~~a) an average rating for all apartments of 4 stars or better,~~
 - ~~b) at least 36% of all apartments shall achieve better than 4.5 stars or better,~~
 - ~~c) at least 86% of all apartments shall achieve at least 3.5 stars, and~~
 - ~~d) all apartments shall achieve 3 stars or better.~~~~
- ~~(2) Prior to the issue of a Construction Certificate for above ground works, the Applicant shall submit to the Certifying Authority a NatHERS certificate, prepared by an accredited NatHERS assessor, demonstrating compliance with the requirements of this condition.~~
- ~~(3) All classes of appliances that are available with an energy label or a Minimum Energy Performance Standard to be installed within the premises are to have an energy star rating of 3 stars or more (excluding clothes dryers which are to have a rating of 2.5 stars or more). The Applicant shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.~~

Condition B22 is amended to reflect the following: (modified by Section 96(2) modification (DA126-052004 MOD 7 approved on 26-08-2009)

- (1) **“The following NatHERS rating requirements shall be complied with:**
 - a) an average rating for all apartments of 4 stars or better,**
 - b) at least 20% of all apartments shall achieve better than 4.5 stars or better,**
 - c) at least 80% of all apartments shall achieve at least 3.5 stars, and**
 - d) all apartments shall achieve 3 stars or better”.**
- (2) **“Prior to the issue of each Construction Certificate for above ground works, the Applicant shall submit to the Certifying Authority a NatHERS certificate, prepared by an accredited NatHERS assessor, demonstrating compliance with the requirements of this condition”.**
- (3) **“All classes of appliances that are available with an energy label or a Minimum Energy Performance Standard to be installed within the premises**

are to have an energy star rating of 3 stars or more (excluding clothes dryers which are to have a rating of 2 stars or more). The Applicant shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition”.

- (4) The development shall incorporate the additional treatments referred to in Table 3 of Part 2 (Energy Performance Report) of the Environmental Sustainability Report **the thermal comfort overview report completed by Efficient Living, dated 20 May 2009.**
- (5) The recommendations of the Environmental Sustainability report contained in Volume 3 Supporting Documents, referred to in Condition A2, in respect of, but not limited to, building materials, interior colours, demolition and construction site waste management, recycling, materials’ packaging and glazing types, shall be incorporated in the development, **except where relevant matters are superseded by the BASIX Water Study report by Efficient Living, dated 1 May 2009.**

The Applicant shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

Waste Management

B23 Storage and Handling of Waste

Condition B23 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

Condition B23 is amended to reflect the following: (modified by Section 96(2) modification (DA126-052004 MOD 7 approved on 26-08-2009)

The provision and management of facilities for the minimisation of waste, the storage, handling and disposal of waste and recyclable materials shall comply with the requirements of Council’s Development Control Plan No.40.

The Applicant shall submit a Waste Management Plan for the design, demolition, excavation, construction and operational stages of the development in accordance with the Waste Management Guidelines in Development Control Plan No.40. The Plan shall address, but not necessarily be limited to the following:

- (1) building design, materials selection and construction practices;
- (2) the types, amounts, storage, handling and disposal of material during the demolition, excavation and construction stages of the development and for its occupation;
- (3) methods for handling and transferring recyclables to holding bays;
- (4) the reuse, source separation and recycling of materials;
- (5) the methods for achieving adequate storage and separation of recyclables, including the locations on each residential floor for building occupants to place this material;
- (6) the provision of adequate storage in the waste holding bays in the development for the bin numbers nominated by Council, including recycling containers, that allows for adequate manoeuvring of the containers when serving.

- (7) For access by Councils small waste collection vehicle, a minimum headroom of 2.5 metres is to be provided at the entry into the basement carpark and for the whole of the required path of travel to and from the waste collection points.

Note: Council has indicated that it will provide 1 x 120 litre waste container per each residential unit; and recycling bins will be supplied at a rate of 1 x 240 litre paper bin and 1 x 240 litre household containers bin for every 4 units or part thereof.

In order to allow unrestricted access for Council waste collection vehicles to the garbage storage areas, no doors or gates shall be provided in the access driveways to the car parks which would prevent this service.

For the purpose of access, health, safety and cleanliness, all waste and recycling storage rooms shall be designed as follows:

- a) no locking devices on doors or are to be installed leading to waste storage rooms;
- b) constructed of masonry having a steel trowel finish to internal walls and floors;
- c) provided with hot and cold hose cocks for cleaning;
- d) provided with a floor waste connected to the sewer;
- e) provided with adequate night lighting and ventilation.

Note: Council has indicated it will not service premises utilising locking devices on waste access doors.

~~Prior to the issue of a Construction Certificate for below ground works, the Applicant shall submit the Waste Management Plan and a statement demonstrating compliance with the requirements of this condition to the satisfaction of the Certifying Authority.~~

Prior to the issue of each Construction Certificate for below ground works, the Applicant shall submit the Waste Management Plan and a statement demonstrating compliance with the requirements of this condition to the satisfaction of the Certifying Authority.

Monetary Contributions

B24 Section 94 Contributions

Condition B24 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will be, or are likely to be, required as a consequence of development in the area.~~

~~The amount of the contributions shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with the Ku-ring-gai Section 94 Contributions Plan 2000—Residential Development to reflect changes in land values, construction costs and the consumer price index.~~

~~This contribution shall be paid to Ku-ring-gai Council prior to the release of the Construction Certificate for the above ground works and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000.~~

After allowances have been made for existing small, medium and large dwellings on the site that are to be demolished or adapted onsite for non-residential use, the proposed development has been calculated as containing the following dwelling number and sizes:

- ~~31~~ 30 small dwellings (under 75m²)
- ~~93~~ 95 medium dwellings (75m² – under 110m²);
- ~~18~~ 23 large dwellings (110m² – 150m²);

The above dwelling sizes have been based on strata areas. Allowances in the form of Section 94 credits have also been made for existing very large dwellings (150m² or more) on the site that are to be demolished.

The total contribution for this development is currently \$2,271,503.23.

Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to Ku-ring-gai Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Ku-ring-gai Council.

Evidence of the payment to Ku-ring-gai Council shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Indexing

The contribution for land will be adjusted in accordance with the latest annual valuations.

Condition B24 is amended to reflect the following: (modified by Section 96(2) modification (DA126-052004 MOD 7 approved on 26-08-2009))

A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will be, or are likely to be, required as a consequence of development in the area.

The amount of the contributions shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with the Ku-ring-gai Section 94 Contributions Plan 2000–Residential Development to reflect changes in land values, construction costs and the consumer price index.

The contribution amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000.

After allowances have been made for existing small, medium and large dwellings on the site that are to be demolished or adapted onsite for non-residential use, the proposed development has been calculated as containing the following dwelling number and sizes:

~~25~~ 30 small dwellings (under 75m²)

~~69~~ 95 medium dwellings (75m² – under 110m²);

~~39~~ 23 large dwellings (110m² – 150m²);

The above dwelling sizes have been based on strata areas. Allowances in the form of Section 94 credits have also been made for existing very large dwellings (150m² or more) on the site that are to be demolished.

The total contribution for this development is calculated as follows:

~~25~~ 30 small dwellings @ \$11,806.15 = \$295,154 **\$354,184.50**

~~69~~ 95 medium dwellings @ \$16,528.61 = \$1,140,474 **\$1,570,217.95**

39 23 large dwellings @ \$25,973.53 =	\$1,012,968 <u>\$597,391.19</u>
<u>Less 3 very large dwellings @ \$33,057.22 =</u>	<u>\$99,172</u>
<u>Total Section 94 Contribution =</u>	<u>\$2,349,424 <u>\$2,422,621.64</u></u>

Timing and Method of Payment

Section 94 contributions payable for each development stage shall be paid in full to Ku-ring-gai Council prior to the issue of the first Construction Certificate for each development stage for below ground works. The contributions payable for each development stage shall be calculated on the basis of its total number and mix of dwellings and in accordance with the above contributions rates that are applicable to the dwelling sizes. The contributions shall be paid in the form of cash or bank cheque, made out to Ku-ring-gai Council. For accounting purposes, the contribution may require separate payments for each category of facility or service for which a contribution is required under the Section 94 Contributions Plan, and you are advised to check with Ku-ring-gai Council.

Evidence of the payment to Ku-ring-gai Council shall be submitted to the Certifying Authority prior to the release of the first Construction Certificate for the above ground works.

The deferral of the contribution payment may be permitted subject to Council's agreement.

The amount of the contribution payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with the Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

Site Drainage and Stormwater Management

B25 Design of Drainage System

Condition B25 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

Condition B25 is amended to reflect the following: (modified by Section 96(2) modification (DA126-052004 MOD 7 approved on 26-08-2009)

Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level (with the exception of those areas which are to be drained to the interallotment drainage easement within 23 McIntyre Street) shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan No.47. If necessary, the extension of the street drainage system in 375mm diameter concrete pipe and construction of kerb inlet pit(s) in accordance with Council's specification to achieve gravity drainage and free drainage of the on site detention tanks.

Stormwater runoff from areas which cannot drain directly to the street drainage system shall be piped to the interallotment stormwater drainage line benefitting the subject site. The interallotment line is to be covered by the necessary easement for drainage, which may exist or need to be created under this consent. The terms of the easement are to specifically include all lands which drain to it.

The Applicant is to provide details of the drainage from the site to the connection to Council's trunk drainage system, including pit details and levels, as well as showing the effect of the drainage from the site on the exiting trunk drainage system.

The Applicant is to provide details of any changes to the existing drainage into, through and out of the property. The details will include any existing pipes and overland flowpaths, their capacities as well as details of all proposed drainage, including pipe, overland flowpaths, detention and retention, and any easements to be created to protect these.

The Applicant shall submit documentary evidence to the PCA that all lots to be drained via the drainage easement through 23 McIntyre Street benefit from the easement. This information is to include, as a minimum, registered title documents and the instruments describing the terms of the drainage easement(s).

For stormwater control all paved areas are to be drained to the main drainage system. This may require the installation of suitable cut-off structures, inlets and/or barriers that direct runoff to the formal drainage system.

For stormwater control all balconies are to be drained to the main drainage system via outlets fitted with leaf guards.

~~Prior to issue of the Construction Certificate the applicant shall submit, for approval by the PCA, construction design drawings and calculations for the stormwater quality control measures required. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan No.47.~~

~~Prior to issue of the Construction Certificate for below ground works the applicant shall submit, for approval by the PCA, construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan No.47 and AS 3500.2 *Plumbing and Drainage Code*.~~

~~Prior to issue of the Construction Certificate for below ground works the applicant shall submit, for approval by the PCA, a design detailing the provision of an interceptor drainage system. This system is to capture and convey all stormwater runoff arriving at the subject property from upslope areas to a formal drainage system, bypassing any on-site stormwater detention systems. Design details are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and shall comprise suitable inlet pits, grated drains, pipes and channels. This drainage system is to be designed for storm events up to and including the 100-year ARI and in accordance with Councils Water Management Development Control Plan No.47.~~

Prior to issue of each Construction Certificate for below ground works the applicant shall submit, for approval by the PCA, construction design drawings and calculations for the stormwater quality control measures required. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan No.47.

Prior to issue of each Construction Certificate for below ground works the applicant shall submit, for approval by the PCA, construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in

accordance with Councils Water Management Development Control Plan No.47 and AS 3500.2 - Plumbing and Drainage Code.

Prior to issue of each Construction Certificate for below ground works the applicant shall submit, for approval by the PCA, a design detailing the provision of an interceptor drainage system. This system is to capture and convey all stormwater runoff arriving at the subject property from upslope areas to a formal drainage system, bypassing any on-site stormwater detention systems. Design details are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and shall comprise suitable inlet pits, grated drains, pipes and channels. This drainage system is to be designed for storm events up to and including the 100-year ARI and in accordance with Councils Water Management Development Control Plan No.47

If a BASIX Certificate demonstrating a Water Score of 40% is submitted to justify some other rainwater re-use regime, then the retention component of site water management is to be in accordance with those requirements.

B26 On-site Stormwater Detention System

Condition B26 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

Condition B26 is amended to reflect the following: (modified by Section 96(2) modification (DA126-052004 MOD 7 approved on 26-08-2009)

To maintain capacity of the public drainage system, an On-site Stormwater Detention System(s) must be provided in accordance with Council's Water Management Development Control Plan No.47. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The system is to be cleaned regularly and maintained to the satisfaction of Council.

NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 3: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

NOTE 4: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings. This is available from Council upon request.

~~Prior to issue of the Construction Certificate for below ground works the applicant shall submit, for approval by the PCA, full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention/retention system. The design shall be generally based on the Water Management Plan prepared by, Steve Paul and Partners (Drawing 040050-SW-001-PR-01, plotted 10 September 2004) and accompanying report, and shall be advanced for construction issue purposes. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer and may be incorporated on the overall site drainage plan. Where direct connection to a street drainage pit is proposed, a hydraulic~~

~~grade line analysis is to be carried out to demonstrate that the detention system will be free-draining for flows up to and including the 100-year ARI event.~~

Prior to issue of each Construction Certificate for below ground works the applicant shall submit, for approval by the PCA, full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention/retention system. The design shall be generally based on the Water Management Plan prepared by, Steve Paul and Partners (Drawing 040050-SW-001-PR-01, plotted 10 September 2004) and accompanying report, and shall be advanced for construction issue purposes. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer and may be incorporated on the overall site drainage plan. Where direct connection to a street drainage pit is proposed, a hydraulic grade line analysis is to be carried out to demonstrate that the detention system will be free-draining for flows up to and including the 100 year ARI event.

If a BASIX Certificate demonstrating a Water Score of 40% is submitted to justify some other rainwater re-use regime, then the retention component of site water management is to be in accordance with those requirements.

B27 Rainwater Retention and Re-use System

Condition B27 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

Condition B27 is amended to reflect the following: (modified by Section 96(2) modification (DA126-052004 MOD 7 approved on 26-08-2009)

A rainwater re-use tank system shall be provided for the development and connected for irrigation and carwashing.

~~Prior to issue of the Construction Certificate for below ground works the applicant shall submit, for approval by the PCA, details for the proposed method of achieving the proposed re-use of water on the property including garden irrigation and carwashing. The necessary pumping, housing, filtration and delivery plumbing equipment for re-use shall be shown on this design. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. These details may be incorporated on the overall stormwater management plan and design for the retention/detention system.~~

Prior to issue of each Construction Certificate for below ground works the applicant shall submit, for approval by the PCA, details for the proposed method of achieving the proposed re-use of water on the property including garden irrigation and carwashing. The necessary pumping, housing, filtration and delivery plumbing equipment for re-use shall be shown on this design. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. These details may be incorporated on the overall stormwater management plan and design for the retention/detention system.

If a BASIX Certificate demonstrating a Water Score of 40% is submitted to justify some other rainwater re-use regime, then the retention component of site water management is to be in accordance with those requirements.

B28 Interallotment Drainage

The Applicant shall submit, for approval by the PCA, full hydraulic design documentation for the required interallotment drainage system from the subject property to the approved point of discharge to the public drainage system. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Council's Water Management DCP No.47 and the Plumbing and Drainage Code (AS3500). New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry design flowrates, or detention system overflows where detention systems are to be provided, from the subject property. The following details must be included:

- a. plan view of interallotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge,
- b. the contributing catchment calculations and supporting pipe sizing information,
- c. longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities,
- d. surrounding survey detail including all trees within seven (7) metres of the proposed drainage system,
- e. means to preserve the root systems of trees within seven (7) metres of the drainage system.

B29 Stormwater Pollution

Condition B29 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~Stormwater pollution control measures, which are designed to capture suspended solids from all runoff from the as-constructed development, are to be readily maintainable. In addition, provision of suitable oil separator units in the drainage systems of basement carparking areas which are designed to remove oils and sediment from any water runoff from these areas prior to discharge to the stormwater system. Details are to be prepared by a suitably qualified and experienced civil/environmental engineer for approval by the PCA prior to issue of the Construction Certificate for below ground works.~~

Stormwater pollution control measures, which are designed to capture suspended solids from all runoff from the as-constructed development, are to be readily maintainable. In addition, suitable oil separator units shall be provided in the drainage systems of basement carparking areas and shall be designed to remove oils and sediment from any water runoff from these areas prior to discharge to the stormwater system. Details are to be prepared by a suitably qualified and experienced civil/environmental engineer for approval by the PCA prior to issue of each Construction Certificate for below ground works

B30 Surface Stormwater

To prevent surface stormwater from entering the building, the finished habitable ground floor levels of the buildings shall be a minimum of 150mm above adjacent finished ground levels. The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during ties of complete subsurface drainage blockage.

B31 Basement Pump-out Systems

If a basement stormwater pump-out system is required for driveway ramp runoff and subsurface drainage, the Applicant shall, prior to issue of the Construction Certificate for below ground works, submit for approval by the PCA, construction design plans and

calculations for the system. The system shall comprise both duty and back-up pumps and be designed for the 100-year runoff, and have an emergency alarm system. The system is to include a holding well which has a storage capacity equivalent to the runoff volume from a 2 hour 100 year ARI storm event so that the basement is safeguarded from flooding during power failure for such a storm over such a period. Plans and details, including but not limited to, holding well volume calculations, inflow and outflow calculations, pump specification and duty curves are to be prepared by a suitably qualified and experienced hydraulic engineer.

B32 Plan stamping by Sydney Water for new buildings

Condition B32 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~The relevant approved plan, which shows the building footprint, must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met prior to the issue of a Construction Certificate for below ground works.~~

The relevant approved plan, which shows the building footprint, must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met prior to the issue of the first Construction Certificate for below ground works

B33 Construction Traffic Management Plan

Condition B33 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

The applicant shall submit a Construction Traffic Management Plan, to be produced in consultation with the RTA and Council, in general accordance with documents SAA HB81.1-1996-'Field Guide for Traffic Control at Works of Roads – Part 1' and RTA Traffic Control at Worksites Manual (2003). The Plan should include:

- (1) A plan view of the entire site and adjacent roadways including:
 - a. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and vehicles;
 - b. Locations of proposed work zones in the frontage roadways;
 - c. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries. All machinery shall be loaded and unloaded inside the boundary of the site;
 - d. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- (2) Stages – the Plan must recognise the different stages of work, including site establishment, bulk excavation, concrete pours and tradesperson and landscaper access, and specify the traffic management requirements of each stage.
- (3) Any likely traffic re-assigning measures required during construction. Approval must be obtained from Council for any temporary road closures.

- (4) Details of proposed route of heavy vehicles servicing the site. Council roads in the area are not available for construction traffic apart from vehicles less than 3.0 tonne gross unless written approval is received from Council and the roads are subject to a dilapidation report. The Plan shall show heavy vehicles limited to Merriwa Street from the Pacific Highway to no further west than the extent of the development site and also to McIntyre Street from the Pacific Highway to no further west than No 17 McIntyre Street.

Subject to Council's approval, and the findings of the dilapidation reports referred to in Condition B10, the relaxation of the limitation on heavy vehicle movements is permitted, provided that the Applicant enters into an agreement with the Council to reconstruct the damaged road pavements, that have been identified in the Second Dilapidation Report, in the sections of Vale Street and Ridge Street giving access to Merriwa Street and McIntyre Street, and the western ends of Merriwa Street and McIntyre Street. Such reconstruction shall be to an appropriate standard in accordance with Council's requirements, and at no cost to the Council.

- (5) Detailed consideration of potential conflicts between vehicles entering/exiting the site and pedestrians on the footpath and measures to prevent those conflicts.
- (6) Appropriate 'Trucks Entering' signage at all relevant locations.
- (7) Details of both on-site and off-site arrangements for employees, tradesperson and construction vehicles that will minimise the impact on current commuter or commercial parking in the area.
- (8) The applicant shall ensure that all employees are aware of this plan.

~~The Construction Traffic Management Plan must be submitted to the Team Leader for approval prior to the release of Construction Certificate for below ground works. The plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. Documentary evidence of consultation with the RTA and Council is required to be submitted with the Construction Traffic Management Plan. The applicant is to submit a copy of the approved plan to Council.~~

The Construction Traffic Management Plan must be submitted to the Team Leader for approval prior to the release of the first Construction Certificate for below ground works. The plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. Documentary evidence of consultation with the RTA and Council is required to be submitted with the Construction Traffic Management Plan. The applicant is to submit a copy of the approved plan to Council

B34 Bond for repair of public infrastructure

Condition B34 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~Prior to the issue of a Construction Certificate for below ground works the applicant shall lodge a \$640,000 cash bond with Council.~~ **Prior to the issue of the first Construction Certificate for below ground works the applicant shall lodge a \$640,000 cash bond with Council.** This bond is to cover the restoration by Council of any damage to public infrastructure, caused as a result of construction works, in close proximity to the subject development. The bond will also cover the finishing of any incomplete works required in the

road reserve under this consent and/or as part of the approved development. The bond shall be refundable following completion of all works relating to the proposed development or at the end of any maintenance period stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:

- a. Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
- b. The applicant has not repaired nor commenced repairing the damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.

Compliance

B35 Compliance Report

Condition B35 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~Prior to the issue of a Construction Certificate for above ground works, the Applicant, or any party acting upon this consent, shall submit to the Department a report addressing compliance with all relevant conditions of this consent.~~

Prior to the issue of each Construction Certificate for above ground works, the Applicant, or any party acting upon this consent, shall submit to the Department a report addressing compliance with all relevant conditions of this consent.

PART C—PRIOR TO COMMENCEMENT OF WORKS

Demolition Works

C1 Statement of Compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 1991 *The Demolition of Structures*. The work plans required by AS2601: 1991 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of works.

Excavation Works

C2 Notice to be Given Prior to Excavation

Condition C2 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005))

~~The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.~~

The PCA and Council shall be given written notices, at least 48 hours prior to the commencement of excavation, shoring or underpinning works for each development stage.

Structural Works

C3 Structural Details

Condition C3 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005))

~~Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:~~

Prior to the commencement of construction of each development stage, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the Building Code of Australia,
- (2) the relevant development consent,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

Construction Management***C4 Disposal of Site Water***

Water quality control measures are to be provided to achieve the target water quality standards indicated in Section 8.3.1 of Water Management Development Control Plan No.47. Oil separator units(s) are to be provided in the basement car parks.

C5 Noise and Vibration Management Plan

Prior to the commencement of any works on the site, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Team Leader. The Plan shall address, but not be limited to, the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise sources,
- (2) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,
- (3) The construction noise objective specified in the conditions of this consent,
- (4) The construction vibration criteria specified in the conditions of this consent,
- (5) Determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- (6) Noise and vibration monitoring, reporting and response procedures,
- (7) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,
- (8) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- (9) Justification of any proposed activities outside the construction hours specified in the conditions of this consent.
- (10) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
- (11) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration,
- (12) Contingency plans to be implemented in the event of non-compliances and/or noise complaints,
- (13) Compliance with Council's Code for the Control and Regulation of Noise on Building Sites.

The Applicant shall submit a copy of the approved plan to Council.

C6 Contact Telephone Number

Prior to the commencement of the works, the Applicant shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works.

Heritage

C7 Archival Record

No works shall commence until an archival record of the heritage item on the site at No.9 McIntyre St, known as "Woodville", has been prepared and submitted to the Heritage Office. This shall include measured drawings and an archival photographic record before any work commences. The archival record shall be prepared in accordance with the NSW Heritage Council guidelines. A copy the archival record shall be provided to Council.

Hazardous Materials

C8 Removal of Hazardous Materials

Condition C8 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.~~

All hazardous materials shall be removed from the site of each development stage and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

C9 Site Audit

Condition C9 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~Prior to the commencement of building works, a Site Audit conducted by a suitably qualified person shall be undertaken to ascertain that all identified hazardous materials have been removed from the site and shall be submitted to the PCA.~~

Prior to the commencement of building works for each development stage, a Site Audit conducted by a suitably qualified person shall be undertaken to ascertain that all identified hazardous materials have been removed from the site and shall be submitted to the PCA.

Erosion and Sediment Control

C10 Erosion and Sediment Control

Condition C10 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~Temporary erosion and sediment control facilities and measures shall be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the PCA and Council's officers.~~

Temporary erosion and sediment control facilities and measures shall be installed, prior to the commencement of any works for each development stage to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the PCA and Council's officers

C11 Installation of a Filter Fence

A geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to any earthworks or construction commencing. Both ends shall be turned uphill by 1 metre. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the PCA. The geofabric filter fence shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised.

C12 Installation of a Perimeter Drainage Structure

Condition C12 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~Earthworks shall not commence until a perimeter drainage structure (i.e. diversion bank/catch drain) designed and located to prevent contaminated diffuse runoff from construction and disturbed areas from leaving the site untreated and runoff from entering the site from upslope areas, is established. Such a drain or bank shall be wholly situated on the building site and designed to safely and adequately collect and convey all diffuse runoff from the site to an appropriately designed and located sediment control structure on-site.~~

Earthworks for each development stage shall not commence until a perimeter drainage structure (i.e. diversion bank/catch drain) designed and located to prevent contaminated diffuse runoff from construction and disturbed areas from leaving the site untreated and runoff from entering the site from upslope areas, is established. Such a drain or bank shall be wholly situated on the building site and designed to safely and adequately collect and convey all diffuse runoff from the site to an appropriately designed and located sediment control structure on-site.

Protection of Trees

C13 Protection of Trees – general

Condition C13 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

- (1) Measures for the protection of existing trees on the site shall be generally in accordance with the recommendations referred to in Appendix 1 of the Development Impact Assessment Report, contained in Volume 3 Supporting Documents referred to in Condition A2.
- ~~(2) The nominated site storage areas shall be modified to enable the installation of tree protection measures that will ensure the protection of all existing significant trees, and shrubs, particularly Nos. 27 and 39 throughout the duration of the~~

~~demolition, excavation and construction works. Drawings showing the modified areas shall be submitted to the PCA for approval prior to the issue of a Construction Certificate for below ground works.~~

- (2) **The nominated site storage areas shall be modified to enable the installation of tree protection measures that will ensure the protection of all existing significant trees, and shrubs, particularly Nos. 27 and 39 throughout the duration of the demolition, excavation and construction works. Drawings showing the modified areas shall be submitted to the PCA for approval prior to the issue of each Construction Certificate for below ground works.**
- (3) Proposed siting and arrangements for the use and manoeuvring of construction cranes must ensure that any adverse impacts on the existing mature Blue Gum trees are avoided.
- (4) Service lines shall not be located within the primary root zones of the existing significant trees being retained. They shall not be permitted through tree roots without permission under Council's Tree Preservation Order.

C14 Protection of Trees - away from approved structures

To preserve all trees that are to be retained, the trunks of which are located more than 6 metres from the site perimeter for any approved structures, no work shall commence until the area outside their canopy driplines are fenced off to prevent any activities, storage or the disposal of materials within the fenced areas. The fences shall be maintained intact until the completion of all demolition/building work on site.

C15 Protection of Trees – near approved structures

To preserve all trees that are to be retained, the trunks of which are located within 6 metres of the site perimeter for any of the following approved structures, no work shall commence until the area 1 metre outside their canopy driplines, or other area as approved by a qualified Arborist, excluding that area of the buildings, driveways and retaining walls shall be fenced off to prevent any activities, storage or the disposal of materials within the fenced area. The fences shall be maintained intact until the completion of all demolition/building work on site.

C16 Tree Protection Fences

Condition C16 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

The tree protection fences shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing to the satisfaction of the PCA.

The tree protection fences shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing on each development stage to the satisfaction of the PCA.

C17 Tree Protection – drainage easement

Trees Nos. 13, 14 and 15 referred to in the Appendix 4 Aboricultural Assessment, referred to in Condition A2, shall be retained and protected during the drainage easement works, in accordance with recommendations of the Assessment report.

C18 Tree Trimming

In several locations in Merriwa Street, the existing trees require trimming to be clear of the carriageway envelope and also to allow street lighting to reach the footpaths and street and remove obstruction of existing and proposed street signage.

C19 Support of Council's Property

Condition C19 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~Council property adjoining the construction site must be fully supported at all times during all excavation, demolition and building construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified structural engineer or geotechnical engineer, must be submitted for the approval of the PCA before the commencement of works, and prior to issue of the Construction Certificate for below ground works. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to completion of works.~~

Council property adjoining the construction site must be fully supported at all times during all excavation, demolition and building construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified structural engineer or geotechnical engineer, must be submitted for the approval of the PCA before the commencement of works, and prior to issue of each Construction Certificate for below ground works. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to completion of works for each development stage.

C20 Inspection Fees

For the purpose of any inspections by Council's engineers, the corresponding fees set out in Council's adopted *Schedule of Fees and Charges* are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.

C21 Compliance Report

Condition C21 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~Prior to the commencement of works, the Applicant, or any party acting upon this consent, shall submit to the Department a report addressing compliance with all relevant conditions of this consent.~~

Prior to the commencement of works for each development stage, the Applicant, or any party acting upon this consent, shall submit to the Department a report addressing compliance with all relevant conditions of this consent.

PART D—DURING CONSTRUCTION

Site Maintenance

D1 Erosion and Sediment Control

All erosion and sediment control measures are to be effectively maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

D2 Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

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

Structural Works

D3 Setting Out of Structures

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that the location of the structural works are in accordance with the approved development application.

Construction Management

D4 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

D5 Site Notice

Condition D5 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details. The notice(s) is to satisfy all but not be limited to, the following requirements:~~

A site notice shall be prominently displayed at the street boundary of the site of each development stage for the purposes of informing the public of project details. The notice is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;

- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) 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; and
- ~~(4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.~~
- (4) **The notice is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.**

D6 Contact Telephone Number

The applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

D7 Protection of Trees – Street Trees

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

D8 Rehabilitation of Disturbed Areas

All disturbed areas, which are not to be built upon, or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.

D9 Storage of Materials

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

D10 Imported Fill

Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.

D11 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (2) Covers are to be adequately secured,
- (3) Cleaning of footpaths must be carried out regularly,
- (4) Roadways must be kept clean,

- (5) Gates are closed between vehicle movements,
- (6) Gates are fitted with shade cloth,
- (7) The site is hosed down when necessary, and
- (8) Wheel washes shall be installed for all vehicles exiting the site.

D12 Dust Control Measures – Demolition

Dust control measures shall be implemented during demolition works to avoid a nuisance to adjoining properties and harm to the environment.

- a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
- b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.

D13 Garbage Collection

During the works, the Applicant is to arrange for any nearby residents' garbage bins that cannot be collected due to the affects of the works to be moved to a location where the side loading garbage trucks can pick up the bins. After emptying and before the end of the day's work, the applicant is to return the bins to the locations where they were moved from. In some circumstances, this may require bins being moved to another street for collection. The operator of the collection vehicle will determine where the bins can be picked up.

If the Applicant fails to move bins, any additional costs incurred by Council in having the bins emptied will be recovered from the Applicant either by deductions from bonds or by action in a court of suitable jurisdiction.

Noise and Vibration

D14 Hours of Work

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 2:00 pm, Saturdays;
- (3) no work on Sundays and public holidays; and
- (4) Work may occur up until 5.00pm on Saturdays, provided the activities carried out after 2.00pm do not generate any noise or require the use of noise generating equipment.

Note: The use of the following items of plant on the site is restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Works may be undertaken outside these hours where:

- (1) the delivery of materials is required outside these hours by the Police or other authorities;
- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (3) the work is approved through the Construction Noise and Vibration Management Plan; and
- (4) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

D15 Construction Noise Objective

The construction noise objective for the Project is to manage noise from construction activities (as measured by a L_{A10} (15minute) descriptor) so it does not exceed the background L_{A90} noise level by:

- (1) For the first four weeks of the construction period, not more than 20dB(A);
- (2) From the 5th week to the 26th week (inclusive) of the construction period, not more than 10dB(A); and
- (3) For construction periods greater than 26 weeks, not more than 5dB(A).

Background noise levels are those identified in the approved Construction Noise and Vibration Management Plan. The Applicant shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.

Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Noise and Vibration Management Plan.

If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.

D16 Construction Noise Management

The Applicant shall:

- (1) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan:
 - (a) 9 am to 12 pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and

- (c) 9 am to 12 pm, Saturday.
- (2) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Construction Noise and Vibration Management Plan.

D17 Vibration Criteria

Vibration caused by construction at any residence or structure outside the subject site must be limited to:

- (1) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- (2) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan.

D18 Vibration Management

Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

Excavation/Demolition Works

D19 Excavation

All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

D20 Excavation in accordance with Standards

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

D21 Protection of adjoining land during excavation

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- a. must preserve and protect the building from damage, and
- b. if necessary, must underpin and support the building in an approved manner, and
- c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, allotment of land includes a public road and any other public place.

Pedestrian Safety

D22 Public footways and roadways

All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition, at all times during the course of the development works. A safe pedestrian circulation route a minimum of 1.5 metres wide and a pavement free of trip hazards must be maintained at all times on or adjacent to the 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 circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with Aust AS1742-3 1996 "Traffic Control Devices for Work on Roads" and the RTA's *Traffic Control at Worksites Manual version 3 2003*. If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council or the consent authority may undertake proceedings to stop work.

Site Management

D23 Provision of amenities

Toilet facilities are to be provided, within the work site on which work involving the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Heritage

D24 Heritage Superintendent

Works on the heritage item "Woodville" at No.9 McIntyre St (and on its components to be relocated) prior to, during and after relocation on the development site, shall be superintended by a consultant(s) experienced in the conservation of similar heritage buildings.

D25 Use of Experienced Tradesmen

Works on the heritage item "Woodville" at No.9 McIntyre St (and on its components to be relocated) prior to, during and after relocation on the development site, shall be carried out by suitably qualified tradesmen with practical experience in the conservation and restoration of similar heritage buildings.

D26 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Relics

If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the NSW Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW *Heritage Act 1977* may be required before works can be considered in that area.

D27 Impact of Below Ground (Sub-surface) Works – Aboriginal Relics

If any Aboriginal archaeological relics are exposed during construction works, the Applicant shall immediately notify the National Parks and Wildlife Service and obtain any necessary approvals to continue the work. The Applicant shall comply with any request made by the NPWS to cease work for the purposes of archaeological recording.

Ecologically Sustainable Development***D28 Recycling of Concrete***

Any existing concrete of suitable volume, which is not used as fill, shall be taken to a concrete recycling works and evidence that this has occurred shall be provided to the PCA.

Compliance***D29 Compliance Report***

Condition D29 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~The Applicant, or any party acting upon this consent, shall, for the duration of construction period, submit to the Department a three monthly report addressing compliance with all relevant conditions of this consent.~~

The Applicant, or any party acting upon this consent, shall, for the duration of construction period for each development stage, submit to the Department a three monthly report addressing compliance with all relevant conditions of this consent.

PART E—PRIOR TO STRATA SUBDIVISION

E1 Application under Section 37 of Strata Schemes (Freehold Development) Act, 1973

Condition E1 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005))

~~Section 37 and 37A of the Strata Schemes (Freehold Development) Act, 1973 require an application to be submitted to the council or accredited certifier for approval prior to the issue of the certified strata plan of subdivision.~~

Section 37 and 37A of the Strata Schemes (Freehold Development) Act, 1973 require an application to be submitted to the Council or accredited certifier for approval prior to the issue of a certified strata plan of subdivision for each development stage.

E2 Consolidation of Lots

Condition E2 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005))

~~Prior to issue of the Strata Subdivision Certificate, the Applicant must demonstrate to the PCA consolidation of the following lots and registration with Land and Property Information:~~

Prior to issue of the Strata Subdivision Certificate for the first Strata Plan stage, the Applicant must demonstrate to the PCA consolidation of the following lots and registration with Land and Property Information:

- Lot 1 in DP 924841
- Lot 1 in DP 963395
- Lot 2 in DP 963202
- Lot F in DP 166390
- Lots 1, 2, 3, 4 and 5 in DP 11852
- Lot 47 in DP 656332

E3 Strata Subdivision Certificate

Condition E3 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005))

~~Prior to issue of the strata subdivision certificate the applicant must submit to Council (attention Development Engineers) a copy of the approved stormwater detention/retention design, the works as executed drawings and the Engineer's certification of the as-constructed drainage system. These details are required to maintain Council's database of as-constructed on-site stormwater detention systems.~~

~~For issue of the strata subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by the certifying authority. The following details must be submitted with the plan of Subdivision and its (5) copies, where Council is the certifying authority:~~

Prior to issue of the strata subdivision certificate for each Strata Plan stage the applicant must submit to Council (attention Development Engineers) a copy of the approved stormwater detention/retention design, the works-as-executed drawings and the Engineer's certification of the as-constructed drainage system. These details are required to maintain Council's database of as-constructed on-site stormwater detention systems.

For issue of the strata subdivision certificate for each Strata Plan stage, the Applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by the certifying authority. The following details must be submitted with each plan of Subdivision and its (5) copies, where Council is the certifying authority.

- a. the endorsement fee current at the time of lodgement,
- b. the 88B Instruments plus six (6) copies,
- c. a copy of the Occupation Certificate,
- d. the Consulting Engineer's certification of the on-site stormwater detention facility. This must be on the standard Council on-site detention certification sheet, available from Council's customer services.
- e. a copy of all works-as-executed plans required under the consent,
- f. all Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
- g. the Section 73 (Sydney Water) Compliance Certificate.

Council officers will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan, and may require payment of rechecking fees.

Note 1: Plans of subdivision and copies must not be folded.

Note 2: Council will not accept bonds in lieu of completing subdivision works.

Note 3: If the certifying authority is not Council, then a copy of all of the above must be provided to Council.

Easements

E4 Access

The Applicant shall create easements for access over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas, pursuant to Section 88B of the *Conveyancing Act 1919*.

E5 Services

Documentary easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919*.

E6 Garbage Collection

Condition E6 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~The Applicant shall create an easement for waste collection. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the~~

~~purpose of collecting waste from the property. The terms of the easement are to indemnify Council, and Council's contractors, against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.~~

The Applicant shall create an easement for waste collection for each development stage. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council, and Council's contractors, against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.

E7 Maintenance of Stormwater Detention Facilities

The Applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities. 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" (available from Council on request) and to the satisfaction of Council. The location of the on-site detention facilities for all dwellings is to be denoted on the final plan of subdivision.

E8 Maintenance of Retention and Re-use Facilities

The Applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site retention and re-use facilities. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of retention and re-use facilities" (available from Council on request) and to the satisfaction of Council. The location of the retention and re-use facilities for all dwellings is to be denoted on the final plan of subdivision.

E9 Car parking restrictions

Condition E9 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~The on-site car parking spaces, exclusive of service spaces, are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.~~

The on-site car parking spaces, exclusive of service spaces, are not to be used by those other than an occupant or tenant of each development stage. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

- (1) restrictive covenant placed on title pursuant to Section 88B of the *Conveyancing Act, 1919*,

- (2) restriction on use under Section 68 of the *Strata Schemes (Leasehold Development) Act, 1986* to all lots comprising in part or whole car parking spaces, and
- (3) sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas.

These requirements are to be made to the satisfaction of Council. All costs associated with the above requirements are to be borne solely by the applicant.

E10 Common areas and facilities

No right of exclusive use and enjoyment of the whole or any specified part of the designated common area or similar in the approved plans will be conferred on any person or persons without the prior consent of the Council.

These requirements are to be made, at no cost to Council, and to the satisfaction of Council and a restrictive covenant placed on title pursuant to Section 88E of the *Conveyancing Act, 1919*.

E11 Public Utility Services to be provided underground

Condition E11 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities. A plan detailing services trenches, which shows distances from proposed and existing trees, shall be submitted for approval with the Construction Certificate for below ground works. The provision of these measures is to be certified by a consulting engineer or surveyor prior to the issue of a Subdivision Certificate.~~

All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities. A plan detailing services trenches, which shows distances from proposed and existing trees, shall be submitted for approval with each Construction Certificate for below ground works. The provision of these measures is to be certified by a consulting engineer or surveyor prior to the issue of the Occupation Certificate for each development stage.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Occupation of Building

F1 Issue of Occupation Certificate

Condition F1 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following works must be completed:~~

Prior to occupation, issue of an Interim Occupation Certificate or issue of the Final Compliance Certificate for each development stage, the following works must be completed:

- a. Construction of the new driveway crossings and laybacks in accordance with the levels and specifications issued by Council.
- b. Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
- c. Any sections of damaged grass verge are to be fully replaced with a non-friable turf of native variety to match existing.
- d. Any damage to 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) must be fully repaired to the satisfaction of Council. This shall be at no cost to Council.
- e. The installation of the “No Right Turn” sign for the right hand turn movement from the Pacific Highway into Merriwa Street between 3pm to 7pm from Monday to Friday, as referred to in Condition B12. The installation of the sign shall be at the Applicant’s expense and at no cost to the RTA and Council.
- f. The roadworks associated with the alteration of the existing guardrail on McIntyre Street (refer Condition H2) shall be completed to the satisfaction of Council. This shall be at no cost to Council.
- g. If the TMP and detailed designs (refer Condition B13) are approved by the relevant authorities, the roadworks associated with the extension of the eastern end of the median in McIntyre Street to the Pacific Highway shall be completed at the Applicant’s expense and to the satisfaction of the relevant authorities.
- h. **Construction and completion of all site landscaping works, communal facilities and disabled access paths and facilities”.**

Engineering

F2 Maintenance Period

A maintenance period of six (6) months shall apply to any works in the public road reserve carried out by the Applicant after works have been completed to the Council’s satisfaction. In that period, the Applicant shall be liable for any section of the work which fails to perform in the manner outlined in the Council’s specifications, or as would reasonably be expected under the operating conditions.

F3 Site Remediation

Condition F3 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~A Remediation Report and Site Management Plan are to be submitted to the PCA and approved prior to issue of the Occupation Certificate. The Remediation Report is to detail the works carried out and the Site Management Plan is to contain health, safety and environmental procedures as described in the Remediation Action Plan.~~

A Remediation Report and Site Management Plan shall be submitted to the PCA and approved prior to issue of the Occupation Certificate for Stage B. The Remediation Report is to detail the works carried out and the Site Management Plan is to contain health, safety and environmental procedures as described in the Remediation Action Plan.

F4 Fire Safety Certificate

Condition F4 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the consent authority and Council by the PCA.~~

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate for each development stage. A copy of the Fire Safety certificate must be submitted to the consent authority and Council by the PCA.

F5 Annual Fire Safety Statement

Condition F5 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the consent authority initial Fire Safety Certificate is received.~~

An Annual Fire Safety Statement for each development stage or if appropriate, for both development stages must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the consent authority initial Fire Safety Certificate is received.

F6 Structural Inspection Certificate

Condition F6 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of an Occupation Certificate and/or use of the premises.~~

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of an Occupation Certificate and/or use for each development stage.

F7 Facilities

- (1) A master antenna shall be installed for the development.
- (2) Satellite dishes shall only be located where they will not be clearly visible from a public place or adjoining property.
- (3) Letterboxes shall be provided in accordance with Australia Post's requirements as listed in its brochure "Requirements for the Positioning and Dimensions of Mail Boxes in New Commercial and Residential Developments".

F8 Treatment of Vehicular Entries and Loading Areas

To improve the appearance of the building when viewed from the streets, any part of the walls and ceilings of vehicular entry points that are visible from the streets shall be finished in high quality materials and no service ducts or pipes are to be visible.

Management of Waste

F9 Storage and Handling of Waste

The design and management of facilities for the storage and handling of waste must comply with the requirements of any Council policy and the requirements of any contractors engaged by Council to collect waste, to the satisfaction of the PCA.

Stormwater Detention Facilities

F10 Works as Executed Drawings

Condition F10 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~Construction of the On-site Stormwater Detention and Retention Systems is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the Certifying Authority for approval, prior to issue of the Final Compliance Certificate. Certification is to be provided by a suitably qualified civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certifying engineer must to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.~~

Construction of the On-site Stormwater Detention and Retention Systems is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the Certifying Authority for approval, prior to issue of the Final Compliance Certificate for each development stage. Certification is to be provided by a suitably qualified civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certifying engineer must to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate should identify compliance with:

- compatibility of the drainage system with the approved plans.
- the soundness of the structure.

- the adequacy of the outlet control mechanism to achieve the discharge as specified.
- the capacity of the detention storage as specified.
- the size of the orifice or pipe control fitted.
- the maximum depth of storage over the outlet control.
- the adequate provision of a debris screen.
- the inclusion of weepholes in the base of the outlet control pit.
- the provision of an emergency overflow path.
- all enclosed floor areas, including habitable and garage floor levels, being safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The Works-as-Executed drawing(s) are to include all relevant levels including:

- invert levels
- surface or pavement levels
- floor levels including adjacent property floor levels
- maximum water surface level to be achieved in the storage zone
- dimensions of basin(s), tank(s), pit(s), etc.
- location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- storage volume(s) provided and supporting calculations
- size of orifice(s)

F11 Supervision of Works

Condition F11 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced civil/hydraulic engineer, prior to occupation, issue of the Final Compliance Certificate or Strata Subdivision Certificate, that:~~

Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced civil/hydraulic engineer, prior to occupation, issue of the Final Compliance Certificate for each development stage or Strata Subdivision Certificate for each Strata Plan stage, that:

- a. The works were carried out and completed in accordance with the approved plans.
- b. 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.

~~A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier prior to issue of the Final Compliance Certificate.~~

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier prior to issue of the Final Compliance Certificate for each development stage.

Landscaping Works

F12 Completion of Landscaping Works

Condition F12 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~On completion of the landscape works including tree planting and screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying that installation was in general accordance with the landscape plan to the PCA, prior to issue of final Certificate of Compliance.~~

On completion of the landscape works including tree planting and screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying that installation was in general accordance with the landscape plan to the PCA, prior to issue of the final Certificate of Compliance for each development stage.

F13 Protection of Trees on Site

Condition F13 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005))

~~The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the PCA are required to be submitted at three monthly intervals. Documentary evidence of compliance with this condition shall be submitted to the PCA with the final Certificate of Compliance.~~

The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the PCA are required to be submitted at three monthly intervals. Documentary evidence of compliance with this condition shall be submitted to the PCA with the final Certificate of Compliance for each development stage.

F14 Removal of Noxious Plant Species

Condition F14 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005))

~~All noxious, urban environmental and nuisance plant species listed in Ku-ring-gai Council's Weed Management Policy, adopted October 2001, shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the PCA prior to the release of the final Compliance Certificate.~~

All noxious, urban environmental and nuisance plant species listed in Ku-ring-gai Council's Weed Management Policy, adopted October 2001, shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the PCA prior to the release of the final Compliance Certificate for each development stage.

F15 Removal of Builders Refuse

Condition F15 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005))

~~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.~~

All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of each development stage.

Directional Signage

F16 Signage

Appropriate signage is to be installed to direct visitors, tradespersons and the like to the visitor car parking within the development and the location of lobby entries for individual apartments.

Lighting

F17 Outdoor Lighting

Condition F17 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of Occupation Certificate.~~

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Occupation Certificate for each development stage.

Ecologically Sustainable Development

F18 Energy Star Ratings

All classes of appliances that are available with an energy label or a Minimum Energy Performance Standard to be installed within the premises are to have an energy star rating of 3 stars or more (excluding clothes dryers which are to have a rating of 2.5 stars or more). The Applicant shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

F19 Water Ratings

All water fixtures and fittings installed within the development shall have an AAA water rating or more (excluding washing machines which are to have a AAAA rating). The Applicant shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

Compliance

Condition F20 is deleted: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~F20 Provision of a Compliance Certificate~~

~~Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent, and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at~~

~~the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the Regulations.~~

F21 Registered Surveyor to Certify Work

Condition F21 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~A survey report shall be submitted to the PCA prior to the issue of an Occupation Certificate, which certifies that the development has been constructed in accordance with the terms of this consent in relation to built upon area, building levels and setbacks.~~

A survey report shall be submitted to the PCA prior to the issue of an Occupation Certificate for each development stage, which certifies that the development has been constructed in accordance with the terms of this consent in relation to built upon area, building levels and setbacks.

Easements

F22 Registration of Easements

Condition F22 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~Prior to the issue of an Occupation Certificate, the Applicant shall provide to the PCA evidence that all easements required by this consent, approvals, and other consents have been or will be registered on the certificates of title.~~

Prior to the issue of an Occupation Certificate for each development stage, the Applicant shall provide to the PCA evidence that all easements required by this consent, approvals, and other consents have been or will be registered on the certificates of title for each development stage.

Sydney Water

F23 Sydney Water

Condition F23 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

~~Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained and submitted to the PCA.~~

Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate for each development stage, the Section 73 Compliance Certificate under the Sydney Water Act 1994 for each development stage must be obtained and submitted to the PCA.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

~~Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).~~

Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate for each development stage, the Section 73 Sydney Water compliance certificate for each development stage must be obtained and submitted to the Principal Certifying Authority (PCA).

Condition F24 is included: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005)

F24 Contractual Documents

All contractual documents associated with the sale, lease or occupation of each development stage, or any part of it, shall include a notice informing prospective purchasers, lessees or occupants of that stage, about the demolition, remediation and construction activities on the other development stage and of the forecast traffic, dust and noise that would be generated by those activities. A copy of the wording of the notice(s) shall be submitted to the Team Leader prior to its inclusion in any contractual documents

PART G—POST OCCUPATION

Site Landscaping

G1 Maintenance of Landscaping Works

Condition G1 is amended to reflect the following: (modified by Section 96(2) modification (Mod 48-03-2005 approved on 1-08-2005))

~~It is the responsibility of the applicant to maintain all landscaping works in accordance with the approved landscape plan or other landscape conditions for a period of not less than twelve months following the issue of the Final Occupation Certificate.~~

It is the responsibility of the applicant to maintain all landscaping works for each development stage in accordance with the approved landscape plan or other landscape conditions for a period of not less than twelve months following the issue of the Final Occupation Certificate for each stage.

Fire Safety

G2 Annual Fire Safety Certification

The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

Traffic and Parking

G3 Loading and Unloading

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

G4 Unobstructed Driveways and Parking Areas

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

G5 Vehicular Access

Signs shall be exhibited in a prominent location on the site advising that all vehicles entering or leaving the site are to be driven in a forward direction at all times, with the exception of garbage vehicles.

Noise

G6 Noise Control – Plant and Machinery

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the site.

PART H — TERMS OF COUNCIL'S CONSENT UNDER ROADS ACT 1993

H1 General

Before any works are carried out in the public road area, approval must be obtained in accordance with Section 138 of the Roads Act 1993.

All works in the public road, or affecting Council's trunk drainage 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.

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

The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works.

H2 Details of Work

The Applicant is to submit to Council details of all the work that is to be considered for approval under the Roads Act 1993. These works are not to commence until approval under the Roads Act 1993 has been granted. The designs are to include details of the following:

- (1) For any drainage pit affected by the work or adjacent to the development site, installation of galvanised bicycle safe grates if these are not already present.
- (2) Details of alterations and additions to the stormwater drainage system that are to be constructed in the public road.
- (3) Sufficient details of the size and location of the overflow paths from the Detention/ Retention tanks and drainage system to be able to determine the affect on any downstream properties and Merriwa and McIntyre Streets and construction details of any alterations to the public drainage required to carry this flow.
- (4) Details of all roadworks associated with the alteration of the existing guardrail. In McIntyre Street, this is to include details of the terminal treatments for the guard rail as well as designs for kerb and gutter and road pavement. The design is to provide pavement cross fall to the gutter for the entire frontage of the development site.
- (5) If an exit to the right from the McIntyre Street entrance is to be constructed, then a Digital Terrain Model compatible with MX software is to be submitted showing sight distances from the entrance towards the Pacific Highway.
- (6) Footpath and driveway levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "*Construction of Gutter Crossings and Footpath Crossings*" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Council's Customer Services and payment of the adopted fee. 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 alignment levels fixed by Council may affect these.

Note: 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 application documents. The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations. 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. Failure to submit this information may delay processing.

- (7) The extent of works is to be to the satisfaction of Council's Director Technical Services.
- (8) The removal and replacement of existing concrete footpaths and redundant crossings.

H3 Use of Temporary Rock Anchors

If temporary rock anchors are used, then the following details are to be submitted with the application for approval under the Roads Act 1993:

- (1) 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) That the locations of the rock anchors are registered with Dial Before You Dig
- (3) 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 as adopted by the Streets Opening Conference.
- (4) 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) That 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 Technical Services for approval before any signs are installed.

H4 Use of Permanent Rock Anchors

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.

H5 Hours of Work under Roads Act

For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours:

Mondays to Fridays inclusive: 7:00 am to 5:30 pm.

Saturdays: 7:00 am to 12:00 noon.

Sundays and Public Holidays: Not Permitted.

The use of the following items of plant on the site is also restricted to the above mentioned hours: compressors, bulldozers, power operated woodworking machines, excavators and

loaders, jackhammers, explosive powered guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5:30 pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment. If Road Occupancy License conditions require work outside these time, the applicant is to provide Council with a copy of the Road Occupancy License and the proposed work times at least 3 business days before the out of hours work is to commence.

ADVISORY NOTES

AN1 Compliance with Building Code of Australia

The applicant is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

AN2 Structural Capability for Existing Structures

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN3 Application for Hoardings and Scaffolding

A separate application shall be made to Council for approval under Section 68 of the *Local Government Act, 1993*, to erect a hoarding or scaffolding in a public place. Such an application shall include:

- (1) Architectural, construction and structural details of the design in accordance with Council's Policy,
- (2) Structural certification prepared and signed by an suitably qualified practising structural engineer.

The applicant shall provide evidence of the issue of a Structural Works Inspection Certificate and structural certification shall be submitted to the satisfaction of the PCA prior to the commencement of works.

AN4 Use of Mobile Cranes

The applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN5 Movement of Trucks Transporting Waste Material

The applicant shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

AN6 Construction Inspections

Compliance certificate/s shall be issued by the Principal Certifying Authority and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment—Quality of Construction Act, 2002* for each stage of construction, such as the following:

- (1) Foundations,
- (2) Footings,
- (3) Damp proof courses and waterproofing installation,
- (4) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- (5) Structural beam and column framing,
- (6) Timber wall and roof framing, and
- (7) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of consent.

AN7 Noise Generation

Any noise generated during the construction of the development shall not exceed the limits specified in the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

AN8 Remediation and Validation Report

Following the completion of remediation works on the site a Remediation and Validation Report is to be prepared by a suitably qualified environmental consultant. This report, together with a final site audit statement by an Environmental Protection Agency accredited environmental consultant, including Notice of Completion statement, pursuant to clauses 17(2) and 18 of *State Environmental Planning Policy No.55—Remediation of Land*, is to be submitted to the satisfaction of the consent authority prior to occupation of the building.

AN9 Street Numbering

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council's Policy, prior to the occupation of the building(s) or commencement of the use.

If street numbers or a change to street numbers are required, a separate application shall be made to Council.