

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
DETERMINATION OF DEVELOPMENT APPLICATION NO. 506-12-2003

(FILE NO. S03/03564 PT 4)

MULTI UNIT HOUSING DEVELOPMENT

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 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 maintain the amenity of the local area;
- (2) To ensure the partial site development occurs in an orderly manner;
- (3) To encourage ecologically sustainable development;
- (4) To encourage good urban design;
- (5) To manage construction impacts of the proposed development.

Diane Beamer MP
Minister for Juvenile Justice
Minister for Western Sydney
Minister Assisting the Minister for Infrastructure and Planning
(Planning Administration)

Sydney,

2005

SCHEDULE 1

PART A—TABLE

Application made by:	Avon Road Pymble Pty Ltd Level 4, 1 Kent Street, Sydney NSW 2000
Application made to:	Minister for Infrastructure and Planning
Development Application:	No. 506-12-2003
On land comprising:	2-12 Avon Road & 3 and 5A Pymble Avenue, Pymble Lot 11, DP 546480; Lot 3, DP 537543; Lot 3, DP 314935; Lot C, DP 370199; Lot 1, DP 1006499; Lot 1, DP 660932; Lot 12, DP 546480; Lot 7, DP 5448.
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Estimated Cost of Works	\$28,000,000
Type of development:	Local, Integrated Development
S.119 Public inquiry held:	No
BCA building class:	Class 2 and 7a
Approval Bodies:	Rural Fire Service; Ku-ring-gai Council
Determination made on:	
Determination:	Development 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, unless: ▪ a shorter period of time is specified by the Regulations, or ▪ a condition in Schedule 2, or ▪ the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 506-12-2003

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

This development consent contains a levy for development imposed under section 94 of the Act. The imposing of levies where imposed in accordance with Ku-ring-gai Section 94 Contributions Plan 2000 – Residential Development. The Ku-ring-gai Section 94 Contributions Plan 2000 – Residential Development may be inspected at the following locations:

- Ku-ring-gai Council, 818 Pacific Highway, Gordon

The specific public amenity or service or both are identified in the monetary contributions conditions in Part B of Schedule 2.

PART C—DEFINITIONS

In this consent,

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

Applicant means Avon Road Pymble 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,

Base Building refers to elements of the approved development that occur above the level of the basement structure where residential floor space is provided. For the purposes of issuing construction certificates, it does not include servicing and fitout works.

Basement Structure refers to elements of the approved structure that occur below residential floors, including car parking, vehicular access, storage and other amenities. For the purposes of issuing construction certificates, it does not include Demolition, Excavation and Inground Services.

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. 506-12-2003 means the development application and supporting documentation submitted by the applicant on 11 December 2003.

Demolition, Excavation and Inground Services refers to the first stage of construction works for the purposes of issuing construction certificates. It does not include any structural element associated with the approved building, such as piling and footings.

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

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

RTA means the Roads and Traffic Authority of NSW or its successors.

Services and Fitout means works associated with the servicing and fitout of the approved buildings, it does not include the construction of the base building.

Stage 1 does not have the same meaning as under Section 80(4) of the Act, but refers to the construction of Buildings A and B, associated landscaping and the creation of a strata corporation for these buildings, as approved by this consent.

Stage 2 does not have the same meaning as under Section 80(4) of the Act, but refers to the construction of Buildings C and D, associated landscaping and the creation of a strata corporation for these buildings, as approved by this consent.

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

Advisory Notes means advisory information relating to the approved development but do not form a part of this consent.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 506-12-2003

PART A—ADMINISTRATIVE CONDITIONS

A1 Development Description

Condition A1 is amended to reflect the following: (modified by Section 96(2) modification (Mod 05-02-2009 (4)) approved on 8-05-2009)

Condition A1 is amended to reflect the following: (modified by Section 96(1A) modification (DA 506-12-2003 MOD 5 approved on 9-09-2009)

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

- (1) 1-4 basement levels providing a total 202 ~~214~~ 219 car spaces (including 21 ~~25~~ visitor and 20 disabled spaces), disabled parking, bicycle and motorcycle parking, separate residential storage enclosures, garbage storage facilities and plant rooms;
- (2) ~~103~~ 143 dwelling units (5 ~~20~~ 27 x 1 bedroom, 55 ~~116~~ 109 x 2 bedroom, 43 7 x 3 bedroom) in four buildings;
- (3) Landscaping comprising landscaped deck and garden and landscaped perimeter zones to all buildings;
- (4) ~~Recreational facilities including a lap pool and gymnasium~~ Private gymnasium;
- (5) Demolition of the existing dwellings at 2, 4, 8, 10 and 12 Avon Road and 3 & 5A Pymble Avenue;
(modified by Section 96 (1A) modification Mod 67-12-2008 approved on 22-12-2008)
- (6) Tree removal;
- (7) The construction of the western end of New Street, with a temporary connection partly along the existing battleaxe driveway to No 5A Pymble Avenue between No 3 and 5 Pymble Avenue;
- (8) ~~Land subdivision of the site to form 3 separate lots~~ Consolidation of all allotments to create one allotment, and;
- (9) Strata title subdivision of the completed development to form two strata schemes.

A2 Development in Accordance with Plans

Condition A2 is amended to reflect the following: (modified by Section 96(2) modification (Mod 05-02-2009 (4)) approved on 8-05-2009)

Condition A2 is amended to reflect the following: (modified by Section 96(1A) modification (DA 506-12-2003 MOD 5 approved on 9-09-2009)

The development shall be generally in accordance with development application number DA No. 506-12-2003 submitted by the applicant on 11 December 2003, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Statement of Environmental Effects entitled Statement of Environmental Effects for Multi Unit Housing 2-12 Avon Road and part 3 & 5A Pymble Avenue Pymble Volume 1 and 2 prepared by planning matters pty ltd, dated December 2003 and supporting documentation. Addendum to Statement of Environmental Effects entitled Multi Unit Housing 2-12 Avon Road and part 3 & 5A Pymble Avenue Pymble Volume 1 and 2 prepared by planning matters pty ltd, dated June 2004. Architectural (or Design) Drawings prepared by NG Barker Pty Ltd in collaboration with Conybeare Morrison & Partners <u>Meriton Apartments Pty Ltd.</u>			
Drawing No.	Revision	Name of Plan	Date
-	-	Draft Subdivision Plan	-
03043—DA 00	F	Site Plan	06-06-2004
03043—DA 01-A	E	Proposed Floor Plans Level 01-A (RL116.8 and 117.4)	16-06-2004
03043—DA 01-B	H	Proposed Floor Plans Level 01-B (RL120 and 120.7)	16-06-2004
03043—DA 02	E	Proposed Floor Plans Level 2 (RL 123 & 124)	16-06-2004
03043—DA 03	E	Proposed Floor Plans Level 3 (RL 126 & 127)	16-06-2004
03043—DA 04	M	Proposed Floor Plans Level 4 (RL 129 & 130)	16-06-2004
03043—DA 05	M	Proposed Floor Plans Level 5 (RL 132& 133)	16-06-2004
03043—DA 06	E	Proposed Floor Plans Level 6 (RL 136)	16-06-2004
03043—DA 07	J	Proposed Floor Plans Level 7 (RL 139)	16-06-2004
03043—DA 08	H	Proposed Floor Plans Level 8 (RL 142)	16-06-2004
03043—DA 09	G	Proposed Floor Plans Level 9 (RL 145)	16-06-2004
03043—DA 10	H	Proposed Floor Plans Level 10 (RL 148)	16-06-2004
03043—DA 11	G	Proposed Floor Plans Level 11 (RL 151)	16-06-2004
03043—DA 12	F	Proposed Floor Plans Level 12 (RL 154)	16-06-2004
03043—DA 13	F	Elevations	16-06-2004

03043—DA 14	G	Sections	16-06-2004
03043—DA 15	G	Section C, D & E	16-06-2004
03043—DA 16	G	Building B C & D Elevations and Sections	16-06-2004
03043—DA 17	G	Section H & I Pymble Avenue Elevation	16-06-2004
03043—DA 18	F	Sections K & M & Building D South East Elevation	16-06-2004
<u>A-100</u>	<u>A</u>	<u>COVER-ARCH</u>	<u>28-01-2009</u>
<u>A-111</u>	<u>A</u>	<u>LEVEL 01-ARCH 200</u>	<u>28-01-2009</u>
<u>A-112</u>	<u>A</u>	<u>LEVEL 02-ARCH 200</u>	<u>28-01-2009</u>
<u>A-113</u>	<u>A-C</u>	<u>LEVEL 03-ARCH 200</u>	<u>28-01-2009</u>
<u>A-114</u>	<u>A</u>	<u>LEVEL 04-ARCH 200</u>	<u>28-01-2009</u> <u>06-07-2009</u>
<u>A-115</u>	<u>A</u>	<u>LEVEL 05-ARCH 200</u>	<u>28-01-2009</u>
<u>A-116</u>	<u>A</u>	<u>LEVEL 06-ARCH 200</u>	<u>28-01-2009</u>
<u>A-117</u>	<u>A</u>	<u>LEVEL 07-ARCH 200</u>	<u>28-01-2009</u>
<u>A-118</u>	<u>A</u>	<u>LEVEL 08-ARCH 200</u>	<u>28-01-2009</u>
<u>A-119</u>	<u>A</u>	<u>LEVEL 09-ARCH 200</u>	<u>28-01-2009</u>
<u>A-120</u>	<u>A</u>	<u>LEVEL 10-ARCH 200</u>	<u>28-01-2009</u>
<u>A-121</u>	<u>A</u>	<u>LEVEL 11-ARCH 200</u>	<u>28-01-2009</u>
<u>A-122</u>	<u>A</u>	<u>LEVEL 12-ARCH 200</u>	<u>28-01-2009</u>
<u>A-123</u>	<u>A</u>	<u>LEVEL 13-ARCH 200</u>	<u>28-01-2009</u>
<u>A-124</u>	<u>A</u>	<u>LEVEL 14-ARCH 200</u>	<u>28-01-2009</u>
<u>A-130</u>	<u>A</u>	<u>ELEVATIONS-SHEET 1</u>	<u>28-01-2009</u>
<u>A-131</u>	<u>A</u>	<u>ELEVATIONS-SHEET 2</u>	<u>28-01-2009</u>
<u>A-132</u>	<u>A</u>	<u>ELEVATIONS-SHEET 3</u>	<u>28-01-2009</u>
<u>A-140</u>	<u>A</u>	<u>SECTIONS-SHEET 1</u>	<u>28-01-2009</u>
<u>A-141</u>	<u>A</u>	<u>SECTIONS-SHEET 2</u>	<u>28-01-2009</u>
<u>A-142</u>	<u>A</u>	<u>SECTIONS-SHEET 3</u>	<u>28-01-2009</u>
<u>A-143</u>	<u>A</u>	<u>SECTIONS-SHEET 4</u>	<u>28-01-2009</u>
Landscape Drawings prepared by Oculus			
Drawing No.	Revision	Name of Plan	Date
DA-L01	D	Concept Landscape Plan	11.06.04
DA-L02	D	Existing Tree Survey	27.02.04
DA-L03	D	Concept Landscape Sections 1 of 2	11.06.04
DA-L04	D	Concept Landscape Sections 2 of 2	11.06.04
DA-L05	D	Public Land/Private Land Zoning Plan	10.06.04
DA-L06	C	Deep Soil Zones	11.06.04
Engineering/Civil Drawings prepared by Connell Mott MacDonald			

Drawing No.	Revision	Name of Plan	Date
SKC-01	02	Civil Works General Arrangement	26.05.2004
SKC-02	03	Civil Works New/Future Road & Temporary Construction Access Road Longitudinal & Cross Sections	07.06.2004
SKC-03	01	Civil Works Detail Sheet	03.03.04
SKH-09	02	Stormwater Drainage Diversion	26.05.04
SKH-10	02	Stormwater Drainage Diversion Longitudinal Section SW Harvesting/OSD Tank Detail Erosion and Sediment Control Details	26.05.04
SKH-11	01	Erosion and Sediment Control Plan	11.11.03
Survey Drawings prepared by Rygate & Co. Pty. Limited			
Drawing No.	Revision	Name of Plan	Date
REF. 70287	A	Survey	27/11/2003
Draft Subdivision Plan submitted on 1 March 2005 prepared by Denny Linker and Company.			
Drawing No.	Revision	Name of Plan	Date
-	-	Plan of Subdivision of Lot 1, D.P. 660932, Lot 1 D.P. 1006499, Lot C D.P. 370199, Lot 3 D.P. 314935, Lot 3 D.P. 537543, Lots 11 & 12 D.P. 546480 & Lot 7 D.P. 5448.	25 February 2005
Strata Subdivision drawings prepared by Mark John Andrew of Denny Linker & Co. and the document titled "Shared Facilities Policy" prepared by Mallesons Stephen Jaques dated 22 February 2005 submitted on 1 March 2005.			
Drawing No.	Revision	Name of Plan	Date
Sheets 1-23 — Strata Plan Form 1 and 2	Revision 2	Plan of Subdivision of Lot 2	22 February 2005
Sheets 1-11 — Strata Plan Form 1 and 2	Revision 2	Plan of Subdivision of Lot 3	22 February 2005

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 clause 98 of the Regulation.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Details and Changes

B1 *Design Modifications*

Condition B1 is amended to reflect the following: (modified by Section 96(2) modification (Mod 05-02-2009 (4)) approved on 8-05-2009)

In order to provide adequate visual and aural privacy to adjoining properties, the design of the building shall be amended as follows:

- (a) The roof terraces and balconies of all apartments within Building A and B that are orientated to the south west and have capacity to overlook 1 and 1A Pymble Avenue are to be provided with an appropriate screening and louver system, together with the provision of opaque balustrades. The purpose of the screens is to prevent residents from overlooking the adjoining properties at 1 and 1A Pymble Avenue. The applicant is to submit plans demonstrating an appropriate design to prevent overlooking of the adjoining properties.

Details shall be submitted to and approved by the Director prior to the issue of the Construction Certificate for the relevant base building works above ground level.

Note: The Department may consider an amendment to this condition when the remainder of Site 1 within the Ku-ring-gai Reference Plan is developed for multi unit housing.

B2 *Fences and Footings*

The fence and footings shall be constructed entirely within the boundaries of the property. Details satisfying this condition are to be submitted to the satisfaction of the Consent Authority prior to the issue of a construction certificate for the basement structure for each stage.

B3 *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. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the base building.

B4 *Outdoor Lighting*

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 a Construction Certificate for these works.

B5 *Treatment of Vehicular Entry*

In order to improve the appearance of the building when viewed from the street, any part of the walls and ceilings of vehicular entry points that are visible from the street shall be finished in high quality materials and no service ducts or pipes are to be visible. Details shall be submitted to and approved by the Director prior to the issue of a Construction Certificate for the basement structure. Particular attention shall be paid to the vehicular entry into Building A from the roundabout, including details of how this access point will be controlled to ensure that it is not permanently open.

B6 Design Verification Statement – Residential Flat Buildings

Prior to the issue of a Construction Certificate for the base building, the Applicant shall submit to the Certifying Authority a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve or improve the design quality of the development, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development*.

B7 Disabled Access and Access for People with Disabilities

Condition B7 is amended to reflect the following: (modified by Section 96(1A) modification (DA 506-12-2003 MOD 5 approved on 9-09-2009)

- (1) The applicant is to implement the recommendations of the report entitled “~~Strategy for Provision of Access for People with Disabilities~~” prepared by the Independent Living Centre NSW “S96 Access Review”, prepared by Morris Goding Accessibility Consulting dated 18 June 2009 as and submitted to the Department. Prior to the issue of the construction certificate for the basement structure for each stage, the applicant shall submit to the satisfaction of the Certifying Authority plans incorporating and implementing the recommendations of this report.
- (2) Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of a Construction Certificate for the basement structure for each stage, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

Noise Mitigation

B8 Mitigation of Noise

Road 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: 10pm – 7am)	35dB
Living areas (24 hours)	45dB

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- (ii) In a naturally ventilated - windows open condition (ie. 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: 10pm – 7am)	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: 10pm – 7am)	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 the Construction Certificate for the base building for each stage.

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

Remediation / Demolition / Earthworks

Condition B9 is amended to reflect the following: (modified by Section 96 (1A) modification Mod 67-12-2008 approved on 22-12-2008)

B9 Remediation of Land

- ~~(1) Prior to the issue of any Construction Certificate for demolition, excavation and inground services, the Applicant shall submit to the Certifying Authority a Remedial Action Plan and a Hazardous Materials Survey. The Remedial Action Plan must be accompanied by a statement from a site auditor accredited by the Environmental Protection Agency to issue site audit statements.~~
- ~~(2) Upon completion of the remediation works on the site, the Applicant shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Certifying Authority. The site audit must be prepared in accordance with the Contaminated Land Management Act 1997 and completed by a site auditor accredited by the Environmental Protection Agency to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.~~

- (1) 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 the site is suitable for occupation by its approved uses.**
- (2) 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 after further testing, the Consultant shall prepare and submit to the Department of Planning for approval a report outlining the methodologies for removal or treatment of any contaminated or hazardous materials prior to the verification required in Condition B9 (1) being issued.**

B10 Erosion and Sedimentation Control

Prior to issue of any Construction Certificate for demolition, excavation and inground services the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the Landcom document "Managing Urban Stormwater – Soils and Construction" Volume 1 (2004). 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 Councils Water Management DCP 47 (available on the Council website). The Erosion and Sedimentation Control Plan shall include, but not be limited to, the following features:

- (1) A geofabric filter fence along the contour immediately downslope of construction and disturbed areas prior to any earthworks or construction commencing and replaced at intervals not exceeding 18 months, or as stated in the Plan;
- (2) A perimeter drainage structure (ie. 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;
- (3) Protection of trees to be retained on site from sedimentation or erosion.

B11 Dilapidation Reports

Condition B11 is amended to reflect the following: (modified by Section 96(1A) modification (Mod 506-12-2003 (6) approved on 22-12-2009)

Condition B11 is amended to reflect the following: (modified by Section 96(2) modification (Mod 05-02-2009 (4)) approved on 8-05-2009)

Condition B11 is amended to reflect the following: (modified by Section 96(1A) modification (DA 506-12-2003 MOD 5 approved on 9-09-2009)

A Dilapidation Report detailing the current structural condition of the existing and adjoining buildings, infrastructure and roads shall be prepared and endorsed by a qualified structural engineer. In particular, the applicant shall submit to the Principal Certifying Authority (PCA) and Council a full dilapidation report on the visible and structural condition of the following road surfaces and including full road width, kerbs, and all intersections:

Avon Road:	Pymble Ave	to	vehicle entrance to Pymble Ladies College <u>south western boundary of 7 Avon Road, including the short section providing access to 1, 1A and 3 Avon Road.</u>
Pymble Avenue:	Avon Rd	to	No 15 Pymble Ave Rand Avenue
Everton Street:	Pymble Ave	to	Livingstone Ave
Livingstone Ave:	Orinoco St	to	Pacific Highway to Rand Avenue

The report must be completed by an appropriately qualified person.

Other 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 a dilapidation report has been completed on the roads.

~~The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate for demolition, excavation and inground services.~~

An appropriate dilapidation report shall be submitted to the satisfaction of the Principal Certifying Authority prior to any of the construction routes stated above being used for any stage of the approved development.

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 Principal Certifying Authority 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 the relevant council.

Storage

B12 Provision of Storage Space

Minimum storage space is to be provided for every dwelling within the development. The storage space may be provided in a secure basement area, however, should ideally be provided within the dwelling. Each dwelling is to be provided with the following minimum areas:

- One bedroom dwelling – 6 cubic metres;
- Two Bedroom dwelling – 8 cubic metres;
- Three or more bedroom dwelling – 10 cubic metres.

Kitchen cupboards and wardrobes are not to be included as storage space for the purposes of this condition. Details are to be provided to the satisfaction of the Certifying Authority prior to the release of the construction certificate for the basement structure for each stage.

Traffic & Parking

B13 Traffic Control Devices

In order to ensure that vehicles exit the site in a safe manner, a suitable traffic control device eg, signage, speed humps or line marking shall be installed and shall be clearly visible at the upper threshold of the driveway. In addition, signage shall be installed in the loading and garbage areas indicating the headroom clearance available for loading and unloading, and that reverse exit movements from the loading and garbage area onto the public way are prohibited. Details of the type, location and operation of the device are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for service and fitout works for each stage.

B14 Number of Car Spaces

Condition B14 is amended to reflect the following: (modified by Section 96(2) modification (Mod 05-02-2009 (4)) approved on 8-05-2009)

The maximum number of car spaces to be provided for the development shall comply with the following table. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the basement structure for each stage.

Car parking allocation	Number
Residential Car parking spaces	179 189
Number of residential car spaces to be disabled spaces	18 19
Visitor Spaces	23 25
Number of visitor car spaces to be disabled spaces	2 3
Number of visitor car spaces to be accessible spaces	2
Total parking on site	202 214

Note: The accessible visitor car spaces are to be provided in accordance with the approved Access Strategy prepared by the Independent Living Centre NSW.

B15 Number of Bicycle Spaces

Condition B15 is amended to reflect the following: (modified by Section 96(2) modification (Mod 05-02-2009 (4)) approved on 8-05-2009)

A minimum of ~~35~~ **48** resident bicycle spaces and ~~11~~ **15** visitor bicycle spaces are to be provided for the development. Visitor bicycle spaces should ideally be provided at grade, however, may be located in a basement where access is readily available. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the basement structure for each stage.

B16 Car Park and Service Vehicle Layout

- (1) The layout of the car park shall comply with Australian Standard AS2890.1: 2004 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked;
- (2) The layout of the service vehicle area shall comply with Australian Standard AS2890.2: 1989 *Off Street Parking Part 2 – Commercial Vehicles Facilities*;
- (3) All driveways and circulation areas must accommodate two way traffic;
- (4) A 2.7 metre headroom requirement is required within the basement car park for where access for waste collection trucks is to be provided;
- (5) Where access for waste collection trucks is to be provided, the service vehicle area must be designed to enable the trucks to enter and leave the site in a forward direction; and
- (6) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate for the basement structure for each stage.

Note 1: This is to specifically include certification that headroom requirements are met beneath all suspended service lines in the basement carpark, including stormwater and sewer lines.

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

B17 New Street 01

- (1) The applicant shall use their best endeavours to seek the dedication of New Street 01, once fully constructed, into the care, control and maintenance of the Council. If Council refuse to accept dedication, the road shall remain in the care, control and maintenance of the appropriate strata corporation(s) (refer Part E of this consent for further details);

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- (2) The final design of New Street 01 is to be in accordance with relevant Ku-ring-gai Council and Australian standards. In this respect, the applicant should liaise with Council regarding the appropriate construction standards so that New Street 01 may be dedicated to Council in the future, if Council choose to accept this dedication. The final design detail of New Street 01 is to be approved by the Certifying Authority prior to the issue of the Construction Certificate for these works.

Landscaping

B18 Landscape Plan

In order to preserve the amenity of adjoining residences, a final landscape plan incorporating the following:

- (1) Details of how the final landscaping of the site may be staged to ensure a high level of amenity for any residents occupying any of the buildings on the site prior to the final completion of the development. The extent of landscaping for each stage must ensure an appropriate level of amenity for new residents of the site;
- (2) Details of the type, number and size of species selected and their suitability for the site, particularly in areas that will be on the southern side of the approved buildings. To protect and enhance native vegetation and to conserve local biodiversity values, at least 25% of the tree and shrub plantings shall be derived from the Blue Gum High Forest assemblage of vascular plants;
- (3) The property shall support a minimum of 54 trees that will attain 13.0 metres in height to preserve the tree canopy of Ku-ring-gai. The existing trees and additional trees to be planted are to be shown on the final landscape plan;
- (4) To ensure preservation of trees 76,77,78,79,89,90,91,92,93,94,99 and 104, no changes of level of either excavation or fill is to occur within the canopy spread of these trees;
- (5) Detailed design of the retaining wall materials, fencing and associated plantings along the western edge of New Street 01 between New Street 01 and the adjoining residential property at 7 Pymble Avenue. Details are to include the quantity and type of species to be planted to ensure a significant vegetated buffer is created between the properties. Details should include plans and appropriate cross-sections. The species selected should include native varieties and be capable of achieving a height of at least 13 metres, couples with a significant understorey;
- (6) The pedestrian path and stairs between Building A and 1A Pymble Avenue is to be deleted and vegetated, in accordance with (6) below.
- (7) Details of the type and number of plantings along the entire perimeter of the development to ensure appropriate screening between the proposed development and adjoining properties, in particular, between Building A and 1A Pymble Avenue and along the northern boundary adjacent to the school. The perimeter planting should have regard to the Integrated Landscape Plan required by Condition E12 of this consent.
- (8) Details of perimeter and security fencing. Fencing along the northern boundary of the site should be at least 2.4 metres and prevent overlooking into the adjoining school. The open space between buildings C and D and the adjoining school should be accessible by residents and visitors to the development, however, should not be designed or designated as a public right of way. In addition, the viewing platform within this open space area should either be deleted, or the applicant provide evidence that sufficient screen planting can be incorporated into the design to prevent overlooking into the school.
- (9) Details of where the following tree species could be planted in the nature reserve adjoining the development:

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- Eucalyptus paniculata
 - Angophora floribunda

The final landscaping plan shall be submitted to and approved by the Director prior to the issue of a Construction Certificate for the landscaping works.

Note: Tree planting in the nature strip may require separate consent from Council under the Roads Act and should be integrated with any works to the footpath. The applicant is advised to consult with Council regarding this requirement. Detailing the locations for tree planting within the nature strip where Council consent is required does not mean that these trees must be planted, unless relevant approval from Council is obtained. The applicant must use their best endeavours to obtain this approval.

Ecologically Sustainable Development (ESD) – Residential

B19 NatHERS Rating – Multi-Unit Housing

Condition B19 is amended to reflect the following: (modified by Section 96(2) modification (Mod 05-02-2009 (4)) approved on 8-05-2009)

The following NatHERS rating requirements shall be complied with:

- (1) an average rating for all dwellings of 4 stars or better,
- (2) at least 20% of all dwellings shall achieve better than 4.5 stars,
- (3) at least 80% of all dwellings shall achieve better than 3.5 stars, and
- (4) no apartment shall achieve less than 3.5 stars.

Prior to the issue of a Construction Certificate for ~~the base building for each stage~~ **of 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.

B20 Energy Star Ratings

Condition B20 is amended to reflect the following: (modified by Section 96(1A) modification (DA 506-12-2003 MOD 5 approved on 9-09-2009)

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~~ **2** stars or more). The applicant shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition prior to the issue of the construction certificate for service and fitout works for each stage.

B21 Water Ratings

All water fixtures installed within the premises are to have a AAA water rating or more. The applicant shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition prior to the issue of the construction certificate for service and fitout works for each stage.

Health

B22 Mechanical Ventilation

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for service and fitout works for each stage.

Waste Management

B23 Storage and Handling of Waste

The design and management of facilities for the storage and handling of waste must comply with the requirements of Council's Policy. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for service and fitout works for each stage.

B24 Design of Garbage Rooms

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

- a) no locking devices on doors, gates or basement shelters are to be installed leading to the waste storage rooms where waste is to be collected;
- 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 lighting and adequate ventilation; and
- e) provide with floor waste connected to the sewer.

Details are to be provided to, and approved by the PCA prior to issue of the Construction Certificate for the basement structure for each stage.

Monetary Contributions and Contributions-in-lieu

B25 Monetary Contributions

Condition B25 is amended to reflect the following: (modified by Section 96(2) modification (Mod 05-02-2009 (4)) approved on 8-05-2009)

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.

This contribution shall be paid to Ku-ring-gai Council prior to the release of the Construction Certificate for the basement structure 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. The applicant may negotiate with Council to stage payment of the Section 94

Contributions ie. Section 94 Contributions may be paid separately for Buildings A and B (Stage 1) and Buildings C and D (Stage 2), if the construction certificates are issued separately.

Allowances have been made for the existing 2 small, 2 medium and 5 very large dwellings on the site that are to be demolished. The proposed development has been calculated as containing the following dwelling numbers and sizes after taking these allowances into account:

- ~~1~~ **45** small dwelling (under 75m²);
- ~~55~~ **97** medium dwellings (75m² – under 110m²);
- ~~32~~ **1** large dwellings (110m²-150m²);
- ~~6~~ very large dwellings (greater than 150m²).

The above dwelling sizes have been based on net strata areas.

The total contribution for this development is currently \$735,123.48 **\$1,024,721.30**

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 for the basement structure.

Indexing

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

B26 Security Bond – Repair of Public Infrastructure

Prior to the issue of any Construction Certificate for demolition, excavation and inground services, the applicant shall lodge a \$100,000 (one hundred thousand dollars) 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:

- (1) Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
- (2) 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.

Drainage

B27 Stormwater Runoff

Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the watercourse within the site. New drainage line connections to the watercourse shall conform and comply with the requirements described in sections 5.5 of Council's Water Management Development Control Plan 47, available in hard copy at Council and on the Council website. Details are to be submitted to the satisfaction of the Certifying Authority prior to the release of the Construction Certificate for these works

B28 Stormwater Detention and Retention

Condition B28 is amended to reflect the following: (modified by Section 96(2) modification (Mod 05-02-2009 (4)) approved on 8-05-2009)

A rainwater re-use tank system of (minimum) volume 250m³, together with the additional on-site stormwater detention requirement of (minimum) volume 220m³ shall be provided for the development. The system shall be as generally as shown and described the submitted drainage plans by Connell Mott MacDonald (refer project 8464, drawing SKH-09(2) and SKH-10(2)). Overflow shall revert to the main drainage 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.

The applicant is required to submit details for the proposed method of achieving the mandatory re-use of water on the property including toilet flushing, garden irrigation and car washing. The necessary pumping, housing, filtration and general 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.

Details are to be submitted to the satisfaction of the Principal Certifying Authority prior to the release of any Construction Certificate for the basement structure.

B29 Stormwater Quality Control

Prior to issue of any Construction Certificate for the basement structure the applicant shall submit, for approval by the Principal Certifying Authority (PCA), details for the method of achieving stormwater quality treatment measures in accordance with chapter 8 of Council's Water Management DCP 47. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.

B30 Driveways

For stormwater control a 200mm wide grated channel/trench drain with heavy duty removable galvanised grates is to be provided at the base of all ramped driveways and connected to the main stormwater drainage system. Details are to be submitted to the satisfaction of the Certifying Authority prior to the release of the Construction Certificate for the basement structure for each stage.

B31 Finished Habitable Floor Levels

To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage. Details are to be submitted to the satisfaction of the Certifying Authority prior to the release of the Construction Certificate for the base building for each stage.

B32 Stormwater Pump-Out

Prior to issue of the Construction Certificate for the basement structure for each stage, the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design plans and calculations for provision of a basement stormwater pump-out system for any

driveway ramp runoff and groundwater flows. The system shall comprise of both duty and back-up pumps, shall 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 qualified civil/hydraulic engineer.

B33 *Amendment to Drainage Plans*

Prior to issue of any Construction Certificate for the basement structure, the submitted drainage plans by Connell Mott MacDonald (refer project 8464, drawing SKH-09), detailing the proposed piped system traversing the site draining the upstream road reserve, shall be modified for construction issue purposes. At this time, the plans must be revised to include the following details:

- (1) The proposed trunk drainage line shown on drawing SKH-09 by Connell Mott McDonald is not approved. The applicant is to revise the design of the pipeline alignment so that no part of the pipeline is constructed under a permanent structure. The pipeline alignment is to be located outside and independent of the building envelopes to maintain access to the pipework and enable Council's duty for maintenance to clear blockages and construction purposes in the future. Refer also condition B34.
- (2) The proposed pipeline is to be designed to accommodate the flow from 1 in 100 year ARI design event.
- (3) A water quality improvement device (enviropod or equivalent) is required to be installed upstream of the trunk drainage system traversing the site.
- (4) The Applicant is to provide to drainage diversion and collection devices within the subject site near the western boundary adjoining 7 Pymble Avenue such that all surface flows are contained wholly within the site and conveyed to the stormwater drainage channel.
- (5) The overland flow shown on drawing SKH-09 is to be contained underground where it crosses pedestrian pathways and entrances to minimise impacts on pedestrians. This may be achieved either through a void space below the footway paving or a grated trench drain or other mechanism approved by Council.

Full construction details incorporating the revisions shall be submitted and approved by Council (as future asset managers for this drainage system) prior to issue of the Construction Certificate for the basement structure. Construction of this line shall proceed in accordance with the Council approved drawings.

B34 *Construction of Trunk Drainage*

The construction of the required trunk drainage system must be undertaken to the satisfaction of Council. During the construction period, trunk drainage through the site must be maintained at or above existing capacity. The final works are to proceed in accordance with the Council approved drawings, be at the applicants expense and shall be supervised by the designing engineer and certified upon completion that the as-constructed works comply with the approved design documentation and with Council's Stormwater Management Manual.

The applicant must construct the piped drainage system between Avon Rd and the proposed point of connection to the downstream watercourse within the site in accordance with the Council approved plan required by Condition B33.

The construction of the required trunk drainage through the site system must be staged to cater for flows through the site during construction. In this respect, the timing of the works shall be negotiated with Council to ensure that trunk drainage is maintained through the site. The works

are to proceed in accordance with the Council approved drawings and to the satisfaction of the PCA.

A registered surveyor is to provide a Works-as-executed drawing of the as constructed works. The certification and Works-as-executed drawing must be submitted to the Principal Certifying Authority (PCA) for approval prior to issue of the Construction Certificate for these works.

B35 Property Drainage System

Condition B35 is amended to reflect the following: (modified by Section 96(2) modification (Mod 05-02-2009 (4)) approved on 8-05-2009)

Prior to issue of any Construction Certificate for the base building, the applicant shall submit, for approval by the Principal Certifying Authority (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 47 (available on the Council website and at Council) and AS 3500.2 - Plumbing and Drainage Code. Alternatively, 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

Geotechnical

B36 Geotechnical Report

Prior to the issue of any Construction Certificate for demolition, excavation or inground services, the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a detailed Geotechnical/Civil Engineering report which addresses (but is not limited to) the following:

- (1) The type and extent of substrata formations by the provision of a minimum of six (6) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
- (2) The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
- (3) The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site).
- (4) The existing groundwater levels in relation to the basement structure, where influenced.
- (5) The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through

or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flowpath is constructed, artificial drains such as perimeter drains and through drainage may be utilised.

- (6) Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report shall contain site specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- No changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- No changes to the ground water levels are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles.
- An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table C1 of AS 2870 – 1996.

B37 Geotechnical Investigations

Where geotechnical/hydrogeological investigations determine that the proposed basement areas are to be constructed below the level of the groundwater table, there is the potential for the development to create a “dam” for natural groundwater flows. In this event, to ensure that the development does not adversely affect the behaviour of groundwater, the development must be designed to comply with the following requirements:

- (1) A groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flowpath is encountered, artificial drains such as perimeter drains and through drainage may be utilised. Details to be submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.
- (2) The groundwater drainage system must have a design life of 100 years and must be designed to be easily maintained.
- (3) The installed groundwater drainage system must be certified by a qualified geotechnical/hydrogeological engineer and submitted to the Principal Certifying Authority

(PCA) for approval prior to release of the Certificate of Occupancy or final building inspection (as appropriate).

Details of the groundwater drainage system must be submitted for approval by the Principal Certifying Authority (PCA) prior to issue of any Construction Certificate for demolition, excavation and inground services. Alternatively, certification from the geotechnical/hydrogeological engineer that such a report is not required may be submitted for approval prior to issue of the Construction Certificate.

B38 Support for adjoining structures

Council and private 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 and private property, prepared by a qualified Structural Engineer or Geotechnical Engineer, must be submitted for the approval of the Principal Certifying Authority (PCA), before the commencement of the works, and prior to issue of any Construction Certificate for demolition, excavation and inground services. Backfilling of excavations adjoining Council property, private property or any void remaining at completion of construction between the building and Council and private property must be fully compacted prior to the completion of works.

Utility Services

B39 Under grounding of Utility Services

To maintain residential amenity, all overhead utility services adjacent to the boundary to the site are to be provided underground and must not disturb the root system of any trees. Contact the utility supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to issue of any Construction Certificate for services and fitout works. The relocation / construction of the service to underground must be completed prior to the release of the Subdivision or Occupation Certificate.

B40 Adjustment of Utility Service Facilities

Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council or the Department. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council and the Department accept no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.

B41 Damage to Trees

The Applicant is to submit to Council documentary evidence that all overhead utility services adjacent to the boundary to the site are to be relocated underground in a manner that will not disturb the root system of any trees to be retained.

B42 Street Lighting

The Applicant is to submit to Council a letter from the electricity supply authority demonstrating that the street lighting can comply with AS1158 prior to the issue of the construction certificate

for these works. Any investigation, design and construction required for upgrading to be arranged for and paid for by the applicant.

B43 Roads Act

The applicant is to obtain any necessary approvals from Council under the Roads Act 1993 prior to the issue of any Construction Certificate for the basement structure and in accordance with the Conditions in Section H of this Consent.

B44 Plan stamping by Sydney Water for new buildings

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 the basement structure.

For Quick Check agent details please refer to the web site www.sydneywater.com.au, see Your Business then Building & Developing then Building & Renovating or telephone 13 20 92.

Compliance

B45 Compliance Report

Prior to the issue of a Construction Certificate, 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.

Add Condition B46 as amended to reflect the following: (modified by Section 96(1A) modification (Mod 506-12-2003 (6) approved on 22-12-2009)

B46 Parking restrictions

The applicant is to arrange for the following parking restrictions prior to commencing use of the alternative truck route:

- **No Stopping restrictions either side of the short section of Avon Road which provides access to Nos. 1a, 1 and 3 Avon Road.**

The applicant is to pay all costs associated with the parking restrictions, including the notification of residents of 1a, 1 and 3 Avon Road and the preparation of a report by Council's Traffic section.

Upon completion of all development works, the parking signs are to be removed at the applicant's expense.

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*

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.

Structural Works

C3 *Structural Details*

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:

- (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 *Construction Management Plan*

Prior to the commencement of any works on the site, a Construction Management Plan shall be prepared in consultation with Council and be submitted to and approved by the Director. The Plan shall address, but not be limited to, the following matters:

- (1) hours of work,
- (2) contact details of site manager,
- (3) traffic management (see also C5 below),
- (4) noise and vibration management (see also C6 below),
- (5) waste management (see also C8 below),
- (6) erosion and sediment control (see also B11), and

-
- (7) flora and fauna management.

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

C5 Traffic & Pedestrian Management Plan

Condition C5 is amended to reflect the following: (modified by Section 96(1A) modification (Mod 506-12-2003 (6)) approved on 22-12-2009)

Condition C5 is amended to reflect the following: (modified by Section 96(2) modification (Mod 05-02-2009 (4)) approved on 8-05-2009)

Condition C5 is amended to reflect the following: (modified by Section 96(1A) modification (DA 506-12-2003 MOD 5 approved on 9-09-2009)

Prior to **use of any of the construction routes stated below** ~~the commencement of any works on-site~~ the applicant must submit, for review by Council Engineers, a Traffic Control Plan. The plan must be prepared by a qualified civil/traffic engineer in accordance with the documents SAA HB81.1 – 1996 – “Field Guide for Traffic Control at Works on Roads – Part 1” and RTA “Traffic Control at Work Sites (1998)” Manual. The following matters must be specifically addressed:

- (1) A plan view of the entire site and frontage roadways indicating:
 - (a) Dedicated construction site entrances and exits, controlled by certified traffic controller, to safely manage pedestrians and vehicles in the frontage roadway,
 - (b) Turning areas within the site for construction vehicles, allowing a forward egress for all construction vehicles on the site,
 - (c) The locations of proposed Work Zones in the frontage roadways,
 - (d) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - (e) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - (f) The provision of an on-site parking for employees, tradesperson and construction vehicles.
- (2) The main stages of the development requiring specific traffic management measures are to be identified and specific traffic control measures identified for each.
- (3) Any likely traffic re-assigning measures required during construction must be specified. A detailed description and route map of the proposed route for vehicles spoil removal, material delivery and machine floatage must be provided. Light traffic roads and those subject to a load or height limit must be avoided at all times. Heavy vehicles shall be limited to the following Council roads:
 - (a) Avon Road from Pymble Avenue to no further north-west than the extent of the development site, **south western boundary of 7 Avon Road, including the short section providing access to 1, 1A and 3 Avon Road, subject to (9) below.**

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- (b) Pymble Ave from the Pacific Highway to no further south west than ~~No 5A Pymble Avenue~~ **Rand Avenue**,
 - (c) Everton Road from Pymble Avenue to Livingstone Avenue
 - (d) Livingstone Ave from ~~Everton Road~~ **Rand Avenue** to the Pacific Highway.

A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.

- (4) Appropriate "Trucks Entering" signage at all relevant locations.
- (5) Schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the traffic management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- (6) Consideration must be given to minimising impacts to traffic and pedestrian movements during school peak periods. For those construction personnel that drive to the site, the Applicant shall provide on-site parking so that their personnel's vehicles do not impact on the current commuter or commercial parking in the area.
- (7) No traffic lanes shall be closed in Avon Road, Pymble Avenue, Everton Road or Livingstone Avenue for any period during school term. Closure of traffic lanes in Avon Road, Pymble Avenue, Everton Road or Livingstone Avenue outside school terms will be subject to the normal Council approval process. As well as the application for lane closure including Traffic Management Plans, it must also include written confirmation from Pymble Ladies College that no major traffic generating activities will be occurring at the school during the period of proposed lane closure.
- (8) **No vehicles associated with the development works are to be parked on Livingstone Avenue, including employee/worker cars.**
- (9) **No construction vehicles are to travel north west along Avon Road past the vehicle entrance to Pymble Ladies College on school days outside the hours of 9.30am to 2.00pm.**
- (10) **The Traffic Control Plan prepared by PCK Traffic must be amended to provide a traffic controller at the location of the Works Zone at the Avon Road site entrance and to incorporate the approved hours in (9) above.**

The Traffic Control Plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained and submitted to the Principal Certifying Authority prior to the ~~issue of the Construction Certificate~~ **use of any of the construction routes stated above.** 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. Evidence of RTA concurrence, as required above, is to be lodged concurrently with Council. The traffic management measures contained in the approved plan shall be implemented in accordance with the plan prior to the ~~commencement of any works on-site including excavation~~ **use of any of the construction routes stated above.**

C6 Crane Management Plan

Prior to the commencement of any works on site the applicant must submit, for review by Council Engineers, a Crane Management Plan showing how the cranes will be located and operated to ensure that no suspended load can be located outside the development site except directly over any work zones issued and the adjacent footway between the work zone

and the site boundary. A written acknowledgment from Council shall be obtained and submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

C7 Work Zones

Condition C7 is amended to reflect the following: (modified by Section 96(2) modification (Mod 05-02-2009 (4)) approved on 8-05-2009)

Prior to the commencement of any **construction** works on site, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install a 'Work Zone' as close as possible to the site. Further, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any **construction** works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed and the adopted fee paid prior to commencement of any **construction** works on the site. Where such a 'Work Zone' is not considered to be feasible by Council Traffic Engineers, the zone will not be required. This condition is to facilitate a dedicated on-street parking area for construction related vehicles during work hours. A need for a 'Work Zone' arises given the scale of the works, existing on-street parking restrictions around the site and the existing high demand for on-street parking. The installation of a Works Zone on Pymble Avenue will only be approved if a site plan showing truck turning paths is submitted to demonstrate that truck manoeuvring is not available on site. In addition, the site plan is to demonstrate how the panels will be safely transported from the kerbside into the site without swinging over the properties 1 or 7 Pymble Avenue

C8 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 Director. 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, offices, shops 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,

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- (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.

C9 Construction Waste Management Plan

Prior to the commencement of works, the Applicant shall submit to the satisfaction of the PCA a Waste Management Plan prepared by a suitably qualified person in accordance with Ku-ring-gai Council's Waste Management Guidelines in Development Control Plan No. 40. The plan shall address, but not be limited to:

- (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;
- (3) Methods for handling and transferring recyclables to holding bays;
- (4) The reuse, source separation and recycling of materials.

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

C10 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.

Hazardous Materials

C11 Removal of Hazardous Materials

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.

C12 Site Audit

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.

Soil Erosion Control Facilities

C13 Installation

The provision of temporary sediment and erosion control facilities and measures in accordance with the approved Erosion and Sedimentation Control Plan are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.

C14 *Stormwater Runoff*

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

C15 *Disturbed areas*

All disturbed areas, which are not 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.

C16 *Topsoil*

Topsoil shall be stripped of areas to be developed and stock-piled within the site. Stock-piled topsoil on the site shall be located outside the drainage lines and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed fourteen (14) days, stock piles are to be seeded or sprayed with an appropriate emulsion solution to minimise particle movement.

C17 *Imported Fill*

All 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.

Compliance

C18 *Compliance Report*

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.

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.

Structural Works

D2 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 structural works are in accordance with the approved development application.

Construction Management

D3 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.

D4 Site Notice

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:

- (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.

D5 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.

D6 *Pedestrian Safety*

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/route 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 AS1742-3 1996 "Traffic Control Devices for Work on Roads". **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

D7 *Disposal of Site Water*

Disposal of site water (includes groundwater, seepage, dewatering and stormwater trapped in excavations) to Council's stormwater system is not permitted.

D8 *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.

D9 *Protection of Trees – On-site Trees*

All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

D10 *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.

D11 *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, including:

- (1) A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:

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- a. Cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - b. Cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - c. 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.
- (2) Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or in 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.

D12 Storage of Materials

For the purposes 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 prior written approval of Council. The pathway shall be kept in a clean, tidy and safe condition during building operations and 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.

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 days 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 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.

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

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- (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.

Where the construction noise objective cannot be achieved and this is identified and approved within the Construction Noise and Vibration Management Plan, the construction noise must comply with AS 2436-1981 "Guide to Noise Control on Construction Maintenance and Demolition Site" at all times.

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

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- (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.

Heritage

D19 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 for further works can be considered in that area.

D20 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

D21 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.

Excavation

D22 Excavation works

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:

- (1) must preserve and protect the building from damage, and
- (2) if necessary, must underpin and support the building in an approved manner, and
- (3) 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 clause, whether carried out on the allotment of land being

excavated or on the adjoining allotment of land. In this clause, allotment of land includes a public road and any other public place.

D23 Excavation

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

Compliance

D24 Compliance Report

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.

PART E—PRIOR TO SUBDIVISION AND STRATA SUBDIVISION

E1 Access

Documentary easements for access must be created over the lots in the subdivision to provide for relevant public access and owner access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas, and created pursuant to Section 88B of the *Conveyancing Act 1919*.

E2 Services

Documentary easements or other appropriate arrangements under subdivision legislation including under Section 88B of the *Conveyancing Act 1919* 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.

E3 Utility Services

The Applicant shall submit to Council a letter from the energy supply authorities and telecommunications companies, confirming that satisfactory arrangements have been made for the provision of underground telephone, power and gas services, prior to the release of the Subdivision Certificate. Applications may be made to Energy Australia Phone No. 13 1525, Agility on 9922 0101 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.

E4 Maintenance of Stormwater Detention/Retention Facilities

Prior to the release of the linen plan/issue of the subdivision certificate by the relevant authority, the applicant must 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, 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 on-site detention facilities" and Council's "draft terms of Section 88B instrument for protection of retention and re-use facilities" (available in Council Water Management DCP47) and to the satisfaction of Council. The location of the retention and re-use facilities are to be denoted on the final plan of subdivision.

E5 Trunk Drainage

Prior to the release of the linen plan/issue of the subdivision certificate by the relevant authority, the constructed trunk drainage pipeline (refer to Condition B33 and B34) is to be formalised by the creation of new drainage easement 1.8 metres wide in favour of Ku-ring-Gai Council under Section 88 of the *Conveyancing Act 1919*. The pipe must be centrally located within the subject easement. The applicant is responsible for all survey, legal and disbursement costs associated with the creation of the required easement.

E6 Waste Collection

Prior to the release of the linen plan/issue of the subdivision certificate, an easement for waste collection is to be created. This is to permit legal access for Council, 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 Section 73 Certificate

Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the relevant authority.

E8 Car parking restrictions

All parking spaces and all areas of common property including visitor car parking spaces, on-site detention facilities and on-site retention facilities which are to be common property, must be included on the final plans of strata subdivision.

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 site the subject of this development approval.

These requirements are to be enforced through the following:

- (1) restrictive covenant placed on title pursuant to Section 88B of the *Conveyancing Act, 1919*, and
- (2) sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas.

All costs associated with the above requirements are to be borne solely by the applicant.

E9 Right of Carriageway

The temporary construction access shown on the approved plans is to be maintained for the purposes of resident, visitor and delivery vehicle access. Prior to issue of the subdivision certificate, strata subdivision certificate or occupation certificate, a right of carriageway for residents is to be created pursuant to Section 88B of the *Conveyancing Act, 1919*. The Right of Carriageway is to be maintained until such time that New Street 01, as shown in the Kuring-Gai Sites Report, is fully constructed and alternative access to the basements of Building D can be provided.

E10 New Street 01 – Subject Development

A public positive covenant and right of carriageway is to be created over the section of New Street 01 to be constructed to allow full public access to the development. In addition, the residents of Buildings C and D and the associated Strata Corporation are to be burdened with the requirement to maintain New Street 01 to the as constructed standard. These mechanisms are to be created pursuant to Section 88B and Section 88BA of the *Conveyancing Act 1919* and are to be shown on the title of the land. Details of these mechanisms are to be approved by the Director prior to the release of the subdivision certificate or the strata subdivision certificate. The requirement to maintain New Street 01

will cease if Council accepts the dedication and care control and maintenance of New Street 01 as a public road.

E11 New Street 01 – Future Development

Prior to the issue of the subdivision certificate or strata subdivision certificate, the applicant must create a maintenance public positive covenant under Section 88BA of the *Conveyancing Act 1919* burdening the subject property and in particular, any strata corporations that may be created for proposed Buildings C and D, with the requirement to share the cost of maintaining the entire length of New Street 01, as and when it is constructed, with the remaining SEPP 53 building envelope and relevant strata corporation that in the future will adjoin New Street 01. The costs are to be shared in proportion to the registered 'Net Strata Area' for each strata scheme as and when they are developed. The terms of this covenant are to be approved by the Director prior to the issue of the subdivision certificate or strata subdivision certificate. The applicant is also required to submit to the Director details of the work involved in maintaining the road and the costs associated with this. This condition will cease to apply if New Street 01 is dedicated to Council as a public road.

E12 Integrated Landscape Plan

Prior to issue of the subdivision certificate or strata subdivision certificate, the applicant is to submit for the approval of the Director, a single, integrated landscape care, control and maintenance plan for the common landscaped areas within the lots in the subdivision plan. This landscape plan will apply initially to the common landscaped areas within proposed Lot 2 and 3 of the approved subdivision and subsequently be expanded to include additional owners corporations created upon completion of the development of land known as 1, 1A, 3 and 5 Pymble Avenue in accordance with SEPP 53. The integrated landscape plan is to achieve, and include, the following information:

- (1) Details of the areas within the common landscape area that are to be subject to cross site easements and maintenance positive covenants (see conditions below). This is to include the internal landscaped area within the approved development;
- (2) An in principle indication of how the remainder of the SEPP 53 site [ie. 1, 1A, 3 and 5 Pymble Avenue] common landscaped area can be integrated into the approved landscape plan for the subject development, particularly with regard to the finished level of the land;
- (3) Details of fences that will be removed in order to achieve the integration of the site.
- (4) An indication of the scope of maintenance works and preliminary costings associated with the maintenance of the common landscape areas.

The integrated landscape plan for the common landscape area should be developed in consultation with the Director, prior to the finalisation of the plan.

E13 Cross Site Easements – Subject Development

- (1) Prior to the issue of the subdivision certificate or strata subdivision certificate, the applicant must create an easement under Section 88B of the *Conveyancing Act 1919* that ensures that the common landscaped area shown on the approved plan required under Condition E12 are available for use for passive recreation by owners and occupiers of Buildings A, B, C and D. The terms of this easement are to be submitted for the approval of the Director prior to the issue of the subdivision certificate;

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- (2) Prior to the issue of the subdivision certificate or strata subdivision certificate, the applicant must create an easement for access burdening the lots in the subdivision and any strata corporations created within it and anticipating the conferring of the benefit of the easement on the remaining properties within the SEPP 53 boundary (commonly known as 1,1A, 3 and 5 Pymble Avenue – “Remainder Lots”), to allow full and free right of access to the common landscaped within the lots the subject of the subdivision provided:
- a. All lots within the SEPP 53 boundary are required to provide reciprocal access to the lots in the subdivision created under this approval over the common landscaped area created when the Remainder Lots are developed in accordance with SEPP 53 and being an area of land no less than the area of land shown in the SEPP 53 documents as deep soil zone, or approved as part of the an Integrated Landscape Plan developed for the site; and
 - b. The Remainder lots are further obliged in the easement to contribute to the costs of maintaining, operating and renewing the common landscape area within the SEPP 53 boundary in the same relative proportions as the lots the subject of this development approval are obliged to contribute to the maintaining, operating and renewing the landscape area.

(Note: In order to promote the efficient and orderly development of land, any consent issued for any future development of the Remainder Lots should take into consideration the integration of the common landscaped areas for the SEPP 53 site and require that appropriate easements and maintenance positive covenants be imposed to ensure the intention of the common landscaped areas within the SEPP 53 is integrated. This will require the imposition of easements and maintenance positive covenants that burden the future development on the remainder of the SEPP 53 sites, when it occurs in accordance with SEPP 53).

The easement is to be created pursuant to Section 88B of the Conveyancing Act 1919 and the terms of the easement, along with a plan of the areas to be burdened by the easement are to be approved by the Director prior to the issue of the subdivision certificate or strata subdivision certificate.

E14 Maintenance Positive Covenants – Subject Development

Prior to the issue of the subdivision certificate or strata subdivision certificate, the applicant must create a maintenance positive covenant and other arrangements under subdivision legislation including under Section 88BA of the *Conveyancing Act 1919* requiring that the common landscaped areas included as common property within the approved development must be jointly maintained by the owners corporations created on completion of that development. Maintenance costs are to be shared between all strata schemes in proportion to the registered “Net Strata Area” for each strata scheme (and, on development of the balance of the SEPP 53 site, amongst those strata schemes in addition). Details of this maintenance positive covenant are to be submitted for the approval of the Director prior to the registration of the strata plan.

E15 Strata Scheme By-Laws

As and when the land known as 1, 1A, 3 and 5 Pymble Avenue are redeveloped in accordance with SEPP 53, the strata/owners corporation for Buildings A, B, C and D must:

- (1) remove fences erected on the boundary of the subject site to ensure the implementation of the Integrated Landscape Plan required under Condition E12

provided the additional common landscape areas on the remainder of the SEPP 53 site become available for use to the subject site;

- (2) Accept the benefit of easements for use of common landscaped areas included in the common property for any future strata scheme created in accordance with SEPP 53 provided those easements require contribution for the costs of maintenance of that area on terms no more onerous than the terms of contribution for the common landscape areas created under this approval;
- (3) Accept the burden for shared maintenance and shared costs associated with the use of the additional common landscaped areas and, where relevant, New Street 01, to the benefit of any adjoining strata scheme created in accordance with SEPP 53 provided the burden of maintenance is in proportion with the registered "Net Strata Area" of the relevant strata scheme created under this consent, and is recalculated as and when new strata corporations within SEPP 53 are created and registered;
- (4) Not deny landowners consent for any adjoining property owner to carry out works relating to the integration of the common landscaped area, if that development relates to development being considered under the provisions of SEPP 53;

These requirements are to be clearly identified in the by-laws of all strata schemes created under the approved development. The above by-laws are not to be amended without the approval of the relevant consent authority at the time.

A Strata Management Statement, if any, incorporating the above requirements, and full details regarding the management of all common areas within the strata schemes is to be approved by the Director prior to the issue of the Strata Subdivision Certificate.

Note: The burden for shared maintenance for New Street 01 only applies to Strata Corporations associated with Buildings C and D in the approved development and the remaining building envelope adjoining New Street 01 in the SEPP 53 drawings. This burden may also be removed if New Street 01 is dedicated to Council as a public road and Council agree to the care, control and maintenance of this road.

E16 Common landscaped areas – Restriction on Use

No right of exclusive use and enjoyment of the whole or any specified part of the designated common area identified in the Integrated Landscape Plan will be conferred on any person or persons without the prior consent of the relevant 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*.

E17 88B Instruments

For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the *Conveyancing Act 1919* with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary, modify or release easements, restrictions and covenants that are required under this approval.

E18 Linen Plan

For endorsement of the linen plan/issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by the appropriate authority. The following details **must** be submitted with the plan of Subdivision and its (5) copies:

- (1) The endorsement fee current at the time of lodgement.
- (2) The 88B Instruments plus six (6) copies,
- (3) A copy of the Occupation Certificate for the residential development,
- (4) The Consulting Engineer's certification of the on-site stormwater detention and retention facilities.
- (5) A copy of all works-as-executed plans required under the consent,
- (6) All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
- (7) The Section 73 (Sydney Water) Compliance Certificate,
- (8) Compliance with the conditions of this consent.

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: Bonds will not be accepted in lieu of completing subdivision works.

Note 3: If the consent authority for the subdivision is not Council, then a copy of all of the above must be provided to Council for its records.

PART F—PRIOR TO OCCUPATION

Occupation of Building

F1 Completion of Works

Prior to issue of any Occupation Certificate the following works must be completed:

- (1) Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council,
- (2) 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,
- (3) Any sections of damaged grass verge are to be fully replaced with a non-friable turf of native variety to match existing,
- (4) All landscape works as identified in the landscape plan for each stage of the development as required and approved by the Director in accordance with Condition B18.

Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers. This shall be at no cost to Council.

Engineering

F2 Fire Safety Certificate

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 Stage 1 or Stage 2, whichever occurs first. A copy of the Fire Safety certificate must be submitted to the consent authority and Council by the PCA.

F3 Annual Fire Safety Statement

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.

F4 Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of the Occupation Certificate for Stage 1 or Stage 2, whichever occurs first, that the installation and performance of the mechanical systems complies with:

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) The development consent and any relevant modifications; and,

-
- (4) Any dispensation granted by the New South Wales Fire Brigade.

F5 *Structural Inspection Certificate*

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 for Stage 1 or Stage 2, whichever occurs first. A copy of the Certificate with an electronic set of final drawings (contact consent authority for specific electronic format) shall be submitted to the consent authority and the Council after:

- (1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F6 *Road Damage*

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the applicant/developer prior to the issue of any Occupation Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

F7 *Completion of Road Works*

Prior to issue of any Occupation Certificate the approved road, footpath and/ drainage works must be completed in the road reserve, in accordance with the Council approved *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full.

F8 *Carparking to Comply with Australian Standards*

Prior to issue of an Occupation Certificate for Stage 1 or Stage 2, whichever occurs first, the applicant shall submit to the Principal Certifying Authority (PCA) certification from a suitably qualified and experienced traffic/civil engineer, that the dimensions of all as-constructed private carparking spaces meet the minimum requirements of Australian Standard 2890.1 (2004) - "Off-street car parking".

F9 *Basement Design*

Prior to occupation, issue of any Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority (PCA)

that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out:

- (1) According the relevant Australian Standards and guidelines; and
- (2) According to any approved Geotechnical report undertaken for the development; and
- (3) In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.

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

F10 New Street 01

The approved portion of New Street 01 must be constructed and completed to the satisfaction of the PCA prior to the release of the Occupation Certificate for Stage 2 of the development.

Dilapidation Report

F11 Dilapidation Report

Condition F11 is amended to reflect the following: (modified by Section 96(1A) modification (Mod 506-12-2003 (6) approved on 22-12-2009)

Condition F11 is amended to reflect the following: (modified by Section 96(2) modification (Mod 05-02-2009 (4)) approved on 8-05-2009)

Prior to occupation, issue of any Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) and Council a full dilapidation report on the visible and structural condition of the following road surfaces and including full road width, kerbs, and all intersections:

Avon Road: Pymble Ave to ~~vehicle entrance to Pymble Ladies College~~
south western boundary of 7 Avon Road,
including the short section providing
access to 1, 1A and 3 Avon Road.

Pymble Avenue: Avon Rd to ~~No 15 Pymble Ave~~ Rand Avenue

Everton Street: Pymble Ave to Livingstone Ave

Livingstone Ave: ~~Orinoco St~~ to Pacific Highway to Rand Avenue

Stormwater

F12 Maintenance of Council's Database

Prior to occupation, issue of any Occupation Certificate or issue of the Final Compliance Certificate, the following must be provided to Council (attention Development Engineer):

-
- (1) A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - (2) A copy of the works-as-executed drawing of the as-built on-site detention/retention system, and
 - (3) The Engineer's certification of the as-built system.

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.

F13 Works as Executed – Stormwater Retention

Prior to occupation, issue of any Occupation Certificate or issue of the Final Compliance Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the installed rainwater retention devices, are to be submitted to the Principal Certifying Authority (PCA). Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The Certificate is to certify:

- (1) Compatibility of the retention system(s) with the approved Construction Certificate plans.
- (2) Compliance with AS 3500.2 & AS3500.3:1998.
- (3) Overflow from the installed retention devices directed to an approved disposal point.
- (4) The capacity of the retention storage as approved.
- (5) Provision of leaf gutter guards to all roof gutters.
- (6) Measures to prevent mosquito breeding nuisance.
- (7) Provision of a readily maintainable "first flush" system to collect sediment/debris before entering the tank(s).
- (8) Installation of proprietary tank products in accordance with manufacturers' specifications.
- (9) The structural adequacy of tank and supporting structures/slabs.
- (10) Where required by this consent, that all toilet flushing, laundry and garden tap water usage for the approved development is sourced from the stormwater retention tank(s).
- (11) All pumping equipment is readily accessible for maintenance and cleaning purposes and the adequacy of the pumping mechanism to achieve delivery rates as required.
- (12) An air gap being provided at the top of the tank(s).
- (13) Mains backflow prevention devices being installed at all relevant locations for reticulated systems
- (14) Sediment sump of 150mm minimum being provided at the base of the tank(s)
- (15) All recycled stormwater outlet points having permanently affixed plaques in readily observable locations which read "Recycled Stormwater – Not For Drinking" or equivalent.
- (16) The provision of water mains back-up system to each collection tank for periods of low rainfall.
- (17) Evidence of Sydney Water approval to the proposed system.
- (18) The provision of filtration devices on each system to ensure no blockage of delivery plumbing systems.
- (19) Compliance with relevant sections of the latest "Plumbing and Drainage Code of Practise" issued by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW.

The Works-as-Executed drawing(s) is to be marked up in red on the approved Construction Certificate design, and shall include:

- (1) As constructed levels in comparison to design levels

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- (2) As built location of all tanks/retention devices on the property and distances to adjacent boundaries, buildings and easements
 - (3) Dimensions of all retention tanks/devices
 - (4) Top water levels of storage areas and RL's at overflow point(s)
 - (5) Storage volume(s) provided and supporting calculations/documentation.

F14 Works as Executed – Stormwater Detention

Prior to occupation, issue of any Occupation Certificate or issue of the Final Compliance Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the as-built on-site detention are to be submitted to the Principal Certifying Authority (PCA) for approval. Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certificate is to specifically acknowledge compliance of the on-site detention system with the approved Construction Certificate plans and also compliance with the design requirements of appendix 5 in Councils Water Management DCP 47 - "Design of on-site detention systems". The Works-as-Executed details shall be marked in red on the approved Construction Certificate design for the on-site detention system, and shall specifically include:

- (1) As constructed levels in comparison to design levels
- (2) As built location of all detention devices on the property (plan view) and distances to nearest adjacent boundaries, buildings and easements
- (3) As built locations of all pits and grates in the detention system, including dimensions.
- (4) The size of the orifice or pipe control fitted.
- (5) Dimensions of the discharge control pit and access grates
- (6) The achieved capacity of the detention storage and derivative calculation.
- (7) The maximum depth of storage over the outlet control.
- (8) Top water levels of storage areas and RL's at overflow point(s)

F15 Drainage Design

Prior to occupation, issue of any Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit certification from a consulting civil/hydraulic engineer to the Principal Certifying Authority (PCA), that:

- (1) Construction of the stormwater drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) has been carried out by a licensed plumbing contractor; and
- (2) The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500,.3.2; and
- (3) 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 (WAE) drawing of the property stormwater drainage system is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. The WAE plan shall show the following as built details, marked in red on the approved construction certificate stormwater drawings:

- (1) As built reduced surface and invert levels for all drainage pits and connection points;
- (2) As built reduced level(s) at the approved point of discharge to the public drainage system; and
- (3) Gradients of drainage lines, materials and dimensions.

Easements

F16 Registration of Title

Prior to the issue of any Occupation Certificate, the applicant shall provide to the PCA evidence that all easements, restrictive covenants, maintenance positive covenants, public positive covenants, rights of carriageway and positive covenants required by this consent, approvals, and other consents have been or will be registered on the certificates of title.

F17 Sinking Fund

Condition F17 is deleted to reflect the following: (modified by Section 96(1A) modification (DA 506-12-2003 MOD 5 approved on 9-09-2009)

~~Prior to the issue of any Occupation Certificate, the applicant shall establish a sinking fund, to be held by the appropriate strata corporations within the development that will enable the strata corporations established within the development to employ an appropriate person or person(s) to carry out whatever work is necessary, as required by this consent, to implement the conditions of this consent when the remainder of the SEPP 53 site is developed. For example, the sinking fund may be used to employ a person to represent the interests of the strata corporations and make appropriate amendments to the Strata Corporation by-laws as required by this consent when the remainder of the SEPP 53 site is developed. The applicant is to provide evidence to the consent authority that this has been carried out, along with details of how the amount of this sinking fund has been determined, after consideration of the requirements of this consent.~~

Sydney Water

F18 Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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.

The Section 73 Certificate must be submitted to the PCA prior to occupation of the development or release of the plan of subdivision.

PART G—POST OCCUPATION

Fire Safety

G1 *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

G2 *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.

G3 *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.

G4 *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.

G5 *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.

Public Access

G6 *Public Way to be Unobstructed*

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

Maintenance Period

G7 *Public Infrastructure*

A maintenance period of six (6) months shall apply to the works in the public road and trunk drainage infrastructure works carried out by the Applicant after they have been completed to

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 Council's specifications, or as would reasonably be expected under the designed conditions.

Compliance

G8 Compliance Report

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

PART H—GENERAL TERMS

Ku-ring-gai Council

H1 *Hours of Work*

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 tools, concrete mixers and concrete delivery wagons, hoists, winches, welding 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.

H2 *Works to a Public Road*

In accordance with Section 138 of the Roads Act, the Applicant must have approved by Council details for the following infrastructure works required in the Public Road:

- (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) Alterations and additions to the stormwater drainage system that are to be constructed in the public road or affect street drainage flowing through the site.
- (3) Sufficient details of the size and location of the overflow paths from the Detention / Retention tanks and street drainage and internal and drainage system to be able to determine the affect on any downstream properties and Pymble Avenue.
- (4) Details of all roadworks associated with the alteration of the existing kerb and gutter. In Pymble Ave, this is to include details of the designs for kerb and gutter, associated pavement and restoration for the sections of kerb & gutter as shown on drawing SKC-01 revision 02.
- (5) If temporary rock anchors are used, then details are to be submitted for consideration. If approved, rock anchors must be left in a way that they will not harm or interfere with the building or any future excavation in the public road and the location of the rock anchors is to be registered with Dial Before You Dig

Development Consent under the EP&A Act does NOT give approval to these works on Council property. **THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993** for the works in the Public Road, required by this condition.

H3 *Consent for Drainage Works Required under the Roads Act 1993*

To obtain consent under the Roads Act 1993 for the infrastructure works on Council property, including Council's trunk drainage inside private property full engineering drawings (plans, sections and elevations) and specifications for the infrastructure works are to be prepared by a suitably qualified and experienced consulting civil engineer. These must be submitted and approved by Council as the Roads Authority. Construction of the works must proceed in accordance with any conditions attached to the Council Roads Act 1993 approval.

All works are to be designed in accordance with Council's "Specification for Road Works and Drainage Works" dated November 2004. In addition, the drawings must detail existing services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites Manual Version 3 (2003).

A minimum of three (3) weeks will be required for assessment of Roads Act submissions. Early submission is highly recommended to avoid delays. An engineering assessment fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

H4 *Roads Act*

Before any works are carried out in the public road area, approval must be obtained from Council (as Roads Authority) 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 Constructions issued with any approval of works granted under Section 138 of the Roads Act 1993.

H5 *Road Opening*

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.

H6 *Driveway Crossovers*

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. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at 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. **Approval of this Development Application is for works wholly within the property. DA 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.

H7 Rock Anchors

Permanent rock anchors are not to be used where any part of the anchor extends outside the development site without written approval from Council under the Roads Act 1993.

ADVISORY NOTES

AN1 Public submission regarding common landscaped areas

At the time that any development application is being considered in accordance with SEPP 53 on the remainder of the lots, the strata corporation must alert the relevant consent authority at the appropriate time as to the easements and restrictions that have been put in place under this consent and work with the consent authority and the applicant of the adjoining land towards achieving the principles of integrating the common landscaped areas outlined within this consent. The relevant time would be during the exhibition and submission period of the assessment of the Development Application. If the Strata Corporation, or similar body for the subject development has not been formally created at the time the adjoining lots are proposed to be developed, the applicant named in this consent is required to carry out this role.

AN2 Sydney Water

An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the *Water Board (Corporatisation) Act, 1994* (Compliance Certificate). Evidence that a Compliance Certificate has been applied for (i.e. Notice of Requirements) shall be produced to the satisfaction of the PCA prior to the issue of a Construction Certificate. The Section 73 Certificate shall be submitted to the PCA prior to the occupation of the development or release of the linen plan.

AN3 Compliance Certificate, Water Supply Authority Act, 2000

Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the consent authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The developer shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- (1) the certifying authority before release of the Construction Certificate,
- (2) the consent authority before the release of the subdivision certificate, and
- (3) the principal certifying authority prior to occupation.

AN4 Requirements of Public Authorities for Connection to Services

The applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

AN5 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.

AN6 *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 any relevant Council Policy,
- (2) Structural certification prepared and signed by a 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.

AN7 *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.

AN8 *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.

AN9 *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,

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- (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.

AN10 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.

AN11 Application under Part 4A of the Act

An application under Part 4A of the Act shall be submitted to the consent authority or the council along with a plan of subdivision prepared by a registered surveyor, for certification prior to the issue of the Subdivision Certificate.

AN12 Other Details Required prior to Issue of Subdivision Certificate

The applicant shall submit to the satisfaction of the consent authority or the council, the following information, prior to the issue of the Subdivision Certificate:

- (1) Documentary evidence of the payment of the open space/ community facility/ transport and access contribution(s),
- (2) An Occupation Certificate, and
- (3) Documentary evidence that the property has been developed in accordance with plans approved by Development Application No. 506-12-2003 and of compliance (or a Compliance Certificate) with the conditions of that consent.

AN13 Application under Section 37 of Strata Schemes (Freehold Development) Act, 1973

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.

AN14 Compliance with Conditions

The applicant will be required to submit, documentary evidence that the property has been developed in accordance with plans approved by Development Application No. 506-12-2003 and of compliance (or a Compliance Certificate) with the conditions of that consent, prior to the issuing of Strata Plan of Subdivision.

AN15 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.

AN16 Stormwater drainage works or effluent systems

A construction certificate for works that involve any of the following:

- (1) water supply, sewerage and stormwater drainage work; or
- (2) management of waste

as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN17 Temporary Structures

An approval under Section 68 of the Local Government Act 1993 must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the Local Government Act 1993 to certify the structural adequacy of the design of the temporary structures.