
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

APPROVAL OF MAJOR PROJECT NO. MP09_0033

(FILE NO. S09/00215)

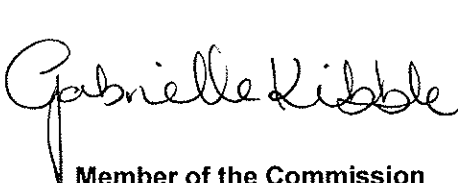
PROJECT APPLICATION FOR THE REDEVELOPMENT OF 3-5 PYMBLE AVENUE AND 5A PYMBLE AVENUE (ACCESS HANDLE ONLY), PYMBLE FOR RESIDENTIAL DEVELOPMENT

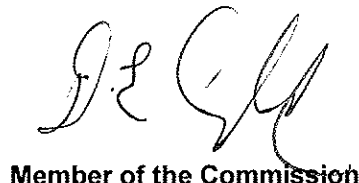
The Planning Assessment Commission of New South Wales (the Commission) having considered all relevant matters prescribed under Section 75J(2) of the *Environmental Planning and Assessment Act 1979*, including those relevant matters prescribed by Section 75I(2) as contained in the Director General's Environmental Assessment report determine Major Project (MP09_0033) by **granting approval** to the major project described in the attached Schedule 1 subject to the conditions of approval in the attached Schedule 2, pursuant to Section 75J(1) of the *Environmental Planning and Assessment Act 1979*.

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment and the Proponent's Statement of Commitments in Schedule 3, subject to the conditions of approval in the attached Schedule 2.

The reason for the imposition of these conditions are:

- (1) To ensure the site is appropriately managed for the proposed use;
- (2) To adequately mitigate the environmental and construction impacts of the development;
- (3) To reasonably protect the amenity of the local area; and
- (4) To protect the public interest.


Member of the Commission


Member of the Commission


Member of the Commission

SYDNEY, 24th July 2009

SCHEDULE 1

PART A—TABLE

Application made by:	Meriton Apartments Pty Ltd
Application made to:	Minister for Planning
Major Project Application:	MP 09_0033 (Project Approval)
On land comprising:	Lot 1 DP537543, Lot 7 DP5448, Lot 12 DP546480 and known as 3-5 Pymble Avenue, and 5A (access handle only) Pymble Avenue, Pymble.
Local Government Area	Ku-ring-gai Council
For the carrying out of:	• The excavation of the site and construction of one basement level to accommodate car parking for 26 vehicles; • Construction of one residential building containing a total of 25 residential apartments; • Associated landscaping works; • The removal of trees within and next to basement walls. • Construction of a new access road; and • Subsequent Strata Title subdivision
Estimated Cost of Works	\$6.145m
Type of development:	Major Project
S.119 Public inquiry held:	No
Determination made on:	
Date approval is liable to lapse:	Approval shall lapse in 5 years after the determination date of this approval unless works have physically commenced on the development.

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 09_0033

Responsibility for other consents / agreements

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

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2000 (as amended).

Legal notices

Any advice or notice to the Certifying Authority and the PCA shall be served on the Council.

PART C—DEFINITIONS

In this approval,

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

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

Council means Ku-ring-gai Council.

CPI means Consumer Price Index.

Department means the Department of Planning or its successors.

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

Environmental Assessment means the Environmental Assessment prepared by Meriton Apartments Pty Ltd dated 9 March 2009 and as amended by responses and revised plans submitted by Meriton Apartments on 1, 9, 26 and 29 June 2009.

Minister means the Minister for Planning.

MP No. 09_0033 means the Major Project described in the Proponent's Environmental Assessment.

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

PPR means Preferred Project Report.

Proponent means Meriton Apartments Pty Ltd or any party acting upon this approval.

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

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

SCHEDULE 2**RECOMMENDED CONDITIONS OF APPROVAL****MAJOR PROJECT NO. 09_0033****PART A—ADMINISTRATIVE CONDITIONS****A1 Development Description**

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

1. The excavation of the site and construction of one basement level to accommodate car parking for 26 vehicles;
2. The demolition of 3 Pymble Avenue;
3. Construction of one residential building containing a total of 25 residential apartments;
4. Associated landscaping works;
5. The removal of trees within and next to basement walls;
6. Construction of a new access road; and
7. Subsequent Strata Title subdivision.

A2 Development in Accordance with Documents

The development will be undertaken in accordance with the Environmental Assessment and Draft Statement of Commitments dated 9 March 2009 prepared by Meriton Apartments Pty Ltd and all Appendices, except where varied by the following drawings:

Architectural (or Design) Drawings prepared by Meriton Apartments Pty Ltd.			
Drawing No.	Revision	Name of Plan	Date
A-110	B	SITE PLAN – ARCH 200	05/06/2009
A-401	B	E Level 01 – ARCH 100	24/06/2009
A-402	C	E Level 02 – ARCH 100	24/06/2009
A-403	C	E Level 03 – ARCH 100	24/06/2009
A-404	C	E Level 04 – ARCH 100	24/06/2009
A-405	C	E Level 05 – ARCH 100	24/06/2009
A-406	C	E Level 06 – ARCH 100	24/06/2009
A-407	C	E Level 07 – ARCH 100	24/06/2009
A-408	A	E Level 08 – ARCH 100	24/06/2009
A-420	B	E Elevations - North	05/06/2009
A-421	B	E Elevations - South	05/06/2009
A-422		E Elevations - East	3/04/2009
A-423	B	E Elevations - West	3/04/2009
A-431		Section C – Block E	04/06/2009
Landscape Drawings prepared by Site Image Pty Ltd Landscape Architects			
Drawing No.	Revision	Name of Plan	Amendment Date
DA000	B	Site Plan	19/02/2009
DA100	B	Existing Trees Survey	19/02/2009
DA201	B	Landscape Plan – Level Two	19/02/2009
DA202	B	Landscape Plan – Level Three	19/02/2009

DA301	B	Deep Soil Plan	19/02/2009
DA501	B	Details	19/02/2009
Civil Engineering Drawings prepared by Meriton Apartment Pty Ltd.			
Drawing No.	Revision	Name of Plan	Date
A111	C	Level 01 – ARCH 2000	15/15/2009
E-500-EXCAV		Excavation Plan – Trees to remain	18/11/2008
E-501-EXCAV	1	Excavation Plan – Elevations & Details	03/12/2008
001	A	Sedimentary Control Plans & Device layouts	12/02/2008
C002	T2	Stormwater Plan Layout	01/2009

except for:

- (1) otherwise provided by the conditions of this approval.

A3 Inconsistency between documents

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

A4 Prescribed Conditions

The Proponent shall comply with the prescribed conditions of development approval under clause 98 of the *Environmental Planning and Assessment Regulation 2000* in relation to the requirements of the Building Code of Australia (BCA).

A5 Lapsing of Approval

The project approval will lapse 5 years after the approval date in Part A of Schedule 1 of this approval unless specified actions has been taken in accordance with Section 75Y of the Act.

A6 Compliance with relevant Legislation and Australian Standards

The Proponent shall comply with all relevant Australian Standards and Codes (including Building Code of Australia) and obtain all necessary approvals required by State and Commonwealth legislation in undertaking the project described in Condition A1, Part A, Schedule 2 of this approval.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Details and Changes

B1 Design Modifications

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

- (a) The balcony of apartment 414 within Building E that is adjacent to a bedroom of the neighbouring property (1 Pymble Avenue) is to be provided with an appropriate screening and louvre system, together with the provision of opaque balustrades.
- (b) The area of wrap-around balconies at each level above ground floor level on the northern corner of the building facing the north east (overlooking 1 and 1A Pymble Avenue) shall have the balustrade erected no more than 1 metre from the external building wall and shall include the provision of opaque balustrades to the north eastern alignment.
- (c) An amended landscape plan prepared in accordance with Council's DA Guide by a landscape architect or qualified landscape designer shall address the following:
 - A minimum of 50% of trees to be planted on site are to be species consistent with the Sydney Bluegum High Forest plant community.
 - Screening mid and upper canopy trees and shrubs capable of attaining a minimum height of 3.0m are to be planted adjacent to the south-western site boundary between New Street and the boundary alignment for neighbour amenity.
 - A mix and intermittent planting schedule of mid and upper canopy shrubs and trees shall be provided to the north eastern (side) boundary with No. 1 Pymble Avenue to provide screening for neighbour amenity but without creating a solid dense wall of vegetation.
 - Small endemic tree species eg *Elaeocarpus reticulatus* (Blueberry Ash) are to be planted in groupings adjacent to the south-western site boundary for neighbour amenity.
 - A minimum of 25% of overall planting of the site including trees and shrubs is to be native endemic species consistent with the Sydney Bluegum High Forest plant community.

The applicant is to submit plans demonstrating an appropriate design to prevent overlooking of the adjoining properties, and an amended landscape plan. The details shall be submitted to and approved by the Director prior to the issue of the Construction Certificate for works above ground level.

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

B2 External finishes and materials (new building)

Prior to the issue of the Construction Certificate for the above ground works or basement car park, the Certifying Authority shall be satisfied that the external finishes of the building are consistent with the character of the streetscape including face brick, some sandstone, timber and limited feature walls of painted masonry, as well as recessive, darker colours. The materials are to be complimentary to the approved architectural appearance of the development.

Note: Details of the colour, finish and substance of all external materials, including schedules and a sample board of materials and colours, are to be submitted.

B3 Outdoor lighting

Prior to the issue of a Construction Certificate for the above ground works or basement car park, the Certifying Authority shall be satisfied that all outdoor lighting will comply with AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

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

B4 Access for people with disabilities (residential)

Prior to the issue of the Construction Certificate for the above ground works or basement car park, the Certifying Authority shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access.

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

B5 Excavation for services

Prior to the issue of the Construction Certificate for the above ground works or basement car park, the Principal Certifying shall be satisfied that no proposed underground services (ie. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

Note: A plan detailing the routes of these services and trees protected under the Tree Preservation Order, shall be submitted to the Principal Certifying Authority.

B6 Noise from road and rail

Prior to the issue of the Construction Certificate for the above ground works or basement car park, the Certifying Authority shall be satisfied that the building is acoustically designed and constructed to meet the requirements of AS 2107 and the Environment Protection Authority's Guidelines for Acoustic Privacy within Premises.

Note: Plans and specifications of the required acoustic design shall be prepared by a practicing acoustic engineer and shall be submitted to the Principal Certifying Authority.

B7 Car parking allocation

Car parking within the development shall be allocated in the following way:

Resident car spaces:	25
Visitor spaces:	1
Total spaces:	26

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

Consideration must be given to the means of access from disabled car parking spaces to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted with the Construction Certificate for the basement layout.

B8 Number of bicycle spaces

The basement car park shall be adapted to provide 11 bicycle spaces. The bicycle parking spaces shall be designed in accordance with AS2890.3. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the basement layout.

B9 Energy Australia requirements

Prior to issue of the Construction Certificate for the above ground works or basement car park, the applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate.

Any structures or other requirements of Energy Australia shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.

B10 Utility provider requirements

Prior to issue of the Construction Certificate for the above ground works or basement car park, the applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

B11 Underground services

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

B12 Final Landscape Plan and Tree Replenishment

A final landscape plan must be submitted to the Principal Certifying Authority. The property shall support a minimum number of five (5) canopy trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, the existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to the Principal Certifying Authority and approved by a Landscape Architect or qualified Landscape Designer prior to release of a Construction Certificate for the above ground works or basement car park.

B13 Paving near trees

Prior to the issue of the Construction Certificate for the above ground works or basement car park, the Principal Certifying Authority shall be satisfied that paving works within the specified radius of the trunk(s) of the following tree(s) will be of a type and construction to ensure that existing water infiltration and gaseous exchange to the tree(s) root system is maintained.

Schedule	Tree/location	Radius from trunk
Eucalyptus saligna (Sydney Bluegum)	Adjacent to northern site boundary within 1 Pymble Ave	8.0m
Liquidambar styraciflua (Sweet Gum)	Pymble Ave nature strip	7.0m

Note: Details of the paving prepared by a suitably qualified professional shall be submitted to the Principal Certifying Authority.

B14 Tree protection bond

Prior to the commencement of any development or excavation works or prior to the issue of the Construction Certificate (whichever comes first) the applicant must lodge a \$2 000.00 tree protection bond with Council. This bond is to provide security that the, *Liquidambar styraciflua* (Sweet Gum) on the Pymble Ave nature strip, is maintained in a healthy condition as found prior to commencement of work upon the site.

The bond shall be lodged in the form of a deposit or bank guarantee. The bond will be returned following issue of the Occupation Certificate, provided the tree is undamaged and is in a healthy condition.

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

B15 Stormwater detention and retention

Prior to the issue of a Construction Certificate for the above ground works or basement car park, the Principal Certifying Authority is to be satisfied that:

1. A mandatory rainwater retention and re-use system, comprising storage tanks and ancillary plumbing is provided. The minimum total storage volume of the rainwater tank system, and the prescribed re-use of

the water on site must satisfy all relevant BASIX commitments and the requirements specified in Chapter 6 of Ku-ring-gai Water Management Development Control Plan 47; and

2. An on-site stormwater detention system must be provided to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with Chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The on-site detention system must be designed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in Appendix 5 of DCP 47.

B16 Overland flowpath details

Prior to issue of the Construction Certificate for the above ground works or basement car park, the applicant must submit, for approval by the Principal Certifying Authority and by Council as the owner of the trunk drainage system, scale construction plans and specifications in relation to the overland flowpath associated with the trunk drainage system traversing the site. A suitably qualified civil/ hydraulic engineer must certify that the architectural drawings are compatible with the Council-approved drawings for the overland flowpath.

B17 Stormwater management plan

Prior to issue of the Construction Certificate for the above ground works or basement car park, the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:

- exact location and reduced level of discharge point to the public drainage system
- Layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence)
- location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems and where proprietary products are to be used, manufacturer specifications or equivalent shall be provided
- specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments
- details of the required on-site detention tanks required by Ku-ring-gai Water Management DCP 47, including dimensions, materials, locations, orifice and discharge control pit details as required (refer Chapter 6 and Appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements)
- the required basement stormwater pump-out system is to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design)

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia.

B18 Basement car parking details

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

- all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 – 2004 "Off-street car parking"
- a clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement
- no doors or gates are provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area

- the vehicle access and accommodation arrangements are to be constructed and marked in accordance with the certified plans

B19 Driveway grades - basement carparks

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

- all changes in grade (transitions) comply with Australian Standard 2890.1 - "Off-street car parking" (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

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

B20 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 the above ground works or basement car park.

B21 Design of garbage rooms

For the purpose of access, safety, health 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 floors and walls.
- c) Provided with hot and cold hose cocks for cleaning.
- d) Provided with lighting and adequate ventilation.
- e) Provided 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 above ground works or basement car park.

B22 Stormwater quality control

Prior to issue of any Construction Certificate for the above ground works or basement car park, the applicant shall submit, for approval by the Principal Certifying Authority, 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.

B23 Infrastructure restoration fee

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

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by

Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.

e) In this condition:

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

"Infrastructure Restoration Fee" means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

B24 Section 94 contribution

Ku-ring-gai Section 94 Contributions Plan 2004-2009

A contribution pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Ku-ring-gai Section 94 Contributions Plan 2004-2009 for the services detailed in column A and for the amount detailed in Column B is required.

Column A	Column B
Community facilities	\$15,972
Park acquisition and embellishment works	\$244,300.09
Park embellishment works	\$38,626.67
Sports grounds works	\$54,652.81
Aquatic / leisure centres	\$3,235.43
Traffic and transport	\$4,564.65
Section 94 Plan administration	\$4,091.98
Sub Total	\$345,443.69

The contribution shall be paid to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index. Prior to payment, you are advised to check the contribution amount required with Council.

Ku-ring-gai Town Centres Development Contributions Plan 2008

Column A	Column B
Access & transport facilities	\$22,632
Community facilities	\$8,919
Streetscape & public domain facilities	\$128,263
Other	\$701
Sub Total	\$160,515

TOTAL CONTRIBUTION PAYABLE = \$505,958.69

B25 Security bond - Repair of Public Infrastructure

Prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction, the applicant shall lodge a \$50,000 (fifty 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. The bond shall be refundable following the completion of all works relating to the proposed development or at the end of any maintenance period stipulated by the 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 or commenced repairing the damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.

PART C—PRIOR TO COMMENCEMENT OF WORKS

C1 Construction Certificate required prior to construction works

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:

- (a) a Construction Certificate for the building work has been issued by the consent authority, Council or a certifying authority; and
- (b) a Principal Certifying Authority has been appointed and the Department and Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

C2 Notice of Commencement

At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

C3 Notification of builders details

Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

C4 Sediment Controls

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

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

C5 Erosions and drainage management

Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing manual "Managing Urban Stormwater: Soils and Construction" certificate. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

C6 Tree protection fencing

To preserve the following tree/s, no work shall commence until the area beneath their canopy is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Schedule	Tree/location	Radius in metres
Eucalyptus saligna (Sydney Bluegum)	Adjacent to northern site boundary in rear garden of 1 Pymble Ave	6.0m
Liquidambar styraciflua (Sweet Gum)	Pymble Ave nature strip	6.0m (excluding that area of Pymble Avenue)

C7 Tree protection fencing type galvanised mesh

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

C8 Tree protection signage

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

- tree protection zone
- this fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
- any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report
- the arborist's report shall provide proof that no other alternative is available
- the arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council
- the name, address, and telephone number of the developer.

C9 Tree protection mulching

Prior to works commencing and throughout construction, the area of the tree protection zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood.

C10 Tree fencing inspection

Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

C11 Dilapidation survey and report (public infrastructure)

Prior to use of the construction routes stated below, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures of the following public infrastructure, has been completed and submitted to Council:

Avon Road: Pymble Avenue to vehicle entrance to Pymbles Ladies College

Pymble Avenue: Avon Road to Rand Avenue

Everton Street: Pymble Avenue to Livingstone Avenue

Livingstone Avenue: Pacific Highway to Rand Avenue

The report must be completed by a consulting structural/civil engineer. Other roads in the area are not available for construction traffic apart from vehicles less than 3.0 tonne gross unless written approval is obtained 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 in-ground services.

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

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

C12 Dilapidation survey and report (private property)

Prior to the commencement of any demolition or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures upon the following lands, has been completed and submitted to Council:

- 1 Pymble Avenue, Pymble

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

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

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

C13 Construction and traffic management plan

The applicant must submit to Council a Construction Traffic Management Plan (TMP) for Building E, which is to be approved prior to the commencement of any works on site.

The plan is to consist of a report with Traffic Control Plans attached.

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

The report is to contain construction vehicle routes for approach and departure to and from all directions.

The report is to contain a site plan showing entry and exit points. Swept paths are to be shown on the site plan showing access and egress for an 11 metre long heavy rigid vehicle.

The Traffic Control Plans are to be prepared by a qualified person (red card holder). One must be provided for each of the following stages of the works:

- Demolition
- Excavation
- Concrete pour
- Construction of vehicular crossing and reinstatement of footpath
- Traffic control for vehicles reversing into or out of the site.

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

When a satisfactory TMP is received, a letter of approval will be issued with conditions attached. Traffic management at the site must comply with the approved TMP as well as any conditions in the letter issued by Council. Council's Rangers will be patrolling the site regularly and fines will be issued for any non-compliance with this condition.

C14 Work zone

The applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install a work zone. Work zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Work zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site.

If the work zone is approved by the Local Traffic Committee, the applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit this to the Principal Certifying Authority prior to commencement of any works on site.

Where approval of the work zone is resolved by the Committee, the necessary work zone signage shall be installed (at the cost of the applicant) and the adopted fee paid prior to commencement of any works on site. At the

expiration of the work zone approval, the applicant is required to remove the work zone signs and reinstate any previous signs at their expense.

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

C15 Erosion and drainage management

Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing manual "Managing Urban Stormwater: Soils and Construction" certificate. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

C16 Geotechnical report

Prior to the commencement of any bulk excavation works on site, the applicant shall submit to the Principal Certifying Authority, the results of the detailed geotechnical investigation on the site. The report is to address such matters as:

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

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

PART D—DURING CONSTRUCTION

Site Maintenance

D1 Approved plans to be on site

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

D2 Engineering fees

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

D3 Demolition, excavation and construction hours

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 2.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 7.30am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon and 1.00pm.

Where it is necessary for works to occur outside of these hours (i.e. concrete pours and standing of plant), approval for such will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

Note: Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued.

D4 Construction noise

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

D5 Site notice

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

The site notice must:

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

D6 *Dust control*

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out daily

D7 *Use of road or footpath*

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

D8 *Construction signage*

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

D9 *Erosion control*

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

D10 *Asbestos Removal*

All demolition works involving the removal and disposal of asbestos cement must be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission (NOHSC: "Code of Practice for the Safe Removal of Asbestos" and any Council guidelines

D11 *Classification of Waste*

Prior to the exportation of waste from the site, the waste materials must be classified to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility.

D12 Disposal of Asbestos

All asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos.

D13 Asbestos Removal Signage

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.

D14 Sydney Water Section 73 Compliance Certificate

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

D15 Arborist's report

The trees to be retained shall be inspected, monitored and treated by a qualified arborist during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the arborist to the Principal Certifying Authority are required at the following times or phases of work:

Schedule	Tree/location	Time of inspection
Eucalyptus saligna (Sydney Bluegum)	Adjacent to northern site boundary in rear garden of 1 Pymble Ave	At four monthly intervals during construction
Liquidambar styraciflua (Sweet Gum)	Pymble Ave nature strip	At four monthly intervals during construction

D16 Cutting of tree roots

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk(s) of the tree(s) identified in condition D11 shall be severed or injured in the process of any works during the construction period.

D17 Tree planting on nature strip

2 'Eucalyptus saligna (Sydney Bluegum)' tree species shall be planted, at no cost to Council, in the nature strip fronting the property alongpymble Avenue. The tree(s) used shall be a minimum 25 litres container size specimen(s)

D14 Canopy replenishment trees to be planted

The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species

D18 Road Opening Permit

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

D19 Road repairs necessitated by excavation and construction works

It is highly likely that damage will be caused to the roadway at or near the subject site as a result of the construction (or demolition or excavation) works. The applicant, owner and builder (and demolition or excavation

contractor as appropriate) will be held responsible for repair of such damage, regardless of the Infrastructure Restorations Fee paid (this fee is to cover wear and tear on Council's wider road network due to heavy vehicle traffic, not actual major damage).

Section 102(1) of the Roads Act states "A person who causes damage to a public road is liable to pay to the appropriate roads authority the cost incurred by that authority in making good the damage."

Council will notify when road repairs are needed, and if they are not carried out within 48 hours, then Council will proceed with the repairs, and will invoice the applicant, owner and relevant contractor for the balance.

D20 Maintenance period for works in public road

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

PART E—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

E1 Occupation Certificate to be Submitted

An Occupation Certificate must be obtained from the Certifying Authority and a copy submitted to the Department and Council prior to the commencement of occupation or use of the building.

The following documents should be forwarded to the Department and council within two (2) days of the date of the Certificate being determined:

- (a) A copy of the determination;
- (b) Copies of any documents that were lodged with the Occupation Certificate application;
- (c) A copy of Occupation Certificate, if it was issued;
- (d) A copy of the record of all critical stage inspections and any other inspection required
- (e) by the PCA;
- (f) A copy of any missed inspections; and
- (g) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

E2 Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 232855M have been complied with.

E3 Mechanical ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Principal Certifying Authority shall be satisfied of the following prior to the issue of any Occupation Certificate:

- The installation and performance of the mechanical systems complies with:
 - the Building Code of Australia
 - Australian Standard AS1668
 - Australian Standard AS3666 where applicable
- The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest adjoining boundary.

Note: Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

E4 Accessibility

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that:

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 – 1993
- the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

E5 Sydney Water Section 73 Compliance Certificate

Prior to issue of an Occupation Certificate the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifying Authority

E6 *Infrastructure repair*

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

E7 *Completion of landscape work*

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

E8 *Post construction dilapidation report*

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

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

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

E9 *WAE plans for stormwater management and disposal*

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

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

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

E10 *OSD positive covenant/restriction*

Prior to issue of the Final Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to appendices of

Ku-ring-gai Council Water Management DCP 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

E11 Infrastructure repair

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

E12 Sydney Water Section 73 Compliance Certificate

Prior to issue of an Occupation Certificate the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifying Authority

E13 New Street 01 - subject development

The residents of Building E and the associated owners' 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 Strata Subdivision Certificate.

E14 Submission of plans of subdivision (strata)

For issue of the subdivision certificate, the applicant shall submit an original plan of subdivision plus 6 copies suitable for endorsement by the consent authority. The following details must be submitted with the plan of subdivision and its copies, where Council is the consent authority:

- a) the endorsement fee current at the time of lodgement
- b) the 88B instrument plus 6 copies
- c) all surveyors and/or consulting engineers' certification(s) required under this subdivision consent.
- d) Proof of payment of S94 contributions.

All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision. Where Council is the certifying authority, 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 re-checking fees.

Plans (and copies) of subdivision must not be folded. Council will not accept bonds in lieu of completing subdivision works. If the certifying authority is not Council, then a copy of all of the above must be provided to Council.

E15 General easement/R.O.W. provision and certification

Prior to issue of the Subdivision Certificate, a registered surveyor is to provide details to Council that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision. Alternatively, where the surveyor is of the opinion that creation of burdens and benefits is not required, then proof to this effect must be submitted to the Principal Certifying Authority.

E16 Submission of certification of as-constructed development

Prior to the issue of the Subdivision Certificate, the applicant is to submit a survey report and surveyor's certificate which confirms that

- (a) The floors, external walls and ceilings depicted in the proposed strata plan for the building correspond to those of the building as constructed;
- (b) The floors, external walls and ceilings of the building as constructed correspond to those depicted in the building plans that accompanied the construction certificate for the building; and
- (c) Any facilities required by the development consent for the building (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.

E17 Easement for drainage of water

An easement for the drainage of water across the site and benefitting Nos. 1 and 1A Pymble Avenue shall be registered on title. Evidence that the required easement has been registered on title shall be provided to the Certifying Authority prior to the issue of the Final Occupation Certificate for the approved development.

PART G —POST OCCUPATION

G1 *Annual Fire Safety Certification*

The owner of the building shall certify to Council and the NSW Fire Brigade 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. The 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.

G2 *Outdoor lighting*

At all times for the life of the approved development, all outdoor lighting shall not detrimentally impact upon the amenity of other premises and adjacent dwellings and 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.

G3 *Car parking*

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

These requirements are to be enforced through the following:

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

G4 *Noise Control - Operational*

The use of the premises shall not cause a nuisance, or an offensive noise as defined in the Protection of the Environment Operations Act 1997, to adjoining properties or the public.

G5 *Noise Control – Plant and Machinery*

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:

- (1) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (2) A sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute.
- (3) Notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.

G6 *Loading*

All loading and unloading, including deliveries to and from the site in connection with the use must be carried out in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

ADVISORY NOTES

AN1 *Use of Mobile Cranes*

The proponent 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.

AN2 *Movement of Trucks Transporting Waste Material*

The proponent 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.

AN3 *Disability Discrimination Act*

This application is to comply with the *Disability Discrimination Act 1992*. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

SCHEDULE 3

MP 09_0033

3-5 PYMBLE AVENUE AND 5A PYMBLE AVENUE (ACCESS HANDLE ONLY) PYMBLE

DRAFT STATEMENT OF COMMITMENTS

(SOURCE: ENVIRONMENTAL ASSESSMENT REPORT 9 MARCH 2009)

DRAFT STATEMENT OF COMMITMENTS

ISSUE	STATEMENT
Proposed mitigation & management of residual impacts	Relevant to the proposed development, statement of commitments relate to stormwater management, construction impacts, project waste management, waste collection and crane management. Each of these issues and commitments are made in the paragraphs that follow in this section.
Stormwater Management	Stormwater management of the site will be designed in accordance with the relevant guidelines of Ku-ring-gai Council. An undertaking is made that stormwater will be removed from the development lot by way of pipes and pits connected to the drainage system (currently being designed on behalf of Meriton Apartments Pty Ltd). Where possible, stormwater will be captured and stored for irrigation purposes for landscaping. The use of any such water will be undertaken in accordance with the relevant standards and regulations.
Construction Impacts	Noise emissions are primarily from machinery on the site and trucks entering and leaving a development site. To minimise noise impacts, the hours of work will be restricted to between 7am-6pm Monday-Fridays 8am-2pm Saturdays and no work and no deliveries are to take place on Sundays and public holidays. Sediment run off will be managed with the provision of siltation traps, silt meshing at sensitive locations along the perimeter of the site during construction of the buildings. Sediment control management will be based on the Ku-ring-gai Council's guidelines.
Waste Generation & collection	Waste collection for the final development has been designed to take place from a central collection point in approved Building A. Elephant's Foot Pty Ltd has advised on the location and size of garbage rooms in accordance with Council's requirements (refer to Annexure 11). Where possible, grey water will be captured and stored for irrigation purposes for landscaping. The use of any such water will be undertaken in accordance with the relevant standards and regulations.
Use of Cranes	Cranes and other equipment will not intrude above rail corridor land. Wiring will be appropriately covered where equipment or cranes are over transmission lines. To reduce the impact of existing residents, operating hours of 7am-6pm Monday to Friday and 7am-5pm Saturdays and Sundays will be undertaken by construction companies and subcontractors.
Mitigation of amenity impacts from construction activities	Relevant mitigation matters have been identified and addressed above. A complete Construction Management Plan will be prepared and submitted with an application for a Construction Certificate for the development.