

Project Approval

Section 75J of the *Environmental Planning & Assessment Act 1979*

SCHEDULE 1

PART A: PARTICULARS

Application No.:	MP10_0219
Proponent:	Ausbao (NSW) Management Pty Ltd
Approval Authority:	Land and Environment Court
Land:	1, 1A, 3 and 5 Avon Road and 4 and 8 Beechworth Road, Pymble (Lot 1 DP 583803, Lot 2 DP 583803, Lot 1 and Lot 2 DP 205504, Lot 1 DP 403072 and Lot 3 DP 403072) (Site)

Residential development comprising:

- construction of three residential flat buildings of 3-10 storeys to provide 174 dwellings and 257 parking spaces across four basement levels;
- interim subdivision into two super lots;
- four lot subdivision on north-western side of the Site;
- construction of four single residential dwelling houses and associated vehicular access on the four lots;
- retention and restoration of the building on 1 Avon Rd (**Heritage Item**) for common use of future residents;
- demolition of structures on the Site, including the pool and shed at 1 Avon Rd in accordance with the approved demolition plan;
- landscaping, stormwater infrastructure, construction of a footpath on Avon Rd; and
- Implementation of a Vegetation Management Plan to manage and protect the proposed conservation area.

PART B: NOTES RELATING TO THE DETERMINATION OF MP10_0219

Responsibility for other approvals / agreements

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

Legal Notices

Any advice or notice to the approval authority shall be served on the Secretary.

PART C: DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act 1979</i> (as amended)
BCA	means the Building Code of Australia

Principal Certifying Authority	has the same means as Part 4A of the Act
Council	means Ku-ring-gai Council
CTMP	means the Construction Traffic Management Plan by Traffix approved under condition A2
Department	means the Department of Planning and Environment or its successors
Heritage Item	means the building on 1 Avon Rd Item
MP10_0219	means the Project Application for Stage 1 described in the Proponent's Second Further Revised Preferred Project Report dated September 2015
Proponent	includes the Proponent of this Major Project Approval, the Developer or Owner of the Site or any other person carrying out project in reliance upon this Major Project Approval
Regulation	means the <i>Environmental Planning and Assessment Regulation 2000</i>
Secretary	means the Secretary of the Department or her nominee
Site	1, 1A, 3 and 5 Avon Road and 4 and 8 Beechworth Road, Pymble
VMP	means the Vegetation Management Plan by Anne Clements and Associates dated 31 March 2015 approved under condition A2

End of this Section

SCHEDULE 2

PART A - ADMINISTRATIVE CONDITIONS

A1. Development Description

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

- construction of three residential flat buildings of 3-10 storeys to provide 174 dwellings and 257 parking spaces across four basement levels;
- four lot subdivision on north-western side of the Site;
- construction of four single residential dwelling houses and associated vehicular access on the four lots;
- retention and restoration of the building on 1 Avon Rd (the Heritage Item) for common use of future residents;
- demolition of structures on the Site, including the pool and shed at 1 Avon Rd in accordance with the approved demolition plan
- landscaping, stormwater infrastructure, construction of a footpath on Avon Rd; and

- Implementation of a Vegetation Management Plan to manage and protect the proposed conservation area.

A2. Development in Accordance with Plans and Documentation

The development is to be undertaken in accordance with the following plans and documents:

Architectural Plans

MP 20.00	Rev U	Marchese Partners	11 December 2015
MP 21.01 – 21.10	Rev U	Marchese Partners	11 December 2015
MP 22.00	Rev U	Marchese Partners	11 December 2015
MP 22.03 – 22.15	Rev U	Marchese Partners	11 December 2015
MP 23.01 – 23.04	Rev U	Marchese Partners	11 December 2015
MP 26.01 – 26.07	Rev U	Marchese Partners	11 December 2015
MP 27.01 – 27.13	Rev U	Marchese Partners	11 December 2015
MP 28.02 – 28.03	Rev U	Marchese Partners	11 December 2015
MP 30.01 – 30.02	Rev U	Marchese Partners	11 December 2015
MP 31.01 – 31.26	Rev U	Marchese Partners	11 December 2015
MP 32.01 – 32.06	Rev U	Marchese Partners	11 December 2015
MP 33.01 – 33.12	Rev U	Marchese Partners	11 December 2015
MP 34.01 – 34.03	Rev U	Marchese Partners	11 December 2015
MP 40.00	Rev U	Marchese Partners	11 December 2015
MP 41.00 – 41.10	Rev U	Marchese Partners	11 December 2015
MP 42.00 – 42.11	Rev U	Marchese Partners	11 December 2015
MP 43.00 – 43.11	Rev U	Marchese Partners	11 December 2015
MP 44.00 – 44.10	Rev U	Marchese Partners	11 December 2015
MP 45.01 – 45.26	Rev U	Marchese Partners	11 December 2015
MP 52.01 – 52.12	Rev U	Marchese Partners	11 December 2015
MP 54.01 – 54.04	Rev U	Marchese Partners	11 December 2015
GFA data sheets (3 of)	Rev U	Marchese Partners	14 December 2015
Condenser Location Schedule	Rev U	Marchese Partners	14 December 2015

Balcony Mounted Condenser Sketch		A+ Design Group	undated
-------------------------------------	--	-----------------	---------

Landscape Plans

LA00	Rev B	Taylor Brammer	1 September 2015
LA01	Rev B	Taylor Brammer	16 December 2015
LA02 - LA03	Rev A	Taylor Brammer	7 August 2015
LA04-LA05	Rev B	Taylor Brammer	31 August 2015
LA05A	Rev A	Taylor Brammer	31 August 2015
LA06	Rev B	Taylor Brammer	31 August 2015
LA07	Rev A	Taylor Brammer	7 August 2015
LA08	Rev B	Taylor Brammer	16 December 2015
LA09	Rev A	Taylor Brammer	7 August 2015
LA10 – LA11	Rev B	Taylor Brammer	4 September 2015
LA12	Rev A	Taylor Brammer	7 August 2015
LA13	Rev B	Taylor Brammer	16 December 2015
LA14	Rev A	Taylor Brammer	7 August 2015
LA15	Rev B	Taylor Brammer	16 December 2015
LA16	Rev A	Taylor Brammer	7 August 2015
LA17 – LA18	Rev B	Taylor Brammer	31 August 2015
LA19	Rev A	Taylor Brammer	7 August 2015
LA 20	Rev B	Taylor Brammer	16 December 2015
LA 21 – LA 23	Rev A	Taylor Brammer	7 August 2015
LA23A – LA23B	Rev A	Taylor Brammer	7 August 2015
LA24	Rev A	Taylor Brammer	7 August 2015
LA25-LA26	Rev B	Taylor Brammer	1 September 2015
LA27-LA31	Rev A	Taylor Brammer	7 August 2015
LA32	Rev B	Taylor Brammer	4 September 2015

Subdivision Plans

150004 P8	Rev A	Robert Moore & Associates	31 August 2015
150004 P9	Rev A	Robert Moore & Associates	15 April 2015

Reports and other documents

	Date	Author	Description
1.	4 September 2015	Marchese Partners	SEPP 65 Design Verification Statement compliance table
2.		Marchese Partners	Finishes Board
The following appendices to the Second Further Revised Preferred Project Report by JBA Planning dated August 2015 (as updated):			
3.	15 December 2015	Australian Bushfire Protection Planners Pty Ltd	Bushfire Protection Assessment
4.	31 March 2015	Anne Clements and Associates	Revised Vegetation Management Plan
5.	30 July 2015	Traffix	Pedestrian Crossing Treatment
6.		Units 628567M Lot 1 653270S Lot 2 656428S Lot 3 656429S Lot 4 656333S	BASIX certificates
7.	18 December 2015	Accessibility Solutions	Access Report
8.	14 December 2015	Traffix	Construction Traffic Management Plan Ref 15.026
9.	18 December 2015	Sebastian Giglio Acoustic Consultant	Rail Noise Assessment Ref 204218C/D04

10.	December 2015	NPC	Stormwater Aspects and Riparian Management Job 2514
11.	December 2015	Tree Wise Men	Arboricultural Assessment Report
12.	15 December 2015	Elephants Foot	Waste Management Plan
13.	26 November 2015	Sydney Trains	Letter to Meg Bartholomew Price Waterhouse Coopers ref 306896
14.	30 June 2015	Douglas Partners	Geotechnical Report

Except:

- for any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- as otherwise provided by the conditions of this approval.

A3. Inconsistencies between documents

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

A4. Prescribed Conditions

The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the *Environmental Planning & Assessment Regulation 2000* in relation to the requirements of the BCA.

A5. Compliance with Building Code of Australia

All new building work must be carried out in accordance with the provisions of the BCA.

A6. Lapsing of Approval

This approval shall lapse 5 years after the determination date shown above in this Instrument of Approval unless physically commenced before then.

A7. Responsibility for other approvals / agreements

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

A8. Interim subdivision steps

This approval includes any interim subdivision steps as may be efficacious to carry out the approved development, including subdivision of the Site into 2 super lots for further subdivision into, respectively, (a) the four housing lots and (b) the apartments and common property.

End of Part A

PART B – GENERAL

B1. Detailed Drawings

Detailed construction drawings, specifications and other supporting documentation required for a Construction Certificate are to be prepared in accordance with the terms of this Project Approval and comply with the requirements of the Building Code of Australia.

B2. Pedestrian Crossing Upgrades on Avon Road

The Proponent is to investigate the vehicle swept paths for the location of the pedestrian refuge at the bend in Avon Road to ascertain whether it would impact on the path of travel for coaches and other heavy vehicles. In the event that this option is demonstrated not to be feasible, an alternative solution is to be designed in consultation with Council and approved by the Local Traffic Committee, prior to occupation of the first residential flat building.

B3. Further Approvals

The following shall be subject of separate development applications to Council under Part 4 of the Act (except where exempt and complying development applies):

- Strata subdivision.

End of Part B

PART C - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

C1A. Development Contributions – Four Dwelling Houses

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a s94 Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows based on the **September 2015 Quarter**.

This contribution is based on a demand for 4 x 3+ bedroom dwelling houses with a credit for 1 x 3+ bedroom dwelling houses.

Contribution

Recreation/Cultural/Social facilities	\$8,980.59
Parks/Sporting facilities	\$77,224.65
New roads/Road modifications	\$13,968.72
Townscape/Transport/Pedestrian Facilities	\$35,166.00

Total Contribution: \$ 135,339.96

The contribution shall be paid to Council prior to the issue of any Construction Certificate **for the construction of any of the four dwellings excluding a Construction Certificate for demolition and site works only, and/or prior to** any Linen Plan, Certificate of Subdivision (except for the linen plan/subdivision certificate for the interim two lot subdivision) or Occupation Certificate whichever comes first in accordance with Ku-ring-gai Contributions Plan 2010.

The contributions specified above are subject to indexation and will continue to be indexed to reflect changes in the consumer price index and housing price index until they are paid in accordance with Ku-ring-gai Contributions Plan 2010 to reflect changes in the consumer price

index and housing price index. Prior to payment, please contact Council directly to verify the current payable contributions.

Note: The issue of a construction certificate for any of the four dwellings comprised in this condition will require payment of the total amount listed above plus any indexation. No further staging of this condition at time of payment will be permitted. Partial payments of contributions are not accepted.

Copies of Council's Contribution Plans can be viewed at Council Chambers, 818 Pacific Hwy Gordon or on Council's website at www.kmc.nsw.gov.au.

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

C1B. Development Contributions – Apartment Development

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a s94 Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows.

Where a contribution is based on a demand for 64 x 1 bedroom units, 87 x 2 bedroom units and 23 x 3 bedroom units with a credit for 2 x 3+ bedroom dwelling houses based on the September 2015 Quarter.

Contribution

Recreation/Cultural/Social facilities	\$308,328.15
Parks/Sporting facilities	\$2,651,379.19
New roads/Road modifications	\$451,106.87
Townscape/Transport/Pedestrian Facilities	\$1,207,364.50

Total Contribution: \$ 4,618,178.71

The contribution shall be paid to Council prior to the issue of any Construction Certificate **for any form of construction including basements, car parks and subfloor areas but excluding any Construction Certificate for demolition and site works only, and/or prior to** any Linen Plan, Certificate of Subdivision (except for the linen plan/subdivision certificate for the interim two lot subdivision) or Occupation Certificate whichever comes first in accordance with Ku-ring-gai Contributions Plan 2010.

The contributions specified above are subject to indexation and will continue to be indexed to reflect changes in the consumer price index and housing price index until they are paid in accordance with Ku-ring-gai Contributions Plan 2010 to reflect changes in the consumer price index and housing price index. Prior to payment, please contact Council directly to verify the current payable contributions.

Note: The issue of a construction certificate for any of the physically separate unit buildings comprised in this condition will require payment of the total amount listed above plus any indexation. No further staging of this condition at time of payment will be permitted. Partial payments of contributions are not accepted.

Copies of Council's Contribution Plans can be viewed at Council Chambers, 818 Pacific Hwy Gordon or on Council's website at www.kmc.nsw.gov.au.

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

C2. Structural Details

Detailed construction drawings, specifications and other supporting documentation required for any relevant Construction Certificates are to be submitted to the Principal Certifying Authority in accordance with the terms of this Approval and comply with the requirements of the Building Code of Australia.

C3. Stormwater Management Plan

Prior to issue of the relevant Construction Certificate, the Proponent must submit, for approval by the Principal Certifying Authority, scaled construction plans and specifications in relation to the stormwater management and disposal system for the approved development.

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Ku-ring-gai Local Centres DCP, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia. The plans are to be generally in accordance with the report *Stormwater Management and Riparian Aspects* by NPC dated August 2015 and the report by Civil Certification dated 5 August 2015, and are to be endorsed by the project arborist and ecologist.

C4. Noise from Plant

Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the approved development, prior to the issue of the relevant Construction Certificate the Certifying Authority, shall be satisfied that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the Site's boundaries and shall not exceed the background level at night (10.00pm –6.00 am) when measured at the boundary of the Site.

A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

C5. Utility Provider Requirements

Prior to issue of the relevant Construction Certificate, the Proponent 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.

C6. Energy Australia Requirements

Prior to issue of the relevant Construction Certificate, the Proponent 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 relevant 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.

C7. Long Service Levy

In accordance with Section 109F(i) of the Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

C8. Builders Indemnity Insurance

The Proponent, builder, developer or person who does the work on the approved residential dwellings, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

It is the responsibility of the Proponent, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$12,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$12,000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

C9. BASIX Certificate requirements

Prior to the issue of the relevant Construction Certificate, details of all commitments outlined in the BASIX Certificates submitted with application, shall be incorporated into the development and provided to the Certifying Authority. This shall also include those amendments to the building incorporated into the approved plans. Should design changes require amended BASIX Certificates, a copy is to be provided to the Department, along with stamped plans, for information.

C10. Construction Management Plan (CMP)

The Proponent shall submit, for approval by the Certifying Authority, a detailed Construction Management Plan (CMP) prior to the issue of the Construction Certificate for each stage of works (each Construction Certificate).

The CMP shall:

- (a) incorporate:
 - the CTMP;
 - the Construction Waste Management Plan referred to in condition C16; and
 - the Construction Noise and Vibration Management Plan referred to in condition C28; and
- (b) address the following matters:
 - locations of Site office, accommodation and the storage of major materials related to the project;
 - protection of adjoining properties, pedestrians, vehicles and public assets;
 - location and extent of proposed builder's hoarding and Work Zones; and
 - tree protection management measures for all protected and retained trees; and
- (c) stipulate that all construction signs must comply with the following requirements, that signs:
 - 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; and
 - are removed within 14 days of the completion of all construction works; and
- (d) provide for Site management measures, including demolition and excavation measures, that are to be implemented and where appropriate maintained during the course of demolition/excavation and construction. This includes the following provisions:
- temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the Site. Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the Site has been stabilised or landscaped to the Certifying Authority's satisfaction;
 - a Site fence and silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park/reserve boundary to the Site;
 - adequate measures shall be undertaken to remove clay from vehicles leaving the Site so as to maintain public roads in a clean condition;
 - materials, stockpiles and vehicle stockpile areas are to be located on already cleared and disturbed land well away from creek line, trees, vegetation, habitat, bush rock or other natural features;
 - all excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner. Any excavated material proposed to be used on Site is to be assessed for contamination and is also to be assessed for reuse by a qualified geotechnical engineer. Subject to this contamination assessment and validation that this soil can be reused as foundation material, such soil may be reused on Site as fill. Any material that is not deemed to be suitable for reuse shall be removed from the Site and disposed of in an appropriate fashion;
 - access to the Site through an adjoining park/reserve is prohibited without the written approval of the Council;
 - no skip bins or materials are to be stored on Council's Road Reserve; and
 - provision for and location of parking for all employee/contractor vehicles on site.
- (e) specify that during excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood, by adoption of the following measures:
- 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 for dust control;
 - 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; and
- inspection of footpaths and roadways shall be carried out daily and cleaned as required or as directed by Council.

A copy of the CMP shall be submitted to the Secretary and the Council.

C11. Outdoor Lighting

Prior to the issue of any relevant Construction Certificate, the Certifying Authority shall be satisfied that all outdoor lighting will comply with the relevant Australian Standard.

Details demonstrating compliance with this requirement are to be submitted prior to the issue of a Construction Certificate.

C12. External Service Pipes and the like

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the approved buildings where possible. Details confirming compliance with this condition must be shown on construction certificate plans and detailed with construction certificate specifications. Any required external vents or vent pipes on the roof or above the eaves must be shown on construction certificate plans and detailed with construction certificate specifications.

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

C13. Basement Car Parking Details

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

- all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 – 2004 “Off-street car parking”;
- a clear height clearance of **2.6 metres** is provided over the designated garbage collection truck manoeuvring areas within the basement;
- subject to condition H8, no doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area; and
- the vehicle access and accommodation arrangements are to be constructed and marked in accordance with the certified plans.

C14. Driveway Grades – Basement Parking Levels

Prior to the issue of the relevant Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the 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:

- vehicular access can be obtained using grades of 25% (1 in 4) maximum (20% where access for Council's small waste collection vehicle is required); and
- all changes in grade (transitions) comply with Australian Standard 2890.1 –“Off street car parking” (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

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

C15. Infrastructure Restorations Inspection 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) If an Infrastructure Restoration Fee is payable under the Local Government Act 1993, it 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.

C16. Construction Waste Management Plan

Prior to the issue of the relevant Construction Certificate for any works (including excavation), a Construction Waste Management Plan is to be prepared and submitted to the Certifying Authority.

The Plan is to include the following:

- (a) the amount of demolition, excavation and construction wastes likely to be generated and how these materials are to be sorted and dealt with;
- (b) the design and construction of the internal roads, driveways, turning circles and other infrastructure required for waste services in the development is in accordance with the stated document; and
- (c) commitment to retain the demolition, excavation and construction waste/recycling docket will be retained on-Site to confirm which authorised waste/recycling facilities received the material for recycling or disposal.

C17. Bush Fire Safety Requirements

Prior to the issue of the relevant Construction Certificate the Principal Certifying Authority shall be satisfied that the residential flat buildings will comply with the Bushfire Protection Assessment undertaken by Australian Bushfire Protection dated December 2015.

C18. Minimum storage requirements

The following is to be provided within the basement:

- a minimum of 3m³ for 1 bedroom units
- a minimum of 4m³ for 2 bedroom units
- a minimum of 5m³ for 3 bedroom units

The aforementioned basement storage must be provided within the true basement (as defined in Ku-ring-gai Local Centres LEP) unless they to contribute to gross floor area. This condition does not permit any increase in building footprints, nor does not it permit any reduction in car parking spaces.

The Principal Certifying Authority is to be satisfied prior to the issue of the relevant Construction Certificate that the required storage has been provided, in compliance with this condition. .

C19. Air drying facilities

Prior to the issue of the relevant Construction Certificate, the Certifying Authority shall be satisfied that a common open space area dedicated for open air drying of clothes is provided. This area is to be located at ground level behind the building line of Buildings 1 and in a position that is not visible from the public domain.

Where this is not practical, written confirmation that all units will be provided with internal clothes drying facilities (in the form of a low clothesline below balustrade height on the balconies or electric clothes dryer) is to be submitted to the Certifying Authority, prior to the issue of the relevant Construction Certificate.

C20. Location of plant (for the residential flat buildings)

Prior to the issue of the relevant Construction Certificate, the Certifying Authority shall be

satisfied that all plant and equipment (including but not limited to air conditioning equipment) is located so that it will not be visible from the communal open spaces and the public realm.

All air conditioning condensers are to be located in the basement or roof, with the exception of the following, which may be located on the balconies.

Building 1	1.1.02, 1.1.03, 1.1.04, 1.1.06, 1.2.04, 1.2.05, 1.2.06, 1.2.07, 1.2.08, 1.2.09, 1.3.05, 1.3.06, 1.3.07, 1.3.08, 1.3.09, 1.4.07, 1.4.08, 1.4.10, 1.5.07, 1.5.08, 1.5.10
Building 3	3.1.02, 3.2.04, 3.2.05, 3.3.04, 3.3.05, 3.4.04, 3.4.05, 3.5.02, 3.5.04, 3.5.05, 3.6.07, 3.6.08, 3.7.05, 3.7.06, 3.7.07, 3.8.05, 3.8.06, 3.8.07

All balcony mounted condensers are to be positioned as close as practicable to the rearmost corner of the balcony from the balustrade and are to be screened by enclosures comprising powdercoated metal louvres.

Architectural plans identifying the location of all plant and equipment (including individual air conditioning condensers) shall be provided to the Certifying Authority. Details of the proposed balcony enclosures and screening of rooftop plant must also be provided.

C21. Design of driveway and interallotment drainage work

Prior to the issue of the relevant Construction Certificate for the single residential lots on Beechworth Road, the Principal Certifying Authority is to be satisfied that plans suitable for construction have been prepared by a suitably qualified and experienced engineer or surveyor for the required driveway and interallotment drainage works. Pipe locations are to be as shown on the approved plans to ensure that trees are protected.

C22. Depth of kitchens

For units numbered 1.2.01, 1.3.01, 1.5.01, 1.4.01, 3.7.06 and 3.8.06, the portion of the kitchen exceeding 8m from the window must comprise full height cupboards. No part of a kitchen which can be occupied by a person, or used as a kitchen bench top, can be greater than 8m from a window.

The Principal Certifying Authority shall be satisfied that this condition has been met, prior to issue of the relevant Construction Certificate.

C23. Driveway crossing levels

Prior to the issue of the Construction Certificate for the first residential flat building, the driveway and associated footpath levels for the new driveway crossing between the Site boundary and the road alignment, must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*.

C24. Design of works in the public road (Roads Act approval)

Prior to issue of the Construction Certificate for the first residential flat building, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Director of Operations. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in Avon Road:

- The extent of the footpath between the Site and the existing footpath in Avon Road, and any pedestrian refuge or other suitable means of directing pedestrians across Avon Road, as determined by Ku-ring-gai Traffic Committee.

This development consent does not give approval to any works in the road reserve. The Proponent must obtain a separate approval under sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development.

The required plans and specifications are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works.

A survey must be undertaken as required. 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 (1998). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess any Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection 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.

C25. Amendments to the approved landscape plan

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

Plan no.	Prepared by	Dated
LA01- LA32 A	Taylor Brammer Landscape Architects	August 7 2015

The above landscape plan(s) shall be amended in the following ways:

- Canopy tree planting of a minimum of 5 trees (subject to those trees the meeting bushfire safety requirements set out in condition **H10**) located in suitable positions consistent with the Blue Gum High Forest Vegetation Community are to be shown within the Avon Road front setback within the deep soil areas,.
- Provide medium size native tree planting to complement the scale of the approved development to the deep soil areas to the southern elevation of 1 Avon Road, and between 1 Avon Road and Building 4. Suggested species *Glochidion ferdinandii* or similar.
- The proposed pathway and exercise stations are to be relocated to minimise impacts on the root zones of existing trees in consultation with the Project Arborist. In particular paths in proximity of the following trees require consideration for relocation; Trees 52,53,72,74, 83,85,182,188,201,203,208,229.
- 10 advanced palms (with a minimum height at installation of 4m) are to be provided within the area between the Heritage Item and Building 4. The palm species are to be a combination of Bangalow (*Archontophoenix cunninghamiana*) and Cabbage Tree Palm (*Livistona australis*).

- Additional understorey planting consisting of Blueberry Ash (*Eleocarpus reticulatus*) and Cheese tree (*Glochidion ferdinandi*) is to be provided between the Heritage Item and Building 4, in order to provide a screening effect.

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

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

C26. Excavation for services

Prior to the issue of the relevant Construction Certificate, the Principal Certifying Authority shall be satisfied that no proposed underground services whether temporary or permanent (ie: storm water, water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, will compromise the health or stability of trees to be retained located on the Site or adjoining Sites.

A plan detailing the routes of these services and trees retained shall be submitted with an arborist assessment confirming consistency with this condition to the Principal Certifying Authority.

C27. Heritage glazing

Prior to issue of the relevant Construction Certificate, amended plans and/or details are to be submitted the satisfaction of Council's Heritage Adviser, showing the following:

- a) The proposed leadlight windows to be installed to the lounge room, and reading room, games room (north-western elevation) and kitchen (north-eastern elevation) in the Heritage Item (to achieve visual privacy between the units in Buildings 1 and 4) are to be of a geometric design without coloured panels, similar to the entry doors, sidelights and fanlights within the Heritage Item (where they exist) with glass that obscures the views but is not "frosted.
- b) The notation on architectural plan MP52.02 Revision U stating that "frosted glass" is to be provided to the stairwell, kitchen and tearoom is to be deleted.
- c) A privacy screen is to be installed to the western edge of the terrace area. The screen is to be a traditional timber screen suitable to the Arts and Crafts architectural style of the Heritage Item, to a minimum height of 1.5m. The screen should extend along the western elevation to cover the full extent of the tea room window and the kitchen (north east elevation).

C28. Construction Noise and Vibration Management Plan

Prior to the issue of the relevant construction certificate, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifying Authority. The management plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant Australian Standards and the EPA Interim Construction Noise Policy. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

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

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

C29. Amendments to architectural plans

Amended plans are to be submitted to the satisfaction of the Principal Certifying Authority, prior to issue of the Construction Certificate. The amended plans must show the following:

- All skylights are to be openable.
- High sill windows are to be provided to the southern wall of the southern bedroom of units 4.401 and 4.5.01.
- Skylights are to be provided to the balconies of units 1.5.11, 3.8.07, 3.10.01, 3.10.04, 4.9.01, 4.9.02 and 4.9.03, similar to unit 1.5.07.

End of Part C

PART D – PRIOR TO COMMENCEMENT OF WORKS

D1 Notice of Commencement

At least 48 hours prior to the commencement of any approved development (including demolition, excavation, shoring or underpinning works) the following forms shall be submitted to Council:

- a) a notice of commencement of building or subdivision work form, and
- b) an appointment of the Principal Certifying Authority form.

D2 Notification of Builder's Details

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

D3 Notice of Proposed Work (Contaminated Land)

A notice of proposed work form must be given to Council and the Secretary, in accordance with SEPP 55, Clause 16 if any remediation of contaminated land is required following further investigation as required by the Stage 1 Environmental Site Assessment prepared by Environmental Investigation Services dated December 2012.

At least 30 days' notice is required, except in the case of work required to be carried out immediately under the terms of remediation order (in which case, at least 1 days' notice is required).

Clause 16 of SEPP 55 requires that the notice must:

- be in writing;
- provide the name, address and telephone number of the person who has the duty of ensuring that the notice is given;
- briefly describe the remediation work;
- show why the person considers that the work is category 2 remediation work by reference to Clause 9, 14 and (if it applies) 15(1);
- specify, by reference to its property description and street address (if any), the land on which the work is to be carried out;
- provide a map of the location of the land; and
- provide estimates of the dates for the commencement and completion of the work.

The following additional information must be submitted with the notice to Council:

- copies of any preliminary investigation, detailed investigation and remediation action plan for the Site; and
- contact details for the remediation contractor and any other party responsible for ensuring compliance of remediation work with regulatory requirements.

D4 Dilapidation Survey and Report (Public Infrastructure)

Prior to the commencement of any development 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 of the following public infrastructure, has been completed and submitted to Council:

- Full road pavement width, including kerb and gutter and all intersections, of the most likely heavy vehicle route for construction of the residential flat buildings – the eastern boundary of PLC on Avon Road to the southernmost point of the Site frontage, and Beechworth Road for the frontage of 4 to 8 Beechworth Road Site. All driveway crossings and laybacks opposite the Site.

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

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.

D5 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:

- 7 Avon Road
- 6 Beechworth Road

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 and Vibration Impact Report and subsequent reports and addendums. In the event that access for undertaking the dilapidation survey is denied by a property owner, the Proponent 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.

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 Proponent or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

D6 Excavation Works

- (a) All excavations and backfilling associated with the approved erection or demolition of a building on the Site must be:
 - i. Executed safely and in accordance with appropriate professional standards,

- ii. Properly guarded and protected to prevent them from being dangerous to life or property.
- (b) Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days' written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.
- (c) Any excavated material proposed to be used on Site is to be assessed for contamination and reuse by a qualified geotechnical engineer. Subject to this assessment and validation that the soil can be reused as foundation material, such soil may be reused on Site as fill. Any material that is not deemed to be suitable for reuse shall be removed from the Site and disposed of in an appropriate manner.

D7 Construction and Traffic Management Plan (CTMP)

The Proponent must submit to Council the detailed traffic control plans referred to in section 5.4 of the Construction Traffic Management Plan (CTMP) for Council's approval prior to commencement of works. Kissing Point Rd, Fox Valley Rd and light traffic roads are not to be used by trucks.

D8 Work Zone

A Works Zone is to be provided in Avon Road subject to the approval of the Ku-ring-gai Local Traffic Committee. No loading or unloading must be undertaken from the public road or nature strip unless within a Works Zone which has been approved and paid for. In the event the work zone is required for a period beyond that initially approved by the Traffic Committee, the Proponent 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.

D9 Temporary Construction Exit

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

D10 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". Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

D11 Appointment of Certifying Authority

Prior to commencement of any work on the Site, the person having the benefit of the approval and a Construction Certificate must:

- (a) appoint a Certifying Authority and notify the Secretary and the Council in writing of the appointment irrespective of whether Council or a Certifying Authority is appointed within 7 days; and,
- (b) notify the Secretary and the Council in writing of their intention to commence works (at least 2 days' notice is required prior to the commencement of works).

The Certifying Authority must determine when inspections and compliance certificates are required.

D12 Security Fencing

The Site must be enclosed with a 1.8 m high security fence to prohibit unauthorised access. The fence must be approved by the Certifying Authority prior to commencement of any works or demolition on Site.

D13 Toilet Facilities

Prior to work commencing, adequate toilet facilities are to be provided on the work Site prior to any works being carried out.

D14 Notice to be Given Prior to Excavation

The Certifying Authority, the Secretary and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the Site.

D15 Dial Before You Dig

Prior to any excavation and or stump grinding on or near the subject Site the person/s having benefit of this approval are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to received written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having benefit of this approval are required to forward the written confirmation from NDBYD to their Certifying Authority prior to any excavation occurring.

D16 Erosion and Sediment Control

Erosion and sediment control devices are to be installed, as necessary, prior to the commencement of any demolition, excavation or construction works upon the Site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development where necessary.

D17 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

D18 Project Environmental Manager

A Project Environmental Manager shall be commissioned prior to works commencing to ensure all environmental protection measures, and vegetation management works are carried out in accordance with the conditions of approval and the approved Vegetation Management Plan by Anne Clements and Associates dated 31 March 2015.

The Project Environmental Manager shall have at least 5 years' experience supervising and undertaking the restoration of degraded native ecosystems preferably in the Sydney region and with at least a University Degree in natural sciences. Details of the Environmental Manager including name, business name and contact details shall be provided to the Principal Certifying Authority with a copy to the Secretary and the Council.

The Environmental Manager is to arrange for scheduled monitoring and reporting to the Secretary and the Council at Month 1, Month 3, Month 6 and Month 12 and annually after this.

D19 Project Arborist

A project arborist shall be commissioned prior to works commencing to ensure all tree protection measures are carried out in accordance with the conditions of consent and approved tree protection plan.

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

D20 Tree protection fencing

To preserve the following tree/s, no work shall commence until tree protective fencing has been installed in the locations identified within the tree protection plan 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.

Tree/location	Locations
All retained trees within the subject Sites and trees within Avon Road and Beechworth Avenue	As indicated on the Tree Protection Plan LA04 A dated 31/08/15 by Taylor Brammer Landscape Architects and according to the methodologies within the Arboricultural

	Impact Assessment by Tree Wise Men, dated August 2015, and as instructed during the duration of the works by the Project Arborist
--	---

D21 Tree Protective 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, or other method approved by the Project Arborist.

D22 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/No access
- This fence has been installed to prevent damage to the tree/s and their growing environment both above and below ground
- The name, address, and telephone number of the developer/builder and project arborist

D23 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.

D24 Trunk protection

To preserve trees, no work shall commence until the trunk/s are protected as specified within the tree protection plan and /or by the Project Arborist. The trunk protection shall be maintained intact until the completion of all work on Site.

Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of AQF 3, and a report detailing the works carried out shall be submitted to the Principal Certifying Authority.

D25 Tree Protection Inspection

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

D26 Positive covenant for the Conservation Area

Before works commence on the construction of the apartments, the Proponent is to cause to be registered on the title to that portion of the Site covered by the BGHF Conservation Area as shown in Figures 1A and 2G of the VMP (**Conservation Area**) a positive covenant and/or restriction on the use of the Conservation Area, in favour of the Council, requiring the Proponent to implement and observe the requirements of the VMP in relation to the Conservation Area.

When the two lot subdivision referred to in condition A8 is registered, and prior to the issue of any occupation certificate:

- (a) the surveyed plan of the Conservation Area is to be depicted on the plan of subdivision;
- (b) the terms of the positive covenant and/or restriction are to be specified as applicable to the Conservation Area defined on the plan of subdivision; and
- (c) the covenant referred to above is to be removed from the affected titles.

D27 Traffic Committee approval for facilities in Avon Road

Prior to the commencement of works on the footpath and pedestrian refuge in Avon Rd the Proponent is to obtain the approval of the Ku-ring-gai Traffic Committee for the construction of the pedestrian refuge or other suitable means of directing pedestrians across Avon Road.

D28 1 Avon Road heritage elements

The following items are to be preserved and integrated into the new development:

- a) the eastern inter war dry laid sandstone boundary wall together with the small fountain (at the southern end of the site near the entry gates, depicted in landscape plan LA14 Rev A); and
- b) the front sandstone fence (repaired as necessary), vehicle and pedestrian and gate posts.

In addition:

- a) all sandstone building blocks and paving are to be salvaged for reuse within the approved development; and
- b) the two mature palm trees in the front yard of 5 Avon Road, adjacent to Avon Road are to be preserved and integrated into the new development.

End of Part D

PART E – DURING CONSTRUCTION

E1. General Construction

All work must be carried out in accordance with the requirements of the Building Code of Australia.

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance must be in force before any works commence.

E2. Hours of Work

All demolition and construction work must be restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays (inclusive) and 8.00am to 1.00pm on Saturdays. No work is to be carried out on Sundays or public holidays.

Between 7.30am and 8.30am and 2.30pm and 4pm on weekdays (the peak drop off and pick up hours for attendees at Pymble Ladies' College (School)) during School terms:

- a) construction traffic shall be minimised; and
- b) there will be no vehicles larger than 6.4m (Medium Rigid Vehicles) entering or leaving the Site or queuing on Avon Road.

Where it is necessary for the following types of activities to occur outside of the hours specified in this condition approval for such activities will be subject to the issue of an "outside of hours works permit" from Council as well as notification of any surrounding properties likely to be affected by the proposed works:

- (a) works involving the placement of concrete for large floor areas;
- (b) where building processes require the use of oversized trucks or cranes that are restricted by the RMS from travelling during daylight hours to deliver, erect or remove machinery, tower cranes, pre-cast panels, beams, tanks or service equipment to or from the Site;
- (c) other works which Council approves for outside of hours.

E3. Contamination Potential Works

All works shall be undertaken in accordance with the recommendations of the Stage 1 Environmental Site Assessment Report dated December 2012 and any further studies and recommendations of those studies.

E4. Inspections

The person having the benefit of this approval is required to notify the Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.

E5. 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 outside the Site 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 Proponent/owner/builder, as the case may be.

E6. Guarding Excavations

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

E7. Toilet Facilities

During excavation, demolition and construction phases, toilet facilities are to be provided, on the work Site, at the rate specified by workplace safety regulations.

E8. Protection of Public Places

If the work involved in the erection, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work Site and the public place. If necessary, a hoarding is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. The work Site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any hoarding, fence or awning is to be removed when the work has been completed.

E9. Recycling of Building Material (General)

During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

E10. 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 Proponent - after the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the Proponent 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 Proponent receives a formal letter from Council stating that the works involving public infrastructure have been completed satisfactorily.

E11. Road Reserve Safety

All public footways and roadways fronting and adjacent to the Site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction Site.

Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not

satisfactorily maintained across the Site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

E12. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the Proponent and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Proponents' full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

E13. Survey and Inspection of Waste Collection Clearance and Path of Travel

For the first residential flat building, at the stage when formwork for the ground floor slab is in place and prior to concrete being poured, a registered surveyor is to:

- ascertain the reduced level of the underside of the slab at the driveway entry;
- certify that the level is not lower than the level shown on the approved DA plans;
- certify that the minimum headroom of 2.6 metres will be available for the full path of travel of the small waste collection vehicle from the street to the collection area;
- this certification is to be provided to Council's Development Engineer prior to any concrete being poured for the ground floor slab; and
- no work is to proceed until Council has undertaken an inspection to determine clearance and path of travel.

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

E14. Approved Plans Kept On Site

A stamped copy of the approved plans and a copy of this Instrument of Approval is to be kept on the Site at all times, during construction.

E15. Survey Certificate

A survey certificate is to be submitted to the Certifying Authority at footing and/or formwork stage. The certificate shall indicate the location of the buildings in relation to all boundaries, and shall confirm the floor level prior to any further work proceeding on the building.

E16. Materials on Footpath

No building materials, skip bins, concrete pumps, cranes, machinery, signs or vehicles used in or resulting from the construction, excavation or demolition relating to the development shall be stored or placed on Council's footpath, nature strip or roadway.

E17. Plant and Equipment Kept within Site

All plant and equipment used in the construction of the development, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the Site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building Site, and is to be contained within the Site boundaries.

E18. Complaints Register

The Proponent shall record details of all complaints received during the construction period in an up to date complaints register. The register shall record, but not necessarily be limited to:

- (a) The date and time of the complaint.
- (b) The means by which the complaint was made.
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that affect.
- (d) Nature of the complaints.
- (e) Any action(s) taken by the Proponent in relation to the complaint, including any follow up contact with the complainant.
- (f) If no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The complaints register shall be made available to the Secretary, Council and/or the Certifying Authority upon request.

E19. Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

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

E20. 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 approval from Council.

E21. Temporary Disposal of Stormwater Runoff

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

E22. Sydney Water Section 73 Compliance Certificate

The Proponent 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 Proponent is to refer to “Your Business” section of Sydney Water’s website at 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 Co-Ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

E23. 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. All asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos.

E24. Asbestos Removal Signage

If any asbestos is being removed from the Site, 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.

E25. 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.

E26. Guarding excavations

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

E27. Compliance with the CTMP

The Proponent is to comply with the CMP approved under condition C10 including:

- the CTMP;
- the Construction Waste Management referred to in condition C16; and
- the Construction Noise and Vibration Management Plan referred to in condition C28.

E28. No storage of materials beneath trees

No activities, storage or disposal of materials shall take place beneath the root zone of any tree protected under Council's Tree Preservation Order at any time.

E29. Arborist's report

The tree/s to be retained shall be inspected, monitored and treated by the Project 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 during all phases of work:

Schedule**Tree/Location**

All trees to be retained

Time of inspection

Prior to works commencing to identify trees to be removed and for the installation of tree protection works and during identified phases or works within the as specified within the Arboricultural Impact Assessment by Tree Wise Men, dated August 2015.

E30. Tree protection – avoiding soil compaction

To preserve tree/s and avoid soil compaction, no work likely to damage tree root zones, and in particular machinery or other types of construction access shall be undertaken within the Tree Protection Zones of tree retained until temporary measures consistent with AS4970-2009 have been installed and the protection measures inspected by the Project Arborist.

E31. Treatment of tree roots

If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of Horticulture Certificate or Tree Surgery Certificate. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 – Pruning of Amenity Trees.

E32. Canopy/root pruning

Any canopy and/or root pruning of trees which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification AQF 3 supervised by the Site arborist. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 – Pruning of Amenity Trees.

E33. Supervision of transplanting

Transplanting of trees/shrubs shall be directly supervised by the project arborist and be undertaken by an experienced arborist/horticulturist with a minimum qualification of AQF 3.

E34. Vegetating steep slopes

Constructed slopes greater than 1:3 gradient shall be vegetated immediately after earthworks are completed or other erosion control measures adopted.

E35. Road opening permit

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

E36. Compliance with VMP during construction

During construction, the applicant is to implement all measures relating to construction contained in the VMP.

E37. Electricity measures

Where practical and reasonable, electrical transmission lines are to be underground. Where overhead electrical transmission lines are proposed, lines are installed with short pole spacing (30m) unless crossing gullies and gorges, and no part of a tree is closer to a power line than the distance set out in accordance with the specifications in 'Vegetation Safety Clearances' issued by Energy Australia (NS179, April 2002)

End of Part E

PART F – PRIOR TO ISSUE OF THE BEECHWORTH RD RESIDENTIAL LOT SUBDIVISION CERTIFICATE

F1. Construction of driveway and interallotment drainage

Prior to the issue of any subdivision certificate for the Beechworth Rd residential lots, the driveway and interallotment drainage works for the Beechworth Road single residential lots are to be completed in accordance with the approved Construction Certificate plans. Certification from a suitably qualified and experienced surveyor or engineer is to be provided to the Principal Certifying Authority.

F2. Sydney Water Section 73 Compliance Certificate

Prior to release of the linen plan/issue of any subdivision certificate for the Beechworth Rd residential lots, or release of the linen plan/issue of the subdivision certificate for the two lot interim subdivision, a Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.

F3. Requirements of public authorities for connection to services

Prior to the issue of any Subdivision Certificate for the Beechworth Rd residential lots, the Principal Certifying Authority shall be satisfied that the Proponent has complied with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection, relocation and/or adjustment of the services affected by the proposed subdivision. All costs related to the relocation, adjustment or support of services are the responsibility of the Proponent.

Details of compliance with the requirements of any relevant public authorities are to be submitted to the Principal Certifying Authority.

F4. Infrastructure repair - subdivision works

Prior to issue of any Subdivision Certificate for the Beechworth Rd residential lots, any infrastructure within the road reserve along the frontage of the subject Site or within close proximity, which has been damaged as a result of subdivision works, must be fully repaired to the satisfaction of Council's Development Engineer and at no cost to Council.

F5. Provision of services

Prior to issue of any Subdivision Certificate, separate underground electricity, gas and phone or appropriate conduits for the same, must be provided to each allotment to the satisfaction of the utility provider. A suitably qualified and experienced engineer or surveyor is to provide certification that all new lots have ready underground access to the services of electricity, gas and phone. Alternatively, a letter from the relevant supply authorities stating the same may be submitted to satisfy this condition.

F6. Submission of 88b instruments

Prior to the issue of any Subdivision Certificate for the Beechworth Rd residential lots, the Proponent must submit the original instruments recording the necessary easements and restrictions on title under Section 88B of the *Conveyancing Act* 1919 with the plan of subdivision, plus six (6) copies to Council. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the burdens.

F7. Submission of plans of subdivision (Torrens Title)

For endorsement of any Subdivision Certificate for the Beechworth Rd residential lots, the Proponent shall submit an original plan of subdivision plus 6 copies, suitable for endorsement by Council. The following details must be submitted with the plan of subdivision and its copies:

- a) the endorsement fee current at the time of lodgement;
- b) any 88B instruments plus 6 copies (as set out in condition F7)
- d) all surveyor's and/or consulting engineers' certification(s) required under this subdivision consent;
- e) the Section 73 (Sydney Water) Compliance Certificate for the subdivision (as set out in condition F2).
- f) proof of payment of S94 contribution

Council will check the approval conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan and may require payment of rechecking fees. **Plans and copies of subdivision must not be folded. Council will not accept bonds in lieu of completing subdivision works.**

F8. General easement/R.O.W. provision and certification

Prior to issue of any Subdivision Certificate for the Beechworth Rd residential lots, 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.

The interallotment drainage easement is to reflect the actual constructed pipe route, as per the approved plans to protect trees.

F9. Removal of noxious plants & weeds

Prior to the issue of any Subdivision Certificate for the Beechworth Rd residential lots, the Principal Certifying Authority shall be provided with evidence that all noxious weeds and any urban environmental weed species listed in Council's Weed Management Policy have been removed from Lots 1,2,3,4.

F10. Establishment of Managed Conservation Buffer Zones/APZ to Lots 2,3,4

Prior to the issue of any Subdivision Certificate for the Beechworth Rd residential lots, the Secretary and the Council shall be provided with evidence that the Managed Conservation Buffer Zones/APZ within Lots 2, 3 and 4 have established consistent with the requirements of the VMP, and the Bushfire Protection Assessment prepared by Australian Bushfire Protection Planners Pty Ltd dated December 2015 approved under condition A2.

PART G – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

G1. Occupation Certificate

An Occupation Certificate must be obtained from the Certifying Authority and a copy furnished to Council in accordance with Clause 151 of the *Environmental Planning and Assessment Regulation 2000* prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Where Council is not the Certifying Authority, a copy of the Occupation Certificate together with registration fee must be provided to the Secretary and the Council.

G2. Fire Safety Certificate

Prior to issue of any Occupation Certificate for the residential flat buildings, a Fire Safety Certificate (form 15 under the Environmental Planning and Assessment Amendment Regulation 1998) must be furnished to the Certifying Authority and Council for all items listed in the Fire Safety Schedule forming part of this approval for prior to any approval for occupancy/partial occupancy being granted.

G3. Certifying Authority to Arrange Qualified Landscape Architect

A qualified Landscape Architect / Designer is to inspect the completed landscape works and certify adherence to the Approval conditions and Construction Certificate drawings. Landscape works within and adjacent to the areas the subject of the Occupation Certificate are to be fully completed prior to the issue of the Occupation Certificate.

G4. Works as Executed Plans

Works-As-Executed stormwater plans shall be submitted to the Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted:

- The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink.
- The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.

G5. Post Construction Dilapidation Report

The Proponent 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 Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report; and
- 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 the Secretary and Council.

G6. Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:

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

G7. Validation Report

Prior to occupation, a Validation Report shall be submitted to the Secretary, Council and the Certifying Authority which confirms that the Site is suitable for the proposed residential use.

G8. Provision of Copy of OSD Designs if Council is not the Certifying Authority

Prior to issue of the relevant final Occupation Certificate, the following must be provided to Council's Development Engineer:

- (a) a copy of the approved Construction Certificate stormwater detention/retention design for the Site;
- (b) a copy of any works-as-executed drawings required by this approval; and
- (c) The Engineer's certification of the as-built system.

G9. Reinstatement of Redundant Crossings and Completion of Infrastructure Works

Prior to issue of the final Occupation Certificate for the first residential flat building, the Certifying Authority must be satisfied that he or she has received a signed inspection form from Council which states that the following works in the road reserve have been completed:

- (a) new concrete driveway crossing in accordance with levels and specifications issued by Council;
- (b) removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials);
- (c) full repair and resealing of any road surface damaged during construction; and
- (d) full replacement of damaged sections of grass verge to match existing.

This inspection must be carried out by Council because restoration of Council property outside the boundary of the Site is not a matter listed in Clause 161 of the Environmental Planning and Assessment Regulation 2000.

G10. Compliance with BASIX Certificate

Prior to the issue of the relevant final Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in the BASIX Certificate described in condition A2 have been complied with. A copy of the approval must be provided to the Principal Certifying Authority.

G11. Certification of Drainage Works

Prior to the issue of each relevant Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the stormwater drainage works have been satisfactorily completed in accordance with the relevant approved Construction Certificate drainage plans
- the minimum retention and on-Site detention storage volume requirements of BASIX and Ku-ring-gai Local Centres Development Control Plan have been achieved
- retained water is connected and available for use
- all grates potentially accessible by children are secured
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- 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

G12. WAE Plans for Stormwater Management and Disposal

Prior to issue of the relevant Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal 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; and
- 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.

G13. Construction of Works in Public Road – Approved Plans

Prior to issue of the Occupation Certificate for the first residential flat building, the Principal Certifying Authority must be satisfied that all approved road, footpath and/or drainage works have been completed in the road reserve in accordance with the Council Roads Act approval and accompanying drawings, conditions and specifications. The works must be supervised by the Proponent's designing engineer and completed and approved to the satisfaction of Council.

The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved stamped drawings. The works must

be subject to inspections by Council at the hold points noted on the Roads Act approval. All conditions attached to the approved drawings for these works must be met prior to the Occupation Certificate being issued.

G14. Lift Access and Security

Electronic access controls are to be installed on the lift. The equipment should include card readers to restrict access to the level a resident resides on, to the car parking levels and to the Ground Floor.

G15. Car Parking Security

Vehicular entry to residential parking and visitor's parking areas is to be through a secured roller shutter with an intercom system for visitor's access. The doors are to be controlled by locksets such as remote or card operating electronic lock sets. The phasing of the roller door needs to minimise the opportunity for unauthorised pedestrian access after a vehicle enters/exits the car park.

G16. Heritage glazing

The works to the heritage item set out in condition C27 to maintain privacy to buildings 1 and 4 are to be undertaken prior to the issue of an Occupation Certificate for buildings 1 and 4.

G17. Accessibility

Prior to the issue of the relevant final Occupation Certificates for each residential flat building, the Principal Certifying Authority shall be satisfied that:

- the lift design and associated functions are compliant with the relevant Australian standard;
- 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 the relevant Australian standard;
- the height of lettering on signage is in accordance with the relevant Australian standard; and
- the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods.

G18. Easement for waste collection

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

G19. Retention and re-use positive covenant

Prior to issue of each relevant final Occupation Certificate for the dwellings and residential flat buildings, the Proponent must create a positive covenant and restriction on the use of land under Section 88B or 88E of the *Conveyancing Act* 1919, burdening the relevant property with the requirement to maintain the on-site stormwater retention and re-use facilities on the property, if required.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to Volume C Part 4R.9 of Ku-ring-gai Local Centres Development Control Plan). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

G20. OSD positive covenant/restriction

Prior to issue of each relevant final Occupation Certificate for the dwellings and residential flat buildings, the Proponent must create a positive covenant and restriction on the use of land under Section 88B or 88E of the *Conveyancing Act* 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot, if required.

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 Volume C Part 4R.9 of Ku-ring-gai Local Centres Development Control Plan). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the 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.

G21. Certification of as-constructed driveway/carpark

Prior to issue of a final Occupation Certificate for each residential flat building, the Principal Certifying Authority is to be satisfied that:

- the as-constructed car park complies with the approved Construction Certificate plans
- the completed vehicle access and accommodation arrangements comply with the relevant Australian standard in terms of minimum parking space dimensions
- finished driveway gradients and transitions will not result in the scraping of the underside of cars
- subject to condition H8, no doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area
- the vehicular headroom requirements of:
 - the relevant Australian standard,
 - **2.6 metres** height clearance for waste collection trucks are met from the public street into and within the applicable areas of the basement carpark.

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

G22. Completion of vegetation management works

Prior to the issue of the final Occupation Certificate for the residential flat buildings, the Principal Certifying Authority shall be satisfied that the following works have been undertaken in accordance with the approved VMP and conditions of approval.

- All works detailed within the Vegetation Management Plan including revegetation, weed removal environmental protection measures and proposed planting.
- All planting to be undertaken within the riparian area of the Site are to be species in accordance with the Vegetation Management Plan
- All noxious and environmental weeds shall be removed from the area within the Site
- The person/s supervising the works shall have a minimum qualification of Certificate 2 in Bushland Regeneration and one year demonstrated experience for all other personnel. In addition the Site supervisor shall be eligible for full professional membership of the Australian Association of Bush Regenerators

G23. Completion of landscape works

Prior to the release of the relevant final 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 approval.

G24. Protection of APZ/Buffer Zone

Prior to issue of the Occupation Certificate for residential lots 2,3 and 4, the Proponent must create a positive covenant and/or restriction on the use of land, in favour of the Council, burdening each lot with the requirement to maintain the a 10m wide strip on the eastern boundary of each lot as an Asset Protection Zone (inner protection area) for bushfire protection and a Buffer Zone Conservation Area to the adjoining Blue Gum High Forest specifying that:

- (a) plants growing within the buffer zone are to be Blue Gum High Forest species derived from material of known local provenance; and
- (b) no houses are to be constructed within the asset protection zone.

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

G25. Protection of trees for conservation purposes

Prior to issue of the Occupation Certificate for residential lots 2 and 3, the Proponent must create positive covenants and/or restrictions on the use of land in favour of the Council:

- (a) burdening lot 2 with the requirement that:
 - i. it is to retain Blue Gum High Forest tree 23 (as shown in Figure 2G of the VMP) for conservation purposes;
 - ii. there are to be no soil level changes within the Tree Protection Zone (TPZ) of the tree;
 - iii. construction work within the TPZ is to be restricted to less than 10% of the TPZ, except for decking or other suspended structures.
 - iv. the tree is not to be removed under the 10/50 Vegetation Clearing Code; and
- (b) burdening lot 3 with the requirement that
 - i. it is to retain Blue Gum High Forest tree 24 (as shown in Figure 2G of the VMP) for conservation purposes
 - ii. there are to be no soil level changes within the Tree Protection Zone (TPZ) of the tree;
 - iii. Construction work within the TPZ is to be restricted to less than 10% of the TPZ, except for decking or other suspended structures.
 - iv. the tree is not to be removed under the 10/50 Vegetation Clearing Code.

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

G26 Managed Conservation Buffer Zones/Asset Protection Zone

Before the any Occupation Certificate is issued for the apartments, the Proponent is to cause to be registered on the relevant title a positive covenant and/or restriction as applicable to the Managed Conservation Buffer Zones/Asset Protection Zone referable to a plan of survey.

End of Part G

PART H – DURING OPERATIONS/ POST COMPLETION

H1. Fire Safety Statement

A six-monthly Fire Safety Statement (Form 15A under the Environmental Planning and Assessment Regulation 1994) must be given to the Secretary, Council and the NSW Fire Brigade commencing within 6 months after the date on which Council receives the initial Fire Safety Certificate.

H2. Storage and Disposal of Wastes

All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

H3. Maintenance of Waste Storage Areas

All waste storage areas must be maintained in a clean and tidy condition at all times.

H4. Vehicular Entry and Exit

All vehicles shall enter and leave the Site in a forward direction.

H5. Vehicular Entry

All vehicles should be wholly contained on Site before being required to stop.

H6. Terrace Planting Building 1

Planting on the terrace on the second floor, southern elevation of Building 1 (level+148.80) shall be maintained to ensure no overlooking of 7 Avon Road.

H7. Limitation on hours of activities in Heritage item

To maintain residential amenity, internal activities in the heritage item are to have hours of use limited to 6am-10pm Monday to Thursday, Sunday and public holidays and 8am – 11pm Friday and Saturday. Any activity to occur externally (i.e. on the terraces), is to be limited to 8am-8pm Monday-Thursday, Sunday and public holidays and 8am-10pm Friday and Saturdays.

H8. Roller door not to restrict internal waste collection in basement

At all times, the basement garbage storage and collection area is to be accessible by Council's Waste Collection Services. No doors, grilles, gates or other devices shall be provided in any location which would prevent this service. Where a gate, door or the like is to be erected, unimpeded access to the garbage collection point is to be provided by other means through written agreement with Council's Waste Collection Services.

H9. Vegetation Management within the Conservation Area and Managed Bushland Buffer Zones

An Environmental Manager shall be appointed and shall ensure that that the Vegetation Management Works (VMP) are undertaken in accordance with the VMP.

The Environmental Manager is to arrange for the ongoing scheduled maintenance as required in the VMP and Environmental Management Plan, and the reporting to Council of results annually for the life of the development.

H10. Asset Protection Zone

The development is to comply with the Bushfire Protection Assessment prepared by the Australian Bushfire Protection Planners Pty Ltd dated December 2015 approved under condition A2.

H11. Water and utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

1. Water, electricity and gas services are to comply with section 4.1.3 of '*Planning for Bush Fire Protection 2006.*'

H12. Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

1. The internal roads are two-wheel drive, all weather roads.
2. Traffic management devices are constructed to facilitate access by emergency services vehicles.
3. Roads have a cross fall not exceeding 3 degrees.
4. All roads are through roads. Dead end roads are not recommended, but if unavoidable, dead ends are not more than 200m in length, incorporate a minimum 12m outer radius turning circle, and are clearly sign posted as a dead end.
5. Curves of roads are a minimum inner radius of 6m.
6. Maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient.
7. There is a minimum vertical clearance to a height of 4m above the road at all times.
8. The capacity of road surfaces and bridges is sufficient to carry fully loaded firefighting vehicles (approximately 15 tonnes for areas with reticulated water, 28 tonnes or 9 tonnes per axle for all other areas.) Bridges clearly indicate load rating.
9. Roads 6.5m wide are No Parking on one side with the services (hydrants) located on this side to ensure accessibility to reticulated water for fire suppression.
10. Roads 6.5m wide provide parking within parking bays and locate services outside of the parking bays to ensure accessibility to reticulated water for fire suppression.
11. Parking bays are a minimum of 2.6m wide from kerb edge to road pavement. No services or hydrants are located within the parking bays.

H13. Brushwood fencing

No brushwood fencing shall be installed within the Site.

H14. Protections of trees for conservation purposes

For conservation purposes, Blue Gum High Forest tree 23 (as shown in Figure 2G of the VMP) on residential lot 2 and Blue Gum High Forest tree 24 (as shown in Figure 2G of the VMP) on residential lot 3 are to be retained. There are to be no soil level changes within the Tree Protection Zones (TPZs) of the two trees. Construction work within the TPZs is to be restricted to less than 10% of each TPZ, except for decking or other suspended structures. The trees are not to be removed under the 10/50 Vegetation Clearing Code.

H15. Ongoing Management of the Conservation Area and Buffer Zone

During the life of the development the Conservation Area and Buffer Zone are to be managed in accordance with the approved VMP, stormwater and fire management plans. An annual levy is to be imposed on each unit to fund these management obligations. The Owners Corporation is to set, collect and spend the levies, both for regular maintenance and monitoring, and for any additional works that may be required from time to time. There is to be no alienation of Conservation Area land for purposes inconsistent with conservation of Blue Gum High Forest. There is to be no clearing of Blue Gum High Forest trees or vegetation for bushfire protection except as required under the approved fire management plan (i.e. no additional clearing under the 10/50 Vegetation Clearing Code).

H16. Gas Bottles

- a) Any reticulated or bottled gas is to be installed and maintained in accordance with the relevant Australian Standard and the requirements of relevant authorities. Metal piping is to be used.
- b) All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side of the installation.
- c) If gas cylinders need to be kept close to building, the release valves are directed away from the building and at least 2 metres away from any combustible material, so that they do not act as a catalyst to combustion.
- d) Connections to and from gas cylinders are metal. Polymer sheathed flexible gas supply lines to gas metres adjacent to buildings are not to be used.

End of Part H