

818 Pacific Highway, Gordon NSW 2072

Locked Bag 1006 Gordon NSW 2072

T 02 9424 0000 F 02 9424 0001

DX 8703 Gordon TTY 133 677

E kmc@kmc.nsw.gov.au

W www.kmc.nsw.gov.au

ABN 86 408 856 411



Contact: Jonathan Goodwill

Ref: DA0262/16

3 February 2017

Anglican Schools Corporation
Level 1, 420 Forest Road
HURSTVILLE NSW 2220

Dear Sir/Madam

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION
BY THE SYDNEY NORTH PLANNING PANEL**

SECTION 81(1)(A) ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Application No.: DA0262/16
Proposed Development: Demolish existing multi-purpose hardcourts, construct a building with one level of basement parking, one level of semi-basement parking, roof level multi-purpose hardcourts, access and driveways and associated landscaping - heritage conservation area
Property: 29 Bancroft Avenue ROSEVILLE NSW 2069

Pursuant to Section 81 of the Act, notice is given that the above Development Application has been determined by the granting of consent, subject to the conditions specified in this Notice.

Date of determination: 25/01/2017
Date from which consent operates: 03/02/2017
Date consent lapses: 04/02/2019

The conditions of consent are as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation (new development)

The development must be carried out in accordance with work shown in colour on the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plan no.	Drawn by	Dated
SKC01 Revision P3	Taylor Thomson Whitting	16/02/2016
SKC02 Revision P6	Taylor Thomson Whitting	16/02/2016
SKC05 Revision P4	Taylor Thomson Whitting	16/02/2016
SKC06 Revision P4	Taylor Thomson Whitting	16/02/2016
SKC07 Revision P4	Taylor Thomson Whitting	16/02/2016
SKC20 Revision P3	Taylor Thomson Whitting	16/02/2016
SKC30 Revision P2	Taylor Thomson Whitting	16/02/2016
SKC40 Revision P1	Taylor Thomson Whitting	16/02/2016
SW1 Revision 3	Donnelley Simpson Cleary	4/04/2016
SW2 Revision 4	Donnelley Simpson Cleary	10/10/2016
DA531 Issue A	Studio GA	3/06/2016
DA0541 Issue A	Studio GA	6/12/2016
DA204 Issue A	Studio GA	3/06/2016
DA202 Issue A	Studio GA	3/06/2016
DA201 Issue A	Studio GA	3/06/2016
DA301 Issue A	Studio GA	3/06/2016
DA302 Issue A	Studio GA	3/06/2016
DA104 Issue A	Studio GA	3/06/2016
DA109 Issue A	Studio GA	3/06/2016
DA110 Issue A	Studio GA	3/06/2016
DA401 Issue A	Studio GA	3/06/2016
DA402 Issue A	Studio GA	3/06/2016
DA403 Issue A	Studio GA	3/06/2016

Document(s)	Dated
Acoustic Report prepared by Simon Kean	2/06/2016
Geotechnical Report prepared by Douglas Partners	1/02/2016
Stormwater Quality Report prepared by Taylor Thomson Whitting	15/02/2016
Access Review prepared by Morris Goding Accessibility Consulting	17/05/2016

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

2. Inconsistency between documents

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

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

3. Approved landscape plans

Landscape works shall be carried out in accordance with the following landscape

plan(s), listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan no.	Drawn by	Dated
L04	KMD Design	8/06/2016
L05	KMD Design	8/06/2016

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

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

4. Asbestos works

All work involving asbestos products and materials, including asbestos-cement-sheeting (ie. Fibro), must be carried out in accordance with the guidelines for asbestos work published by WorkCover Authority of NSW.

Reason: To ensure public safety.

5. Notice of commencement

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

Reason: Statutory requirement.

6. Notification of builder's details

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

Reason: Statutory requirement.

7. 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:

Public infrastructure

- i. full road pavement width, including kerb and gutter, of Recreation Avenue
- ii. all driveway crossings and laybacks opposite the subject site

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

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

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

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

8. 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:

Address:

No. 37 Bancroft Avenue and Rose Cottage

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

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

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

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

9. Construction and traffic management plan

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

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

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

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

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

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

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

NO construction vehicles movements are to occur during the school drop-off (7.15am to 8.45am) and pick-up hours (2.30pm to 4.00pm) on school days.

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

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

Reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

10. Tree protection fencing

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

Tree/Location	Radius from trunk
T4 <i>Agathis robusta</i> (Kauri Pine) North-west site boundary	3.0m
T5 <i>Prunus serratifolia</i> (Flowering Cherry) North-west site boundary	2.5m
T6 <i>Prunus serratifolia</i> (Flowering Cherry) North-west site boundary	2.0m
T7 <i>Cedrus deodar</i> (Himalayan Cedar) North-west site boundary	4.5m south-east, 6.8m north-east, 9.7m elsewhere
T8 <i>Cupressus macrocarpa</i> (Monterey Cypress) Northern site corner in neighbouring site	3.0m
T9 <i>Melaleuca bracteata</i> (Honey Myrtle) Northern site corner in neighbouring site	3.4m
T10 <i>Jacaranda mimosifolia</i> (Jacaranda) North-east site boundary	2.0m south-west, 7.0m elsewhere
T11 <i>Callistemon viminalis</i> (Bottlebrush) North-east site boundary in neighbouring site	3.0m
T12 <i>Fraxinus excelsior</i> (Ash) North-east site boundary in neighbouring site	2.5m
T13 <i>Pittosporum undulatum</i> (Native Daphne) North-east site boundary in neighbouring site	5.3m south-west, 7.2m elsewhere
T14 <i>Tristaniopsis laurina</i> (Water Gum) North-east site boundary	2.3m
T15 <i>Ulmus parvifolia</i> (Chinese Elm) North-east site boundary	2.0m south-west, 5.5m elsewhere
T17 <i>Liquidambar styraciflua</i> (Sweet Gum) Eastern development site corner	North-east side of proposed road/driveway, southeast corner of the proposed pavement around the

	building (3.5m northwest), existing retaining wall to existing tennis court on #37 (east) 11.0m elsewhere, 11.0m elsewhere with the exception to allow site access to no 37 tennis court area as a nominated work area. Condition 14 would apply.
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Reason: To protect existing trees during the construction phase.

11. Tree protective fencing type galvanised mesh

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

Reason: To protect existing trees during construction phase.

12. 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.

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

Reason: To protect existing trees during the construction phase.

13. 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.

Reason: To protect existing trees during the construction phase.

14. Tree protection - avoiding soil compaction

To preserve the following tree/s and avoid soil compaction, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) as per AS4970-2009 within the specified radius of the following tree/s is installed:

Tree/Location
T17 <i>Liquidambar styraciflua</i> (Sweet Gum) / 11.0m Eastern development site corner

NOTE: The proposed shaker pad (if required) is to be constructed on top of the required ground protection.

Reason: To protect existing trees during the construction phase.

15. Tree fencing inspection

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

Reason: To protect existing trees during the construction phase.

16. Noise and vibration management plan

Prior to the commencement of any works, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifying Authority. The management plan is to identify amelioration measures to achieve the best practice objectives of AS 2436-2010 and NSW Environment Protection Authority Interim Construction Noise Guidelines. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

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

- identification of the specific activities that will be carried out and associated noise sources;
- identification of all potentially affected sensitive receivers, including residences and properties containing noise sensitive equipment;

- the construction noise objective specified in the conditions of this consent;
- the construction vibration criteria specified in the conditions of this consent;
- determination of appropriate noise and vibration objectives for each identified sensitive receiver;
- noise and vibration monitoring, reporting and response procedures;
- assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions;
- description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction;
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency;
- procedures for notifying surrounding occupants of construction activities that are likely to affect their amenity through noise and vibration;
- contingency plans to be implemented in the event of non-compliances and/or noise complaints;

Reason: To protect the amenity of surrounding residents and other properties during the construction process.

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

17. Amendments to design of waste storage area

The open palisade fencing and gates of the waste storage area depicted on Drawing No. DA541 are to be amended/cladded to achieve maximum permeability of 30% to not less than 1.8 metres in height. The planting as proposed should be retained.

Reason: To minimise the impact of the waste storage area on the character of the area.

18. Amendments to approved landscape plan

Prior to the issue of a 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.	Drawn by	Dated
L04	KMD Design	08/06/0216

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

- i. The two plantings of *Howea forsteriana* (Kentia Palm) shall be relocated so that they are incorporated within a garden bed, and an additional specimen ornamental tree species capable of attaining a minimum height of 5.0m shall be planted within the Bancroft Ave site frontage in front of the tennis courts.
- ii. The landscape plan shall include a notation that existing ground levels shall be maintained within 10.0m of T7 with the exception of the development footprint.
- iii. The landscape plan shall be amended to include a low retaining wall surrounding the proposed fire exit stairs on the south-west and north-west sides.

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.

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

Reason: To ensure adequate landscaping of the site.

19. Long service levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment 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.

Reason: Statutory requirement.

20. Outdoor lighting

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

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

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

21. Pier and beam footings near trees

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the footings of the approved access road/driveway will be isolated pier or pier and beam construction within the specified radius of the trunk/s of the following tree/s, and that the surface is constructed with perforations as per the Tree Root Protection Detail by Taylor Thomson Whiting dated 27/09/2016:

Tree/Location	Radius from trunk
T17 <i>Liquidambar styraciflua</i> (Sweet Gum) Eastern development site corner	11.0m

The piers shall be located such that no roots of a diameter greater than 30mm will be severed or injured during the construction period. The beam/s shall be of reinforced concrete or galvanised steel sections and placed in positions with the base of the beam being a minimum of 50mm above existing soil levels.

Note: Structural details of the pier or pier and beam construction shall be submitted to the Principal Certifying Authority.

Reason: To protect existing trees.

22. Noise from plant in residential zone

Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the 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.

Note: 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.

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

23. Car parking allocation

A minimum of 1 car space per 8 Year 12 students shall be provided on site.

Reason: To ensure adequate car parking facilities are provided.

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

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in Recreation Avenue:

The public road would need to be upgraded to include new kerb and gutter as well as works to include retaining wall and bridge barriers along the eastern side of the road. The design drawings would need to show sufficient details and including underground services for setting out for construction.

Development consent does not give approval to these works in the road reserve. The applicant 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 Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval under the Roads Act 1993.

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. 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 the 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.

Reason: To ensure that the plans are suitable for construction purposes.

25. Energy Australia requirements

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

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

Reason: To ensure compliance with the requirements of Energy Australia.

26. Utility provider requirements

Prior to issue of the Construction Certificate, the applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the 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.

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

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

27. Infrastructure damage security bond and inspection fee

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

- (a) All work or activity undertaken pursuant to this development consent must be undertaken in a manner to avoid damage to Council property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- (b) The applicant, builder, developer or any person acting in reliance on this consent shall be responsible for making good any damage to Council property and for the removal from Council property of any waste bin, building materials, sediment, silt, or any other material or article.

- (c) The Infrastructure damage security bond and infrastructure inspection fee must be paid to Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- (d) In consideration of payment of the infrastructure damage security bond and infrastructure inspection fee, Council will undertake such inspections of Council Property as Council considers necessary and will also undertake, on behalf of the applicant, such restoration work to Council property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure damage security bond payable pursuant to this condition.
- (e) In this condition:
 - "Council property" includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and
 - "Infrastructure damage security bond and infrastructure inspection fee" means the Infrastructure damage security bond and infrastructure inspection fee as calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council property associated with this condition.

Reason: To maintain public infrastructure.

28. Section 94A Contributions

In accordance with Section 80A(1) of the Environmental Planning and Assessment Act 1979 and **Ku-ring-gai S94A Contributions Plan 2015** \$97,070 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development, based on development costs of \$9,707,000.

If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the **Ku-ring-gai S94A Contributions Plan 2015** and inflated by the Consumer Price Index (All Groups Sydney).

The monetary contributions shall be paid to Council:

- (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
- (ii) prior to the issue of the first Construction Certificate where the development is for building work; or
- (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
- (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Ku-ring-gai S94A Contributions Plan 2015 may be viewed at www.kmc.nsw.gov.au <<http://www.kmc.nsw.gov.au>> or a copy may be inspected at Council's Administration Centre during normal business hours.

Reason: To cater for the increased demand for community infrastructure resulting from the development in accordance with Ku-ring-gai S94A Contributions Plan 2015.

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

29. 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.

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

30. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- i. The work must be carried out in accordance with the requirements of the Building Code of Australia

- ii. 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, that such a contract of insurance is in force before any works commence.

Reason: Statutory requirement.

31. Hours of work

Demolition, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12 noon Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation using machinery must be limited to between 7.00am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon and 1.00pm. No excavation using machinery is to occur on Saturdays, Sundays or public holidays.

Where it is necessary for works to occur outside of these hours (ie) placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by the RTA from travelling during daylight hours to deliver, erect or remove machinery, tower cranes, pre-cast panels, beams, tanks or service equipment to or from the site, approval for such activities will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

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

Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties.

32. Vibration

Vibration emitted from activities associated with the demolition, excavation, construction and fitout of buildings and associated infrastructure shall satisfy the values referenced in Table 2.2 of the Environment Protection Authority Assessing Vibration - a Technical Guideline.

Reason: To protect the amenity of surrounding residents and other properties during the construction process.

33. Approved plans to be on site

A copy of all approved and certified plans, specifications and documents

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

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

34. Construction noise

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with best practice objectives of AS 2436-2010 and NSW Environment Protection Authority Interim Construction Noise Guidelines and the recommendations of the approved noise and vibration management plan.

Reason: To protect the amenity of surrounding residents and other properties during the construction process.

35. 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:

- i. 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
- ii. display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- iii. be durable and weatherproof
- iv. 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
- v. be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

Reason: To ensure public safety and public information.

36. Post-construction dilapidation report

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

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

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

Reason: Management of records.

37. Compliance with submitted geotechnical report

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

Geotechnical aspects of the development work, namely:

- i. appropriate excavation method and vibration control
- ii. support and retention of excavated faces
- iii. hydro-geological considerations

must be undertaken in accordance with the recommendations of the **Geotechnical Investigation Report dated February 2016 Ref: 85310.00** prepared by **Douglas Partners**. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

Reason: To ensure the safety and protection of property.

38. 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.

Reason: To ensure public safety.

39. Toilet facilities

During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Reason: Statutory requirement.

40. 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.

Reason: To facilitate recycling of materials.

41. 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.

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

42. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicants' 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.

Reason: Provision of utility services.

43. Erosion control

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

Reason: To protect the environment from erosion and sedimentation.

44. Arborist's report

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

Tree/Location	Time of inspection
T4-T7, T10, T15, T17 On site	*1 week prior to the commencement of any works on site. *Certification of tree protection requirements as per consent conditions *At two monthly intervals during development works *At the completion of all works on site

Reason: To ensure protection of existing trees.

45. Treatment of tree roots

If tree roots are severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced AQF3 Arborist/Horticulturist. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 - Pruning of Amenity Trees.

Reason: To protect existing trees.

46. Cutting of tree roots

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s shall be severed or injured in the process of any works during the construction period. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 - Pruning of Amenity Trees:

Tree/Location	Radius from trunk
T1 <i>Lophostemon confertus</i> (Brush Box) Bancroft Ave road reserve	8.0m
T2 <i>Lophostemon confertus</i> (Brush Box) Bancroft Ave road reserve	8.0m
T3 <i>Lophostemon confertus</i> (Brush Box) Bancroft Ave road reserve	8.0m

T4 <i>Agathis robusta</i> (Kauri Pine) North-west site boundary	3.5m
T5 <i>Prunus serratifolia</i> (Flowering Cherry) North-west site boundary	2.5m
T6 <i>Prunus serratifolia</i> (Flowering Cherry) North-west site boundary	2.0m
T7 <i>Cedrus deodar</i> (Himalayan Cedar) North-west site boundary	6.0m south-east, 9.7m elsewhere
T8 <i>Cupressus macrocarpa</i> (Monterey Cypress) Northern site corner in neighbouring site	6.5m
T9 <i>Melaleuca bracteata</i> (Honey Myrtle) Northern site corner in neighbouring site	5.4m
T10 <i>Jacaranda mimosifolia</i> (Jacaranda) North-east site boundary	3.0m south-west, 7.0m elsewhere
T11 <i>Callistemon viminalis</i> (Bottlebrush) North-east site boundary in neighbouring site	3.0m
T12 <i>Fraxinus excelsior</i> (Ash) North-east site boundary in neighbouring site	2.5m
T13 <i>Pittosporum undulatum</i> (Native Daphne) North-east site boundary in neighbouring site	5.3m south-west, 7.2m elsewhere
T14 <i>Tristaniopsis laurina</i> (Water Gum) North-east site boundary	3.0m south-west, 3.5m elsewhere
T15 <i>Ulmus parvifolia</i> (Chinese Elm) North-east site boundary	2.7m south-west, 5.5m elsewhere
T17 <i>Liquidambar styraciflua</i> (Sweet Gum) Eastern development site corner	4.8m west, 4.2m northwest, 8.4m southeast, 11.0m elsewhere
T27 <i>Franklinia axillaris</i> (Gordonia) Bancroft Ave road reserve	2.0m
T28 <i>Franklinia axillaris</i> (Gordonia) Bancroft Ave road reserve	2.0m

Reason: To protect existing trees.

47. Approved tree works

Approval is given for the following works to be undertaken to trees on the site:

Tree/Location	Approved tree works
T16 <i>Jacaranda mimosifolia</i> (Jacaranda) South-east development site corner	Removal
T18-T25 <i>Pyrus calleryana</i> (Callery Pear) Southern side of development area	Transplantation

Removal or pruning of any other tree on the site is not approved, excluding

species exempt under Council's Tree Preservation Order.

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

48. Excavation near trees

No mechanical excavation shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius from trunk
T7 <i>Cedrus deodar</i> (Himalayan Cedar) North-west site boundary	9.7m
T10 <i>Jacaranda mimosifolia</i> (Jacaranda) North-east site boundary	7.0m
T13 <i>Pittosporum undulatum</i> (Native Daphne) North-east site boundary in neighbouring site	7.2m
T15 <i>Ulmus parvifolia</i> (Chinese Elm) North-east site boundary	5.5m
T17 <i>Liquidambar styraciflua</i> (Sweet Gum) Eastern development site corner	11.0m west

Reason: To protect existing trees.

49. Hand excavation

All excavation within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Tree/Location	Radius from trunk
T1 <i>Lophostemon confertus</i> (Brush Box) Bancroft Ave road reserve	8.0m
T2 <i>Lophostemon confertus</i> (Brush Box) Bancroft Ave road reserve	8.0m
T3 <i>Lophostemon confertus</i> (Brush Box) Bancroft Ave road reserve	8.0m
T4 <i>Agathis robusta</i> (Kauri Pine) North-west site boundary	3.5m
T5 <i>Prunus serratifolia</i> (Flowering Cherry) North-west site boundary	2.5m
T6 <i>Prunus serratifolia</i> (Flowering Cherry) North-west site boundary	2.0m
T7 <i>Cedrus deodar</i> (Himalayan Cedar) North-west site boundary	5.7m south-east, 9.7m elsewhere
T8 <i>Cupressus macrocarpa</i> (Monterey Cypress) Northern site corner in neighbouring site	6.5m

T9 <i>Melaleuca bracteata</i> (Honey Myrtle) Northern site corner in neighbouring site	4.6m
T10 <i>Jacaranda mimosifolia</i> (Jacaranda) North-east site boundary	3.0m south-west, 7.0m elsewhere
T11 <i>Callistemon viminalis</i> (Bottlebrush) North-east site boundary in neighbouring site	3.0m
T12 <i>Fraxinus excelsior</i> (Ash) North-east site boundary in neighbouring site	2.5m
T13 <i>Pittosporum undulatum</i> (Native Daphne) North-east site boundary in neighbouring site	5.3m south-west, 7.2m elsewhere
T14 <i>Tristaniaopsis laurina</i> (Water Gum) North-east site boundary	3.0m south-west, 3.5m elsewhere
T15 <i>Ulmus parvifolia</i> (Chinese Elm) North-east site boundary	2.7m south-west, 5.5m elsewhere
T17 <i>Liquidambar styraciflua</i> (Sweet Gum) Eastern development site corner	4.8m west and northwest, 4.2m northwest, 8.4m southeast, 11.0m elsewhere
T27 <i>Franklinia axillaris</i> (Gordonia) Bancroft Ave road reserve	2.0m
T28 <i>Franklinia axillaris</i> (Gordonia) Bancroft Ave road reserve	2.0m

Reason: To protect existing trees.

50. No storage of materials beneath trees

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

Reason: To protect existing trees.

51. Supervision of transplanting

Transplanting of the following trees/shrubs shall be directly supervised by an experienced arborist/horticulturist with a minimum qualification of Horticulture Certificate or Tree Surgery Certificate.

Species/From	To
T18-T25 <i>Pyrus calleryana</i> (Callery Pear) On site	As detailed on approved landscape plan L04 dated 08/06/16

Reason: To protect the trees during transplanting.

52. Removal of refuse

All builders' refuse, spoil and/or material unsuitable for use in landscape areas

shall be removed from the site on completion of the building works.

Reason: To protect the environment.

53. Replenishment trees to be planted

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

Reason: To maintain the treed character of the area.

54. On site retention of waste dockets

All demolition, excavation and construction waste dockets are to be retained on site, or at suitable location, in order to confirm which facility received materials generated from the site for recycling or disposal.

- i. Each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing.
- ii. This information is to be made available at the request of an Authorised Officer of Council.

Reason: To protect the environment.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:

55. Acoustic measures

Prior to the issue of the occupation certificate, the Principal Certifying Authority shall be satisfied that the acoustic treatments and fencing as recommended by Simon Kean in Acoustic Report, dated 2 June 2016, have been installed. Written advice from an acoustic engineer is to be submitted to the Principal Certifying Authority confirming that the acoustic measures achieve the noise objectives specified in the acoustic assessment.

Reason: To protect the amenity of surrounding residents.

56. Garbage and recycling facilities

Prior to the issue of the occupation certificate, the Principal Certifying Authority shall be satisfied that the external waste storage area adequately contains the waste bins and has been constructed so as to prevent any spillages from the waste area entering the stormwater drainage system.

Reason: To protect environmental amenity.

57. Completion of landscape works

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

Reason: To ensure that the landscape works are consistent with the development consent.

58. Certification of drainage works

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

- i. the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
- ii. basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3.
- iii. all grates potentially accessible by children are secured
- iv. 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
- v. 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

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

Reason: To protect the environment.

59. OSD positive covenant/restriction

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

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai DCP Part 24R.8.1). 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.

Reason: To protect the environment.

60. Infrastructure repair

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

Reason: To protect public infrastructure.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

61. Noise control - plant and machinery

All noise generating equipment associated with mechanical ventilation systems, plant and machinery shall be located and/or soundproofed so the equipment is not audible within a habitable room in any residential premises between the hours of 10.00pm and 7am. The operation of the equipment outside these restricted hours shall emit a noise level of not greater than 5dB above the background when measured at the nearest residential occupancy. The background (LA90, 15 min) level is to be determined without the source noise present.

Reason: To protect the amenity of surrounding residents.

62. Provision of visitor car parking

Outside standard school hours/days the car park is to be made available for use by people attending any functions/events held at the school.

Reason: To minimise demand for on street parking and reduce impacts on the amenity of the surrounding residential area.

Reason for conditions

To safeguard the amenity of the locality.

Other approvals

This consent does not include any other approvals granted under Section 78A(5) of the Environmental Planning and Assessment Act 1979.

Right of appeal

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months of the date on which you receive this Notice.

Advisings

- a) Council is always prepared to discuss its decisions and in this regard please do not hesitate to contact Jonathan Goodwill on telephone **9424 0000**.
- b) Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request a review of the determination. The request must be made in writing on the S.82A Review application form (refer Council's website or customer service centre) within six (6) months of receipt of this Notice of Determination, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of determination with Council staff before lodging such a request. There is no right of review under S82A of the Act in respect of Designated, Integrated Development or applications determined by the Joint Regional Planning Panel.
- c) Changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of a use may require the submission of a modification application under Section 96 of the Environmental Planning and Assessment Act 1979. Any proposed modification to the development consent, must result in a development that is substantially the same development as that which was originally approved. It is recommended that the applicant discuss any request for a review of determination with Council staff before lodging such a request.
- d) Your attention is drawn to the necessity to:

Obtain a **Construction Certificate** under Section 109(1)(b) of the Environmental Planning and Assessment Act 1979 in respect of the development consent.

An application for a Construction Certificate may be lodged with Council. Alternatively you may apply to an accredited certifier.

All building work must be carried out fully in accordance with the conditions of the development consent and it is an offence to carry out unauthorised building work that is not in accordance with the development consent.

An offence under the Environmental Planning and Assessment Act 1979 and Regulations is subject to a penalty up to \$110,000 and \$11,000, respectively.

Council may also serve a notice and an order to require the demolition/removal of unauthorised building work or to require the building to be erected fully in accordance with the development consent.

On the spot penalties will be imposed for works which are carried out in breach of this consent, or without consent.

A Section 96 application is required to be submitted to and approved by Council, prior to commencement of any variations from the approved plans and conditions of consent.



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Signature on behalf of consent authority
Team Leader
Development Assessment