

Project Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation dated 14 September 2011, we the Planning Assessment Commission of New South Wales (the Commission) approve the Project Application referred to in Schedule 1, subject to the conditions in Schedule 2.



Gabrielle Kibble AO
Chair of the Commission



Richard Thorp
Member of the Commission

Sydney

27 January 2012

SCHEDULE 1

Application No.:	MP08_0244
Proponent:	ANKA (Civic Centre) Pty Ltd.
Approval Authority:	Minister for Planning and Infrastructure
Land:	23-37 Lindfield Avenue and 11 Havilah Lane, Lindfield Lot A DP 418801 Lot 11 DP 713206 Lot 101 DP 1067930 Lot 102 DP 1067930 Lot 103 DP 1067930 Lot 3 DP 713505
Project:	Demolition of existing buildings, excavation, and construction of a mixed use retail and residential development totalling 11,899m ² in GFA comprising: <ul style="list-style-type: none">• 2 level podium with 4,231m² in retail GFA including 293m² GFA as a medical centre;• 91 apartments in 2 residential towers above the retail podium;• 3 levels of basement car parking for 196 vehicles; and• 620m² communal courtyard at the podium level.

NOTES RELATING TO THE DETERMINATION OF MP08_0244

Responsibility for other approvals/ agreements

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

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

Legal notices

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

DEFINITIONS

Act	means the Environmental Planning and Assessment Act, 1979 (as amended).
Advisory Notes	means advisory information relation to the approved development.
BCA	means the Building Code of Australia.
Principal Certifying Authority	has the same meaning as Part 4A of the Act.
Council	means Ku-ring-gai Council.
Department	means the Department of Planning & Infrastructure or its successors.
Director General	means the Director General of the Department or his nominee.
Environmental Assessment (EA)	means the Environmental Assessment Report for the Mixed Use development dated November 2010.
Minister	means the Minister for Planning and Infrastructure.
MP No. 08_0244	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report.
Preferred Project Report (PPR)	means the Preferred Project Report for the Mixed Use Development dated April 2011.
Proponent	means ANKA (Civic Centre) Pty Ltd. or any party acting upon this approval.
Regulation	means the Environmental Planning and Assessment Regulation, 2000 (as amended).
Subject Site	has the same meaning as the land identified in Part A of this schedule.

End of this Section

SCHEDULE 2

PART A- ADMINISTRATIVE CONDITIONS

A1. Development Description

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

Demolition of existing buildings, excavation, and construction of a mixed use retail and residential development totalling 11,899m² in GFA comprising:

- 2 level podium with 4,231m² in retail GFA including 293m² GFA as a medical centre;
- 91 apartments in 2 residential towers above the retail podium;
- 3 levels of basement car parking for 196 vehicles; and
- 620m² communal courtyard at the podium level.

A2. Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with the Environmental Assessment dated November 2010 prepared by JBA Planning and all Appendices, except where varied by:

- the Preferred Project Report dated April 2011 and all Appendices,
- the Proponent's Statement of Commitments included in the PPR; and
- the following drawings:

Architectural (or Design) Drawings prepared by Architecture PTI			
Drawing No.	Revision	Name of Plan	Date
00	C	Cover Sheet & Location Plan	18/04/2011
02.5	B	Basement 3 Plan	14/09/2011
03	C	Basement 2 Plan	14/09/2011
04	C	Basement 1 Plan	14/09/2011
05	E	Ground Floor Plan	14/09/2011
06	D	Level 1 Plan	18/04/2011
07	C	Level 2 Plan	18/04/2011
08	C	Level 3 Plan	18/04/2011
09	C	Level 4 Plan	18/04/2011
10	C	Level 5 Plan	18/04/2011
11	C	Level 6 Plan	18/04/2011
12	C	Level 7 Plan	18/04/2011
13	C	Roof Level	18/04/2011
14	C	Elevations Sheet 1	18/04/2011
15	C	Elevations Sheet 2	18/04/2011
16	C	Elevations Sheet 3	18/04/2011
17	B	Sections Sheet 1	18/04/2011
18	B	Sections Sheet 2	18/04/2011

Engineering (or Design) Drawings prepared by GHD			
Drawing No.	Revision	Name of Plan	Date
21-19509-C001	C	Sediment and Erosion Control Plan	13/04/2011
Landscape Plan (or Design) Drawings prepared by Peter Glass & Associates			
0140-01	D	Landscape Plan for Development Application	06/04/2011

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
- otherwise provided by the conditions of this approval.

A3. Inconsistencies between Document

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, including the Proponent's Statement of Commitments, 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 and Assessment Regulation 2000 in relation to the requirements of the Building Code of Australia (BCA).

A5. Compliance with Building Code of Australia

All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

A6. Lapsing of Approval

This approval shall lapse 5 years after the determination date shown above in this Instrument of Approval, unless the development has been physically commenced.

End of this Section

PART B - GENERAL

B1 Design Modifications

Prior to the issue of the first Construction Certificate, plans and specifications demonstrating compliance with the following shall be submitted to the satisfaction of the Director General:

- (a) The building including any balconies shall be setback a minimum of 2 metres from the western boundary at Levels 5 and 6 (RL 113.5m AHD to RL 119.5m AHD). This excludes any projecting articulation features with a maximum projection of 500mm within the required setback.
- (b) The building including any balconies shall be setback a minimum of 4m from the western boundary at Level 7 (RL 119.5m AHD) and above. This excludes any projecting articulation features with a maximum projection of 500mm within the required setback.
- (c) The security grille at ground floor of the western boundary shall be deleted.
- (d) A revised façade treatment that provides greater articulation shall be provided at the Level 1 façade of the eastern tower facing Havilah Lane.
- (e) Privacy screens shall be provided to the windows and balconies at Levels 2, 3 and 4 facing Kochia Lane.

Written evidence of the Director General's agreement of this shall be provided to the Principal Certifying Authority.

B2 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; and
- shop fit out and use.

End of this Section

PART C – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

C1 Car and Bicycle Parking Provision and Storage

Prior to the issue of a Construction Certificate, plans and specifications demonstrating the following shall be provided to the satisfaction of the Director General:

- (a) The car spaces in the 3 basement levels shall be allocated as follows:

Car Parking Space	
Residential Car Spaces	91
Residential Visitor Car Spaces	15
Retail Public Car Spaces	74
Retail Employee Car Spaces	16
Total car spaces	196*

- (b) Residential car spaces shall be appropriately separated from retail car spaces with restricted access.
- (c) Wheel stops shall be provided to the south end of the car parking spaces at the central bays of all levels.
- (d) All accessible spaces shall be located adjacent to lifts and pedestrian ramps.
- (e) Bicycle parking shall be provided to the main entrances of the retail shopping centre at Lindfield Avenue and Kochia Lane.
- (f) Bicycle spaces proposed at the Level 2 basement car park shall be appropriately relocated to the Level 3 basement car park for future resident use and shall adjoin appropriate locker facilities for bike users. All bicycle parking spaces shall be designed in accordance with AS2890.3.
- (g) Future strata subdivision of the building must reflect the above allocation.

Written evidence of the Director General's agreement of this shall be provided to the Principal Certifying Authority.

*Should the residential apartment numbers and mix change as a result of compliance with **Condition B1**, the allocation and quantum of car parking will be required to be varied in accordance with the car parking rates applied in this approval with the written approval of the Director General.

C2 Landscape Plan

Prior to the issue of a Construction Certificate, a landscape plan for the central Level 2 podium shall be provided to the Principal Certifying Authority which demonstrates all planter boxes at the podium shall provide a minimum 1 metre soil depth in accordance with the guidelines of the Residential Flat Design Code.

C3 Variation of Right of Way Benefiting 39 and 41 Lindfield Avenue

Prior to the issue of any Construction Certificate, the Principal Certifying Authority shall be satisfied that the right of way which benefits 39 and 41 Lindfield Avenue has been varied in a manner that allows the construction of the Project to proceed and maintains access from those properties to Havilah Lane. The Principal Certifying Authority shall be satisfied as to the variation by the provision of documents in registrable form including a written agreement between the Proponent and the owners of 39 and 41 Lindfield Avenue.

C4 Variation of Drainage Easement Benefiting 39 and 41 Lindfield Avenue

Prior to the issue of any Construction Certificate and if the relocation of the drainage easement which benefits 39 and 41 Lindfield Avenue is required, the Principal Certifying Authority shall be satisfied by the provision of documents in registrable form including a written agreement between the Proponent and the owners of 39 and 41 Lindfield Avenue that the relocation of the easement has been agreed.

C5 Development Contributions

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 1979. Ku-ring-gai Council has estimated the total Contribution to be paid is **\$1,960,642.19**.

The contribution shall be paid to Council prior to the issue of any Construction Certificate, in accordance with Ku-ring-gai Contributions Plan 2010.

The contributions specified above are as at the June 2011 quarter and 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. Prior to payment, please contact Council directly to verify the current payable contributions.

The Contributions applicable is based on approval for:

- 91 apartments comprising:
 - 1 x studio
 - 45 x 1 bedroom apartments
 - 38 x 2 bedroom apartments
 - 7 x 3 bedroom apartments
- 3,470m² of retail lettable floor area

Should the residential apartment numbers and mix change as a result of compliance with **Condition B1**, the amount payable may be accordingly adjusted. Refer to Council for any adjustments in accordance with Ku-ring-gai Contributions Plan 2010.

Ku-ring-gai Contributions Plan 2010 may be viewed at www.kmc.nsw.gov.au and at the Council Chambers.

C6 Amendments to approved engineering plans

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that the approved engineering plan(s), 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 approval:

Plan no	Drawn by	Dated
21-19509-C002 Rev. B	GHD	13 April 2011

The above engineering plan(s) shall be amended as follows:

- The 100 cubic metre rainwater retention shall be deleted.
- The on site detention volume is to be calculated using 100% of the site area, as given in Appendix A5.1g)(iv) of Council's DCP 47 *Water management*. The required volume is **104 cubic metres**.
- A design shall be included for the upgrading or relocation of the interallotment drainage pipe which services 39-41 Lindfield Avenue, consistent with the existing or a new easement location.
- Water quality measures are to be provided to achieve the targets given in Chapter 8 of Council's DCP 47 *Water management*.

The above amendments are required to ensure compliance with the following:

- BASIX Certificate 309478M_05.
- Ku-ring-gai Council Water Management Development Control Plan 47.

Note: An amended engineering plan, prepared by a qualified engineer shall be submitted to the Principal Certifying Authority.

C7 Structural Details

Detailed construction drawings, specifications, and other supporting documentation required for a Construction Certificate 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.

C8 Noise from Road and Rail

Prior to issue of the relevant Construction Certificate, plans showing acoustic treatment to comply with "*Development Near Rail Corridors and Busy Roads- Interim Guidelines*" shall be submitted to the Principal Certifying Authority in accordance with the recommendations of the acoustic report prepared by Acoustic Logic Consultants and dated 30 September 2010 and submitted with the EA documentation. The plans shall demonstrate to the Principal Certifying Authority that the development will be acoustically designed and constructed to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building 35 dB(A) at any time between 10 pm and 7am; and
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) 40 dB(A) at any time.

Plans and specifications of the required acoustic design shall be prepared by a practicing acoustic engineer.

C9 Stray Currents and Electrolysis from Rail Operations

Prior to the issue of a Construction Certificate, the Proponent is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

C10 Risk Assessment and Management Plan to Rail Authority

Prior to the issue of a Construction Certificate, a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to the Rail Authority for review and comment on the impacts on rail corridor. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the Rail Authority confirming that this condition has been satisfied.

C11 Crane Operation and Aerial Operations

Prior to the issuing of a Construction Certificate, the Proponent is to submit to the Rail Authority a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the Rail Authority confirming that this condition has been satisfied.

C12 Further Intrusive Investigations Works

Prior to the issuing of a Construction Certificate, the Proponent shall undertake further intrusive investigations into the potential contamination of the site in accordance with the Stage 1 Preliminary Environmental Site Assessment Report dated June 2010 and submitted with the EA. Any recommendations as a result of the further investigations shall be complied with at all times with a copy of the reports submitted to the Principal Certifying Authority. Should a remedial action plan be required, the requirements of SEPP 55 and relevant guidelines shall be complied with.

C13 Access for People with Disabilities (Commercial and Residential)

Prior to the issue of the relevant Construction Certificate, the Principal Certifying Authority shall be satisfied that access for people with disabilities to and from and between the public domain, residential units, and all car parking areas on site to all tenancies within the building, and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access.

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

C14 Adaptable Apartments

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the nominated adaptable apartments within the Approval shall be designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.

Note: Evidence from an appropriately qualified professional demonstrating compliance with this control is to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

C15 Stormwater Management Plan

Prior to issue of the Construction Certificate, the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) may be based on Drawings 21-19509-C002 Rev. B by GHD, dated 13 April 2011, and must include the following detail:

- exact location and reduced level of discharge point to the public drainage system layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence);
- details of the required on-site detention tanks required by Ku-ring-gai Water Management DCP 47, including dimensions, materials, locations, orifice and discharge control pit details as required (refer Chapter 6 and Appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements); and
- the required basement stormwater pump-out system is to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

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

C16 Recycling and Waste Management

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the development provides a common garbage collection/separation area sufficient in size to store all wheelie garbage bins and recycling bins provided by Council for the number of units in the development in accordance with DCP 40. The garbage collection point is to be accessible by Council's Waste Collection Services. The responsibility for the cleaning of waste rooms and waste service compartments; and the transfer of bins within the property, and to the collection point once the development is in use, shall be determined when designing the system and clearly stated in the Waste Management Plan.

C17 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 Principal 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, Principal 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.

C18 Utility Provider Requirements

Prior to issue of the 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 Principal 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.

C19 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.

C20 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 web site 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 Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

C21 Compliance Report

Prior to the issue of the relevant Construction Certificate, the Proponent, or any party acting upon this approval, shall submit to the Principal Certifying Authority a report addressing compliance with all relevant conditions of Part B and C of this approval.

C22 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.

C23 Builders Indemnity Insurance

The Proponent, builder, developer or person who does the work on this development, 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 Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

C24 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 Principal 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.

C25 Outdoor Lighting

Prior to the issue of a Construction Certificate, the Principal 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.

C26 External Service Pipes and the like Prohibited

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the building. Details confirming compliance with this condition must be shown on construction certificate plans and detailed with construction certificate specifications. 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. External vents or roof vent pipes must not be visible from any place unless detailed upon development consent plans.

Vent pipes required by Sydney Water must not be placed on the front elevation of the building or front roof elevation. The applicant, 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.

C27 Design of Works in Public Road (Roads Act Approval)

- (a) Prior to issue of the Construction Certificate, the Principal 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 Lindfield Avenue, and Kochia Lane being the reconstruction of a footpath, and road pavement where applicable, to meet Council's strategies for the public domain. Street furniture and/or street tree planting are also to be included, where required.
- (b) The applicant must obtain a separate approval under sections 138 and 139 of The Roads Act 1993 for any 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.
- (c) 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.
- (d) 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

C28 Vehicle Accessible Areas

The layout of the vehicle accessible areas associated with the subject development (including; driveways, grades, aisle widths, turning paths, sight distance requirements, and parking bay dimensions) should be, in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.

Clear sight lines shall be provided at the property boundary line to ensure adequate visibility between vehicles leaving the car park and pedestrians along the frontage road footpath in accordance with Figure 3.3 of AS 2890.1 – 2004 for light vehicles and AS 2890.2 – 2002 for heavy vehicles.

C29 Stormwater Management Plan

Prior to issue of the relevant Construction Certificate, the Proponent must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the exact location and reduced level of discharge point to the public drainage system.

C30 Basement Car Parking Details

Prior to issue of the 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 Principal Certifying Authority. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:

- all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 – 2004 “Off-street car parking”;
- a clear height clearance of **2.6 metres** (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement;
- no doors or gates are provided in the access driveways to the basement 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.

C31 Driveway Grades –Basement Carparks

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

C32 Infrastructure Restorations 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 Proponent, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council property, and for the removal from

Council Property of any waste bin, building materials, sediment, silt, or any other material or article.

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

C33 Waste Management Plan

Prior to the issue of a Construction Certificate for any works (including excavation), a Waste Management Plan is to be prepared and submitted to the Principal 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;
- (c) all waste generated by the approved development (including residents, businesses and any other activity on the site) are to be collected by a private waste contractor;
- (d) bulky waste items collected by a private waste contractor;
- (e) commitment to providing an on-site caretaker to manage the storage and removal of waste generated by the approved development; and
- (f) commitment to retain the demolition, excavation and construction waste/recycling dockets will be retained on-site to confirm which authorised waste/recycling facilities received the material for recycling or disposal.

The Waste Management Plan is to be implemented prior to commencement of works and during the course of construction.

End of this Section

PART D – PRIOR TO COMMENCEMENT OF WORKS

D1 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.

D2 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.

D3 Construction Management Plan (CMP)

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

- Construction vehicles access to and egress from the site in and route plan in accordance with the CMP during construction.
- Parking for construction vehicles.
- 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.
- Tree protection management measures for all protected and retained trees.
- Noise management requirements for plant and equipment.
- Any request for adjustment to the approved construction working hours and its justification, duration and purpose.

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

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, of Lindfield Avenue, Havilah Lane and Kochia Lane over the site frontage, including the full intersections.
- 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.

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:

- 2 Kochia Lane
- 39-41 Lindfield Avenue
- 43 Lindfield Avenue

- 2-6 Milray Street, buildings fronting Havilah Lane

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 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.

D6 Geotechnical Report

Prior to the commencement of any bulk excavation works on site, the applicant shall submit to the Principal Certifying Authority, the results of the detailed geotechnical investigation comprising a minimum of five cored boreholes and 2 piezometer standpipes, as recommended in Jeffery and Katauskas Report on Desktop Assessment Ref. 24013SP dated 31 March 2011. The report is to address such matters as:

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

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

D7 Further Geotechnical Input

The geotechnical and hydro-geological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Jeffery and Katauskas dated 31 March 2011 and the report prepared prior to commencement of bulk earthworks. Over the course of the works, a qualified geotechnical/hydro-geological engineer must complete the following:

- further geotechnical investigations and testing recommended in the above report(s) and as determined necessary;
- further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary; and
- written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.

D8 Geotechnical Report to Railcorp

The Applicant shall provide a Geotechnical Engineering report to RailCorp for review by RailCorp's Geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by RailCorp. The report shall include the potential impact of demolition and excavation, and demolition- and excavation- induced vibration in rail facilities, and loadings imposed on RailCorp.

D9 Excavation Works

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

D10 Construction and Traffic Management Plan

The applicant must submit to Council a Construction Traffic Management Plan (CTMP), 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 CTMP 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; and
- traffic control for vehicles reversing into or out of the site.

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

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

D11 Work Zone

A Works Zone is to be provided in Lindfield Avenue and/or Havilah Lane 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 applicant shall make a payment to Council for the extended period in accordance with Council's schedule of fees and charges for work zones prior to the extended period commencing.

D12 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.

D13 Erosion and Drainage Management

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

The plan may be based on Drawing 21-19509-C001 Rev. C by GHD but must be amended to show the sediment basin and a supplementary note regarding treatment of collected water prior to discharge into the stormwater system.

D14 Construction Waste Management Plan

Prior to the commencement of any works, the Principal Certifying Authority shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with Council's DCP 40 – Construction and Demolition Waste Management. The plan shall address all issues identified in DCP 40, including but not limited to: the estimated volume of waste and method for disposal for the construction and operation phases of the development.

Note: The plan shall be provided to the Principal Certifying Authority.

D15 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 ensure the noise and vibration levels will be compliant with the relevant Australian Standards and Ku-ring-gai Council's Code for the Control and Regulation of Noise on Building Sites. 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.

D16 Demolition and Waste Materials

Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-1991 *The Demolition of Structures*. Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

- (a) Protection of site workers and the general public.
- (b) Erection of hoardings where appropriate.
- (c) Asbestos handling and disposal where applicable.
- (d) Any disused service connections shall be capped off.

Demolition works must be carried out in compliance with WorkCover's *Short Guide to Working with Asbestos Cement* and Australian Standard AS 2601 1991 *The Demolition of Structures*.

All waste materials generated through demolition, excavation and construction works are to be minimised by re-use on-site, recycling or where reuse or recycling is not practical, disposal at an appropriate authorised waste facility in accordance with the approved Waste Management Plan.

Any fill material imported to the site is to be the subject of testing and monitoring throughout the course of the works and is to consist of clean fill inert material only. That is, non-contaminated excavated material and soil, and suitable material. Putrescible and non-putrescible solid waste (including demolition material) is not permitted. All imported fill must be sourced locally where practicable to reduce traffic movements. A report certifying that fill complies with the requirements of this condition prepared by a suitably qualified person is to be provided to the Principal Certifying Authority on completion of the filling works. The batters of the fill area are to be graded to a slope of no more than 4(H):1(V).

D17 Works within Road Reserve

- (a) No works are to be carried out in Council's Road Reserve without the written approval of Council (acting as the Roads Authority) in accordance with Sections 138 and 139 of the Roads Act.
- (b) A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
- (c) No skip bins or materials are to be stored on Council's Road Reserve.
- (d) All construction in the public road reserve must be undertaken by a Council authorised contractor.
- (e) No native canopy trees to be removed from road reserve without prior approval from Council.

D18 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 Principal Certifying Authority prior to commencement of any works or demolition on site.

D19 Toilet Facilities

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

D20 Notice to be Given Prior to Excavation

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

D21 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 receive written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having benefit of this approval is required to forward the written confirmation from NDBYD to their Principal Certifying Authority prior to any excavation occurring.

D22 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.

End of this Section

PART E – DURING CONSTRUCTION

E1 Hours of work

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

E2 Construction Noise

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

E3 Contamination Potential Works

All works shall be undertaken in accordance with SEPP 55, relevant guidelines, and the recommendations of any Stage 2 Contamination Investigation report.

E4 Railway Corridor

No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500 V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

E5 Approval for Recycled Water Supply System

During the course of the construction works, the applicant must obtain a separate approval from Ku-ring-gai Council under Section 68 of the Local Government Act 1993 to install and operate the recycled water supply system which is required under the BASIX water commitments.

E6 Use of Road or Footpath

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

E7 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.

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 Construction Signage

All construction signs must comply with the following requirements:

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

E11 Approval for Rock Anchors

Approval is to be obtained from the property owner for any anchors proposed beneath adjoining private property. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.

E12 Temporary Rock Anchors

If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or Roads and Maritime Services in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:

- How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road.
- That the locations of the rock anchors are registered with Dial Before You Dig.
- That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
- That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
- That signs will be placed and maintained on the building stating that de-stressed rock.
- Anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.
- Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves.

All works in the public road are to be carried out in accordance with the Conditions of Construction issued with any approval of works granted under Section 138 of the Roads Act 1993.

E13 Maintenance Period for Works in Public Road

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

E14 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.

E15 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.

E16 Drainage to Street

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the street drainage system. New drainage line connections to the street drainage system shall conform and comply with the requirements of Sections 5.3 and 5.4 of Ku-ring-gai Water Management Development Control Plan No. 47.

E17 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.

E18 Survey and Inspection of Waste Collection Clearance and Path of Travel

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.

E19 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.

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

E20 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.

E21 Site Management During Construction Phase

The approved Site management measures, including demolition and excavation measures, are to be implemented and where appropriate maintained during the course of demolition/excavation and construction. This includes the following:

- (a) 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 Principal Certifying Authority's satisfaction.
- (b) 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.
- (c) Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
- (d) 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.
- (e) 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.
- (f) Access to the site through an adjoining park/reserve is prohibited without the written approval of the Council.
- (g) No skip bins or materials are to be stored on Councils Road Reserve.

E22 Survey Certificate

A survey certificate is to be submitted to the Principal 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.

E23 Construction Noise

Noise from the construction, excavation and/or demolition activities associated with the development shall comply with the DECCW Interim Construction Noise Guidelines 2009.

E24 Dust Control

Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the Office of Environment and Heritage. Dust nuisance to surrounding properties should be minimised.

E25 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.

E26 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.

E27 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 Council and/ or the Principal Certifying Authority upon request.

E28 Loading and Unloading During Works

The following requirements apply:

- (a) All loading and unloading associated with construction must be accommodated on site.
- (b) A Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (c) The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (d) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (e) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

E29 Covering of Loads

All vehicles involved in the excavation and / or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

E30 No Obstruction of Public Way

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

E31 Disposal of Seepage and Stormwater

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

E32 External Lighting

External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the Proponent shall submit to the approval authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

E33 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 Office of Environment and Heritage and obtain any necessary approvals to continue the work. The Proponent shall comply with any request made by the Office of Environment and Heritage to cease work for the purposes of archaeological recording.

E34 Compliance Report

The Proponent, or any party acting upon this approval, shall, for the duration of construction period, maintain a report addressing compliance with all relevant conditions of this Part. This report should be made available to the Department and Council upon request.

E35 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.

E36 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:

- appropriate excavation method and vibration control;
- support and retention of excavated faces; and
- hydrogeological considerations.

must be undertaken in accordance with the recommendations of the geotechnical report prepared by Jeffery and Katauskas. 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).

E37 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.

E38 Road Repairs Necessitated by Excavation and Construction Works

It is highly likely that damage will be caused to the roadway at or near the subject site as a result of the construction (or demolition or excavation) works. The Proponent, owner and builder (and demolition or excavation contractor as appropriate) will be held responsible for repair of such damage, regardless of the Infrastructure Restorations Fee paid (this fee is to cover wear and tear on Council's wider road network due to heavy vehicle traffic, not actual major damage).

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

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

E39 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.

E40 Survey and Inspection of Waste Collection Clearance and Path of Travel

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 must be carried out by Council because waste management is not a matter listed in Clause 161 of the Environmental Planning and Assessment Regulation 2000.

E41 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 Principal Certifying Authority.

E42 Sydney Water Trade Waste Permit

The Proponent must obtain a Trade Waste Permit under the Sydney Water Act 1994 in accordance with the requirements of Sydney Water's letter dated 10 January 2011.

E43 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.

E44 Asbestos Removal Signage

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

E45 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.

End of this Section

PART F – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE

F1 Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the plan of subdivision.

F2 Principal Certifying Authority to Arrange Qualified Landscape Architect

The Principal Certifying Authority shall arrange for a qualified Landscape Architect / Designer to inspect the completed landscape works to 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.

F3 Works as Executed Plans

Works-As-Executed stormwater plans shall be submitted to the Principal 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.

F4 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 Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifying Authority must:

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

F5 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Principal 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.

F6 Waste and Recycling Collection Contract

Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, of the building the owner must ensure that there is a contract with a licensed contractor for the removal of **all trade waste** pertaining to the relevant stage of construction. No garbage is to be placed on the public way e.g. footpaths, roadways, plazas, and reserves at any time.

F7 Landscaping shall be Completed Prior to Occupation

The landscaping adjacent to and within the areas the subject of the occupation shall be fully completed in accordance with the approval and approved plans, prior to occupation or use of the premises, and shall be maintained at all times.

F8 Green Travel Plan

The Proponent shall prepare for implementation a location specific sustainable travel plan, such as a Travel Access Guide (TAG), for residents and visitors to the site to support the use of non-car modes of transport. Notices are to be installed in lobbies and within the car park area identifying local public transport routes.

F9 Validation Report

Prior to occupation of the first stage of the development, should the site have required a Remediation Action Plan a Validation Report in accordance with SEPP 55 shall be submitted to Council and the Principal Certifying Authority which confirms that the site is suitable for the proposed residential use. All other requests of SEPP 55 shall be met, such as notification provisions.

F10 Easement for Waste Collection

Prior to occupation of the first stage of the development, an easement for waste collection is to be created under Section 88B of the Conveyancing Act 1919. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to 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.

F11 Retention and Re-Use Positive Covenant

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

F12 Provision of Copy of OSD Designs if Council is not the Principal Certifying Authority

Prior to issue of the 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.

F13 Reinstatement of Redundant Crossings and Completion of Infrastructure Works

Prior to issue of the Occupation Certificate, the Principal 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.

F14 Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 309478M_05 have been complied with. **Ku-ring-gai Council's approval must be obtained for the operation of the recycled water supply system.** A copy of the approval must be provided to the Principal Certifying Authority.

F15 Easement for Right Of Way Benefiting 39 and 41 Lindfield Avenue, Lindfield

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that the right of way which benefits 39 and 41 Lindfield Avenue has been varied in a manner that maintains access from those properties to Havilah Lane and that variation has been registered on the relevant titles in accordance with Section 88B of the Conveyancing Act 1919. The terms of the right of way are to be generally in accordance with the agreement of the landowners of 39 and 41 Lindfield Avenue.

F16 Drainage Easement Benefiting 39 and 41 Lindfield Avenue, Lindfield

Prior to the issue of an Occupation Certificate and if the relocation of the drainage easement which benefits 39 and 41 Lindfield Avenue is required, the Principal Certifying Authority shall be satisfied that the drainage easement which benefits 39 and 41 Lindfield Avenue has been relocated and registered on the relevant titles.

F17 Restrictive Covenant to Solar Access Rights

Prior to the issue of an Occupation Certificate, a restrictive covenant shall be created under Section 88B of the Conveyancing Act 1919, removing any solar access rights to the windows on the southern façade of the Eastern Tower.

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

F18 Easement for Waste Collection

Prior to issue of the Occupation Certificate, an easement for waste collection is to be created under Section 88B of the Conveyancing Act 1919. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to 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.

F19 Dedication of Land

Prior to the issue of the Occupation Certificate, a portion of the site up to 4 metres wide along the full frontage of Kochia Lane is to be incorporated into the Kochia Lane road reserve, dedicated to Council and embellished in accordance with any approval issued for road and footpath improvements and Council's Public Domain Plan, at no cost to Council.

If the roads authority (Council) formally advises that it does not wish to accept some or all of the land dedication, a public easement for access is to be created over that portion of the land to provide a total of 4 metres width of footpath along the Kochia Lane frontage of the site. The easement is to enable full and free right of access for all members of the public.

F20 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 Council Water Management DCP 47). For existing titles,

the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.

The relative location of the on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

F21 Mechanical Ventilation

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

- The Building Code of Australia.
- Australian Standard AS1668.
- Australian Standard AS3666 where applicable.

The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dba above the background when measured at the nearest adjoining boundary.

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

F22 Provision of Copy of OSD Designs if Council is not the PCA

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

- a copy of the approved Construction Certificate stormwater detention/retention design for the site;
- a copy of any works-as-executed drawings required by this consent; and
- the Engineer's certification of the as-built system.

F23 Certification of Drainage Works

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

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans;
- the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Water Management Development Control Plan No. 47 respectively, have been achieved;
- basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and Appendix 7.1.1 of Ku-ring-gai Water Management Development Control Plan No. 47;
- 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; and
- 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. The on-site detention certification sheet contained in Appendix 4 of DCP 47 must be completed and attached to the certification.

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.

F24 WAE Plans for Stormwater Management and Disposal

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

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

F25 Basement Pump-Out Maintenance

Prior to issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a maintenance regime has been prepared for the basement stormwater pumpout system.

Note: A maintenance regime specifying that the system is to be regularly inspected and checked by qualified practitioners is to be prepared by a suitable qualified professional and provided to the Principal Certifying Authority.

F26 Fire Safety Certificate

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council. **Note:** A copy of the Fire Safety Certificate must be submitted to Council.

F27 Construction of Works in Public Road – Approved Plans

Prior to issue of the Occupation Certificate, 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 applicant's designing engineer and completed and approved to the satisfaction of Ku-ring-gai 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.

End of this Section

PART G – DURING OPERATIONS

G1 Annual Fire Safety Statement

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

G2 Road Signage

All works/regulatory signposting associated with the development shall be carried out at no cost to Council or the Roads and Traffic Authority.

G3 Noise – Mechanical Plant and Equipment

Noise associated with the use of mechanical plant and equipment must not give rise to any one or more of the following:

- (a) Transmission “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.
- (b) A sound pressure level at the boundary of any affected receiver that exceeds the background (LA90, 15minutes) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

G4 Outdoor lighting

At all times for the life of the approved development, all outdoor lighting shall not detrimentally impact upon the amenity of other premises and adjacent dwellings and shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

G5 No Door Restricting 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.

G6 Noise Control – Plant and Machinery

All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dba above the background when measured at the nearest boundary.

G7 Loading Dock Management Plan

Prior to the issue an Occupation Certificate in respect of the retail tenancies, a loading dock management plan shall be submitted to and approved by the Principal Certifying Authority which provides details in regard to:

- hours of operation;
- noise management;
- light spill management;
- vehicular and pedestrian access management;
- safety and security management;
- maintenance;
- all future deliveries to the site shall be undertaken via the loading dock;
- articulated vehicles are prohibited from use or access to the loading dock; and
- ongoing review requirements.

The loading dock management, capacity and operating procedures for all deliveries (including hours of deliveries) to the development must comply with the Loading Dock Management Strategy submitted with the application documents.

End of this Section

ADVISORY NOTES

AN1. Compliance Certificate, Water Supply Authority Act, 2000

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

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

- (a) the Principal Certifying Authority before release of the Construction Certificate;
- (b) the approval authority before the release of the subdivision certificate; and
- (c) the Principal Certifying Authority prior to occupation.

AN2. Requirements of Public Authorities for Connection to Services

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

AN3. Application for Hoardings and Scaffolding

A separate application shall be made to Council for approval under State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007, to erect a hoarding or scaffolding in a public place. Such an application shall include:

- (a) Architectural, construction and structural details of the design.
- (b) Structural certification prepared and signed by a suitably qualified practicing structural engineer.

The Proponent shall provide evidence of the issue of a Structural Works Inspection Certificate and structural certification shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of works.

AN4. Use of Mobile Cranes

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

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

AN5. Movement of Trucks Transporting Waste Material

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

AN6. Construction Inspections

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

- (a) Foundations,

- (b) Footings,
- (c) Damp proof courses and waterproofing installation,
- (d) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- (e) Structural beam and column framing,
- (f) Timber wall and roof framing, and
- (g) Stormwater disposal.

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

AN7. Noise Generation

Any noise generated during the construction of the development shall not exceed the limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act 1997, or exceed approved noise limits for the site.

AN8. Stormwater drainage works or effluent systems

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

- (a) water supply, sewerage and stormwater drainage work; and
- (b) management of waste as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN9. Temporary Structures

An approval under State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 to certify the structural adequacy of the design of the temporary structures.

AN10. Disability Discrimination Act

This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

AN11. Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should

obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

AN12. Roads Act 1993

A separate application shall be made to Council or the Roads Traffic Authority for approval under Section 138 of the Roads Act, 1993 to undertake any of the following:

- erect a structure or carry out a work in, on or over a public road, or
- dig up or disturb the surface of a public road, or
- remove or interfere with a structure, work or tree on a public road, or
- pump water into a public road from any land adjoining the road, or
- connect a road (whether public or private) to a classified road.

AN13. Street Numbering

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council's Policy, prior to the occupation of the building(s) or commencement of the use. If street numbers or a change to street numbers is required, a separate application shall be made to Council.

End of this Section

SCHEDULE 3 – Statement of Commitments

Draft Statement of Commitments

Commitments		Timing
Heritage	An archival photographic recording of the heritage item at 1-21 Lindfield Avenue, in its context, documenting the Lindfield Avenue streetscape will be made	Prior to demolition, excavation or construction work commencing
Erosion and Sediment Control during Construction	<ul style="list-style-type: none"> Exits to the site will be provided with shaker grids to remove sediment from vehicle tyres before they leave the site; Stormwater will be collected in a basin at the base of the excavation and after the sediment has settled out water will be pumped to the kerb on Havilah Lane; and Adequate dust control measures will be put in place during the construction phase. 	Excavation and construction
ESD initiatives	The proposed development will seek to implement as many of the ESD initiatives set out within the ESD Report, Revision 1, dated October 2010 as practicable.	Construction and operation
BASIX Requirements	The initiatives set out within the 'Schedule of BASIX commitments' submitted within the Preferred project report, will be implemented.	Construction
Security - Access Control	<ul style="list-style-type: none"> Secure access will be provided to the basement carpark. Residents will have access to the carpark via a resident card. Secure access will also be provided to the pedestrian entry to the residential component of the development off Lindfield Avenue. Secure lift access will be provided to residential floors within the development. Security control will ensure that access to the courtyard will not be available from the retail space at level 1 as this space will be provided as communal private open space for the residential development. An intercom security system will be installed in each apartment for authorising access to the residential areas by non-residents/visitors. 	Construction and operation
Disabled Access	<ul style="list-style-type: none"> The lift cars will have the appropriate controls/grab rails and emergency phone/intercom system for operation by a person with disability satisfying the requirements of AS1735.12 Part 7.2 Provision in lift cars, Part 7.3 Location & Part 7.4 Design; The following six units are proposed to have the plumbing installed, as built, to allow the units to be fully adapted following the "Post adaption" plans and with the guidelines specifications of the AS4299-1995 adaptable housing "schedule of features for adaptable housing" for fittings and fixtures followed. 	Construction

Subject	Commitments	Timing
	<ul style="list-style-type: none"> - Type B unit (two of) on level 2; - Type B unit (two of) on level 3; - Type B unit (one of) on level 4; and - Type B1 unit (one of) on level 6. <p>■ The bathrooms in the above adaptable units will be built with a hobbles shower area of the dimensions required and walls capable of having grab rails mounted in a manner to satisfy AS1428.1 Clause 10.2.8 & Figure 21; and</p> <p>■ Relevant sections of the surround built environment/public domain (footpaths/kerb ramps etc along adjoining roads) required to be completed as part of the development, to provide accessible paths of travel, are proposed to be compliant with the specifications set out in AS1428.1.</p>	
Acoustic Treatments	Where appropriate the recommendations set out within the Environmental Noise and Vibration Impact Report, prepared by Acoustic Logic Consultancy, dated 30 September 2010, submitted with the EAR will be implemented.	Construction
Vibration Monitoring	<ul style="list-style-type: none"> ■ Prior to any works commencing on site, dilapidation reports on adjoining buildings will be undertaken; ■ Within 1-21 Lindfield Avenue the peak particle velocity will be limited to a threshold of 3mm/s for 10Hz to 30Hz and 3-5 for 30Hz to 60Hz; ■ Within 21 Lindfield Avenue a real time alarm will be fitted (if allowed) and vibration logging will be undertaken; and ■ Full time qualitative monitoring will be undertaken to confirm vibrations on adjoining structures are within tolerable limits. 	Prior to commencement of construction
Developer Contributions	<p>The following contribution rates will apply to the residential component of the development:</p> <ul style="list-style-type: none"> ■ \$12,259.05 per studio ■ \$14,427.16 per 1 bedroom dwelling; ■ \$20,202.07 per 2 bedroom dwelling; and ■ \$25,070.23 per 3 bedroom dwelling. <p>Developer contributions for the residential component of the development will be paid in accordance with the above rates (indexed to current CPI) prior to the Occupation Certificate being issued.</p>	Prior to issue of Occupation Certificate
Geotechnical and Hydrogeological	The recommendations contained within the Geotechnical and Hydrogeological Assessment, prepared by Jeffery and Katauskas, dated 31 March 2011 (submitted with the preferred project Application) will be implemented.	Excavation and Construction

Subject	Commitments	Timing
Contamination	<ul style="list-style-type: none"> ■ Prior to the demolition of the existing site buildings, a suitably qualified consultant will undertake a hazardous building materials survey. ■ The buildings will be demolished in accordance with the recommendations made within the hazardous building materials report. ■ A preliminary soil and groundwater investigation will be undertaken at the site to make a preliminary assessment of the soil and groundwater contamination conditions at the site and assess the potential for significant widespread soil and groundwater contamination; and ■ After the investigation waste classification documentation will be prepared for off-site disposal of soil and rock associated with the proposed basement excavation works. ■ If it is not feasible to complete the preliminary investigation prior to demolition, those parts of the investigation that can be completed will be undertaken. ■ The investigation will include soil sampling from a minimum of five boreholes distributed evenly across the site. This sampling density is approximately half that recommended by the EPA (DECCW) and is considered adequate for a preliminary investigation. Fill and natural soil/bedrock samples will be obtained and analysed for soil contaminants of concern. ■ The preliminary investigation will include the installation of two temporary groundwater monitoring wells. One of the monitoring wells will be located adjacent to the north-east site boundary (i.e the north section of number 11 Havilah Lane), in the vicinity of the service station. Groundwater samples will be screened for Heavy metals, VOCs and TPH (as a minimum). ■ In the event that the preliminary soil and groundwater investigation encounters elevated levels of contaminants at the site, additional investigation work will be undertaken if required. ■ The site will be inspected by experienced environmental personnel during demolition and excavation works to assess any unexpected conditions or subsurface facilities that may be discovered. 	Prior to demolition
Waste Management	<ul style="list-style-type: none"> ■ A waste caretaker will manage the garbage system of this development. The caretaker's duties will include the following: <ul style="list-style-type: none"> - generally maintaining and cleaning the garbage rooms. (Recommended at least once per week); - organising, maintaining and cleaning the general and recycled waste holding areas. Due to the nature of the waste it is recommended that in addition to cleaning, the garbage rooms be deodorised (recommended at least once per week); - sorting recycled waste into appropriate receptacles; 	Operation

Subject	Commitments	Timing
	<ul style="list-style-type: none"> - organising for both Garbage and Recycled Waste pick-ups as required; - transporting appropriate waste containers between garbage rooms and collection areas to coincide with collection cycles and vice versa; and - assisting with the emptying of bins during collection. ■ Organic waste will be handled and managed by the personnel responsible for maintaining landscaped areas. ■ A total of 12(1,000 litre) standard bins and 16 (240 litre) recycle bins will be provided for the residential component of the development. ■ A total of 6 (1,000 litre) standard bins and 5 (1,00 litre) recyclable bins will be provided for the retail component of the development. ■ Garbage Chute with 510mm diameter specifications to meet council requirements will be supplied. ■ Construction of both the garbage areas and garbage rooms will meet all requirements set out in Ku-ring-gai City Council Codes, BCA and Australian Standards. ■ The waste management system will be monitored in the initial stages to ensure that sufficient bins have been provided to handle the waste generated. 	
Construction Management	<ul style="list-style-type: none"> ■ The construction will be under the control of a Head Contractor who will be appointed after the Approval is granted. Upon appointment and once they have become familiar with the site and developed a methodology for the construction of the project, the Contractor will prepare a Detailed Construction Management Plan for the development. ■ Prevention of unauthorised access to the site is a high priority and will be managed throughout the construction period. When the Contractor is appointed, the site will be secured with fences and barriers and, if necessary, hoardings to an approximate of height of 2.4m. ■ Alternate pedestrian routes around the site will be created and clearly signed. Particular attention will be paid to maintaining access and amenity for pedestrians and vehicles to each of the three street frontages. ■ Appropriate signage will be placed on areas at street level, indicating the works area and restricted access to the site. ■ The contractor will prepare demolition and excavation management plans. The applicant's representatives will review the demolition and excavation management plan issued by the contractor to ensure appropriate measures are in place for the works. ■ All works will be undertaken in line with the requirements of Workcover NSW as well as the relevant standards and codes of practice. ■ Contractors will be required to undertake a thorough induction specific to the site and hold on-site briefings 	Excavation, demolition and construction

Subject	Commitments	Timing
	<p>periodically as the project and site evolves.</p> <ul style="list-style-type: none"> ■ All demolition and excavation works will be undertaken by appropriately licensed and experienced contractors, utilising the relevant codes of practice with regards to the generation of dust. ■ Wet demolition practices are likely to be employed by demolition contractors to afford further protection against dust generation. ■ Noise and vibration criteria will be established for the construction and operational stage of the proposed building in accordance with Department of Environment and Climate Change (DECC) guidelines including the DECC's Environmental Noise Control Manual and the Industrial Noise Policy. ■ Control of noise and vibration will be achieved through the use of appropriately licensed and experienced contractors coupled with monitoring. ■ Plant and equipment utilised during demolition will be required to meet relevant guidelines with regards to noise levels. ■ Waste management & re-use principals will be applied to both the demolition as well as the construction stages of this development. The general principals include <ul style="list-style-type: none"> - minimising waste generation to landfills and maximising waste material avoidance, reuse & recycling. - increasing awareness of all employees and subcontractor employees to ensure they understand their responsibilities for waste management. - to comply with all relevant legislation and regulatory requirements relating to waste minimisation and waste management. ■ During demolition of the existing building, all demolition waste that can be recycled (bricks, concrete, steel, timber and glass) will be taken off-site and sorted for recycling by specialist waste handling contractors where possible. ■ Any waste from demolition or construction that cannot be recycled or reused either on-site or off-site, will be removed from the site and disposed of accordingly at approved landfill sites. ■ Regular removal and emptying of bins and skips will be done via trucks that will be covered to stop waste from falling off during transport. ■ All trucks will have their wheels cleaned prior to leaving the site so as not to deposit residue and dirt onto public roads. ■ The contractor will be responsible for ensuring excavated earth will be disposed off-site at an approved location for possible reuse as fill. ■ During design and construction, consideration will be given to material options that minimise waste 	

Subject	Commitments	Timing
	<p>produced compared to alternatives that generate higher waste where possible. Where material waste is inevitable, efforts will be made to ensure that excess materials will be seen as a resource and used either on-site or off-site on other projects if economical to do so.</p> <ul style="list-style-type: none"> ▪ To promote and increase awareness of waste management on-site, signs advertising waste management practices will be displayed in and around the site at all times. ▪ Waste separation bins and areas will be clearly labelled to encourage waste reuse and reduce disposal to landfill. ▪ CONCRETE/ BITUMIN - As much as possible, the concrete waste along with any surplus new concrete will be separated from other waste materials. Waste concrete will be taken to an appropriate facility for recycling, or disposed of accordingly. ▪ WOOD/ TIMBER - All wood should be reused or recycled unless it has been treated or contaminated and deemed not fit for any purpose. Where possible, wood pallets and packaging will be returned to the supplier for reuse. Where possible, wood materials used during the construction process (formwork, hoardings etc) will be reused. Wood unsuitable for reuse will be stored at designated areas on-site for collection and taken to recycling facilities. ▪ METALS - Where possible, metal drums will be returned to the supplier for reuse. Metal waste will be separated from other waste materials. Any metals not suitable for reuse will be stored and transported to an appropriate recycling facility ▪ PLASTICS/ GLASS - Glass and plastic waster will be stored on-site in collection bins and transported to recycling facilities. ▪ WALL/ CEILING LININGS - To minimise wall and ceiling lining waste during construction, plaster board and fibre cement, off-cuts will be encouraged to be used where possible. All waste plaster board and fibre cement sheets not suitable for reuse will be stored and transported to an appropriate recycling facility. ▪ At no time will hoses be used to clean roads. The use of water on site will be monitored and minimal usage will be encouraged. 	