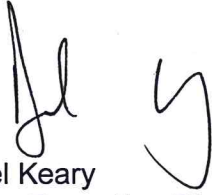


Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 16 February 2015, I the Executive Director of Infrastructure and Industry Assessments determine the modification of the project approval referred to in Schedule 1, subject to the Conditions in Schedule 2.



Daniel Keary
Acting Executive Director
Infrastructure and Industry Assessments

Sydney 29th JUNE 2015

SCHEDULE 1

Application No.:	MP08_0244 MOD 2
Proponent:	Aqualand
Approval Authority	Minister for Planning
Land:	23-37 Lindfield Avenue, 7 and 11 Havilah Lane, Lindfield
Project:	<p>Demolition of existing buildings, excavation, and construction of a mixed use retail and residential development totalling 12,066m² in GFA comprising:</p> <ul style="list-style-type: none">• 1 level podium with 2,379.5m² in retail GFA;• 112 apartments in 2 residential towers above the retail podium;• 3 levels of basement car parking for 184 vehicles; and• 699.5m² communal courtyard at the podium level.
Modification:	<p>Modifications to provide includes:</p> <ul style="list-style-type: none">• incorporation of 7 Havilah Lane into the mixed use development envelope to achieve a building height of 7 storeys;• increase in excavation and basement parking;• change in dwelling mix and provision of 10 additional apartments (122 apartments);• increase in overall GFA by 1,555m²; and• other minor amendments.

SCHEDULE 2

CONDITIONS

The above approval is modified as follows:

- (a) Condition A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

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 ~~12,066m²~~ **13,621m²** in GFA comprising:

- 1 level podium with ~~2,379.5m²~~ **2,750m²** in retail GFA;
- ~~442~~ **122** apartments in 2 residential towers above the retail podium;
- 3 levels of basement car parking for ~~484~~ **199** vehicles; and
- 699.5m² communal courtyard at the podium level.

- (b) Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

A2. Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with the Environmental Assessment dated 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;
- the Section 75W Modification Application dated December 2012;
- the Section 75W Modification Application Response to Submissions dated May 2013;
- **the Section 75W Modification Application dated November 2014;**
- **the Section 75W Modification Application Response to Submissions dated March 2015;** and
- the following drawings:

Architectural (or Design) Drawings prepared by Crone Partners			
Drawing No.	Revision	Name of Plan	Date
1000	B <u>D</u>	Basement 3 Plan	20/5/2013 <u>13/02/2015</u>
1001	B <u>D</u>	Basement 2 Plan	20/5/2013 <u>13/02/2015</u>
1002	B <u>D</u>	Basement 1 Plan	20/5/2013 <u>13/02/2015</u>
1003	B <u>D</u>	Lower Ground Floor Plan	20/5/2013 <u>13/02/2015</u>
1004	B <u>D</u>	Ground Floor Plan	20/5/2013 <u>13/02/2015</u>
1005	D <u>F</u>	Level 1 Floor Plan	12/8/2013 <u>13/02/2015</u>
1006	D <u>F</u>	Level 2 Floor Plan	12/8/2013 <u>13/02/2015</u>
1007	D <u>F</u>	Level 3 Floor Plan	12/8/2013 <u>13/02/2015</u>
1008	D <u>F</u>	Level 4 Floor Plan	12/8/2013 <u>13/02/2015</u>

1009	D F	Level 5 Floor Plan	12/8/2013 13/02/2015
1010	C E	Level 6 Floor Plan	9/8/2013 13/02/2015
1011	C E	Level 7 Floor Plan	9/8/2013 13/02/2015
1012	C E	Roof Plan	9/8/2013 13/02/2015
2000	C E	Elevations (Sheet 1 of 2)	9/8/2013 13/02/2015
2001	C E	Elevations (Sheet 2 of 2)	9/8/2013 13/02/2015
3000	B D	Sections (Sheet 1 of 3)	20/5/2013 13/02/2015
3001	B D	Sections (Sheet 2 of 3)	20/5/2013 13/02/2015
3002	C E	Sections (Sheet 3 of 3)	9/8/2013 13/02/2015
Engineering (or Design) Drawings prepared by Insync Services			
SW-100	C	Basement Level 3 In-ground Hydraulic Services Plan	24/05/2013
SW-101	C	Basement Level 3 Hydraulic Services Plan	24/05/2013
SW-102	C	Basement Level 2 Hydraulic Services Plan	24/05/2013
SW-103	C	Basement Level 1 Hydraulic Services Plan	24/05/2013
SW-104	C	Lower Ground Level Hydraulic Services Plan	24/05/2013
SW-105	C	Ground Level Hydraulic Services Plan	24/05/2013
SW-106	C	Level 1 Hydraulic Services Plan	24/05/2013
SW-107	C	Level 2 Hydraulic Services Plan	24/05/2013
SW-108	C	Level 3 Hydraulic Services Plan	24/05/2013
SW-109	C	Level 4 Hydraulic Services Plan	24/05/2013
SW-110	C	Level 5 Hydraulic Services Plan	24/05/2013
SW-111	C	Level 6 Hydraulic Services Plan	24/05/2013
SW-112	C	Level 7 Hydraulic Services Plan	24/05/2013
SW-113	C	Roof Level Hydraulic Services Plan	24/05/2013
SW-114	A	Stormwater Detention and Rainwater Storage Tank Detail Sheet	24/05/2013
SW-01	1	Stormwater Services Site Plan	14/10/2014
SW-02-A	1	Zone A Basement Level 3 Inground Stormwater Services Plan	14/10/2014
SW-03-B	1	Zone B Basement Level 3 Inground Stormwater Services Plan	14/10/2014
SW-04-A	1	Zone A Basement Level 3 Stormwater Services Plan	14/10/2014
SW-05-B	1	Zone B Basement Level 3 Stormwater Services Plan	14/10/2014
SW-06-A	1	Zone A Basement Level 2 Stormwater Services Plan	14/10/2014
SW-07-B	1	Zone B Basement Level 2 Stormwater	14/10/2014

<u>Services Plan</u>			
<u>SW-08-A</u>	<u>1</u>	<u>Zone A Basement Level 1 Stormwater Services Plan</u>	<u>14/10/2014</u>
<u>SW-09-B</u>	<u>1</u>	<u>Zone B Basement Level 1 Stormwater Services Plan</u>	<u>14/10/2014</u>
<u>SW-10-A</u>	<u>1</u>	<u>Zone A Lower Ground Level Stormwater Services Plan</u>	<u>14/10/2014</u>
<u>SW-11-B</u>	<u>1</u>	<u>Zone B Lower Ground Level Stormwater Services Plan</u>	<u>14/10/2014</u>
<u>SW-12-A</u>	<u>1</u>	<u>Zone A Ground Level Stormwater Services Plan</u>	<u>14/10/2014</u>
<u>SW-13-B</u>	<u>1</u>	<u>Zone B Ground Level Stormwater Services Plan</u>	<u>14/10/2014</u>
<u>SW-14-A</u>	<u>1</u>	<u>Tower A Level 1 Stormwater Services Plan</u>	<u>14/10/2014</u>
<u>SW-15-B</u>	<u>1</u>	<u>Tower B Level 1 Stormwater Services Plan</u>	<u>14/10/2014</u>
<u>SW-16-A</u>	<u>1</u>	<u>Tower A Level 2 Stormwater Services Plan</u>	<u>14/10/2014</u>
<u>SW-17-B</u>	<u>1</u>	<u>Tower B Level 2 Stormwater Services Plan</u>	<u>14/10/2014</u>
<u>SW-18-A</u>	<u>1</u>	<u>Tower A Level 3 Stormwater Services Plan</u>	<u>14/10/2014</u>
<u>SW-19-B</u>	<u>1</u>	<u>Tower B Level 3 Stormwater Services Plan</u>	<u>14/10/2014</u>
<u>SW-20-A</u>	<u>1</u>	<u>Tower A Level 4 Stormwater Services Plan</u>	<u>14/10/2014</u>
<u>SW-21-B</u>	<u>1</u>	<u>Tower B Level 4 Stormwater Services Plan</u>	<u>14/10/2014</u>
<u>SW-22-A</u>	<u>1</u>	<u>Tower A Level 5 Stormwater Services Plan</u>	<u>14/10/2014</u>
<u>SW-23-B</u>	<u>1</u>	<u>Tower B Level 5 Stormwater Services Plan</u>	<u>14/10/2014</u>
<u>SW-24-A</u>	<u>1</u>	<u>Tower A Level 6 Stormwater Services Plan</u>	<u>14/10/2014</u>
<u>SW-25-B</u>	<u>1</u>	<u>Tower B Roof Level Stormwater Services Plan</u>	<u>14/10/2014</u>
<u>SW-26-A</u>	<u>1</u>	<u>Tower A Level 7 Stormwater Services Plan</u>	<u>14/10/2014</u>
<u>SW-27-B</u>	<u>1</u>	<u>Tower A Roof Level 8 Stormwater Services Plan</u>	<u>14/10/2014</u>
<u>SW-28</u>	<u>1</u>	<u>OSD & Rainwater Tank Detail Sheet</u>	<u>14/10/2014</u>
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 Aspect Studios			
LA-01	A	Level 1 Landscape Plan	Nov-2012
LA-02	A	Level 1 Courtyard Perspectives	Nov-2012
LA-03	A	Level 1 Courtyard Section	Nov-2012
<u>S75WLA-01</u>	<u>A</u>	<u>Level 1 Landscape Plan</u>	<u>September 2014</u>
<u>S75WLA-02</u>	<u>A</u>	<u>View One: Level 1 Landscape Courtyard Perspective</u>	<u>September 2014</u>
<u>S75WLA-03</u>	<u>A</u>	<u>Section A-A: Level 1 Courtyard</u>	<u>September 2014</u>

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.

(c) Condition B1 is deleted as ~~struck-out~~ words / numbers as follows:

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:

- Privacy screens shall be provided to the windows and balconies on the southern elevation of the Western Tower at Levels 1, 2, 3 and 4 facing Kochia Lane;
- The "portal frame" element shall be setback a minimum of 1 metre from the southern (Kochia Lane) boundary; and

(c) ~~the vehicle entry driveway off Havilah Lane shall be designed to accommodate the swept path of an 11 metre long rigid truck. The line of bollards which provides physical separation between vehicle and pedestrian paths shall be adjusted to reflect the extent of the swept, particularly at the Havilah Lane footpath.~~

Written evidence of this shall be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

- (d) Condition C1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

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 **Secretary** of the Department:

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

Car Parking Space	
Residential Car Spaces	105 <u>122</u>
Residential Visitor Car Spaces	25 <u>28</u>
Retail Public Car Spaces	44 <u>48</u>
Retail Employee Car Spaces	10 <u>13</u>
Total car spaces	184 <u>211</u>

Written evidence of this shall be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate **for the construction of the basement.**

*Should the residential apartment numbers and mix change, 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.

- (e) Condition C3 is deleted as ~~struck-out~~ words / numbers as follows:

~~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 continued operation of the right of way which benefits 39 and 41 Lindfield Avenue can be managed to ensure that it does not conflict with the one-way movement of vehicles through the upper basement level.~~

- (f) Condition C5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

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 \$2,084,950.71 **\$2,605,705.32**, broken down as follows:

Key Community Infrastructure	Amount
Local parks and local sporting facilities	\$1,036,294.55 <u>1,253,269.62</u>
Local recreation and cultural facilities; Local social facilities	\$184,925.03 <u>\$223,643.88</u>
Local roads, local bus facilities and local drainage facilities (new roads and road modifications)	\$137,683.15 <u>\$250,726.91</u>
Local roads, local bus facilities and local drainage facilities	\$726,047.98 <u>\$878,064.91</u>

(townscape, transport & pedestrian facilities)	
Total	\$2,084,950.74 \$2,605,705.32

The contribution shall be paid to Council prior to the issue of any Construction Certificate, Linen Plan, Certificate of Subdivision or Occupation Certificate, whichever comes first in accordance with Ku-ring-gai Contributions Plan 2010.

The contributions specified above are as at the December 2012 **2014** 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:

- ~~412~~ **122** apartments comprising:
 - **4** x studio
 - ~~53~~ **56** x 1 bedroom apartments
 - ~~53~~ **55** x 2 bedroom apartments
 - ~~27~~ x 3 bedroom apartments
- ~~2,049m²~~ **2,325m²** retail lettable floor area

Should the residential apartment numbers and mix change 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.

- (g) *Condition C8 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:*

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 letter dated 21 January 2015** and submitted with the EA documentation. **An updated acoustic report is required to be submitted prior to the issue of the Construction Certificate for construction of the building assessing the changes approved as part of MOD 2.** Should design changes occur the acoustic report is to be updated. 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.

- (h) Condition C15 is deleted as ~~struck-out~~ words / numbers as follows:

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, Hydraulic Service Drawings prepared by Insync Services 24/05/2013 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.~~

- (i) Condition C16 is deleted as ~~struck-out~~ words / numbers as follows:

C16 Recycling and Waste Management

~~Prior to the issue of the Construction Certificate for the construction of the basement, evidence shall be submitted to the Principal Certifying Authority confirming Council's support for waste compaction or amended plans be submitted increasing the size of common/garbage storage rooms so they are capable of storing all wheelie garbage bins and recycling bins provided by Council for the number of units in accordance with Council's requirements. 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.~~

- (j) Condition C29 is deleted as ~~struck-out~~ words / numbers as follows:

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.~~

- (k) Condition D3 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

D3 Construction Management Plan (CMP)

The Proponent shall submit, for approval by the Principal 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 TMP 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.
- ~~Details of alternate means of pedestrian and vehicular access to the properties known as Nos. 39 and 41 Lindfield Avenue throughout the construction phase.~~
- 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.

- (l) Condition D5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

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 condition of all structures which comments on any structural conditions that may be evident from the visual inspection upon the following lands, has been completed and submitted to Council:

- 2 Kochia Lane
- 39-41 Lindfield Avenue
- 19-21 Lindfield Avenue
- **43-47 Lindfield Avenue**
- **9 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, or conditions imposed by the property owner are unreasonable 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.

- (m) Condition D6 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

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 **and Geotechnical Investigation report prepared by Douglas Partners dated January 2015**. 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.

- (n) Condition D7 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

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 **Geotechnical Investigation Report prepared by Douglas Partners dated January 2015** 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.

- (o) Insertion of Condition E21A as **bold and underlined** words / numbers as follows:

E21A Contamination

The development shall at all times be carried out in accordance with the recommendations of the Detailed Site Investigation Report carried out by Douglas Partners dated January 2015.

- (p) Condition F14 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

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. 4005269533 **446723M 06** 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.

- (q) Condition G5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words / numbers as follows:

G5 No Door Restricting Internal Waste Collection in ~~Basement~~ Lower Ground Floor

At all times, the lower ground floor 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.

- (r) Condition G7 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words / numbers as follows:

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 **and acoustic statement prepared by Acoustic Logic and dated 21 January 2015.**

Further no vehicles greater than 11m in length shall access the loading dock and basement car parking at any time.

- (s) The Statement of Commitments is replaced with the following:

Statement of Commitments – MP08_0244 - MOD 2

Subject	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 prepared by Cundall, dated 31 October 2014 as practicable.	Construction and operation
BASIX Requirements	The initiatives set out within the 'Schedule of BASIX commitments' submitted within the Modification Application Preferred Project, dated October 2013, will be implemented.	Construction
Security - Access Control	<ul style="list-style-type: none"> Secure access will be provided to the basement car park. Residents will have access to the car park via a resident card. Secure access will also be provided to the pedestrian entries to the residential component of the development off Lindfield Avenue, and Havilah Lane. 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 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 13 units are proposed to have the plumbing installed, as built and if required, to allow the units to be fully adapted following the "Post adaption" plans if appropriate for that person: <ul style="list-style-type: none"> 104A; 110A; 204A; 210A; 304A & 310A; and 105B; 108B; 205B; 206B; 208B; 305B & 308B. The bathrooms in the above adaptable units will be built with a hobless 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 Relevant sections of the surrounding built environment/public domain (footpaths/kerb ramps etc along adjoining 	Construction

Subject	Commitments	Timing
Acoustic Treatments	<p>roads) are 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> <ul style="list-style-type: none"> 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 for the original Project Application will be implemented. Where appropriate the recommendations set out within the Acoustic Report, prepared by Wood & Grieve Engineers, dated 15 December 2012, submitted with the Modification Application 1 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	Developer contributions will be paid in accordance with the Ku-ring-gai Contributions Plan 2010.	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 for the Original Project Application) will be implemented.	Excavation and Construction
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 	Prior to demolition

Subject	Commitments	Timing
	<ul style="list-style-type: none"> ▪ 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. 	
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; - 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. ▪ Bins for the residential and retail component of the development will be provided in accordance with the requirements in the Waste Management Plan, prepared by The Mack Group, dated 30/10/2014. ▪ Garbage Chute with 510mm diameter specifications to meet council requirements will be supplied. ▪ Construction of 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. 	Operation
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 	Excavation, demolition and construction

Subject	Commitments	Timing
	<p>the demolition and excavation management plan issued by the contractor to ensure appropriate measures are in place for the works.</p> <ul style="list-style-type: none"> ▪ 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 periodically as the project and site evolves. ▪ 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. 	