

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.

These conditions are required to:

- prevent, minimise and / or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

Member of the Commission Member of the Commission Member of the Commission

Sydney

2013

SCHEDULE 1

PART A: PARTICULARS

Application No.:	MP10_0219
Proponent:	Brett Stephen Lord and Marcus William Ayres as Joint and Several Receivers and Managers of the Site
Approval Authority:	Minister for Planning and Infrastructure
Land:	1, 1A and 5 Avon Road and 4 and 8 Beechworth Road, Pymble (Lot 1 DP 583803, Lot 2 DP 583803, Lot 2 DP 205504, Lot 1 DP 403072 and Lot 3 DP 403072)
Project:	<p>Demolition of all existing buildings, excavation and construction of a residential flat building known as Building 1 comprising:</p> <ul style="list-style-type: none">• 44 units;• two (2) basement levels providing parking for 61 vehicles;• construction of vehicular access from Avon Road;• associated landscape treatment;• implementation of a vegetation management plan;• stormwater management infrastructure comprising a pond system constructed along the drainage line to manage stormwater for the entire site; and• stormwater controls specific to Building 1.

PART B: NOTES RELATING TO THE DETERMINATION OF MP10_0219

Responsibility for other approvals / agreements

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

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.

PART C: DEFINITIONS

Act	means the Environmental Planning and Assessment Act 1979 (as amended)
Advisory Notes	means advisory information in relation to the approved development
BCA	means the Building Code of Australia
Principal Certifying Authority	has the same means as Part 4A of the Act
Council	means Ku-ring-gai Council
Department	means the Department of Planning and 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 proposal prepared by Sheridan Planning dated November 2010
Minister	means the Minister for Planning and Infrastructure
MP08_0207	means the Concept Plan described in the Proponent's Environmental Assessment as amended by the Revised Preferred Project Report
MP10_0219	means the Project Application for Stage 1 described in the Proponent's Environmental Assessment as amended by the Revised Preferred Project Report
Preferred Project Report (PPR)	means the Preferred Project Report prepared by Urbis Pty Ltd and dated 30 November 2012.
Revised Preferred Project Report	means the document prepared by Urbis Pty Ltd and dated May 2013
Proponent	means Brett Stephen Lord and Marcus William Ayres as Joint and Several Receivers and Managers of the Site or any party lawfully acting upon this approval
Regulation	means the Environmental Planning and Assessment Regulation 2000
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

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

- Demolition of all existing buildings on the site;
- Excavation and construction of a residential flat building known as Building 1 comprising:
 - (a) 44 apartments;
 - (b) two (2) levels of basement with parking for 61 vehicles;
 - (c) implementation of landscape works;
 - (d) implementation of the Vegetation Management Plan in so far as it applies to the Stage 1 site; and
 - (e) implementation of the Stage 1 Stormwater Drainage Plan and Erosion Sediment Control Plan.

A2. Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with the Environmental Assessment dated 30 November 2010 prepared by Sheridan Planning and all Appendices, except where varied by:

- (a) the Preferred Project Report prepared by Urbis Pty Ltd dated 30 November 2012 and all Appendices,
- (b) the Revised Preferred Project Report prepared by Urbis Pty Ltd dated May 2013 and all Appendices,
- (c) the Proponent's Statement of Commitments included in the Revised PPR, and
- (d) the following drawings:

Architectural Drawings prepared by Marchese Partners International Pty Ltd			
Drawing No.	Revision	Name of plan	Date
DA 01.01	B	Site Plan	20/05/2013
DA 02.00	B	Building 1 Floor Plan - Basement	20/05/2013
DA 02.01	E	Building 1 Floor Plan - Lower Ground Level	20/05/2013
DA 02.02	D	Building 1 Floor Plan - Ground Level	20/05/2013
DA 02.03	D	Building 1 Floor Plan - Level 1	20/05/2013
DA 02.04	D	Building 1 Floor Plan - Level 2	20/05/2013
DA 02.05	E	Building 1 Floor Plan - Level 3	20/05/2013
DA 02.06	D	Building 1 Floor Plan - Level 4	20/05/2013
DA 02.07	D	Building 1 Floor Plan - Roof	20/05/2013
DA 03.01	C	Building 1 - Elevation east	17/12/2012
DA 03.02	D	Building 1 - Elevation south	20/05/2013
DA 03.03	C	Building 1 - Elevation north	17/12/2012
DA 03.04	C	Building 1 - Elevation west	17/12/2012
DA 04.01	C	Building 1 - Section AA BB	20/05/2013
DA 06.01	A	Building 1 - Ramp Study	22/04/2013
DA 06.02	A	Building 1 - Louvre Detail	22/04/2013
Landscape Drawings prepared by Site Image (NSW) Pty Ltd			
DA-001	G	Landscape Plan	20/05/2013
DA-002	F	Landscape Design Features	20/05/2013
DA-501	C	Details	28/11/2012
DA-502	C	Details / Section Elevation	29/11/2012
DA-C100	F	Landscape Masterplan Colour	20/05/2013

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 documents

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 BCA.

A5. Compliance with Building Code of Australia

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

A6. Lapsing of Approval

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

A7. Responsibility for other approvals / agreements

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

End of Part A

PART B – GENERAL

B1. Detailed Drawings

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

B2. 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) Privacy screens / fixed opaque louvres shall be provided to the windows of the two (2) apartments which occupy the north eastern corner of the building on Levels 2, 3 and 4 in order to maintain privacy to the adjoining dwelling at 3 Avon Road.

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

B3. Pedestrian Crossing Upgrades on Avon Road

The Proponent is to investigate the vehicle swept paths for the location of the pedestrian refuge at the bend in Avon Road to ascertain whether it would impact on the path of travel for coaches and other heavy vehicles. In the event that this option is demonstrated not to be feasible, an alternative solution is to be designed in consultation with Council and approved by the Local Traffic Committee, prior to occupation of the Stage 1 building.

B4. Further Approvals

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

- Strata subdivision.

End of Part B

PART C - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

C1. Car Parking and Bicycle Parking Provision and Storage

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

- (a) 55 resident parking spaces and 6 visitor parking spaces.
- (b) All accessible parking spaces shall be located adjacent to lifts.
- (c) A total of fourteen (14) bicycle parking spaces shall be provided in the basement of the building and shall be designed in accordance with AS2890.3.
- (d) 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.

C2. Development Contributions

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a section 94 Contributions Plan in effect under the Environmental Planning and Assessment Act 1979. The total contribution to be paid for the Stage 1 works is \$1,014,167.98, less any credit claimed for the existing dwelling on the site.

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 March 2013 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 to this approval are based on:

44 apartments comprising:

- 16 x 1 bedroom apartments
- 21 x 2 bedroom apartments
- 7 x 3 bedroom apartments

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

C3. 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.

C4. 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.

C5. 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 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.

C6. Recycling and Waste Management

Prior to the issue of the Construction Certificate, the 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.

C7. Noise from Plant

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

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

C8. Utility Provider Requirements

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

C9. 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.

C10. Compliance Report

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

C11. 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.

C12. 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 Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

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

C13. BASIX Certificate requirements

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

C14. Construction Management Plan (CMP)

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

C15. Outdoor Lighting

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

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

C16. 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.

C17. 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.

C18. 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 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.

C19. Driveway Grades – Basement Parking Levels

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 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.

C20. 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.

C21. 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 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.

C22. Bush Fire Safety Requirements

Prior to the issue of a Construction Certificate the Certifying Authority shall be satisfied that the Stage 1 building will comply with the requirements of the Rural Fire Service as detailed in its correspondence of 14 February 2013, as relevant to the Stage 1 Building.

End of Part C

PART D – PRIOR TO COMMENCEMENT OF WORKS

D1 Notice of Commencement

At least 48 hours prior to the commencement of any 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 license number of the owner/builder intending to carry out the approved works.

D3 Notice of Proposed Work (Contaminated Land)

A notice of proposed work form must be given to Council and the Department, in accordance with SEPP 55, Clause 16 if any remediation of contaminated land is required following further investigation as required by the Stage 1 Environmental Site Assessment prepared by Environmental Investigation Services dated December 2012. **Note:** At least 30 days notice is required, except in the case of work required to be carried out immediately under the terms of remediation order (in which case, at least 1 days notice is required).

SEPP 55, Clause 16 requires that the notice must:

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

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

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

D4 Dilapidation Survey and Report (Public Infrastructure)

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

- Full road pavement width, including kerb and gutter, of Avon Road over the site frontage.
- 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:

- 3 Avon Road
- 7 Avon Road

The dilapidation report must include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls ceilings, roof and structural members. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the submitted geotechnical report and Vibration Impact Report and subsequent reports and addendums. In the event that access for undertaking the dilapidation survey is denied by a property owner, the 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 as recommended in JK Geotechnics Geotechnical Assessment Report dated 27 November 2012. The report is required to:

- confirm subsurface conditions; and
- identifying appropriate excavation methods and techniques.

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

D7 Excavation Works

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

D8 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.

D9 Work Zone

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

D10 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.

D11 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.

D12 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 Certifying Authority.

D13 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.

D14 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 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).

D15 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 Councils 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.

D16 Appointment of Certifying Authority

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

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

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

D17 Security Fencing

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

D18 Toilet Facilities

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

D19 Notice to be Given Prior to Excavation

The 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.

D20 Dial Before You Dig

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

D21 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 Part D

PART E – DURING CONSTRUCTION

E1. General Construction

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

- The work must be carried out in accordance with the requirements of the Building Code of Australia.
- In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

E2. Hours of Work

All demolition and construction work must be restricted to between the hours of 7.00am and 7.00pm Mondays to Fridays (inclusive) and 8.00am to 12.00 noon on Saturdays. No work is to be carried out on Sundays or 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.

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

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

E3. 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.

E4. Contamination Potential Works

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

E5. Inspections

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

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. Toilet Facilities

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

E9. 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.

E10. 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.

E11. 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.

E12. 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.

E13. 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.

E14. 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.

E15. 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.

E16. 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.

E17. 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.

E18. 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.

E19. 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 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.

E20. Survey Certificate

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

E21. 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.

E22. 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 DECCW. Dust nuisance to surrounding properties should be minimised.

E23. 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.

E24. 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.

E25. 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 effect.
- (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 Certifying Authority upon request.

E26. 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.

E27. 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.

E28. 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.

E29. 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.

E30. 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.

E31. Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

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

E32. 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.

E33. 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.

E34. 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.

E35. 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 that "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.

E36. 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.

E37. 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.

E38 Temporary Disposal of Stormwater Runoff

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

E39. 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 Co-Ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

E40. Sydney Water Trade Waste Permit

The Proponent must obtain a Trade Waste Permit under the Sydney Water Act 1994.

E41. 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.

E42. 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.

E43. 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 Part E

PART F – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

F1. Occupation Certificate

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

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

F2. Fire Safety Certificate

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

F3. 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 timed consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Certifying Authority prior to the release of the plan of subdivision.

F4. Certifying Authority to Arrange Qualified Landscape Architect

The 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.

F5. Works as Executed Plans

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

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

F6. Post Construction Dilapidation Report

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

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

A copy of this report is to be forwarded to the Department and Council.

F7. Structural Inspection Certificate

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

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

F8. 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.

F9. Validation Report

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

F10. Provision of Copy of OSD Designs if Council is not the Certifying Authority

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 approval; and
- The Engineer's certification of the as-built system.

F11. Reinstatement of Redundant Crossings and Completion of Infrastructure Works

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

- new concrete driveway crossing in accordance with levels and specifications issued by Council;
- 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);
- full repair and resealing of any road surface damaged during construction; and
- 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.

F12. 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. 457515M have been complied with. A copy of the approval must be provided to the Principal Certifying Authority.

F13. 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.

F14. 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.

F15. 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.

F16. Lighting

All lighting is to comply with the following requirements:

- (a) Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards. Basement lighting is to comply with Australian Standard AS1680.2 and 28890.1:2004. Lighting is also to be provided on the underside of the building entry awning.
- (b) A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.
- (c) reduce power consumption and comply with the relevant Australian and New Zealand Standards for Lighting, car park walls and ceilings are to be painted a light colour.
- (d) Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors, the public outdoor court and communal gardens.
- (e) Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.

F17. Lift Access and Security

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

F18. Car Parking Security

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

End of Part F

PART G – DURING OPERATIONS/ POST COMPLETION

G1. Fire Safety Statement

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

G2. Residential Bins

All residential bins will be required to be brought out to the street for servicing by either a cleaner or caretaker. The bins are to be provided in the street so that they do not impede pedestrian access or vehicular access in the street.

G3. Storage and Disposal of Wastes

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

G4. Maintenance of Waste Storage Areas

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

G5. Vehicular Entry and Exit

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

G6. Vehicular Entry

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

G7. Lighting

The lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads. All proposed lights shall comply with the Australia Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.

G8. Loading and Unloading

All loading and unloading in relation to the premises is to take place wholly within the property.

End of Part G

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 Certifying Authority before release of the Construction Certificate;
- (b) the approval authority before the release of the subdivision certificate; and
- (c) the 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 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 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 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 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 RTA 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.

Draft Statement of Commitments

Project Application MP10_0219

REFERENCE

COMMITMENT

Section 94 Contributions

- Section 94 Contributions will be paid in accordance with Council's Section 94 Contribution Plan prior to release of the Construction Certificate.

Footpath Upgrade

- Subject to Council approval, the footpath between the site and Pymble railway station will be upgraded in accordance with the drawing "LSK01A - Avon Road Pedestrian Link to Pymble Station", prepared by Site Image, at the proponents expense.

Pedestrian Underpass Upgrade

- Subject to Railcorp approval, the following upgrades to the Pacific Highway pedestrian underpass adjacent to Pymble Railway Station will be constructed at the proponents expense:
 - Upgrade existing pedestrian underpass lighting by increasing the Lux output and installing protection cages over lights.
 - Repair and repaint walls and roof of the underpass to improve light reflection.
 - Paint existing pavement to the full length of the pedestrian underpass.

Pedestrian Refuge

- A pedestrian crossing will be constructed across Avon Road as shown on Architectural Drawing No.LSK01 (Issue B) prior to release of an occupation certificate for Building 1.

Car Parking

- Building 1 will accommodate 61 car parking spaces with appropriate disabled facilities in accordance with the Architectural Plans DA 02.01 and DA 02.02 prepared by Marchese & Partners. 9 of these spaces will be identified on title as being reserved for visitor parking.

Contamination

- After vegetation has been cleared from the site, a further contamination sampling and analysis will be undertaken.
- A waste classification will be assigned to any fill material that is excavated for offsite disposal.
- If any significant contamination is encountered a Remedial Action Plan (RAP) will be prepared and submitted to Ku-Ring-Gai Council for approval prior to the continuation of work.
- A hazardous building materials survey of all existing buildings and structures will be undertaken prior to the commencement of any demolition works.

REFERENCE

COMMITMENT

Bushfire

- The following will be documented in accordance with the Bushfire Report prepared by Australian Bushfire Protection Planners (**Appendix N** of the PPR) within each Development Application:
 - The design and maintenance of the landscaped gardens to the complex, including the 10.00 metre wide buffer zone to Buildings 3, 4 & 5, shall comply with the prescriptions of an Inner Protection Area [IPA] pursuant to the specifications of Appendix 5 of Planning for Bushfire Protection 2006 and the NSW Rural Fire Services document 'Specifications for Asset Protection Zones'.
 - The existing Sydney Water reticulated service shall be extended into the site with hydrants installed in accordance with A.S. 2419.1 – 2005. Hydrant booster assemblies shall be provided inside the boundary and adjacent to the entry driveways off both Avon Road (Building 1) and Beechworth Road (Building 5)
 - The minimum pavement width of the internal driveways will be 6.5 metres. Corners shall be designed to permit a Fire & Rescue Urban Pumper [Heavy Rigid Vehicle] and a B9 vehicle to pass and turning facilities shall be provided to enable fire appliance egress from the site in a forward direction.
 - An Evacuation Plan which incorporates protocols for defined emergencies in accordance with Australian Standard A.S. 3745-2002 "Emergency Control Organisation and Procedures for dwellings, structures and workplaces" will be prepared and incorporated into the Community Management Plan, and will remain in draft format until completed by the management committee.

Rail Corridor

- During all stages of the development extreme care will be taken to prevent environmental harm within railway corridor, in accordance with Railcorp's requirements. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities will remain the full responsibility of the proponent.

Vegetation Management

- All works and activities on the site will be conducted in accordance with the Vegetation Management Plan prepared by Anne Clements and Associates Pty Ltd, dated 28 November 2012.

Traffic

- All car parking facilities and access will comply with relevant Australian Standards.

Landscape

- The site will be landscaped in accordance with the Landscape Plans prepared by Site Image (**Appendix M** of the PPR).
- Any proposed planting will not obstruct practical access to the Sydney Water sewer main that runs the length of the drainage corridor.

Acoustic

Noise mitigation measures as outlined in the Acoustic Report (**Appendix R** of the PPR) will be implemented.