

Annexure A
Goldfields Central Pty Ltd v Ku-ring-gai Council
Conditions of Consent

Application No.: DA0152/18
Proposed Development: Demolish existing structures, consolidate lots (including 149 Livingstone Avenue - subject of Interim Heritage Order) and construct seniors housing development comprising 18 dwellings, basement car parking and associated works - State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
Property: 149-153 Livingstone Avenue PYMBLE NSW 2073

Evidence required to satisfy the following condition must be submitted to Council within the timeframe specified in this consent. This consent will lapse if all deferred commencement conditions are not satisfied within this timeframe.

SCHEDULE A: Deferred Commencement – Term(s) to be satisfied prior to the consent becoming operable

The following deferred commencement term must be complied with to the satisfaction of Council within 24 months of the date of issue of this deferred commencement development consent:

1. Drainage easement (deferred commencement)

Documentary evidence shall be submitted to Council that a registered easement burdens 37 Inverallan Avenue permitting the flow of stormwater from the subject property, through 37 Inverallan Avenue, to the public drainage system. Such easement must permit the installation of a new 450mm pipe to accommodate the said stormwater flow. This Development Consent will not operate until the documentary evidence has been submitted to and approved by Council's Development Engineer. The documentation must include evidence that the easement has been registered with NSW Land Registry Services.

2. Heritage

Prior to the consent becoming operable, documentary evidence of any approvals required under the Heritage Act 1977 for the proposed demolition of the item subject to the Ministerial Interim Heritage Order (149 Livingstone Avenue) must be obtained and submitted to the satisfaction of Council.

Reason: Statutory requirement for heritage protection.

Once the consent becomes operable, the conditions in Schedule B will apply. Upon written receipt from the Council that the deferred commencement terms in Schedule A have been satisfied, the following conditions will apply:

SCHEDULE B - The standard conditions of consent are set out as follows:**CONDITIONS THAT IDENTIFY APPROVED PLANS:****1. Approved architectural plans and documentation (new development)**

The development must be carried out in accordance with the plans and documentation listed below, except where amended by other conditions of this Development Consent:

Plan no.	Drawn by	Dated
<i>Architectural Plans</i>		
DA000 - COVER PAGE & AREA SCHEDULE (Issue D) DA001 - DEMOLITION PLAN (Issue C) DA002 - SITE ANALYSIS PLAN (Issue D)	PBD Architects	19/08/19 & 16/08/19 (Issues C & D)
DA100 - LOWER GROUND PLAN (Issue F) DA101 - GROUND FLOOR PLAN (Issue F) DA102 - LEVEL 1 PLAN (Issue F) DA103 - ROOF PLAN (Issue E) DA111 - HOUSE 01 (Issue D) DA112 - HOUSE 02-04 (Issue D) DA113 - UNIT G01 (Issue C) DA114 - UNIT 101 (Issue C) DA115 - UNIT G02 (Issue D) DA116 - UNIT 102 (Issue D) DA117 - UNIT G03 (Issue D) DA118 - UNIT LG01 (Issue C) DA119 - UNIT G04 (Issue D) DA120 - UNIT 103 (Issue D) DA121 - UNIT G05 (Issue C) DA122 - UNIT 104 (Issue C) DA123 - UNIT G06 (Issue C) DA124 - UNIT 105 (Issue C) DA125 - HOUSE 06 (Issue C) DA126 - HOUSE 07 (Issue C)	PBD Architects	16/08/19 (Issues C & E) & 19/08/19 (Issues D & F)
DA200 - ELEVATIONS 01 (Issue E) DA201 - ELEVATIONS 02 (Issue E) DA202 - ELEVATIONS 03 (Issue E) DA203 - ELEVATIONS 04 (Issue E) DA204 - ELEVATIONS 05 (Issue E) DA205 - ELEVATIONS 06 (Issue E) DA300 - SECTIONS (Issue E)	PBD Architects	19/08/19 (Issue E)
DA400 - EXTERNAL MATERIALS & FINISHES	PBD Architects	31/05/19 (Issue B)
<i>Landscape Plans</i>		
01 Rev B Landscape Plan (31/05/2019) 02 Rev B Planting Plan (24/04/2019) 03 Rev B Existing Tree Schedule (31/05/2019) D1 Rev B Details (24/04/2019)	Taylor Brammer	24/04/2019 and 31/05/2019
<i>Stormwater Management Plans</i>		

SWDA1.1/P4 SWDA1.2/P4 SWDA1.3/P5 SWDA1.4/P4 SWDA1.5/P3 SWDA1.6/P4 SWDA1.7/P4	Partridge Hydraulic Services	05/06/19
<i>Civil Plans</i>		
CDA2.1/P3 CDA2.2/P4 CDA2.3/P4 CDA2.4/P6 CDA2.5/P4 CDA2.6/P4	Partridge Hydraulic Services	05/06/19
CDA3.1/P2 CDA3.2/P2 CDA3.3/P2 CDA3.4/P2 CDA3.5/P2 CDA3.6/P2 CDA3.7/P2 CDA3.8/P2 CDA3.9/P2 CDA3.10/P2 CDA3.11/P2 CDA3.12/P2 CDA3.13/P2 CDA3.14/P2 CDA3.15/P2 CDA3.16/P2	Partridge Hydraulic Services	05/06/19

Document(s)	Dated
Accessibility Report prepared by Lindsay Perry Access Ref: 18002 (Revision 3)	4 August 2019
Acoustic Report prepared by Renzo Tonin & Associates Ref: TK166 01D02	4 April 2018
Basix certificate No. 919273M_03 & 919524M_02	20 August 2019
Building Code of Australia Assessment Reports prepared by Building Control Group Ref: 180015 - (Class 1a) & (Class 2 & 7a)	12 April 2018 & 13 April 2018
Design Verification Statement prepared by PBD Architects: 149-153 Livingstone Ave, Pymble (Rev. A)	April 2018
Ecological Assessment Report prepared by Keystone Ecological Ref: KMC 17-943	23 April 2018
Vegetation Management Plan prepared by Keystone Ecological KMC 17-943	26 April 2018
Geotechnical Report prepared by EI Australia Ref: E23708.G02	10 April 2018
Traffic Impact Assessment prepared by PDC Consultants Ref: 0005r01v02	23 April 2018
Waste Management Plan prepared by PBD Architects	18 April

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

2. Inconsistency between documents

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

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

GENERAL CONDITIONS:

2A. Occupation of seniors housing

Only the following people can occupy any accommodation to which the development relates:

- seniors or people who have a disability,
- people who live within the same household with seniors or people who have a disability, and
- staff employed to assist in the administration of and provision of services to housing provided.

Reason: Statutory Requirement.

2B. Restriction on title for occupation of seniors housing

A restriction as to user must be registered against the title of the property, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the development relates to the following people:

- seniors or people who have a disability,
- people who live within the same household with seniors or people who have a disability, and
- staff employed to assist in the administration of and provision of services to housing provided.

Reason: Statutory requirement.

2C. Study doors

Rooms marked study are not to have doors. In the event that the construction certificate shows doors on any study, this condition prevails.

Reason: To ensure the number of bedrooms in each dwelling are maintained.

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

3. Asbestos works

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

Reason: To ensure public safety.

4. Fauna protection

Prior to the commencement of any works, including tree removal, a qualified ecologist shall investigate trees for fauna occupation. In accordance with appropriate licensing requirements the ecologist shall supervise the relocation of any fauna found within the trees approved for removal.

The qualified ecologist must hold an Animal Ethics Permit from the Office of Environment & Heritage and [a wildlife/scientific licence](http://www.environment.nsw.gov.au/wildlifelicences/ScientificResearchLicences.htm) <http://www.environment.nsw.gov.au/wildlifelicences/ScientificResearchLicences.htm> under the *Biodiversity Conservation Act 2016* issued by the Office of Environment and Heritage.

Evidence of engagement of the qualified ecologist and the required licensing must be provided to the Principal Certifier, with a copy to Council prior to the trees being removed.

Reason: To ensure protection of fauna species.

5. Nest boxes

Prior to the commencement of any works, including tree removal, six nest boxes for (2 microbat, 2 small mammal & 2 medium mammal) shall be installed within retained trees. The nest boxes shall be constructed of durable wood material (marine ply) and installed at a minimum height of 6 metres from the ground and positioned under the direction of a qualified ecologist.

The qualified ecologist must hold an Animal Ethics Permit from the NSW Department of Primary Industries and [a wildlife/scientific licence](http://www.environment.nsw.gov.au/wildlifelicences/ScientificResearchLicences.htm) <http://www.environment.nsw.gov.au/wildlifelicences/ScientificResearchLicences.htm> under *Biodiversity Conservation Act 2016* issued by the Office of Environment and Heritage.

Reason: To ensure protection of fauna species.

6. Notice of commencement

At least 48 hours prior to the commencement of any demolition, excavation or building works, a notice of commencement of building works or subdivision lodgement form and appointment of the Principal Certifier form shall be submitted to Council.

Reason: Statutory requirement.

7. Notification of builder's details

Prior to the commencement of any works, the Principal Certifier shall be notified in

writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

Reason: Statutory requirement.

8. Dilapidation survey and report (public infrastructure)

Prior to the commencement of any works, the Applicant must obtain a dilapidation report on the public infrastructure and the Principal Certifier shall be satisfied that a dilapidation report on the visible and structural condition of all structures of the following public infrastructure has been completed and submitted to Council:

Public infrastructure

- full road pavement width, including kerb and gutter, of Livingstone Avenue 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 Applicant 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 Certifier prior to the commencement of any excavation works.

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

9. Dilapidation survey and report (private property)

Prior to the commencement of any works, the Applicant must obtain a dilapidation report on the identified private property/ies below and the Principal Certifier shall be satisfied that a dilapidation report on the visible and structural condition of all structures on the following properties has been completed and submitted to Council:

Address:

- 157 Livingstone Avenue

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

In the event that access for undertaking the dilapidation survey is denied by a property owner, the Applicant must demonstrate in writing to the satisfaction of the

Principal Certifier 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 the commencement of any works. The dilapidation report is for record keeping purposes only and may be used by the Applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

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

10. Construction traffic management plan

A construction traffic management plan (CTMP) is to be submitted to Council and approved prior to the commencement of any works.

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 the largest vehicle used at the site for the demolition, excavation and construction stages.

The swept path analysis plans shall show the existing trees being retained and their tree protective fencing requirements (consistent with this Development Consent). These plans shall be to scale to ensure that truck access and tree fencing requirements do not conflict and are consistent with the approved environmental site management plan.

The plan shall show locations for site offices and materials storage areas to be located outside the tree protection zones.

The traffic control plans are to be prepared by a RMS accredited consultant. One traffic control plan must be provided to Council for each of the following stages of the works:

- demolition
- excavation
- concrete pour
- construction of vehicular crossing and reinstatement of footpath
- traffic control for vehicles reversing into or out of the site

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 and the relevant fees paid in accordance with Council's adopted fees and charges, 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. No works may be carried out unless Council has approved the CTMP.

Reason: To ensure that appropriate measures have been made to minimise impacts upon surrounding roads during the construction phase.

11. Work zone

Prior to the commencement of any works, a works zone is to be provided in Livingstone Avenue 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 Ku-ring-gai Local 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.

Reason: To ensure that appropriate measures have been made to minimise impacts upon surrounding roads during the construction phase.

12. 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 of construction works.

Reason: To reduce or prevent the transport of sediment from the construction site onto public roads.

13. Sediment controls

Prior to any works commencing, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the Landcom manual '*Managing Urban Stormwater: Soils and Construction*'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site is fully stabilised. Sediment shall be removed from the sediment and erosion control measures following each heavy or prolonged rainfall period.

Reason: To protect and enhance the natural environment.

14. Erosion and drainage management

No works shall commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifier. The plan shall comply with the guidelines set out in the Landcom manual '*Managing Urban Stormwater: Soils and Construction*'. Erosion and sediment control works shall be implemented in accordance with the

erosion and sediment control plan.

Reason: To protect the natural environment.

15. Tree protection fencing

Prior to the commencement of any works, the tree protection zone of the listed trees is to be fenced off at the specified radius from the trunk/s to prevent any activities or storage of material within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work.

Tree/location	Radius in metres
T20 <i>Ficus microcarpa</i> var. <i>hillii</i> (Hills Weeping Fig) Adjacent to northern site boundary	2.5m
T22 <i>Syzigium oleosum</i> (Blue Cherry) Adjacent to northern site boundary	2.0m
T24 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to northern site boundary	2.2m
T31 Unidentified sp Livingstone Ave road reserve	2.0m while maintaining pedestrian access
T33 <i>Diospyrus kaki</i> (Persimmon) Adjacent to Livingstone Ave site frontage	3.0m
T37 <i>Ulmus glabra</i> (Golden Elm) Adjacent to Livingstone Ave site frontage	2.0m
T38 <i>Sapium sebiferum</i> (Chinese Tallow) Adjacent to Livingstone Ave site frontage	5.0m
T39 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to Livingstone Ave site frontage	Northern edge of driveway, 5.0 north-west, 8.5m elsewhere
T41 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	Southern edge of driveway for 15.0m
T42 <i>Cupressus macrocarpa</i> (Cypress) Adjacent to southern site boundary in neighbouring site	5.5m
T43 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	Southern edge of proposed driveway for 10.8m
T44 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	Southern edge of driveway for 11.5m
T55 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	2.5m
T65 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to south-west site corner	5.5m
T66 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to south-west site corner in neighbouring site	10.3m
T71 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to north-west site corner in neighbouring site	3.8m
T72 <i>Rhododendron arboretum</i> (Tree Rhododendron) Adjacent to northern site boundary in neighbouring site	8.4m
T76 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to northern site boundary in neighbouring site	6.2m
T82 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to northern site boundary in neighbouring site	8.0m south-east, 14.4m elsewhere

Reason: To protect existing trees.

16. Tree protective fencing type galvanised mesh

Prior to the commencement of any works, tree protection fencing shall be constructed of galvanised pipe at 2.4 metres spacing and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres.

Reason: To protect existing trees.

17. Tree protection signage

Prior to the commencement of any works, tree protection signage is to be attached to the tree protection fencing, displayed in a prominent position and repeated at 10 metres intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:

The words:

- Tree protection zone/No access.
- This fence has been installed to prevent damage to the tree/s and their growing environment both above and below ground.

and the following information:

- The name, address, and telephone number of the developer/builder and project arborist

Reason: To protect existing trees.

18. Tree protection mulching

Prior to the commencement of any works, the tree protection zone is to be mulched to a depth of 100mm with composted organic material.

The mulch is to be replenished so as to be consistent with the above requirement throughout the duration of construction works.

Reason: To protect existing trees.

19. Ground protection - avoiding soil compaction

Prior to the commencement of any works, temporary measures, to avoid root damage and soil compaction, are to be installed in accordance with Section 4.5.3 (figure 4) of the current version AS4970 Protection of trees on development sites, within the specified radius of the following listed tree/s if vehicular or mechanical access is required:

Tree/location	Radius in metres
T38 <i>Sapium sebiferum</i> (Chinese Tallow) Adjacent to Livingstone Ave site frontage	5.8m
T39 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to Livingstone Ave site frontage	7.0m north-west, 8.5m elsewhere
T40 <i>Pittosporum undulatum</i> (Native Daphne)	2.5m

Adjacent to southern site boundary in neighbouring site	
T41 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	12.0m north, 15.0m elsewhere
T42 <i>Cupressus macrocarpa</i> (Cypress) Adjacent to southern site boundary in neighbouring site	5.5m
T43 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	9.0m north, 10.8m elsewhere
T44 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	9.0m north, 11.5m elsewhere
T55 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	2.4m
T76 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to northern site boundary in neighbouring site	6.2m
T82 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to northern site boundary in neighbouring site	8.0m south-east, 14.4m elsewhere

Reason: To protect existing trees.

20. Inspection of tree protection measures

Upon installation of the required tree protection measures, an inspection is to be conducted by the project arborist or the Principal Certifier to verify that tree protection measures comply with all relevant conditions of this Development Consent.

Reason: To protect existing trees.

21. Project arborist

Prior to the commencement of any works, a project arborist shall be engaged to ensure all tree protection measures and works are carried out in accordance with the conditions of this Development Consent.

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

Reason: To protect of existing trees.

22. Construction waste management plan

Prior to the commencement of any works, the Principal Certifier shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with the waste management controls in the Ku-ring-gai Development Control Plan.

The plan shall address all issues identified in the DCP, including but not limited to: the estimated volume of waste and method for disposal for the construction and operation phases of the development.

Note: The plan shall be provided to the Principal Certifier.

Reason: To ensure appropriate management of construction waste.

23. Noise and vibration management plan (Part 1)

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 Certifier. The management plan is to identify amelioration measures to achieve the best practice objectives of Australian Standard 2436-2010 - Guide to noise and vibration control on construction, demolition and maintenance sites and NSW Department of Environment and Climate Change Interim Construction Noise Guidelines. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

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

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

Reason: To protect the amenity of surrounding residents during construction.

24. Vibration

The Principal Certifier shall be satisfied that vibration emitted from activities associated with the demolition, excavation, construction and fitout of buildings and associated infrastructure will be in accordance with the values referenced in Table 2.2 of the Environment Protection Authority Assessing Vibration - a Technical Guideline.

Reason: To protect residential amenity during construction.

25. Control of construction noise (Australian Standard)

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

Reason: To protect the amenity of neighbouring properties.

26. Deleted

26A. Consolidation of lots

Prior to issue of any Construction Certificate, the Applicant must consolidate the existing lots (Lot 3 DP607951, Lot 4 DP607951 & Lot 2 DP435013) which will form the development site into a single lot. Evidence of lot consolidation, in the form of a plan registered with NSW Land Registry Services, must be submitted to the Certifier prior to issue of any Construction Certificate.

Reason: To ensure that the legal property description is consistent with the proposed site layout and that continuous structures will not be placed across separate lots.

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

27. Vegetation Management Plan (VMP)

The Vegetation Management Plan, prepared by **Keystone Ecological**, dated Revised 26th of April 2018, is to be amended in the following ways.

- The Vegetation management plan and associated management zones & figures are to be updated to be consistent with the amended landscape plans prepared by Taylor Brammer.

Reason: To ensure the protection and enhancement of Blue Gum High Forest and area of biodiversity significance.

28. Deleted

30. Compliance with BASIX Certificate

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that all commitments listed in approved BASIX Certificate (referred to under Condition 1) have been complied with.

Reason: Statutory requirement.

31. Statement of compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 *The Demolition of Structures*. The applicant must provide work plans required by AS2601: 2001 and a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifier prior to the commencement of any works.

Reason: To ensure compliance with the Australian Standards.

32. Long service levy

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

Reason: Statutory requirement.

33. Builder's indemnity insurance

The Applicant, 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 Certifier for endorsement of the plans accompanying the Construction Certificate.

It is the responsibility of the Applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$20,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$20,000, 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).

Reason: Statutory requirement.

34. Outdoor lighting

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that all outdoor lighting will comply with AS4282-1997 *Control of the obtrusive effects of outdoor lighting* and be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set:2010 *Lighting for roads and public spaces*.

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

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

35. Prohibition of external service pipes and the like

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the 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. Where there is any proposal to fit external service pipes or the like, this must be detailed in an application to modify this Development Consent (S4.55) and submitted

to Council for determination.

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 on the Development Consent plans.

Reason: To protect the streetscape and the aesthetic integrity of the approved development.

36. Certification of external materials, colours and finishes – major development

The Certifier shall not issue any Construction Certificate unless the external materials, colours and finishes specified in the Construction Certificate application are consistent with the approved plans and documents referred to in Condition No. 1 of the Development Consent.

Reason: To ensure that the works are carried out in accordance with the Development Consent.

37. Access for people with disabilities (residential)

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access.

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

Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

38. Paving near trees

Prior to the issue of any Construction Certificate, the Certifier shall be provided with and approve a paving design endorsed by an arborist with a minimum AQF Level 5 qualification. The paving works within the specified radius of the trunk/s of the following tree/s shall be constructed at or above existing grades and be of a design that ensures adequate water infiltration and gaseous exchange to maintain the tree/s root system is maintained:

Tree/location	Radius in metres
T38 <i>Sapium sebiferum</i> (Chinese Tallow) Adjacent to Livingstone Ave site frontage	5.8m
T39 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to Livingstone Ave site frontage	8.5m
T40 <i>Pittosporum undulatum</i> (Native Daphne)	2.5m

Adjacent to southern site boundary in neighbouring site	
T41 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	15.0m
T42 <i>Cupressus macrocarpa</i> (Cypress) Adjacent to southern site boundary in neighbouring site	5.5m
T43 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	10.8m
T44 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	11.5m
T55 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	2.4m
T82 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to northern site boundary in neighbouring site	14.4m

Reason: To protect existing trees.

39. Recycling and waste management

Prior to the issue of any Construction Certificate, the Certifier 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 the Ku-ring-gai DCP. Access to the basement and the garbage collection point is to be provided to Council's Waste Collection Services.

The waste management is to identify who has responsibility for:

- the cleaning of waste rooms and waste service compartments
- the transfer of bins within the property, and to the collection point once the development is in use

Reason: Effective waste management and recycling.

40. Location of plant

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that all plant and equipment (including but not limited to air conditioning equipment) is located within the basement (except for the air conditioning equipment approved to be located elsewhere).

Note: Architectural plans identifying the location of all plant and equipment shall be provided to the Certifier prior to the issue of any Construction Certificate.

Reason: To minimise impact on surrounding properties and to improve the appearance of the approved development.

41. Acoustic design report

An acoustic design report shall be prepared by an appropriately qualified acoustic consultant and submitted to the Certifier with the application for any construction certificate. The acoustic design report shall identify all mechanical ventilation equipment and other noise generating plant including, but not limited to air conditioners, car park exhaust, bathroom/toilet and garbage room exhaust, roller shutter doors and lifts proposed as part of the approved development.

The acoustic design report shall provide acoustic design detailing and recommendations to address any potential noise impacts to ensure 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 (LA90, 15 min) level during the day and shall not exceed the background level at night (10.00pm - 7.00am) when measured at the boundary, balcony or external living area of the nearest potentially affected residential occupancies.

A Construction Certificate shall not be issued unless the Certifier is satisfied that the acoustic design report satisfies the requirements of this condition and that the proposal will be constructed in accordance with its requirements.

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

42. Driveway crossing levels

Prior to issue of any Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings".

Specifications are issued with alignment levels after completing the necessary application form at Council's Customer Services counter and payment of the assessment fee. When completing the request for driveway levels application from Council, the Applicant must attach a copy of the relevant development application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment.

This development consent is for works wholly within the property. Development consent does not imply approval of footpath or driveway levels, materials or location within the road reserve, regardless of whether this information is shown on the development application plans. The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the Applicant and the required alignment levels fixed by Council may impact upon these levels.

The construction of footpaths and driveways outside the property in materials other than those approved by Council is not permitted.

Reason: To provide suitable vehicular access without disruption to pedestrians and vehicular traffic.

43. Driveway grades - basement carparks

Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifier. 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 civil/traffic engineer shall provide specific written certification on the plans that:

- vehicular access can be obtained using grades of 25% (1 in 4) maximum 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.

Reason: To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

44. Basement car parking details

Prior to issue of any 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 Certifier. 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 Part 23.7 'Waste Management' for waste collection trucks is provided over the designated garbage collection truck manoeuvring areas within the basement and all other areas within the basement required for garbage collection truck manoeuvring
- Council and its contractor requires unimpeded access to the waste storage facility within the development for the purpose collecting waste and recycling materials.
- Security doors or gates installed leading to the waste storage area are to be keyed to Council's master key to allow unimpeded access.
- the dimensions of all parking spaces, including lengths and widths, comply with the **State Environmental Planning Policy for Senior Living 2004** relating to height clearances and space dimensions.
- the vehicle access and accommodation arrangements are to be constructed and marked in accordance with the certified plans.

Reason: To ensure that parking spaces are in accordance with the Development Consent.

45. Car parking allocation

Car parking within the development shall be allocated as follows:

Total spaces	18
--------------	----

Each dwelling must be provided with car parking complying with the dimensional and location requirements of AS2890.6 - parking spaces for people with disabilities.

The car parking shall be dedicated to the corresponding units based on bedroom numbers as approved and cannot be sold separately.

Consideration must be given to the means of access from disabled car parking

spaces to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted with any Construction Certificate.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with federal legislation.

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

Prior to issue of any Construction Certificate, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works shall be submitted to Council and approved by Council's Director of Operations on behalf of Council as a road authority:

1. The footpath works are to be in accordance with the approved plans and documentation referenced in Condition 1, except where amended by other conditions.
2. Footpath design to be in accordance with Council drawing 2003-004 Rev. 'B'.
3. Plans to show Council's standard kerb ramp details Drawing No. 2005-022 2/2 Rev. 'D' for any existing kerb ramps that are non-compliant.
4. The existing bus stop is to be upgraded. The plans are to be in accordance with Council Drawing No.2013-008/A.
5. The location of all underground services and any adjustments to existing underground services are to be shown for setting out for construction.

The required plans and specifications are to be designed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2014. The drawings must detail existing utility services, (mains and house connections) and trees affected by the works. Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three weeks will be required for Council to assess the *Roads Act 1993* applications. Early submission is recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council prior to issue of any Construction Certificate. An engineering plan assessment fee is also applicable.

Approval must be obtained from Ku-ring-gai Council as the road authority under Section 139 Roads Act 1993 for any proposed works in the public road prior to the issue of any Construction Certificate.

Reason: To ensure compliance with the requirements of Roads Act 1993.

47. Ausgrid requirements

Prior to issue of any Construction Certificate, Ausgrid must be contacted regarding power supply for the subject development. A written response, detailing the full requirements of Ausgrid (including any need for underground cabling, substations or similar within or in the vicinity of the development) shall be submitted and approved by the Certifier for approval prior to issue of any Construction Certificate.

Any structures or other requirements of Ausgrid shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Certifier and Ausgrid. The requirements of Ausgrid must be met in full prior to issue of an

Occupation Certificate.

Reason: To ensure compliance with the requirements of Ausgrid.

48. Utility provider requirements

Prior to issue of any 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 Certifier, must be obtained. All utility services or appropriate conduits for the same must be provided in accordance with the specifications of the utility providers.

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

49. Underground services

All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the requirements of the relevant service provided. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met is to be provided to the Certifier prior to the issue of any Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed.

Reason: To provide infrastructure that facilitates the future improvement of the streetscape by location of service lines below ground.

50. Telecommunications infrastructure

Prior to the issue of any Subdivision Certificate or Construction Certificate, satisfactory documentary evidence shall be provided to the Principal Certifier that arrangements have been made for the installation of fibre-ready facilities to all individual lots and/or premises so as to enable fibre to be readily connected to any dwelling or unit that is being or may be constructed.

Prior to the issue of the Subdivision Certificate or Construction Certificate, the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or dwellings shall be demonstrated to the Principal Certifier through a written agreement between the developer/owner and a carrier. The agreement will also confirm that the carrier is satisfied the fibre ready facilities are fit for purpose.

Reason: To ensure that telecommunications infrastructure is provided in accordance with the Commonwealth Telecommunications Act 1997.

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

51. Infrastructure damage security bond and inspection fee

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

- (a) All work or activity undertaken pursuant to this development consent must be undertaken in a manner to avoid damage to Council property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- (b) The applicant, builder, developer or any person acting in reliance on this consent shall be responsible for making good any damage to Council property and for the removal from Council property of any waste bin, building materials, sediment, silt, or any other material or article.
- (c) The Infrastructure damage security bond and infrastructure inspection fee must be paid to Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- (d) In consideration of payment of the infrastructure damage security bond and infrastructure inspection fee, Council will undertake such inspections of Council Property as Council considers necessary and will also undertake, on behalf of the applicant, such restoration work to Council property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure damage security bond payable pursuant to this condition.
- (e) **Release of the bond** – Upon receipt of the Final Occupation Certificate, Council will undertake an inspection of Councils Infrastructure and release the bond if no damage is found.

For development relating to more than 2 dwellings, there will be a six months holding period after the receipt of the final occupation certificate, after which you may request Council to return any bond monies.

If there is damage found to Council property the bond will not be released until the damage has been rectified to Council's satisfaction.

- (f) In this condition:

“Council property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure damage security bond and infrastructure inspection fee” means the Infrastructure damage security bond and infrastructure inspection fee as calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council property associated with this condition.

Reason: To maintain public infrastructure.

**52. Section 7.11 development contributions - other than identified centres
(For DAs determined on or after 19 December 2010)**

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

Infrastructure Type	Total
LGA Wide Local Recreational & Cultural	\$18,582.21
Northern Area Local Parks & Sporting Facilities	\$135,750.81
Development Contributions Total	\$154,333.02

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

The contributions specified above are subject to indexation and may vary at the time of payment in accordance with Ku-ring-gai Contributions Plan 2010 to reflect changes in the consumer price index and housing price index. Prior to payment, please contact Council directly to verify the current payable contributions.

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

Contributions outside the designated centres may be subject to a maximum contribution total in accordance with the s94E Direction issued by the Minister for Planning dated 21 August 2012, for so long as it remains legally in force. If the total amount above is an exact multiple of \$20,000 then the contributions calculated in accordance with Ku-ring-gai Contributions Plan 2010 exceeded the maximum contribution payable and have been capped. If the process of inflation carries the contribution above over the maximum amount permitted by the s94E Direction prior to payment, the amount will be limited at time of receipt. Please contact Council to verify the total contributions payable prior to payment.

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

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

53. Road opening permit

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

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

54. Control of construction noise (Noise and vibration management plan)

During any demolition, excavation or building works, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

Reason: To ensure reasonable standards of amenity to neighbouring properties.

55. Site notice

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifier and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at height of 1.6 metres above natural ground on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

Reason: To ensure public safety and public information.

56. Dust control

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out daily

- no advertising or signage is permitted to be attached to dust cloth material.

Reason: To protect the environment and the amenity of surrounding properties.

57. Post-construction dilapidation report

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

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

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

Reason: Management of records.

58. Compliance with submitted geotechnical report

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

Geotechnical aspects of the development work, namely:

- appropriate excavation method and vibration control
- support and retention of excavated faces
- hydro-geological considerations

must be undertaken in accordance with the recommendations of the Geotechnical Assessment Report prepared by EI Australia, Job No. E23708.G02 and dated 10/4/18.

Prior approval must be obtained from all affected property owners, including Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

Reason: To ensure the safety and protection of property.

59. 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 footpath 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.

Reason: To ensure safety and amenity of the area.

60. Toilet facilities

1. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons working at the site.
2. Each toilet must:
 - a. be a standard flushing toilet connected to a public sewer, or
 - b. have an on-site effluent disposal system approved under the Local Government Act 1993 <<https://www.legislation.nsw.gov.au/>>, or
 - c. be a temporary chemical closet approved under the Local Government Act 1993 <<https://www.legislation.nsw.gov.au/>>.

Reason: Statutory requirement.

61. Recycling of building material (general)

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

Reason: To facilitate recycling of materials.

62. Garbage receptacle

1. A garbage receptacle must be provided at the work site before works begin and must be maintained until all works are completed.
2. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
3. The receptacle lid must be kept closed at all times, other than when garbage is being deposited.

Reason: To ensure appropriate construction site waste management and to avoid injury to wildlife.

63. 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
- are removed within 14 days of the completion of all construction works

Reason: To ensure compliance with Council's controls regarding signage.

64. Approval for rock anchors

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

Reason: To ensure the ongoing safety and protection of property.

65. 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 (2009) "Manual for Uniform Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

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

66. Services

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

Reason: Provision of utility services.

67. Temporary rock anchors

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

1. Details of how the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road.
2. A copy of the plans and sections showing the location, including level and angle, of the installed anchors is to be provided to Council so that the locations of the rock anchors are registered with "Dial Before You Dig".
3. Evidence confirming that approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities.

4. Evidence confirming that any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
5. Placement and maintenance of signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Operations for approval before any signs are installed.

Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves.

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

Reason: To ensure the safety and protection of property.

68. Erosion control

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

Reason: To protect the environment from erosion and sedimentation.

69. Sydney Water Section 73 Compliance Certificate

An application for a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be made through an authorised Water Servicing Co-ordinator. The applicant should refer to Sydney Water's web site at www.sydneywater.com.au 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.

Reason: Statutory requirement.

70. Arborist's inspection and reporting

The tree/s to be retained shall be inspected and monitored by an AQF Level 5 arborist in accordance with the current version of AS4970 - Protection of trees on development sites during and after completion of development works to ensure their long term survival.

The Principal Certifier must be provided with reports by the project arborist within 7 days of the inspection detailing date, trees no, location and species, tree health, compliance with conditions of the Development Consent, description of the works

inspected, description of any impacts to trees and any rectification or and mitigation works prescribed and or undertaken.

Regular inspections and documentation from the arborist to the Principal Certifier are required but not limited to the following times or phases of work:

Tree/location	Time of inspection
T20 <i>Ficus microcarpa</i> var. <i>hillii</i> (Hills Weeping Fig) Adjacent to northern site boundary	* Immediately prior (1 week) to the commencement of any works on site. *Inspection and certification of tree protection fencing and measures consistent with the consent requirements. *At the completion of demolition works and prior to excavation works. *Direct supervision of ANY excavation works within the tree protection zone/TPZ of retained trees located on or adjacent to the site. *At the completion of bulk excavation works. *At three monthly intervals during construction works *At the completion of all works on site.
T22 <i>Syzigium oleosum</i> (Blue Cherry) Adjacent to northern site boundary	
T24 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to northern site boundary	
T33 <i>Diospyrus kaki</i> (Persimmon) Adjacent to Livingstone Ave site frontage	
T37 <i>Ulmus glabra</i> (Golden Elm) Adjacent to Livingstone Ave site frontage	
T38 <i>Sapium sebiferum</i> (Chinese Tallow) Adjacent to Livingstone Ave site frontage	
T39 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to Livingstone Ave site frontage	
T40 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	
T41 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	
T42 <i>Cupressus macrocarpa</i> (Cypress) Adjacent to southern site boundary in neighbouring site	
T43 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	
T44 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	
T45 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	
T46 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	
T47 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	
T48 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	
T55 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	
T65 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to south-west site corner	
T66 <i>Liquidambar styraciflua</i> (Sweet Gum)	

Adjacent to south-west site corner in neighbouring site	
T71 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to north-west site corner in neighbouring site	
T76 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to northern site boundary in neighbouring site	
T82 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to northern site boundary in neighbouring site	

All works as recommended by the project arborist are to be undertaken by an experienced arborist with a minimum AQF Level 3 qualification.

Reason: To ensure protection of existing trees.

71. Landscape works near trees

To avoid tree impacts, all landscape works such as soil preparation, soil spreading, mulching and planting shall be carried out by hand within the specified radius of the following trees.

Tree/location	Radius in metres
T20 <i>Ficus microcarpa</i> var. <i>hillii</i> (Hills Weeping Fig) / Adjacent to northern site boundary	3.5
T18 <i>Syzygium leuhmanii</i> (Riberry) Adjacent to northern site boundary in neighbouring site	2.0m
T19 <i>Eucalyptus</i> sp (Eucalypt) Adjacent to northern site boundary in neighbouring site	2.2m
T22 <i>Syzygium oleosum</i> (Blue Cherry) Adjacent to northern site boundary	2.0m
T24 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to northern site boundary	2.2m
T33 <i>Diospyrus kaki</i> (Persimmon) Adjacent to Livingstone Ave site frontage	3.0m
T37 <i>Ulmus glabra</i> (Golden Elm) Adjacent to Livingstone Ave site frontage	2.0m
T38 <i>Sapium sebiferum</i> (Chinese Tallow) Adjacent to Livingstone Ave site frontage	5.8m
T39 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to Livingstone Ave site frontage	8.5m
T40 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	2.5m
T41 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	15.0m
T42 <i>Cupressus macrocarpa</i> (Cypress) Adjacent to southern site boundary in neighbouring site	5.5m
T43 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	10.8m
T44 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	11.5m
T45 <i>Pittosporum undulatum</i> (Native Daphne)	2.5m

Adjacent to southern site boundary in neighbouring site	
T46 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	2.0m
T47 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	2.5m
T48 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	2.0m
T51 <i>Tristaniaopsis laurina</i> (Water Gum) Adjacent to southern site boundary in neighbouring site	4.0m
T55 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	2.4m
T65 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to south-west site corner	5.5m
T66 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to south-west site corner in neighbouring site	10.3m
T67 <i>Olea europaea</i> (Olive) Adjacent to western site boundary in neighbouring site	3.6m
T68 <i>Franklinia axillaris</i> (Gordonia) Adjacent to western site boundary in neighbouring site	3.6m
T69 <i>Morus nigra</i> (Mulberry) Adjacent to western site boundary in neighbouring site	3.5m
T71 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to north-west site corner in neighbouring site	3.8m
T72 <i>Rhododendron arboretum</i> (Tree Rhododendron) Adjacent to northern site boundary in neighbouring site	8.4m
T76 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to northern site boundary in neighbouring site	6.2m
T78 <i>Syzigium australe</i> (Brush Cherry) x 4 Adjacent to northern site boundary in neighbouring site	2.0m
T82 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to northern site boundary in neighbouring site	14.4m

Reason: To protect existing trees.

72. Trees on nature strip

Removal and pruning of the following tree/s from Council's nature strip shall be undertaken at no cost to Council by an experienced tree removal contractor and or arborist holding public liability insurance amounting to a minimum cover of \$20,000,000. All pruning works shall be undertaken by an experienced arborist/horticulturist, within a minimum AQF Level 3 qualification as specified in the current version of AS 4373 - Pruning of amenity trees:

Tree/location
T32 <i>Franklinia axillaris</i> (Gordonia) Livingstone Ave road reserve

Reason: To protect existing trees.

73. Cutting of tree roots and branches

Where it is unavoidable, tree roots and branches severed for the purposes of constructing the approved works shall be cut cleanly by hand, by an experienced arborist/horticulturist with a minimum AQF Level 3 qualification. All pruning works

shall be undertaken as specified in Australian Standard 4373- Pruning of Amenity Trees. The arborist/horticulturalist shall provide a report to the Certifier confirming compliance with this condition.

Reason: To protect existing trees.

74. Retention of tree roots

No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s shall be severed or injured in the process of any works during the construction period. All pruning of roots less than 50mm in diameter shall be undertaken by an experienced arborist/horticulturalist, with a minimum AQF Level 3 qualification.

Tree/location	Radius in metres
T20 <i>Ficus microcarpa</i> var. <i>hillii</i> (Hills Weeping Fig) Adjacent to northern site boundary	3.5
T1 <i>Jacaranda mimosifolia</i> (Jacaranda) Livingstone Ave road reserve	2.0m
T17 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to northern site boundary in neighbouring site	2.5m
T18 <i>Syzigium leuhmanii</i> (Riberry) Adjacent to northern site boundary in neighbouring site	2.0m
T19 <i>Eucalyptus</i> sp (Eucalypt) Adjacent to northern site boundary in neighbouring site	2.2m
T22 <i>Syzigium oleosum</i> (Blue Cherry) Adjacent to northern site boundary	2.0m
T24 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to northern site boundary	2.2m
T33 <i>Diospyrus kaki</i> (Persimmon) Adjacent to Livingstone Ave site frontage	3.0m
T37 <i>Ulmus glabra</i> (Golden Elm) Adjacent to Livingstone Ave site frontage	2.0m
T38 <i>Sapium sebiferum</i> (Chinese Tallow) Adjacent to Livingstone Ave site frontage	5.8m
T39 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to Livingstone Ave site frontage	7.0m north-west, 8.5m elsewhere
T40 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	2.5m
T41 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	12.0m north, 15.0m elsewhere
T42 <i>Cupressus macrocarpa</i> (Cypress) Adjacent to southern site boundary in neighbouring site	5.5m
T43 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	9.0m north, 10.8m elsewhere
T44 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	9.0m north, 11.5m elsewhere
T45 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	2.5m
T46 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	2.0m
T47 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	2.5m

T48 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	2.0m
T49 <i>Tristaniopsis laurina</i> (Water Gum) Adjacent to southern site boundary in neighbouring site	3.5m
T50 <i>Tristaniopsis laurina</i> (Water Gum) Adjacent to southern site boundary in neighbouring site	3.0m
T51 <i>Tristaniopsis laurina</i> (Water Gum) Adjacent to southern site boundary in neighbouring site	4.0m
T55 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	2.4m
T65 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to south-west site corner	5.5m
T66 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to south-west site corner in neighbouring site	10.3m
T67 <i>Olea europaea</i> (Olive) Adjacent to western site boundary in neighbouring site	3.6m
T68 <i>Franklinia axillaris</i> (Gordonia) Adjacent to western site boundary in neighbouring site	3.6m
T69 <i>Morus nigra</i> (Mulberry) Adjacent to western site boundary in neighbouring site	3.5m
T71 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to north-west site corner in neighbouring site	3.8m
T72 <i>Rhododendron arboretum</i> (Tree Rhododendron) Adjacent to northern site boundary in neighbouring site	8.4m
T76 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to northern site boundary in neighbouring site	6.2m
T78 <i>Syzigium australe</i> (Brush Cherry) x 4 Adjacent to northern site boundary in neighbouring site	2.0m
T82 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to northern site boundary in neighbouring site	8.0m south-east, 14.4m elsewhere

Reason: To protect existing trees.

75. Approved tree works

Prior to the commencement of any works, the following is to be undertaken to the specified trees:

Tree/location	Approved tree works
T2 – T16 <i>Cinnamomum camphora</i> (Camphor Laurel) Adjacent to northern site boundary	Removal
T21 <i>Morus nigra</i> (Mulberry) Adjacent to northern site boundary	Removal
T23 <i>Laurus nobilis</i> (Bay Tree) Adjacent to northern site boundary	Removal
T25 <i>Syzigium smithii</i> (Lilly Pilly) Centrally located on site	Removal
T26 <i>Viburnum odoritissimum</i> (Sweet Viburnum) Centrally located on site	Removal
T27 <i>Celtis sinensis</i> (Chinese Hackberry) Centrally located on site	Removal
T28 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) Centrally located on site	Removal

T29 <i>Acer palmatum</i> (Japanese Maple) Centrally located on site	Removal
T30 <i>Acer negundo</i> (Box Elder) Adjacent to eastern site boundary	Removal
T32 <i>Franklinia axillaris</i> (Gordonia) Livingstone Ave road reserve	Removal
T34 <i>Jacaranda mimosifolia</i> (Jacaranda) Near eastern site boundary	Removal
T35 <i>Ulmus glabra</i> (Golden Elm) Near eastern site boundary	Removal
T36 <i>Ulmus glabra</i> (Golden Elm) Near eastern site boundary	Removal
T52 <i>Betula sp</i> (Silver Birch) Adjacent to southern site boundary	Removal
T53 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to southern site boundary	Removal
T54 <i>Fraxinus griffithii</i> (Himalayan Ash) Adjacent to southern site boundary	Removal
T56 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	Removal
T57 <i>Photinia robusta</i> (Photinia) Adjacent to southern site boundary	Removal
T58 <i>Callistemon viminalis</i> (Weeping Bottlebrush) Adjacent to southern site boundary	Removal
T59 <i>Rhododendrum arboretum</i> (Tree Rhododendrum) Centrally located on site	Removal
T60 <i>Magnolia soulangeana</i> (Saucer Magnolia) Centrally located on site	Removal
T61 <i>Michelia figo</i> (Port Wine Magnolia) Centrally located on site	Removal
T62 <i>Tibouchina lepidota</i> (Tibouchina) Centrally located on site	Removal
T63 <i>Cupressus leylandii</i> 'Leighton's Green' (Cypress) Centrally located on site	Removal
T64 <i>Ginkgo biloba</i> (Maidenhair Tree) Centrally located on site	Removal
T70 <i>Fagus sylvatica</i> (Beech) Adjacent to western site boundary	Removal
T75 Unidentified species Adjacent to northern site boundary	Removal
T77 <i>Acer buergeranum</i> (Trident Maple) Adjacent to northern site boundary	Removal
T80 <i>Cupressus sp</i> (Cypress) Adjacent to northern site boundary	Removal

1. All trees are to be clearly tagged and identified in accordance with the specifications in the arborist report prior to the removal or pruning of any tree/s.
2. Canopy and/or root pruning shall be undertaken by an experienced arborist/horticulturist, with a minimum AQF Level 3 qualification.
3. All root or canopy pruning works shall be undertaken as specified in the current version of AS 4373 - Pruning of Amenity Trees.

Removal or pruning of any other tree on the site is not approved, excluding species and works exempt under Council's Development Control Plan.

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

76. Hand excavation

All excavation within the specified radius of the trunk/s of the following tree/s shall be carried out by hand digging and/or by an air knife and shall be supervised by an experienced arborist/horticulturist, with a minimum AQF Level 3 qualification. The arborist /horticulturalist shall provide a report to the Principal Certifier confirming compliance with this condition:

Tree/location	Radius in metres
T1 <i>Jacaranda mimosifolia</i> (Jacaranda) Livingstone Ave road reserve	2.0m
T17 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to northern site boundary in neighbouring site	2.5m
T18 <i>Syzigium leuhmanii</i> (Riberry) Adjacent to northern site boundary in neighbouring site	2.0m
T19 <i>Eucalyptus sp</i> (Eucalypt) Adjacent to northern site boundary in neighbouring site	2.2m
T22 <i>Syzigium oleosum</i> (Blue Cherry) Adjacent to northern site boundary	2.0m
T24 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to northern site boundary	2.2m
T33 <i>Diospyrus kaki</i> (Persimmon) Adjacent to Livingstone Ave site frontage	3.0m
T37 <i>Ulmus glabra</i> (Golden Elm) Adjacent to Livingstone Ave site frontage	2.0m
T38 <i>Sapium sebiferum</i> (Chinese Tallow) Adjacent to Livingstone Ave site frontage	5.8m
T39 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to Livingstone Ave site frontage	7.0m north-west, 8.5m elsewhere
T40 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	2.5m
T41 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	12.0m north, 15.0m elsewhere
T42 <i>Cupressus macrocarpa</i> (Cypress) Adjacent to southern site boundary in neighbouring site	5.5m
T43 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	9.0m north, 10.8m elsewhere
T44 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	9.0m north, 11.5m elsewhere
T45 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	2.5m
T46 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	2.0m
T47 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	2.5m
T48 <i>Pittosporum undulatum</i> (Native Daphne)	2.0m

Adjacent to southern site boundary in neighbouring site	
T49 <i>Tristaniaopsis laurina</i> (Water Gum) Adjacent to southern site boundary in neighbouring site	3.5m
T50 <i>Tristaniaopsis laurina</i> (Water Gum) Adjacent to southern site boundary in neighbouring site	3.0m
T51 <i>Tristaniaopsis laurina</i> (Water Gum) Adjacent to southern site boundary in neighbouring site	4.0m
T55 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	2.4m
T65 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to south-west site corner	5.5m
T66 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to south-west site corner in neighbouring site	10.3m
T67 <i>Olea europaea</i> (Olive) Adjacent to western site boundary in neighbouring site	3.6m
T68 <i>Franklinia axillaris</i> (Gordonia) Adjacent to western site boundary in neighbouring site	3.6m
T69 <i>Morus nigra</i> (Mulberry) Adjacent to western site boundary in neighbouring site	3.5m
T71 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to north-west site corner in neighbouring site	3.8m
T72 <i>Rhododendron arboretum</i> (Tree Rhododendron) Adjacent to northern site boundary in neighbouring site	8.4m
T76 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to northern site boundary in neighbouring site	6.2m
T78 <i>Syzygium australe</i> (Brush Cherry) x 4 Adjacent to northern site boundary in neighbouring site	2.0m
T82 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to northern site boundary in neighbouring site	8.0m south-east, 14.4m elsewhere

Reason: To protect existing trees.

77. Thrust boring/directional drilling

Excavation for the installation of any services within the specified radius of the trunk/s of the following tree/s shall utilise the thrust boring or directional drilling method:

1. The tunnelling shall be carried out at least 600mm beneath natural ground level.
2. The launching pit for the tunnelling machine shall be located outside the tree protection zone (defined in the current version of AS4970-Protection of trees on development sites) of any tree unless approved in writing by the project arborist.

Tree/location	Radius in metres
T38 <i>Sapium sebiferum</i> (Chinese Tallow) Adjacent to Livingstone Ave site frontage	5.8m
T39 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to Livingstone Ave site frontage	8.5m
T40 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	2.5m
T41 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	15.0m

T42 <i>Cupressus macrocarpa</i> (Cypress) Adjacent to southern site boundary in neighbouring site	5.5m
T43 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	10.8m
T44 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to southern site boundary in neighbouring site	11.5m
T45 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	2.5m
T46 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	2.0m
T47 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	2.5m
T48 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary in neighbouring site	2.0m
T55 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	2.4m
T65 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to south-west site corner	5.5m
T66 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to south-west site corner in neighbouring site	10.3m
T68 <i>Franklinia axillaris</i> (Gordonia) Adjacent to western site boundary in neighbouring site	3.6m
T69 <i>Morus nigra</i> (Mulberry) Adjacent to western site boundary in neighbouring site	3.5m
T71 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to north-west site corner in neighbouring site	3.8m
T72 <i>Rhododendron arboretum</i> (Tree Rhododendron) Adjacent to northern site boundary in neighbouring site	8.4m
T76 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to northern site boundary in neighbouring site	6.2m
T78 <i>Syzigium australe</i> (Brush Cherry) x 4 Adjacent to northern site boundary in neighbouring site	2.0m
T82 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to northern site boundary in neighbouring site	14.4m
All trees and vegetation within 37 Inverallen Ave	6m
Liquidambar styraciflua (Sweet Gum)	9m
Inverallen Ave road reserve	-

Reason: To protect and minimise damage to existing trees.

78. No storage of materials beneath trees

No activities, soil compaction, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Development Control Plan at any time unless specified in other conditions of this consent.

Reason: To protect existing trees.

79. Tree planting on nature strip

The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Livingstone Ave. The tree/s used shall be a minimum 25 litres container size specimen/s:

Tree/species	Quantity	Location
<i>Franklinia axillaris</i> (Gordonia)	5	One evenly spaced between T1 and T31, and the remainder evenly spaced between T31 and the proposed driveway.

Reason: To provide appropriate landscaping within the streetscape.

80. Removal of refuse

All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

Reason: To protect the environment.

81. Canopy replenishment trees to be planted

The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5 metres when they will be protected by Council's Development Control Plan. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

Reason: To maintain the treed character of the area.

82. Removal of weeds

All urban environmental weed species as listed in the Biosecurity Act 2015 (NSW), Council's Weed Management Policy and/or weed species listed within Council's Development Control Plan shall be removed from the property prior to completion of building works.

Reason: To protect the environment.

83. 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:

1. Ascertain the reduced level of the underside of the slab at the driveway entry.
2. Certify that the level is not lower than the level shown on the approved DA plans.
3. 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.

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 Waste Contract Coordinator 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.

Reason: To ensure access will be available for Council's contractors to collect waste from the collection point.

84. On site retention of waste docket

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

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

Reason: To protect the environment.

85. Maintenance of site

All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- all vehicles entering or leaving the site must have their loads covered, and
- all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris.

Reason: To ensure the site is appropriately maintained.

86. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 4.17 (11) (previously s80A (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
- if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.

Reason: Statutory requirement.

87. Hours of work

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

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

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

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

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

88. External walls and cladding flammability

The external walls of the building including attachments must comply with the relevant requirements of the *National Construction Code (NCC)*. Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external

walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and

- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Reason: Statutory requirement to ensure the safety of occupants.

89. Site fencing

The site must be secured and fenced prior to works commencing. 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.

If the work involved in the excavation, 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 (note that separate approval is required prior to the commencement of works to erect a hoarding or temporary fence on public property).

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons on public property.

The site shall be secured/locked to prevent access at the end of each day.

Any hoarding, fence or awning is to be removed when the construction work has been completed.

Reason: To ensure public safety.

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

90. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that all commitments listed in approved BASIX Certificate (referred to under Condition No 1) have been complied with.

Reason: Statutory requirement.

91. Clotheslines and clothes dryers

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the units either have access to an external clothes line located in common open space or will have a mechanical clothes dryer installed.

Reason: To provide access to clothes drying facilities.

92. Mechanical ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Principal Certifier shall be satisfied of the following prior to the issue of any Occupation Certificate:

1. The installation and performance of the mechanical systems complies with:
 - The Building Code of Australia
 - Australian Standard AS1668
 - Australian Standard AS3666 where applicable
2. The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest adjoining boundary.

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

Reason: To protect the amenity of surrounding properties.

93. Completion of landscape works

Prior to the issue of an Occupation Certificate, the Principal Certifier is to be satisfied that all landscape works, including the removal of all environmental weed species as listed in Council's Weed Management Policy and/or species listed within Council's Development Control Plan, have been undertaken in accordance with the approved plan(s) and conditions of consent.

Reason: To ensure that the landscape works are consistent with the Development Consent.

94. Mechanical noise control

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the mechanical ventilation systems and other plant, including but not limited to air conditioners, car park and garbage room exhaust, roller shutter doors and lifts when in operation either as an individual piece of equipment or in combination with other equipment will not exceed more than 5dB(A) above the background noise (LA90, 15 min) level during the day and shall not exceed the background level at night (10.00pm - 7.00am) when measured at the boundary of the nearest potentially affected residential occupancies. The background (LA90, 15 min) level is to be determined without the source noise present. Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifier.

Reason: To protect the amenity of the occupants and neighbouring residents.

95. Accessibility

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that:

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 - 2009 and the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

Reason: To facilitate disabled access.

96. Easement for waste collection

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

Reason: To permit legal access for Council, Council's contractors and their vehicles over the subject site for waste collection.

97. Retention and re-use positive covenant

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

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to the Water Management Part 24R.8.2 of the relevant Ku-ring-gai Development Control Plan 2015). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the NSW Land Registry Services in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

Reason: To ensure appropriate storm-water management.

98. Certification of drainage works

Prior to issue of an Occupation Certificate, the Principal Certifier is to be satisfied that:

1. The stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
2. The minimum retention and on-site detention storage volume requirements of Ku-ring-gai DCP 2015 Part 24 'Water Management' have been achieved. Council's On-Site Detention And Retention Certification sheet shall be completed.
3. Retained water is connected and available for use.
4. All grates potentially accessible by children are secured.
5. Components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2018 and the Building Code of Australia.
6. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

Reason: To ensure appropriate stormwater management.

99. Works as executed plans for stormwater management and disposal

Prior to issue of an 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 Certifier prior to issue of an 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
- 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 Certifier stamped construction certificate stormwater plans.

Reason: To ensure appropriate stormwater management.

100. Basement pump-out maintenance

Prior to issue of an Occupation Certificate, the Principal Certifier shall be satisfied that a maintenance regime has been prepared for the basement stormwater pump-out system.

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

Reason: To ensure appropriate stormwater management.

101. OSD positive covenant/restriction

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

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to the Water Management Part 24R.8.1 of the relevant Ku-ring-gai Development Control Plan 2015). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the NSW Land Registry Services in the form of a request using forms 13PC and 13RPA. The relative location of the on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

Reason: To ensure appropriate stormwater management.

102. Deleted.

103. Easement drainage line construction

Prior to issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the required inter-allotment drainage system has been installed and surveyed under the supervision of a designing engineer and or equivalent professional.

Note: At the completion of the inter-allotment works, the following must be submitted to the Principal Certifier for approval:

1. Details from the supervising engineer that that the as-constructed works comply with the approved inter-allotment design documentation.
2. A full works as executed drawing of the as built inter-allotment drainage line (dimensions, grades, materials, invert levels) prepared by a

registered surveyor, and details from the surveyor that all drainage structures are wholly contained within existing drainage easement(s).

Reason: To ensure appropriate stormwater management.

104. Sydney Water Section 73 Compliance Certificate

Prior to issue of an Occupation Certificate, the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifier.

Reason: Statutory requirement.

105. On-site detention system marker plate

A marker plate is to be permanently attached and displayed within the immediate vicinity of the On-Site Detention System prior to the issue of the Occupation Certificate.

This marker plate can be purchased from Council.

Reason: To prevent unlawful alteration.

106. Completion of vegetation management works

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the following works have been undertaken in accordance with the approved Vegetation Management Plan/Flora & Fauna Assessment report and conditions of this Development Consent.

- all works detailed within the vegetation management plan including revegetation, weed removal, weed techniques, environmental protection measures and proposed planting shall be carried out in accordance with the plan
- all planting to be undertaken within the management zones are to be species in accordance with the vegetation management plan.
- all environmental weeds shall be removed from the VMP area within the site
- the person/s supervising the works shall have a minimum qualification of Certificate 2 in Bushland Regeneration and one year demonstrated experience for all other personnel. In addition the site supervisor shall be eligible for full professional membership of the Australian Association of Bush Regenerators

Reason: To ensure that the vegetation management works are consistent with the Development Consent.

107. Certification of as-constructed driveway/carpark

Prior to issue of an Occupation Certificate, the Principal Certifier is to be satisfied that:

1. The as-constructed car park complies with the approved Construction Certificate plans.
2. The completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 - 2004 "Off-Street car parking" and the

- Seniors Living State Environment Planning Policy in terms of minimum parking space dimensions.
3. Finished driveway gradients and transitions will not result in the scraping of the underside of cars.
 4. No doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
 5. The development complies with vehicular headroom requirements of:
 - Australian Standard 2890.1 - "Off-street car parking",
 - The Seniors Living SEPP 2004 (as last amended) for accessible parking spaces,
 6. 2.6 metres height clearance for waste collection trucks (refer Part 23.7 of the Ku-ring-gai DCP) are met from the public street into and within the applicable areas of the basement carpark.
 7. Signage shall be installed in a prominent position as viewed at the driveway access point to stipulate "No access for vehicles greater than 6.4m in length" (or to that effect).

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

Reason: To ensure that vehicular access and accommodation areas are compliant with Australian Standards and the Development Consent.

108. Reinstatement of redundant crossings and completion of infrastructure works

Prior to issue of an Occupation Certificate, and upon completion of any works which may cause damage to Council's property, the Principal Certifier must receive a signed inspection form from Council which states that the following works in the road reserve have been completed:

1. new concrete driveway crossing in accordance with levels and specifications issued by Council
2. 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)
3. full repair and resealing of any road surface damaged during construction
4. full replacement of damaged sections of grass verge to match existing
5. reconstruction of kerb and gutter with associated road pavement restoration for the full frontage of the development site

This inspection may not be carried out by the Principal Certifier 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.

All works must be completed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors,

sub-contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

Reason: To protect the public infrastructure.

109. Construction of works in public road - approved plans

Prior to issue of an Occupation Certificate, the Principal Certifier 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 engineer and completed to the satisfaction of Council.

The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved stamped drawings. The works are to 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 an Occupation Certificate being issued.

The access consultant must supervise the new footpath and pedestrian kerb ramps and provide certification upon completion that the works were constructed in accordance with Clause 26 of the SEPP.

Reason: To ensure that works undertaken in the road reserve are to the satisfaction of Council.

110. Infrastructure repair

Prior to issue of an Occupation Certificate and upon completion of any works which may cause damage to Council's property, the Principal Certifier must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) is fully repaired to the satisfaction of Council and at no cost to Council.

Reason: To protect public infrastructure.

111. Fire safety certificate

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that a fire safety certificate for all the essential fire or other safety measures forming part of this Development Consent has been completed and provided to Council.

Reason: To ensure suitable fire safety measures are in place.

112. Restriction on land title - seniors living development

Prior to the issue of an Occupation Certificate, the Principal Certifier is to be satisfied that restriction as to use of land under Section 88E of the Conveyancing Act 1919, has been created restricting the occupation of the premises to:

- i) people 55 or over or people who have a disability
- ii) people who live with people 55 or over or people who have a disability

- iii) staff employed to assist in the administration of and provision of services to housing provided in this development

Accommodation within the premises is to be restricted at all times to persons identified in (i), (ii) and (iii) above

Reason: To ensure compliance with the provisions of the Seniors Living SEPP 2004.

113. Compliance with SEPP (Housing for Seniors or People with a Disability) 2004

Prior to issue of the Occupation Certificate, the Principal Certifier shall be satisfied that the requirements of SEPP (Housing for Seniors or People with a Disability) have been satisfied. In particular an access report prepared by a suitably qualified access consultant be submitted which certifies that:

- The gradients of the footpath from the site to the services/bus stop comply with clause 26 (1) and (2).
- The parking spaces comply with the requirements of AS2890 as specified by the SEPP.
- The fit out and construction of the development satisfies the design criteria in Schedule 3 of the SEPP.

Reason: To ensure that the development meets the requirements of the Seniors Living SEPP.

114. Garbage and recycling facilities - residential premises

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the waste storage area has been installed in the basement and adequately contains the waste bins, has rendered internal walls that are covered at the floor/wall intersection, has a floor that is graded and drained to the sewer and is provided with a tap with hot and cold water to facilitate cleaning.

Reason: To protect residential amenity and to prevent environmental pollution.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

115. Outdoor lighting

All external lighting must:

1. Comply with AS/NZS 4282:2019: *Control of the obtrusive effects of outdoor lighting* and
2. Be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set: 2010 *Lighting for roads and public spaces*.

Reason: To protect the amenity of surrounding properties.

116. Compliance with the vegetation management plan

The implementation procedures and specifications contained in the Vegetation Management Plan, prepared by Keystone Ecological, as amended and conditioned under this consent must be complied with at all times.

Reason: To ensure the protection and enhancement of biodiversity lands within the site.

117. Noise control - plant and machinery

Noise levels associated with mechanical ventilation system/s shall not exceed more than 5dB(A) above the background noise (LA90, 15 min) level during the day and shall not exceed the background level at night (10.00pm - 7.00am) when measured at the boundary of the nearest potentially affected residential occupancies. The background (LA90, 15 min) level is to be determined without the source noise present.

Reason: To protect the amenity of surrounding residents.

118. Noise control - rainwater re-use system

Noise levels associated with any rainwater re-use system/s shall not to exceed more than 5dB(A) above the background noise (LA90, 15 min) level during the day and shall not exceed the background level at night (10.00pm - 7.00am) when measured at the boundary of the nearest potentially affected residential occupancies. The background (LA90, 15 min) level is to be determined without the source noise present.

Reason: To protect the amenity of surrounding residents.

119. Loading and unloading

At all times, all loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site.

Reason: To ensure safe traffic movement.

120. Unobstructed driveways and parking areas

All driveways and parking areas shall be kept unobstructed. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

Reason: To ensure safe traffic movement.

121. Annual fire safety statement

Each 12 months after the installation of essential fire or other safety measures, the Owner of a building must provide the Council with an Annual Fire Safety Statement for the building. In addition, a copy of the Statement must be given to the NSW Fire Commissioner and a third copy must be displayed prominently in the building.

Reason: To ensure maintenance of essential statutory fire safety measures.

122. SEPP Seniors Living advertising

All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP Seniors Living 2004 development and that at least one occupier shall be aged 55 years or over or have a disability.

Reason: To ensure compliance with the provisions of the Seniors Living SEPP 2004.