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Ref: DA0677/11

27 June 2012

Defence Housing Australia
c/- Vivienne Goldschmidt
JBA Planning
PO Box 375
NORTH SYDNEY NSW 2059

 **Submission No. 1.3**
(DHA Lindfield)
Date: 03/07/12

Dear Sir/Madam

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION
SECTION 81(1)(A) ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Application No.: DA0677/11
Proposed Development: Subdivision to create 7 lots for development envisaged under concept approval MP06_0130 including construction of roads, ancillary site works and new sporting oval - Heritage property. This proposal also includes a Draft Voluntary Planning Agreement & explanatory note
Property: 100 Eton Road LINDFIELD NSW 2070

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

Date of determination: 26/06/2012
Date from which consent operates: 27/06/2012
Date consent lapses: 28/06/2014

The conditions of consent are as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. **Approved architectural plans and documentation**

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

Plan no.	Drawn by	Dated
Edgelea - Proposed Community Title Subdivision G243	Insites	09/05/11
C2.01 - C2.04 - Sediment & Erosion Control	Northrop	16/11/11

C4.01 - C4.06 - Preliminary Grading & Roadworks Plan	Northrop	16/11/11
C4.11 - C4.13 - Road Longitudinal Sections	Northrop	16/11/11
C4.14 - C4.15 - Road cross sections	Northrop	16/11/11
C4.21 - Road details	Northrop	16/11/11
C5.01 - C5.04 - Stormwater drainage and utilities plan	Northrop	16/11/11
C5.11 - C5.14 - Stormwater drainage longitudinal sections	Northrop	16/11/11
C5.21 - Stormwater drainage details	Northrop	16/11/11
la--cv00 - Landscape cover sheet	Dem	08/12/11
la--0501 - la--0505 Landscape plans sheets 1 to 5	Dem	08/12/11
la--2401 - la--2402 - Landscape sections sheets 1 & 2	Dem	08/12/11
Landscape architecture specification - Issue A Job 4199-02	Dem	27/02/12
Tree management plans TMP01 sheets 1 - 7	Naturally Trees	21/12/11
Arborist report	Naturally Trees	21/12/11
Environmental site management plan	Northrop	30/11/11

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

2. Inconsistency between documents

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

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

3. No demolition of extra fabric

Demolition of the existing buildings shall be limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building network which is shown to be retained.

Reason: To ensure compliance with the development consent.

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

4. Amendments to environmental site management plan

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that the approved plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

Plan no.	Drawn by	Date
Revision 2	Northrop	30/11/11

The following changes are required to the Environmental Site Management Plan:

1. The plan of the site is to be provided at a legible scale.
2. The plan is to refer to all proposed works within the above development application including, road construction and associated landscape works, laying field construction and associated parking and landscape works, and services installation.
3. The environmental site management plan is to be prepared in accordance with Council's DA Guide including proposed tree protection as per arborist recommendation, location of temporary truck access, site offices, parking, and material handling areas.
4. The approval of this application will enable the requirements of an asset protection zone

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the environmental site management plan has been submitted as required by this condition.

Note: A site management plan shall be submitted to the Certifying Authority.

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

5. Amendments to approved landscape plans

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that the approved landscape plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

Plan no.	Drawn by	Date
La-0501/a02 to la-0505/a02 landscape plans sheets 1 to 5	DEM	8/12/11

The following changes are required to the Landscape Plan:

1. To preserve existing vegetation as per Tree Management Plan, Section 2c (la2402/a02, DEM, 8/12/11) is to be amended to indicate the top of wall height of the proposed rock cutting or stone wall proposed along the northern side of Road 2, between chainage 200 and 275. The top of wall level is to ensure retention of existing ground levels in the vicinity of existing vegetation that is shown to be retained.
2. Landscape plans are to include proposed concrete headwall stormwater outlets with scour protection to southern end of Road 1 (Stormwater and Utilities Coordination Plan, C5.02/1, Northrop, 16/11/11).

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the landscape plan has been amended are required by this condition.

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

Reason: To ensure adequate landscaping of the site

6. Long service levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

7. Excavation for services

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that no proposed underground services (i.e.: water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

Note: A plan detailing the routes of these services and trees protected under the Tree Preservation Order shall be submitted to the Principal Certifying Authority.

Reason: To ensure the protection of trees.

8. Utility provider requirements

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

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

9. Structural stability

Prior to the issue of a Construction Certificate, a report prepared by a structural engineer in respect of the condition of the supporting structure for the suspended portion of Road 1 (known as the bus turn around bay) shall be provided to Council. Where the structure is identified to not be structurally sound, it shall be upgraded to Council's satisfaction (with the extent of works to be determined in consultation with Council). Where upgrade / rectification works are necessary, details of these works shall be provided to the Principal Certifying Authority.

Reason: Public interest.

10. Road lighting

The applicant is to provide a road lighting plan for the development with due consideration given to all areas operating characteristics, proposed traffic management devices and intersection including all works within the road reserve and adjoining public spaces. The lighting plan shall be designed in accordance with Australian Standards AS/NZS 1158 - Road Lighting. On completion of the road lighting design plans, the plans and a schedule of annual charges shall be forwarded to Council's for their acceptance of the ongoing maintenance and charges. These plans shall include a statement by the designer certifying that the design meets all requirements of AS/NZS 1158. The Construction Certificate for development shall not be issued prior to Council providing this letter of acceptance, unless otherwise agreed to by Council. This letter of acceptance and approved plan shall then be submitted to Ausgrid for their approval and certification for connection to their public lighting network.

Reason: Public safety.

11. Sporting field surface

The surface of the sporting field shall be designed to satisfy AS 3541.1-1988 Synthetic sporting surfaces - General principles and FIFA 1-star accreditation. Detailed plans and specifications shall be provided to, and meet the satisfaction of Council's Sports and Recreation Planner prior to the issue of a Construction Certificate.

Reason: To ensure a high standard of public asset.

12. Easements

Prior to the issue of any Construction Certificate and to the satisfaction of Council, a plan shall be provided detailing the location of easements necessary for any services (including stormwater) which traverse over proposed allotment boundaries. Easements shall be sized in accordance with Council's DCP No. 47.

Reason: Orderly development of land.

13. Stormwater

The applicant shall submit full hydraulic design documentation for the required interallotment drainage system from the subject property to the approved point of discharge to the public drainage system in Winchester Avenue. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Council's Water Management DCP 47 (available on Council's website and at Customer Services) and the Plumbing and Drainage Code (AS3500). New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry design flow rates, or detention system overflows where detention systems are to be provided, from the subject property.

The following details must be included:

- plan view of interallotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge
- the contributing catchment calculations and supporting pipe sizing information
- longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities
- surrounding survey detail including all trees within seven (7) metres of the proposed drainage system
- means to preserve the root systems of trees within seven (7) metres of the drainage system

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties.

14. Asset Protection Zones

Prior to the issue of a Construction Certificate and to the satisfaction of Council, a plan shall be provided to Council detailing the extent of vegetation clearing within the APZ's. This plan is to clearly detail what trees are to be retained and what trees are to be removed. The plan is to also include the relevant information as required by the second last dot point of the Bushfire section within the Statement of Commitments, referenced in Condition A2(1)(b) of MP06_0130. †

Reason: Requirement of Concept Approval.

15. Bus turn-around bay

Prior to the issue of any Construction Certificate for residential development on lot 5 or the Subdivision Certificate for the further subdivision of Lot 5 the undercroft area of the bus turn around bay associated with Road 1 is to be painted grey, with the extent of painting ensuring that all existing graffiti is not visible. These works are to be at the sole expense of the developer undertaking the works and are to be undertaken to Council's satisfaction.

Reason: Public benefit.

16. Stormwater system

The outlet pipe draining the soccer oval at the south western corner is to discharge at the bottom of the rock wall that retains the soccer oval. Drainage plans subject of the Construction Certificate shall be amended in this regard, with the final design to be submitted to and approved by the certifying authority.

Reason: To minimise environmental impact.

17. Voluntary planning agreement

Prior to the issue of any Construction Certificate the Voluntary Planning Agreement between Ku-ring-gai Council and Defence Housing Australia titled 'Voluntary Planning Agreement for Edgelea' is to be executed and implemented in accordance with the timetable and terms set within the document.

Reason: Statutory requirement.

18. Pavement design

Pavement design for the new roads (and upgraded roads) shall be prepared in accordance with the Austroads publication 'Guide to Pavement Technology – Part 2 Pavement Structural Design. Where the design relates to a road that is to be dedicated to Council, the design shall be submitted to Council and approved by Council Asset Engineer, prior to the issue of a Construction Certificate.

These plans shall include the removal of Tree No. 914 abutting and overhanging the bus turn-around bay.

Reason: To ensure an appropriate standard of Construction.

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

19. Infrastructure restorations fee

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

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the 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 Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and 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 the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.

e) In this condition:

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

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

Reason: To maintain public infrastructure.

20. Traffic management

Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council for a Site, Pedestrian and Traffic Management Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

A PRIVATE CERTIFIER CANNOT APPROVE YOUR SITE, PEDESTRIAN & TRAFFIC MANAGEMENT PLAN

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, adjacent to the construction site;
- c) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- d) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- e) Proposed measures to be implemented for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- f) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- g) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Service requirements and AS1742.3.
- h) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.

- i) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- j) Proposed measures for protection of the environment including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site. The applicant will be required to pay for inspections by Council Officers in accordance with Council's adopted fees and charges.

It is the responsibility of the applicant to contact the RMS to determine whether the works will require a Road Occupancy Licence from the RMS. More information can be found at http://www.rta.nsw.gov.au/trafficinformation/downloads/road_occupancy_manual.pdf or searching for 'road occupancy' on the RMS website or contacting Planned Incident Unit (PIU) Phone: 8396 1513 Fax: 8396 1530.

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

21. 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.

22. Notice of commencement

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

Reason: Statutory requirement.

23. Notification of contractor's details

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

Reason: Statutory requirement.

24. Erosion and drainage management

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

Reason: To preserve and enhance the natural environment.

25. Tree protection fencing

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

Plan no.	Drawn by	Date
Tree Management Plans 01 Sheets 1- 7	Naturally Trees	12/12/11

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

Reason : To protect existing trees during construction phase.

26. Statement of compliance with Australian Standards

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

Reason: To ensure compliance with the Australian Standards.

27. 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 Certifying Authority 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 eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

Reason: To ensure public safety and public information.

28. Tree fencing inspection

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

Reason: To protect existing trees during the construction phase.

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

29. Prescribed conditions

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

- 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.

Reason: Statutory requirement.

30. Hours of work

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

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

Where it is necessary for works to occur outside of these hours (i.e.) placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by the 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.

31. Temporary irrigation

Temporary irrigation within the Tree Protection Fencing is to be provided. Irrigation volumes are to be determined by the Project Arborist.

Reason: To protect trees to be retained on site.

32. Demolition of existing site structures

To preserve the health and condition of existing trees to be retained, all demolition of existing building and landscape structures including tree removal, are to be undertaken within the access restricted to the existing driveways and building platforms and in accordance with Section 2, Appendix 6 and Appendix 7, Arboricultural Impact Appraisal and Method Statement, Naturally Trees, 12/12/11. Where vehicular access is required across existing soft landscape area, temporary ground protection capable of supporting the vehicles is to be constructed in accordance with Section 4.5.3, AS4970-2009 Protection of trees on development sites.

Reason: To protect trees to be retained on site.

33. Approved plans to be on site

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

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

34. Construction noise

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

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

35. 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

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

36. Guarding excavations

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

Reason: To ensure public safety.

37. Toilet facilities

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

Reason: Statutory requirement.

38. Protection of public places

If the work involved in the erection, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, a hoarding is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

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

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

Reason: To protect public places.

39. Recycling of building material

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

Reason: To facilitate recycling of materials.

40. 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.

41. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the

construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

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

42. Services

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

Reason: Provision of utility services.

43. Sydney Water Section 73 Compliance Certificate

The applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing CoOrdinator. The applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-develop" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the CoOrdinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Reason: Statutory requirement.

44. Arborist's report

The trees to be retained shall be inspected, monitored and treated by a Project Arborist who must be a qualified (AQF) Level 5 arborist in accordance with AS4970-2009 Protection of trees on development sites. Regular inspections and documentation from the Project Arborist to the Principal Certifying Authority are required including at the following times or phases of work. All monitoring shall be recorded and provided to the Principal Certifying Authority prior to completion of the works.

Schedule	
Tree/location	Time of inspection
As shown on Tree Management Plans, TMP01 Sheets 1- 7, prepared by Naturally Trees and dated 12/12/11	As per Programme of arboricultural input, Appendix 7, Arboricultural Impact Appraisal and Method Statement, Naturally Trees, 12/12/11.

Reason: To ensure protection of existing trees.

45. Stockpiling of top soil

Top soil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil must be located outside drainage lines and tree canopies and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed fourteen (14) days, stock-piles are to be seeded or sprayed with an appropriate emulsion solution to minimise particle movement.

Reason: To protect the environment.

46. Canopy/root pruning

Canopy and/or root pruning of the following tree(s) which is necessary to accommodate the approved building works shall be undertaken by an experienced AQF level 3 Arborist under the supervision of the Project Arborist and in accordance with the reduction pruning clause of AS4373-2007. All other branches are to be tied back and protected during construction, under the supervision of a qualified arborist.

Schedule	
Tree/location	Tree works
Trees 114/ <i>Eucalyptus tereticornis</i> (located north-west of playing field)	Minor root pruning for road construction
Trees 115/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/(located north-west of playing field)	Minor root pruning for road construction
Trees 116/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/(located north-west of playing field)	Minor root pruning for road construction
Tree 365/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/(located western end of Road 2)	Minor root pruning for road construction
Tree 366/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/(located western end of Road 2)	Minor root pruning for road construction
Tree 367/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/(located western end of Road 2)	Minor root pruning for road construction
Tree 368/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/(located western end of Road 2)	Minor root pruning for road construction
Tree 405-440/assorted trees	Minor root pruning for road construction

Schedule	
Tree/location	Tree works
Tree 449/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/located north of the junction between Road 1 and Road 2	Minor root pruning for road construction
Tree 672/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/located south-east of existing gymnasium	Minor root pruning for footpath construction
Tree 987/ <i>Lophostemon confertus</i> (Brushbox)/located north of the existing guard house on western side of entry road	Minor root pruning for footpath construction
Tree 988/ <i>Angophora costata</i> (Sydney Red Gum)/located north of the existing guard house on western side of entry road	Minor root pruning for footpath construction
Tree 1000/ <i>Eucalyptus saligna</i> (Sydney Blue Gum)/located on western side of Road 1	Minor root pruning for footpath construction

Reason: To protect the environment.

47. Treatment of tree roots

If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of Horticulture Certificate or Tree Surgery Certificate. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 – Pruning of Amenity Trees.

Reason: To protect existing trees.

48. Excavation near trees

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

Schedule	
Tree/location	Tree works
Trees 114/ <i>Eucalyptus tereticornis</i> /located north-west of playing field	Minor root pruning for road construction
Trees 115/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/located north-west of playing field	Minor root pruning for road construction
Trees 116/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/located north-west of playing field	Minor root pruning for road construction
Tree 365/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/located western end of Road 2	Minor root pruning for road construction
Tree 366/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/located western end of Road 2	Minor root pruning for road construction
Tree 367/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/located western end of Road 2	Minor root pruning for road construction
Tree 368/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/located western end of Road 2	Minor root pruning for road construction
Tree 405-440/assorted trees	Minor root pruning for road construction
Tree 449/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/located north of the junction between Road 1 and Road 2	Minor root pruning for road construction

Tree 672/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/located south-east of existing gymnasium	Minor root pruning for footpath construction
Tree 987/ <i>Lophostemon confertus</i> (Brushbox)/located north of the existing guard house on western side of entry road	Minor root pruning for footpath construction
Tree 988/ <i>Angophora costata</i> (Sydney Red Gum)/located north of the existing guard house on western side of entry road	Minor root pruning for footpath construction
Tree 1000/ <i>Eucalyptus saligna</i> (Sydney Blue Gum)/located on western side of Road 1	Minor root pruning for footpath construction

Reason: To protect existing trees.

49. Hand excavation

All excavation (excluding that associated with road construction) within the specified radius of the trunk(s) of the following tree(s) shall be hand dug under the supervision of the Project Arborist.

Schedule	
Tree/location	Tree works
Trees 114/ <i>Eucalyptus tereticornis</i> /located north-west of playing field	Minor root pruning for road construction
Trees 115/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/located north-west of playing field	Minor root pruning for road construction
Trees 116/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/located north-west of playing field	Minor root pruning for road construction
Tree 365/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/located western end of Road 2	Minor root pruning for road construction
Tree 366/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/located western end of Road 2	Minor root pruning for road construction
Tree 367/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/located western end of Road 2	Minor root pruning for road construction
Tree 368/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/located western end of Road 2	Minor root pruning for road construction
Tree 405-440/assorted trees	Minor root pruning for road construction
Tree 449/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/located north of the junction between Road 1 and Road 2	Minor root pruning for road construction
Tree 672/ <i>Eucalyptus haemastoma</i> (Scribbly Gum)/located south-east of existing gymnasium	Minor root pruning for footpath construction
Tree 987/ <i>Lophostemon confertus</i> (Brushbox)/located north of the existing guard house on western side of entry road	Minor root pruning for footpath construction
Tree 988/ <i>Angophora costata</i> (Sydney Red Gum)/located north of the existing guard house on western side of entry road	Minor root pruning for footpath construction
Tree 1000/ <i>Eucalyptus saligna</i> (Sydney Blue Gum)/located on western side of Road 1	Minor root pruning for footpath construction

Reason: To protect existing trees.

50. No storage of materials beneath trees

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

Reason: To protect existing trees.

51. 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.

52. 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 5.0 metres whereby they will be protected by Council's Tree Preservation Order. 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.

53. On site retention of waste docket

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

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

Reason: To protect the environment.

54. DECC requirements

All works subject of this consent is to be undertaken in accordance with the '*Guidelines for Developments Adjoining Department of Environment and Conservation Land*' by DECC dated August 2006.

Reason: Requirement of Concept Approval.

55. Rural Fire Services conditions – S.100B

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of the subdivision certificate and in perpetuity, or at any time prior to this, the landowner shall implement the required Asset Protection Zone and landscape management works in accordance with *Planning for Bushfire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*. The asset protection zones shall consist of an Inner Protection Area (IPA) and Outer Protection Area (OPA) in accordance with table A2.7 of 'Planning for Bushfire Protection 2006'. The IPA requirement shall be excluded from conservation areas.

Water and utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bushfire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

3. Public road access shall comply with section 4.1.3(1) of 'Planning for Bushfire Protection 2006'.

56. Cut and Fill

Cut and fill across the allotments being created should be balanced. Where additional fill is necessary, this fill shall be Virgin Excavated Material (VEM). Documentation supporting this for the importation of any soil to the site shall be provided to the Principal Certifying Authority.

Reason: Requirement of Concept Approval.

57. Survey marks

The applicant must not remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General and is to comply with Section 24(1) of the Surveying Act 2002. Further details are contained in Surveyor General's Direction No 11. More information can be found at http://www.lpma.nsw.gov.au/data/assets/pdf_file/0008/25946/section11.pdf or by searching on the Lands Department website through the tags 'Survey & Maps', 'SCIMS Online', 'Survey Mark Status' to get a copy of the document. For the purpose of this clause 'survey mark' means a mark that is in a form or style declared by the regulations to be the form or style for a survey mark under the Surveying Act 2002.

Reason: Public interest.

58. Construction Standards

All construction and restoration work shall be carried out in accordance with the approved plans (including any amendments shown in red) and with Council's General Specification for Construction of Road Works and Drainage Works and to the satisfaction of Council's Development Engineer.

Any inspections carried out by Council do not relieve the applicant or the Applicant's Engineer/Surveyor of their responsibility to ensure works are carried out in accordance with these approved plans and with Council's Specification for Road Works and Drainage Work.

Reason: Public benefit.

59. Council assets

Any disturbed or damaged areas adjacent to the public land or roadway shall be restored or landscaped to the satisfaction of Council's Director Operations. Full cost to be borne by the developer. The total cost of all construction and restoration work shall be borne by the applicant.

That prior to construction of the building, fencing or suitable alternative be installed around the easement perimeter to prevent loading by heavy construction machinery on the area directly above the pipelines at no cost to Council.

Reason: To ensure a high standard of Council asset.

60. Insurances

The applicant or the applicant's contractor shall ensure that there is adequate Worker's Compensation policy in force for the staff carrying out the work, and shall supply a copy of such policy to Council prior to the commencement of work.

The applicant must indemnify Council against all loss of or damage to the property of others and injury or death to any persons which may arise out of or in consequence of the carrying out of the work and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof or in relation thereto. In this regard, the applicant shall take out a public liability policy during the currency of the works in the sum of not less than \$20,000,000 and to be endorsed with Ku-ring-gai Council as principal, and keep such policy in force at the applicant's own expense. A certificate from the applicant's insurers to this effect is to be lodged with Council before any work is commenced. The amount of Common Law liability shall be unlimited.

Reason: Public interest.

61. Design requirements

This approval does not confer any responsibility upon Council with respect to the accuracy of the design for which responsibility fully rests with the designing engineer.

This approval does not confer any responsibility upon Council with respect to the design meeting requirements of AS1428.

Reason: Disability Discrimination Act requirement.

62. Road safety

Lighting, fencing, traffic flagging and advance warning signs and other measures shall be provided in accordance with the RMS's "Traffic Control at Work Sites Version 4"; SAA's "Field Guide for Traffic Control at Works on Roads - Part 1" and AS 1742.3 "Manual of uniform traffic control devices, Part 3, Traffic control devices for works on roads" and the approved Traffic Control Plan for these works. Traffic movement in both directions and vehicular access to private properties is to be maintained at all times.

Reason: Public safety.

63. Necessary Council inspections – engineering

Council's Development Engineer is to undertake an inspection of the works which will be dedicated to Council or come under Council control at the time of subdivision. The applicant or their engineer is to give Council's Development Engineer at least 48 hours notice of a need for inspection of the following stages:

- a) After excavation and prior to pipe laying commencing.
- b) Pipes laid and jointed, prior to backfilling.
- c) Pits formed prior to pouring.
- d) Road, excavated to sub grade and sub grade compacted.
- e) Road, base placed and compacted, prior to laying asphalt.
- f) Prior to any concrete pours.
- g) All works completed and restoration complete.
- h) Before commencement and at agreed times during piling works.

Reason: To ensure a high standard of public asset.

64. Construction requirements

Joins to existing asphalt to be at least 300 mm overlap of edge of excavation below asphalt. See Council's drawing 2004-010.

Reason: To ensure a high standard of public asset.

65. Completion of construction

A Consulting Civil Engineer's Certificate is to be supplied to Council on completion of all works which is to certify that all works have been carried out in accordance with the approved plans and with Council's "General Specification for Road Works and Drainage Works".

Reason: To ensure a high standard of public asset.

66. Inspections by Sports and Recreation Planner

The following inspections during construction shall be undertaken by Council's Sports and Recreation Planner (or his/her nominated representative) for the soccer field:

- At completion of the sub-grade, to check size, levels, gradients and strength. This is to validate the design of the sub-base (thickness, etc).
- At completion of the construction of the drainage system, to ensure that all connections have been made and that the correct falls have been made in pipe work and that the pipe work is free of blockage.
- At completion of the base to check that level and thickness requirements have been met and that the materials supplied are as per tender, e.g. crushed rock, concrete, etc.
- At completion of the shock pad to check thickness, if this is part of the final design.
- At completion of the carpet surface to ensure consistency of infill depth across the pitch. Also to ratify lines, dimensions, etc.
- At completion of any natural turf surrounds or associated landscaped areas.
- At completion of the chain wire fencing, if installed.

A minimum of 48 hours notice shall be given for necessary inspections. The Subdivision Certificate shall not be issued until Council has provided the developer with written conformation that the completed works are to their satisfaction, in anticipation of hand over and dedication.

Reason: To ensure a high standard of public asset.

67. Works-as-executed drawings

Works-as-Executed drawings of the completed works are to be provided to Council's Development Engineer immediately upon completion of works. To be prepared by a registered surveyor.

Reason: To ensure works are constructed as designed.

68. Drainage assets

That after the building construction on site and drainage in the road are completed, an inspection of the pipeline by closed circuit TV or suitable alternative be undertaken to verify the structural integrity of pipelines by the applicant at no cost to council. Prior to the issue of any occupation certificate(s), the applicant is to obtain written acceptance from Council of the pipeline and the inspection report.

Reason: To ensure works are constructed as designed.

69. Aboriginal Land Council

All works associated with the subdivision shall be done with the supervision of the Metropolitan Local Aboriginal Land Council. In the event that any archaeological findings are unearthed, works are to stop immediately and they are to be referred to the NSW Heritage Office.

Reason: To ensure compliance with the Concept Approval.

70. Demolition / excavation requirements

Any demolition / removal of Polychlorinated Biphenyls (PCB's) and asbestos containing material is to be removed in accordance with current NSW EPA waste classification and disposal guidelines, as well as Workcover occupational health and safety procedures. They shall also accord with the applicable Australian Standards.

Reason: To ensure compliance with the Concept Approval.

71. Cut and fill

Any fill required to be brought onto the site is to be certified as Virgin Excavated Material (VEM). Certification of any such fill is to be provided to the PCA.

Reason: To ensure compliance with the Concept Approval.

72. EPBC approval

The development and any associated works are to be undertaken in accordance with *Environment Protection and Biodiversity Conservation Act 1999 (cth)* approval for a Controlled Action (EPBC 2008/4083).

Reason: To ensure compliance with the Concept Approval.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE:

73. Completion of landscape works

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

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

74. Completion of tree works

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all tree works, including pruning in accordance with AS4373-2007 or remediation works in accordance with AS4370-2009, have been undertaken in accordance with the approved plan(s) and conditions of consent.

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

75. Sydney Water Section 73 Compliance Certificate

Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate which refers to the subdivision application must be obtained and submitted to the Council.

Reason: Statutory requirement.

76. Requirements of public authorities for connection to services

Prior to the issue of the Subdivision Certificate, the Principal Certifying Authority shall be satisfied that the applicant has complied with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection, relocation and/or adjustment of the services affected by the proposed subdivision. All costs related to the relocation, adjustment or support of services is the responsibility of the applicant.

Note: Details of compliance with the requirements of any relevant public authorities are to be submitted to the Principal Certifying Authority.

Reason: To ensure that services are available to the allotments of land.

77. Infrastructure repair – subdivision works

Prior to issue of the Subdivision Certificate, any infrastructure within the road reserve along the frontage of the subject site or within close proximity, which has been damaged as a result of subdivision works, must be fully repaired to the satisfaction of Council's Development Engineer and at no cost to Council.

Reason: To protect public infrastructure.

78. Provision of services

Prior to issue of the Subdivision Certificate, separate underground electricity, gas and phone or appropriate conduits for the same, must be provided to each allotment to the satisfaction of the utility provider. A suitably qualified and experienced engineer or surveyor is to provide certification that all new lots have ready underground access to the services of electricity, gas and phone. Alternatively, a letter from the relevant supply authorities stating the same may be submitted to satisfy this condition.

Reason: Access to public utilities.

79. Issue of Subdivision Certificate

The Subdivision Certificate must not be issued until all conditions of development consent have been satisfied and a Final Certificate of Compliance has been issued by the Principal Certifying Authority. The Subdivision Certificate shall not be issued until the standard of asset to be dedicated to Council as part of the subdivision process is to Council's satisfaction.

Reason: To ensure that the development is completed prior to transfer of responsibility for the site and development to another person.

80. Submission of 88b instrument

Prior to the issue of the Subdivision Certificate, the applicant must submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies to Council. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the burdens. The instrument is to include the following terms:

In accordance with Condition B9(2) of MP06_0130, the plan of subdivision shall be accompanied by a written instrument burdening each lot being created as part of the subdivision with the Vegetation Management Plan, prepared by ERM, Report No. 0137046_VMP_Final, dated 8 December 2011. This written instrument shall detail the responsibility of each action by the owners of the new lots required by the VMP.

Reason: To create all required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required.

81. Submission of plans of subdivision

For endorsement of the subdivision certificate, the applicant shall submit an original plan of subdivision plus 6 copies, suitable for endorsement by Council. The following details must be submitted with the plan of subdivision and its copies:

- a) the endorsement fee current at the time of lodgement
- b) the 88B instrument plus 6 copies
- c) all surveyor's and/or consulting engineers' certification(s) required under this subdivision consent
- d) The Section 73 (Sydney Water) Compliance Certificate for the subdivision.
- e) proof that an easement benefiting lot 6 over properties fronting Winchester Avenue has been secured
- f) relevant Council approvals for the intended dedication's to Council.

Council will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan and may require payment of rechecking fees. Plans and copies of subdivision must not be folded. Council will not accept bonds in lieu of completing subdivision works.

Reason: Statutory requirement.

82. General easement/R.O.W. provision and certification

Prior to issue of the Subdivision Certificate, a registered surveyor is to provide details to Council that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision. Alternatively, where the surveyor is of the opinion that creation of burdens and benefits is not required, then proof to this effect must be submitted to the Principal Certifying Authority.

Reason: To ensure that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision.

83. Easement draining Lot 6

Prior to the issue of a Subdivision Certificate, documentary evidence shall be provided to Council that demonstrates than an easement to drain stormwater (benefiting Lot 6) has been obtained over properties facing Winchester Avenue, Lindfield. This easement shall be clearly documented on the plan of subdivision.

Reason: Orderly development of land.

84. Bus stop

Prior to the issue of the Subdivision Certificate, the existing bus stop shall be cleaned, painted (with the existing colours) and made good (with the repair of any visible damage). The Subdivision Certificate shall not be issued until the upgrade to the bus stop is to Council's satisfaction.

Reason: To ensure a high standard of public asset.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

85. Encroachment over burdens

At all times for the life of the approved development, no part of any structure shall encroach over any easement and no loadings shall be imposed to utilities within any easement unless approved by the owner(s) appurtenant to the burden.

This development consent does not set aside or affect in any way the exercise of any rights-at-law which may be conferred upon any parties by the existence and/or terms of the grant of any easements or rights-of-carriageway on or over the subject lot(s). It is the applicant's full responsibility to ensure that any rights-at-law are investigated and upheld. Council accepts no responsibility whatsoever, at any time, for any claim for any matter or thing arising from its approval to this application involving any encroachment or other influence upon any easement or right-of-carriageway.

The applicant's attention is directed to the rights of persons benefited by any easement or right-of-carriageway concerning the entry and breaking up of a structure approved by this consent. In the event that such a structure causes damage, blockage or other thing requiring maintenance to infrastructure within the easement or right-of-carriageway, or access is required to carry out maintenance, Council accepts no responsibility in this regard.

Reason: To ensure compliance with the development consent.

Reason for conditions

To safeguard the amenity of the locality.

Other approvals

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

Right of appeal

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

Advisings

- a) Council is always prepared to discuss its decisions and in this regard please do not hesitate to contact Adam Richardson on telephone 9424 0000.
- b) Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request a review of the determination. The request must be made in writing on the S.82A Review application form (refer Council's website or customer service centre) within six (6) months of receipt of this Notice of Determination, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of determination with Council staff before lodging such a request. There is no right of review under S82A of the Act in respect of Designated, Integrated Development or applications determined by the Joint Regional Planning Panel.

- c) Changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of a use may require the submission of a modification application under Section 96 of the Environmental Planning and Assessment Act 1979. Any proposed modification to the development consent, must result in a development that is substantially the same development as that which was originally approved. It is recommended that the applicant discuss any request for a review of determination with Council staff before lodging such a request.
- d) Your attention is drawn to the necessity to:

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

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

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

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

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

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

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

Signature on behalf of consent authority
Team Leader
Development Assessment

cc: Defence Housing Australia (owners)
Attention : Mr J Dietz
General Manager – Property Provisioning Group
26 Brisbane Avenue
BARTON ACT 2600