

Draft Conditions - Without Prejudice

Application no.	DA0185/14
Proposed Development	Residential Aged Care Development
Property	402 Bobbin Head Road North Turramurra (Site)

Schedule A – Deferred commencement terms

Drainage easement (deferred commencement)

The following deferred commencement conditions must be complied with to the satisfaction of Council within 36 months of the date of the deferred commencement consent prior to the issue of an operational development consent:

- 1 The applicant shall submit documentary evidence that the Site benefits from a drainage easement over the downstream properties as far as the public drainage system. This consent will not operate until the documentary evidence has been submitted to and approved by Council's Development Engineer.

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

Schedule B – Foreshadowed conditions

The following conditions of consent including any other conditions that may arise from resolution of matters listed in Schedule A, will be included in an operational development consent that will be issued by Council after the applicant provides information sufficient to satisfy Council to the condition of the deferred commencement consent:

1 Approved architectural plans and documentation (new development)

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
DA000 Revision C	Calder Flower Architects	18.12.2015
DA003 Revision C	Calder Flower Architects	18.12.2015
DA004 Revision C	Calder Flower Architects	18.12.2015
DA005 Revision C	Calder Flower Architects	18.12.2015
DA006 Revision C	Calder Flower Architects	18.12.2015
DA008 Revision C	Calder Flower Architects	18.12.2015
DA010 Revision D	Calder Flower Architects	30.06.2016

Plan no.	Drawn by	Dated
DA011 Revision A	Calder Flower Architects	30.06.2016
DA100 Revision C	Calder Flower Architects	18.12.2015
DA101 Revision C	Calder Flower Architects	18.12.2015
DA102 Revision C	Calder Flower Architects	18.12.2015
DA300 Revision C	Calder Flower Architects	18.12.2015
DA302 Revision C	Calder Flower Architects	18.12.2015
DA303 Revision C	Calder Flower Architects	18.12.2015
A310 Revision A	Calder Flower Architects	30.05.2016
DA500 Revision C	Calder Flower Architects	18.12.2015
L-101 Issue O	Oculus	29.06.2016
L-201 Issue S	Oculus	29.06.2016
L-202 Issue H	Oculus	26.05.2016
L-203 Issue H	Oculus	29.06.2016
L-204 Issue H	Oculus	29.06.2016
L-205 Issue J	Oculus	29.06.2016
L-301 Issue E	Oculus	02.03.2016
L-302 Issue E	Oculus	02.03.2016
L-401 Issue D	Oculus	04.12.2015
L-601 Issue D	Oculus	04.12.2015
L-602 Issue D	Oculus	04.12.2015
L-603 Issue D	Oculus	04.12.2015
L-604 Issue D	Oculus	04.12.2015
L-605 Issue B	Oculus	04.12.2015
L-606 Issue B	Oculus	04.12.2015
Stormwater DA Report 131614 PE Revision 5	Taylor Thomson Whitting	01.03.2015
Details Sheet 1 – C015 Issue P4	Taylor Thomson Whitting	02.12.2015
Site Works Plan C040 Issue P10	Taylor Thomson Whitting	30.06.2016
Erosion & Sediment Control Plan & Details C030 Issue P5	Taylor Thomson Whitting	02.12.2016
Staging Plan – Stage 1 SKC100 Issue P3	Taylor Thomson Whitting	26.05.2016
Stage 1 Sections – SKC101 P1	Taylor Thomson Whitting	26.05.2013

Document(s)	Dated
Statement of Compliance Access for People with a Disability - Accessible Building Solutions Job 213332	23.11.2015
Southern Cross Care Redevelopment – North Turrumurra 20131193.1/1104A/RO/YK	11.04.2014
Arboricultural Impact Assessment Tree Protection Specification 402/BOBB/14 Report No: 402/BOBB/AIA/E	02.03.2016
Project Staging Matrix - Issue D	03.06.2016
Environmental Site Management Plan - Stage 1	01.07.2016
Environmental Site Management Plan - Stage 2	01.07.2016

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 and 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

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

Reason: To ensure compliance with the development consent.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION

4 Asbestos works

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

5 Nest Boxes

Prior to works commencing or tree removal works being undertaken, 10 nest boxes comprising of (2 microbat, 2 small mammal, 2 medium mammal, 2 small owl and 2 bird boxes) shall be installed within trees approved to be retained on the Site. Under the direction of a qualified ecologist, the nest boxes shall be positioned and constructed of durable wood material (marine ply) and installed at a minimum height of 6 metres from the ground.

The qualified ecologist must hold an Animal Ethics Permit from the Office of Environment & Heritage and a wildlife licence under section 132C of the National Parks and Wildlife Act 1974: <<http://www.legislation.nsw.gov.au/viewtop/inforce/act+80+1974+first+O+N>> issued by the Office of Environment and Heritage.

Reason: To ensure protection of fauna species which could be potentially displaced by the removal of trees and native vegetation.

6 Fauna Protection

Prior to works commencing and/or tree removal works 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 into installed nest boxes.

The qualified ecologist must hold an Animal Ethics Permit from the Office of Environment & Heritage and a wildlife licence:

<<http://www.environment.nsw.gov.au/wildlifelicences/ScientificResearchlicences.htm>> under section 132C of the National Parks and Wildlife Act 1974:
m<<http://www.legislation.nsw.gov.au/viewtop/inforcejact+80+1974+first+O+N>> issued by the Office of Environment and Heritage.

Evidence of engagement of the qualified ecologist and the required licensing must be provided to Council prior to any tree removal.

Reason: To ensure protection of fauna species.

7 Notice of commencement

At least 48 hours prior to the commencement of any development works on the Site (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.

8 Notification of builder's details

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

Reason: Statutory requirement.

9 Dilapidation survey and report

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

Public infrastructure:

- Full road pavement width, including kerb and gutter, of Bobbin Head Road over the Site frontage, and

- All driveway crossings and laybacks opposite the Site.

The report must be completed by a consulting structural or civil engineer. Particular attention must be paid to accurately recording (both written and photographic) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the Site, where such damage is not accurately recorded by the requirements of this condition prior to the commencement of works.

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

10 Archival recording of buildings

Prior to the commencement of any development or excavation works on the Site, the Principal Certifying Authority shall be satisfied that an archival report has been submitted to Council's Heritage Advisor.

The report must consist of an archival standard photographic record of the existing building (internally and externally), its garden and views of it from the street illustrating its relationship to neighbouring properties and the streetscape. Recording shall be undertaken in accordance with the guidelines for 'Photographic Recording of Heritage Items Using Film or Digital Capture (2006)' prepared by the New South Wales Heritage Office.

Information shall be bound in an A4 report format. It shall include copies of photographs, referenced to plans of the site. Two (2) copies (one (1) copy to include negatives or CD of images shall be submitted to Council's Heritage Advisor. The recording document will be held in the local studies collection of Ku-ring-gai Library, the local historical society and Council's files.

Reason: To ensure the proper management of historical artefacts and to ensure their preservation.

11 Archaeological survey

Prior to commencement of any approved development or excavation works, the Principal Certifying Authority shall be satisfied that an archaeological survey has been completed and submitted to Council's Heritage Advisor.

The survey shall be carried out by a qualified archaeologist and shall identify the likelihood of remains or artefacts, whether European or Aboriginal, being present on the Site.

If this report identifies that such items are likely to be on site, demolition, earthworks and excavation shall be undertaken under the direct supervision of the consultant archaeologist. An excavation permit under section 140 of the *Heritage Act 1977* may be required if it is likely relics will be uncovered.

In the event that remnants or artefacts are found during the progression of works on the Site, excavation or disturbance of the area is to stop immediately. In accordance with section 146(a) of the *Heritage Act 1917* the Applicant must ensure the Heritage Council of NSW is notified within a reasonable time of the discovery or location of these relics. Archaeological assessment and approval, or endorsement, may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

A policy of managing the known relics and an interpretative strategy developed on how to interpret any relics found on the site must be developed and subject to separate approval by Council's Heritage Officer.

Reason: To comply with the provisions of the NSW *Heritage Act 1977* and to ensure the proper management of relics and historical artefacts.

12 Construction and traffic management plan

The applicant must submit to Council a Construction Traffic Management Plan (**CTMP**), which is to be approved prior to the commencement of any works on site.

The CTMP applies to all persons associated with demolition, excavation and construction of the approved development.

The CTMP is to consist of a report with Traffic Control Plans attached.

The report is to contain the following:

1. Commitments which must be followed by the demolition and excavation contractor, builder, owner and subcontractors.
 - (i) Construction vehicle routes for approach and departure to and from all directions.
 - (ii) A site plan showing entry and exit points. Swept paths are to be shown on the Site plan showing access and egress for an 11metre long heavy rigid vehicle.
2. The Traffic Control Plans are to be prepared by a qualified person (red card holder). One must be provided for each of the following stages of the works:
 - Demolition
 - Excavation
 - Concrete pour
 - Construction of vehicular crossing and reinstatement of footpath
 - Traffic control for vehicles reversing into or out of the site.

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

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

Reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

13 Erosion and drainage management

Earthworks 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'. 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.

14 Tree protection fencing

To preserve the following tree/s, no work shall commence until the area beneath their canopy is fenced off at the specified radius from the trunk/s 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.

Schedule

Tree location

Radius from trunk

All trees on site

As shown on Tree Protection Plan, dwg L-101 Issue K, prepared by Oculus, dated 2/03/16

The tree protection fencing shall be constructed of galvanised pipe at 2.4 metre spacings 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

15 Tree protection signage

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

Tree protection zone.

- This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted.
- Any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report.
- The arborist's report shall provide proof that no other alternative is available.
- The Arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council.
- The name, address, and telephone number of the developer.

Reason: To protect existing trees during the construction phase.

16 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.

17 Construction waste management plan

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

The plan shall address all issues identified in DCP 40, including but not limited to: the estimated volume of waste and method for disposal for the construction and operation phases of the approved development.

Reason: To ensure appropriate management of construction waste.

18 Noise and vibration management plan

Prior to the commencement of any works, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the approved development and provided to the Principal Certifying Authority.

The management plan is to identify amelioration measures to achieve the best practice objectives of AS 2436-2010 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 afforded to surrounding residents during the construction process.

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

19 Amendments to approved landscape plan

Prior to the issue of a Construction Certificate, the 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.	Title	Drawn by	Dated
L-202 Issue F	Landscape Plan	Oculus	4/03/16
L-205 Issue F	Landscape Plan	Oculus	2/03/16

The above landscape plan(s) shall be amended in the following ways:

1. Proposed islands of indigenous planting as clumps of shrubs and groundcovers within areas mapped as Biodiversity Significant are to be reconfigured so that they are in association with existing and proposed remnant canopy trees including trees 33-44, 79, 92-102, 105, 114 -117, 119, 128-129. Indigenous planting islands are to be provided to the extent of the tree protection zone unless where there is an approved structure such as a road or building.

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

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

20 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.

21 Outdoor lighting

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

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

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

22 Access for people with disabilities (commercial)

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities from the public domain and all car parking areas on the Site to all tenancies within the building is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the *Disability Discrimination Act 1992* (Cth.) and also 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.

23 Excavation for services

Prior to the issue of a 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.

Reason: To ensure the protection of trees.

24 Paving near trees

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that paving works including installation of Geo Cell within the specified radius of the trunk/s of the following tree/s will be of a type and construction to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained:

Schedule

Tree / Location	Radius from trunk
Tree 80/ <i>Araucaria cunninghamiana</i> (Hoop Pine) / located in the front setback, south of the southern driveway entrance	8.4m
Tree 116/ <i>Eucalyptus capitellata</i> (Brown Stringybark) / located	9.0m

Tree / Location	Radius from trunk
at the southeast corner of the site, within the front boundary	
Tree 117/ <i>Angophora costata</i> (Sydney Red Gum) located on the southern boundary	9.6m
Tree 122/ <i>Liquidambar styraciflua</i> (Liquidambar) located at the southeast corner of the site	4.8m
Tree 135/ <i>Angophora costata</i> (Sydney Red Gum) located on the southern boundary	9.6m
Tree 156/ <i>Eucalyptus microcorys</i> (Tallowwood) /located in the southern side setback, north of the existing detention basin	3.6m
Tree 159/ <i>Liquidambar styraciflua</i> (Liquidambar) located within the southern setback	4.8m

Reason: To protect existing trees.

25 Noise from plant in residential zone

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

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

26 Underground services

All electrical services (existing and proposed) shall be undergrounded from the approved 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 provider. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met are to be provided to the Certifying Authority prior to the issue of a Construction Certificate. All electrical and telephone services to the Site must be placed underground and any redundant poles are to be removed at the expense of the applicant.

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

27 Cleanliness and maintenance of food preparation areas

Plans and specifications complying with the requirements of the Food Act and Regulations, Australian Standard AS 4674 2004, AS 1668 Parts 1 and 2 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. Plans and specifications shall address the following:

- floor plans, showing the layout of the fixtures and fittings, food storage and staff personal effects storage areas,
- elevations and sections showing floor, wall and ceiling construction and finishes,
- elevations and sections showing the installation of fixtures and fittings
- cool room/freezer construction,
- internal garbage room/grease trap room construction and ventilation,
- external garbage storage area,
- external grease trap area,
- all proposed mechanical ventilation systems,
- staff, disabled and public toilet facilities.

Reason: To ensure compliance with standards for food premises.

28 Cleanliness and maintenance of hairdressing, beauty and skin penetration salons

Plans and specifications complying with the requirements of the Local Government (General) Regulations for Hairdressers and Public Health (Skin Penetration) Regulation for any beauty salons and skin penetration premises shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate for the residential aged care facility. Plans and specifications shall address the following:

- floor plans, showing the layout of the fixtures and fittings, goods and utensils storage and staff personal effects storage areas,
- elevations and sections showing floor, wall and ceiling construction and finishes,
- elevations and sections showing the installation of fixtures and fittings
- internal garbage room,
- external garbage storage area,
- all proposed mechanical ventilation systems,
- staff, disabled and public toilet facilities.

Reason: To ensure compliance with public health legislation and guidelines.

29 Garbage and recycling facilities - Commercial Premises

An enclosed area shall be provided on the Site that contains adequate area for storage of garbage and recycling waste bins. The garbage storage area shall be covered and all internal walls rendered and coved at the floor or wall intersections, the floor is to be graded and appropriately drained to the sewer and a tap is located in close proximity to facilitate cleaning.

Details of the waste storage area indicating compliance with the above shall be provided to the Principal Certifying Authority (PCA) prior to issue of a Construction Certificate.

Reason: To protect residential amenity and prevent environmental pollution.

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

30 Infrastructure restoration 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 any public areas immediately adjacent to the Site.
- (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.

31 Construction of food preparation and storage areas

The construction of any kitchen, food preparation area or storage area shall be in accordance with the requirements of the Food Act 2003, Food Regulation 2004, Food Safety Standards

including Standards Code 3.2.3 (Food Premises and Equipment), and Australian Standard 4674-2004 (design Construction and Fit-out of Food Premises).

Reason: To ensure compliance with food standards.

32 Offensive Noise

Any noise generating equipment shall not give rise to an offensive noise as defined in the *Protection of the Environment Operations Act 1997*. All plant and mechanical ventilation systems shall be provided with suitable sound attenuation equipment designed by a practising Acoustic Engineer so that when in operation the plant does not give rise to offensive noise.

Reason: To comply with the best practise standards for acoustic amenity.

33 Microbial Control (legionella)

The installation and maintenance of hot or warm water systems shall be in accordance with the requirements of the Public Health Act and Regulations, AS/NZ 3666 - 2002 'Air Handling and Water Systems for Buildings - Microbial Control'.

Reason: To protect the health and amenity of the occupants of the premises.

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

34 Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the *Environmental Planning and Assessment Regulation 2000*. For the purposes of section 80A (11) of the *Environmental Planning and Assessment Act 1979*, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- The approved works 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.

35 Hours of work

- (a) 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.
- (b) 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 and 1.00pm.

- (c) 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 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.

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

36 Conservation of 'Huon Park' House

- (a) All heritage work shall be supervised by a suitability qualified heritage consultant to ensure that the impact of the works on the heritage significance of the building is minimised and all work has been carried out in accordance with the approved documentation and conditions of this consent.
- (b) All work shall be carried out by a suitability qualified tradesperson with practical experience in conservation and restoration of similar heritage items. The nominated heritage consultant shall be consulted prior to the selection of appropriate tradespersons.

Reason: To ensure that during the works undertaken to the heritage item they are undertaken in an appropriate manner consistent with conservation principles.

37 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.

38 Statement of compliance with Australian Standards

Any approved 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.

39 Construction noise

During any 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.

40 Site notice

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

(b) 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 complaints, are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings or fencing and is to state that unauthorised entry to the Site is not permitted

Reason: To ensure public safety and public information.

41 Dust control

During any excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood in the vicinity of the Site. 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.

42 Post-construction dilapidation report

- (a) The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to buildings, infrastructure and roads, the Principal Certifying Authority 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.
- (b) A copy of this report is to be forwarded to Council at the completion of the approved construction works.

Reason: Management of records.

43 Further geotechnical input

The geotechnical and hydro-geological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by JK Geotechnics dated 16 December 2013. Over the course of the works, a qualified geotechnical/hydro-geological engineer must complete the following:

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

Reason: To ensure the safety and protection of property.

44 Compliance with submitted geotechnical report

- (a) A contractor with specialist excavation experience must undertake the excavations for the approved development and a suitably qualified and consulting geotechnical engineer must oversee excavation.
- (b) 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 report prepared by JK Geotechnics dated 16 December 2013. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

Reason: To ensure the safety and protection of property.

45 Use of road or footpath

During any approved excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath immediately adjacent to the Site boundaries, without prior written approval being obtained from Council. Any road or footpath immediately adjacent to the Site boundaries shall be kept in a clean, tidy and safe condition during building works. Council reserves the right, without notice, to rectify any such breach and to charge the cost against any person carrying out development in reliance upon this consent.

Reason: To ensure the safety and amenity of the area in the vicinity of the Site.

46 Guarding excavations

All excavation, backfilling, 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.

47 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.

48 Recycling of building material (general)

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

Reason: To facilitate recycling of materials.

49 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.Sm²
- are removed within 14 days of the completion of all construction works

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

50 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.

51 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.

52 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 <<http://www.sydneywater.com.au>> then the 'e-develop' icon or telephone 13 20 92. Following application a 'Notice of Requirements' will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-Ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Reason: Statutory requirement.

53 Project arborist

- (a) A suitably qualified project arborist (AQF level 5) is to be engaged to advise the Principal Certifying Authority on the protection of trees at the Site and to supervise the installation and maintenance of tree protection measures required by this consent.
- (b) Prior to the commencement of any works including demolition on the Site in areas required to be protected by this consent, the project arborist shall inspect the site and satisfy himself/herself that the protection measures are in accordance with the approved design and must provide a written certification to the Principal Certifying Authority to that effect.
- (c) If not satisfied, the project arborist must provide to the Principal Certifying Authority a list of works that are to be completed to ensure compliance with all conditions of consent relating to the protection of trees at the site. Those works must be undertaken to the satisfaction of the project arborist.

Reason: To ensure protection of existing trees

54 Arborist's report

- (a) All trees to be retained shall be inspected and monitored by an AQF Level 5 Arborist in accordance with AS4970-2009 and Appendix 7, Arboricultural Assessment prepared by Tree IQ and dated 2/03/16, during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the project arborist to the Principal Certifying Authority are required during all works within the canopy spread of all existing trees on Site and overhanging from adjoining sites, including date, brief description of the works inspected, and any mitigation works prescribed.
- (b) All monitoring shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- (c) 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.

55 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 Arborist or Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 - Pruning of Amenity Trees.

Schedule

Tree/Location	Tree works
Tree 33/ <i>Eucalyptus capitellata</i> (Brown Stringybark) located in the front setback, east of the Nazareth Chapel.	Minor canopy pruning for building
Tree 44/ <i>Angophora costata</i> (Sydney Red Gum) located in the front setback, east of the Nazareth Chapel	Minor pruning to remove one defective branch as per arborist recommendation

Reason: To protect the environment.

56 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 or 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.

57 Hand excavation

All excavation within the specified radius of the trunk(s) of the following tree(s) shall be hand dug:

Schedule

Tree / Location	Radius from trunk
Tree 391/ <i>Pittosporum undulatum</i> (Sweet Pittosporum) located on the northern site boundary	3.6m
Tree V <i>Pinus radiata</i> (Monterey Pine) This tree is located on the northern site boundary	9m

Reason: To protect existing trees.

58 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.

59 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.

60 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.

61 On site retention of waste dockets

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

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

Reason: To protect the environment.

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

62 Cleanliness and maintenance of food preparation and storage areas

- (a) Prior to the issue of an Occupation Certificate for Stage 1 works, the Principal Certifying Authority shall be satisfied that the construction of all food preparation and storage areas if any such areas form part of Stage 1 works shall be in accordance with the requirements of the Food Act and Regulations, Australian Standard 4674-2004 (Design Construction and Fit- out of Food Premises), Australian Standard AS 4674 2004, Australian Standards 1668 Parts 1 and 2.
- (b) Prior to the issue of an Occupation Certificate for Stage 2 works, the Principal Certifying Authority shall be satisfied that the construction of all food preparation and storage areas if any such areas form part of Stage 2 works shall be in accordance with the requirements of the Food Act and Regulations, Australian Standard 4674-2004 (Design Construction and Fit- out of Food Premises), Australian Standard AS 4674 2004, Australian Standards 1668 Parts 1 and 2.

Reason: To ensure compliance with standards for food premises.

63 Completion of landscape works

- (a) Prior to the release of an Occupation Certificate for Stage 1 works, the Principal Certifying Authority is to be satisfied that all landscape works associated with Stage 1 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.
- (b) Prior to the release of an Occupation Certificate for Stage 2 works, the Principal Certifying Authority is to be satisfied that all landscape works associated with Stage 2 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.

64 Completion of tree works

- (a) Prior to the release of an Occupation Certificate for Stage 1 works the Principal Certifying Authority is to be satisfied that all tree works, including pruning identified for

Stage 1 works are 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.

- (b) Prior to the release of an Occupation Certificate for Stage 2 works the Principal Certifying Authority is to be satisfied that all tree works, including pruning identified for Stage 2 works are 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.

65 Accessibility

- (a) Prior to the issue of an Occupation Certificate for Stage 1 works, the Principal Certifying Authority shall be satisfied, where necessary, 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 1428.1-1993
- the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

- (b) Prior to the issue of an Occupation Certificate for Stage 2 works, the Principal Certifying Authority shall be satisfied where required that:

- new 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 1428.1-1993
- the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

Reason: Disabled access & services.

66 Certification of drainage works

(a) Prior to issue of an Occupation Certificate for Stage 1 works, the Principal Certifying Authority is to be satisfied that:

- the stormwater drainage works associated with Stage 1 works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
- components of the new drainage system associated with Stage 1 works have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels, associated with Stage 1 works are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

(b) Prior to issue of an Occupation Certificate for Stage 2 works, the Principal Certifying Authority is to be satisfied that:

- the stormwater drainage works associated with Stage 2 works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
- components of the new drainage system associated with Stage 2 works have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels associated with Stage 2 works, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

Reason: To protect the environment.

67 WAE plans for stormwater management and disposal

(a) Prior to issue of an Occupation Certificate for Stage 1 works, a registered surveyor must provide a Works as Executed (WAE) survey of the completed stormwater drainage and management systems associated with Stage 1 works. The survey must be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate. The survey must indicate:

- as built (reduced) surface and invert levels for all drainage pits
- gradients of drainage lines, materials and dimensions
- as built (reduced) level(s) at the approved point of discharge to the public drainage system
- as built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on Site
- the achieved storage volumes of the installed retention and detention storages and derivative calculations

- as built locations of all access pits and grates in the detention and retention system(s), including dimensions
 - the size of the orifice or control fitted to any on-site detention system
 - dimensions of the discharge control pit and access grates
 - the maximum depth of storage possible over the outlet control
 - 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
- (b) Prior to issue of an Occupation Certificate for Stage 2 works, a registered surveyor must provide a Works as Executed (WAE) survey of the completed stormwater drainage and management systems associated with Stage 2 works. The survey must be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate. The survey must indicate:
- as built (reduced) surface and invert levels for all drainage pits
 - gradients of drainage lines, materials and dimensions
 - as built (reduced) level(s) at the approved point of discharge to the public drainage system
 - as built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on Site
 - the achieved storage volumes of the installed retention and detention storages and derivative calculations
 - as built locations of all access pits and grates in the detention and retention system(s), including dimensions
 - the size of the orifice or control fitted to any on-site detention system
 - dimensions of the discharge control pit and access grates
 - the maximum depth of storage possible over the outlet control
 - 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

Note: 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 associated with Stage 1 and Stage 2 works. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

Reason: To protect the environment.

68 OSD positive covenant / restriction

- (a) Prior to issue of the final or Stage 2 Occupation Certificate for the development, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities and the bio-retention pond on the lot.
- (b) The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Council Water Management DCP 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.
- (c) Registered title documents, showing the covenants and restrictions, must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Reason: To protect the environment.

69 Sydney Water Section 73 Compliance Certificate

Prior to issue of the Occupation Certificate for Stage 1 of the development the Section 73 Sydney Water Compliance Certificate must be obtained and submitted to the Principal Certifying Authority.

Reason: Statutory requirement.

70 Infrastructure repair

Prior to issue of the Final or State 2 Occupation Certificate for the development, the Principal Certifying Authority 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's Development Engineer and at no cost to Council.

Reason: To protect public infrastructure.

71 Mechanical ventilation

- (a) Prior to the issue of an Occupation Certificate for Stage 1 of the development, the Principal Certifying Authority shall be satisfied that all mechanical ventilation systems relating to Stage 1 of the development are installed in accordance with Part F4.5 of the Building Code of Australia and comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building.
- (b) Prior to the issue of an Occupation Certificate for Stage 2 of the development, the Principal Certifying Authority shall be satisfied that all mechanical ventilation systems relating to Stage 2 of the development are installed in accordance with Part F4.5 of the Building Code of Australia and comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building.

Reason: To ensure adequate levels of health and amenity to the occupants of the approved building.

72 Fire safety certificate

- (a) Prior to the issue of an Occupation Certificate for Stage1 of the development, the Principal Certifying Authority shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part Stage 1 works approved under this consent have been completed and provided to Council.
- (b) Prior to the issue of an Occupation Certificate for Stage 2 of the development, the Principal Certifying Authority shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part Stage 2 works approved under this consent have been completed and provided to Council.

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

73 Completion of works

Following the issue of an Occupation Certificate of the Stage 1 works, within 12 months of the date of that certificate all remaining works nominated as 'Stage 2' or those not undertaken in Stage 1, including demolition of the redundant residential aged care facility is to be completed.

Reason: To ensure the orderly development of land.

74 Garbage and recycling facilities - Commercial Premises

Prior to the issue of an Occupation Certificate for Stage 1 works and the Stage 2 works, the Principal Certifying Authority shall be satisfied that the external waste storage area associated with Stage 1 works has been installed and adequately contains the waste bins, is covered, has rendered internal walls that are caved 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 prevent environmental pollution.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

75 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

76 Noise control - plant and machinery

All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises adjacent to the Site 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 7dbA above the background when measured at the nearest Site boundary.

Reason: To protect the amenity of surrounding residents.

77 Loading and unloading

At all times, all loading and unloading of service vehicles in connection with the use of the Site shall be carried out wholly within the loading area of level 1. Deliveries of fresh food and perishable items, including milk deliveries, may occur from 6 am from Monday to Sunday. All other deliveries, waste collection and generally servicing of the site shall be limited to between 7am to 6pm Monday to Friday and 8am to 5pm Saturday and Sunday and Public Holidays.

Reason: To maintain the amenity of the surrounding area.

78a Staff and Residents Numbers

At all times during the construction program and at the completion of works, resident numbers associated with the facility shall not exceed 113 residents at any one time. At all times, the staff numbers are to be limited to the statutory and operational demands of the facility.

Reason: To mitigate the effects of evacuation if necessary.

78 Annual Fire Safety Statement

Each 12 months after the installation of essential fire or other safety measures, the owner of a building must cause the Council to be given 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 copy displayed prominently in the building.

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

INTEGRATED APPROVAL REFERRAL CONDITIONS:

79 Rural Fire Service Conditions

The development shall generally be in accordance with the plan titled 'Site Plan Level 1' prepared by Calder Flower Architects, with project reference '12140' and drawing number 'DA 003', issue C.

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 commencement of building works, and in perpetuity, the entire property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document Standards for asset protection zones.

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 bush fire, 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 The provision of water, electricity and gas shall comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

- 3 The new internal access road shall comply with following requirements of section 4.2.7 of *Planning for Bush Fire Protection 2006*:
 - a) Traffic management devices shall be constructed to facilitate access by emergency services vehicles.
 - b) A minimum vertical clearance of 4 metres shall be provided to any overhanging obstructions, including tree branches.
 - c) The minimum distance between inner and outer curves shall be six metres. Curves shall have a minimum inner radius of 6 metres.
 - d) The crossfall of the pavement shall be no more than 10 degrees.
 - e) The internal road surfaces and bridges shall have a capacity to carry fully-loaded fire fighting vehicles (15 tonnes).

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- 4 Arrangements for emergency and evacuation are to comply with section 4.2.7 of *Planning for Bush Fire Protection 2006*, including the preparation of an emergency/evacuation plan consistent with the NSW Rural Fire Service document titled Guidelines for the Preparation of Emergency/Evacuation plan.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- 5 The western and southern elevations, and roofing, of the proposed building shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 Construction of buildings in bush fire-prone areas and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.
- 6 The northern and eastern elevations of the proposed building shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 Construction of

buildings in bush fire-prone areas and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.

- 7 The existing buildings to be retained (excluding Huon Park House) shall be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Reason: Statutory requirement

80 Office of Water Conditions

Temporary dewatering of an amount above 3 ML may require a water licence to be obtained from the Office of Water before construction commences. Please note that the proposal must not incorporate provision for the permanent or semi-permanent pumping of ground water seepage from below-ground areas. A fully tanked structure must be used. Should the development encompass works that are defined as controlled activities, then the Office of Water should be notified.

Reason: Statutory requirement

End of conditions