

MEMORANDUM

TO: Peter Debnam - Chair Sydney North Planning Panel

FROM: Director Development & Regulation, Ku-ring-gai Council Michael Miocic

SUBJECT: **PPSSNH-60- Council's response to applicants comments on draft condition set - DA0528/19- 60 and 60A Burns Road, Wahroonga.**

Dear Peter,

In response to the DFP letter dated 24 June 2020 that responded to Council's without prejudice condition set, please find Council's written response to the amendments sought by the applicant (Attachment A) and a revised condition set (Attachment B).



Michael Miocic
Director Development and Regulation

Attachment A- Council's written response to the applicant's review of conditions

Attachment B- Revised condition set for St Edmunds College- 60 and 60A Burns Road, Wahroonga

Attachment A		
Condition No.	Applicants justification	Council's response
23	<p>The condition is currently proposed to read as follows:</p> <p><i>'Prior to issue of the Construction Certificate, documentary evidence shall be submitted to Council, demonstrating that the property benefits from a registered drainage easement over the downstream property as far as the public drainage system in Burns Road. This documentation must include evidence that the easement has been registered with NSW Land Registry Services.'</i></p> <p>As St Edmund's College owns 60A Burns Road and there is no 'risk' associated with obtaining/registering an easement over the land to serve the School, we recommend the condition be amended as follows:</p> <p><i>'Prior to issue of the Construction Certificate, documentary evidence shall be submitted to Council, demonstrating that the property will benefit from a registered drainage easement over the downstream property as far as the public drainage system in Burns Road. This documentation must include evidence that application for the easement has made with NSW Land Registry Services.'</i></p>	<p>Not supported. Recommended condition as worded to remain.</p> <p>The proposed change does not make sense; it does not achieve the required certainty of registration: <i>"that the property will benefit from a registered drainage easement"</i>. Proof that the easement has been created is what is required.</p> <p>This is necessary as drainage is proposed over a separate lot and consolidation is not proposed.</p>
28	<p>Advice from the project's access consultant suggests this condition be amended to remove reference to AS1428.2 (1992).</p> <p>The rational is that AS1428.1 (2009), BCA (2019) and AS1735.12 (1999) includes updated information that supersedes relevant requirements from AS1428.2 for the type of building subject to this DA. BCA (2019) E3.6, D3.6; specification D3.6, AS1428.1 (2009) and AS1735.12 (1999) cover requirements for lifts and signage and use of the international symbol for access that are adequate for the type of building.</p>	Agreed, wording changed.
30	<p>Generally no objection to the condition however, the required tree protection measures will prohibit an associated overland flow path. Accordingly we suggest the paragraph 2 of the condition be amended as follows (deletion of the words with a strikethrough):</p> <p><i>'Development Control Plan and AS3500.3 (2003) Plumbing Code. New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry uncontrolled runoff from the contributing catchment. and an associated overland flow path is to be provided in the event of blockage of the inter-allotment line.</i></p>	Agreed, wording changed.
33	The condition is currently proposed to read as follows:	Agreed, wording changed.

	<p><i>'The acoustic design report shall provide acoustic design detailing and recommendations to address any potential noise impacts to ensure that the Predicted Cumulative Noise Levels as indicted in Environmental Noise Assessment prepared by Day Design Pty Ltd, Report Number 6802-1.1F dated 6 December 2019 are not exceeded and compliance with Project Specific Noise Criteria will be achieved.'</i></p> <p>The project's Acoustic Consultant has recommended that the condition be revised to read as follows to be more specific to the project's Specific Noise Criteria:</p> <p><i>'The acoustic design report shall provide acoustic design detailing and recommendations to address any potential noise impacts to ensure that compliance with the Project Specific Noise Criteria as indicted in Environmental Noise Assessment prepared by Day Design Pty Ltd, Report Number 6802-1.1R dated 6 December 2019, will be achieved.'</i></p>	
36	<p>The provision of 9 bicycle spaces is not considered to be required given the nature of St Edmund's operations and that no students ride to School. Providing the spaces is likely to become an obstacle for student movement and access. All students are dropped off at the school by parents and/or private vehicles so the proposed bicycle parking is only for staff. With a total staff no. of 51, 9 bicycle spaces equate to an approx. 17.6% bicycle parking provision. There are currently no bicycle parking spaces at the School and there is only one seasonal bicycle rider who is a volunteer at the school. The development proposes 3 spaces (an increase of 3 spaces from the existing). Given there is no increase in staff being proposed and an additional 14 car parking spaces being provided, the provision of 9 spaces is unreasonable and not required. We seek that the condition be modified to refer to the 3 spaces proposed.</p>	<p>Landscape master plan drawing 103.20(19)/363A prepared by iScape and dated 14/05/20 includes a bike rack with 9 bicycle spaces; Council has simply conditioned the commitment and detail shown on the submitted plans. It is noted that the bicycle parking is consistent with the requirements of the KDCP.</p> <p>Recommended condition to remain.</p>
39	<p>This condition requires the proposed canteen to be constructed to a full commercial kitchen specification. The primary function of the Canteen is for Education purposes, and not for the retail sale of food as per the definition of a Food Premises. The Canteen will not have any commercial cooking equipment or cool room or freezers.</p> <p>The St Edmund's College current canteen operates 1 day per week and is operated by volunteer parents and coordinated by 1 St Edmund's staff member.</p>	<p>Recommended condition amended.</p> <p>The operation of the canteen is a food business under the Food Act 2003. See definition below:</p> <p>6 Meaning of "food business" <i>In this Act, food business means a business, enterprise or activity that involves:</i> <i>(a) the handling of food intended for sale, or</i> <i>(b) the sale of food,</i></p>

	<p>The canteen serves the following items;</p> <ul style="list-style-type: none"> - Packaged crisps - Packaged fruit juices and soft drinks - Packaged nuggets - Packaged pies and sausage rolls - Chicken and salad rolls (prepared by parents). <p>The canteen operation involves heating/warming up of packaged products (pies, sausage rolls, nuggets, chicken patties). Heating is done in a pie warmer or oven, sometimes a microwave. There is no cooking of food or frying activities involved in canteen operations and it is not run for any profit whatsoever.</p> <p>The School often struggles to get enough parent volunteers to open the canteen, however the Schools persistently operated in its once-per-week format primarily for the learning experience benefits and life-skills it offers the students (i.e. making choices from a set list of options, communicating decisions, handling money, over the counter transactions). These are all important life-skills and learning opportunities for the students.</p> <p>The current canteen operations will continue unchanged post the new development and to this end we request that this condition be deleted or modified accordingly to reflect the minor nature of the canteen (i.e. not a commercial type use) and its use primarily as an educational tool, much like a hospitality kitchen which would be found in any high school.</p>	<p><i>regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.</i></p> <p>There is however, some flexibility with regard to the level of construction required, due to the quantity and type of food being prepared. The recommended condition has been reworded and now refers to relevant requirements of the Australian Standard and removes specific reference to cool room/freezers and mechanical ventilation.</p> <p>The applicant is encouraged to view the “<i>Design and Fit-out Guide for Food Businesses</i>” which is available on Council’s website (http://www.kmc.nsw.gov.au/files/assets/public/hptrim/information_management_-_publications_-_public_website_-_ku-ring-gai_council_website/design_and_fit-out_guide_for_food_businesses_september_2015.pdf)</p> <p>The above guide is based on Standard 3.2.3 and Australian Standard 4674-2004: <i>Design, construction and fit-out of food premises</i>. It provides information on how to comply with the requirements of the Standard including setting out the minimum requirements and with tables listing acceptable solutions to meet the outcomes.</p>
42	<p>Council’s Section 94A Contributions Plan notes that it will consider exemption from developer contributions for development providing a distinct community benefit, with particular reference to special needs School. Refer to extract of the Section 94A Plan below:</p> <p>‘Development by or for non-profit or cooperative organisations which provide a distinct community benefit including but not limited to: the provision of childcare services (especially for under-2s and/or special needs children) including kindergartens and pre-schools; outreach services, community services or the like, on a cooperative or not for-profit basis’</p> <p>St Edmunds College is a non-profit organisation (Public Benevolent Institution) and fees are kept artificially low to ensure that parents on low incomes are not prevented from having their child receive an education.</p>	<p>Not supported, recommended condition to remain.</p> <p>Educational establishments are identified under Section 1.4 of Ku-ring-gai Council’s 94A Contributions Plan 2015 (now Section 7.11 Plan) (the Plan) as a development type subject to that Plan.</p> <p>The plan provides a process for DA’s subject of the plan to seek a merit exemption from the Plan, which requires the applicant to prepare the necessary documentation and justify the exemption at the time of lodgement of a DA. As the applicant has not sought formal exemption from the Plan, Council is bound by the Plan and recommend a condition requiring payment of the levy in accordance with the Plan. Council recommended that the school pursue this option during its first Pre-DA consultation</p>

	<p>This results in a large operating deficit which the School fills by asking for donations. Further, the School provides education to special needs children, which is considered a distinct benefit to the community.</p> <p>St Edmund's are inspired by the very strong belief that the young people they serve have a fundamental right to a quality education that is meaningful, purposeful and hope-filled. St Edmund's College believe that all young people have great potential and an enormous amount to offer the world and our work as an educational community is to support students to achieve this.</p> <p>St Edmund's College is very similar in nature in its use and operations to the nearby St Lucy's School who were granted an exemption from Section 94A contributions in a recent development consent (DA0583/17) based on the below resonating (extract from the Development Assessment report):</p> <p><i>'On the basis of their unique extenuating circumstances with specific reference to the extended community benefit from their mission to provide education for children who are unable to attend mainstream schools and their charitable status.'</i></p> <p>St Edmund's satisfies the criteria listed in Section 1.6 of the Section 94A Plan for merit exemptions being "non-profit", "providing a distinct community benefit" and "providing services to special needs children" and as such it is requested that Council/the SNPP Panel provide a formal exemption to the imposition of the levy.</p>	<p>(PRE0162/18) on 6 February 2019 and was recorded in the minutes (page 7).</p> <p>While there is likely to be a merits case to seek an exemption from the Plan the timing to do so has past. Section 1.6 of the Plan stipulates:</p> <p><i>'This merit assessment process cannot be undertaken by a consent authority other than council. In the case of a development where the consent authority is a JRPP, then it will be necessary for Council to make a prior determination on this matter.'</i></p> <p>With regards to the St Lucy's application (DA0538/17) the applicant formally applied for an exemption at the time of DA lodgement as required under the Plan. The exemption was assessed by Council's Infrastructure Co-ordinator and then considered by Council at its ordinary meeting of 22 May 2018. The exemption was supported on the basis of the unique extenuating circumstances with specific reference to the extended community benefit from their mission to provide education exclusively for children with special needs who are unable to attend mainstream schools on a not for profit basis and their status as a registered charity.</p> <p>Accordingly, no condition relating to the payment of a monetary contribution was imposed.</p> <p>It is also important to note that the public has not been consulted on any merit exemption to the Plan.</p>
59	Advice from the project's Engineer is that a trench drain is not required for the carpark. We request this condition be deleted.	Agreed. Recommended condition 59 has been deleted.
74	Please refer to comments under condition no. 39. Requested to be deleted or modified accordingly to reflect the educational and non-commercial nature of the canteen.	<p>Not supported, Recommended condition to remain.</p> <p>School canteens are not exempt from notification which is a requirement of the NSW Food Act 2003.</p>
75	The Environmental Noise Assessment prepared by Day Design Pty Ltd, Report Number 6802-1.1R dated 6 December 2019 made the following notation regarding the use of fixed frame windows in the proposed development:	Agreed, wording changed.

	<p><i>'Note: if fixed frame windows cannot be installed, the external windows to the above listed rooms throughout SEC should remain closed during classes.'</i></p> <p>Having the ability to open windows outside of class time will assist in controlling internal temperatures outside of typical school hours (i.e. peak summer) which has tangible environmental benefits.</p> <p>To this end, we suggest that Condition 75(b) be amended as follows:</p> <p><i>'b) Prior to the issue of the partial Occupation Certificate for stage 3a, the Principal Certifier shall be satisfied of the following:</i></p> <ol style="list-style-type: none"> <i>1. External windows to General Learning Areas - 7.1, 7.2, 9.1, 9.2, 5, 6, 8, 9, 10, 11, 12, Art, and Science Labs 1, and 2 are to be of fixed frame construction (where possible, alternatively they are to be capable of being fully closed during classes) with 6.38mm thick laminated glass installed Part 5.2 of Environmental Noise Assessment, Report Number 6802-1.1R, dated 6 December 2019, prepared by Day Design Pty Ltd.'</i> 	
82	Retention/Detention facilities will not be constructed until Stage 3a, so reference to Stage 1b to be replaced with Stage 3a.	Agreed. Staging amended.
83	Inter-allotment pipeline to be completed in Stage 1 and Retention/Detention facilities completed in Stage 3. So condition should be split to confirm with staged assets.	Agreed. Staging amended.
84	Retention/detention facilities will not be constructed until Stage 3a, so reference to Stage 1b to be replaced with Stage 3a.	Agreed. Staging amended.
86	Retention/detention facilities will not be constructed until Stage 3a, so reference to Stage 1b to be replaced with Stage 3a.	Agreed. Staging amended.
90	Conditions 90(b) and 90(c) are duplicated.	Agreed, change made.
91	Please refer to comments under condition no. 39. Requested to be deleted or modified accordingly to reflect the educational and non-commercial nature of the canteen.	<p>Condition amended.</p> <p>The operation of the canteen is a food business under the Food Act 2003. The recommended condition has been reworded to be consistent with the recommended CC condition and refers to complying with the relevant requirements of the Australian Standard.</p>

The conditions of the consent are set out as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation (new development)

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

Plan no.	Drawn by	Dated
<i>Architectural Plans</i>		
A-000,A-300,A-0301,A-0302,A0400,A0401,A-0402,A-0500,A0501,A-0502,A-1100,A-1101,A-1102,A-1103,A-1104,A-1105,A-1106,A-1200, A-1201,A-1202,A-1203,A-1300,A-1301,A-1302,A-7200,A-7201,A-7300,A-9300	Glendenning Szoboszlay Architects	14 May 2020
<i>Landscape Plans</i>		
103.20(19)/363A, 103.20(19)/375A, 103.20(19) 376A	iScape Landscape Architecture	14 May 2020
<i>Stormwater Management Plans</i>		
1931C01-100C, 1931C01-300C,	Cohort engineering	25 May 2020

Document(s)	Dated
Ecologically Sustainable Design Report by Wood & Grieve Engineers Ref. 45243	03/12/2019
Accessibility Report prepared by BCA Logic Ref: 110924	09/12/2019
Accessibility Review prepared by Funkton	06/12/2019
Environmental Noise Assessment prepared by Day Design Ref: 6802-1.1R	06/12/2019
Arborist Report prepared by Naturally Trees	09/12/2019
Addendum Arborist Report by Naturally Trees	11/5/2020
Building Code of Australia Assessment Report prepared by BCA Logic Ref: 110924	9/12/2019
Stage 1 Preliminary Site Investigation Report prepared by EBG Environmental Geoscience Ref: EBG-02811.Stage1.PSI.11.19	27/11/2019
Geotechnical Report prepared by JK Geotechnics Ref: 22402LPrt	26/09/2008
Plan of Management- School Operation prepared by St Edmund's College	31/10/2019
Plan of Management School -School driveway, parking and pedestrian prepared by St Edmund's College	Not dated
Traffic Impact Assessment prepared by PTC	05/12/2019
Waste Management Plan prepared by St Edmund's College	06/12/2019
Operational Waste Management Plan by Waste Audit	12/2019

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

2. Inconsistency between documents

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

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

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

3. 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 Safework NSW.

Reason: To ensure public safety.

4. Amendment of environmental site management plans to show tree protection

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the Environmental Site Management Plans A-0500,A-0501,A-0502 revision 4, by Glendenning Szoboszlai Architects, have been amended to incorporate tree protection fencing and ground protection measures consistent with the approved Tree Protection Plans and conditions of this Development Consent.

Reason: To ensure the protection of existing trees.

5. Notice of commencement

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

Reason: Statutory requirement.

6. Notification of builder's details

Prior to the commencement of any works, the Principal Certifier shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

Reason: Statutory requirement.

7. Archival recording of buildings

Prior to the commencement of any works, the Principal Certifier shall be satisfied that an archival report of "Midhope" has been submitted to Council's Heritage Advisor.

The report must consist of an archival standard photographic record of the 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. The report shall include copies of photographs, referenced to plans of the site. Two (2) copies (one (1) copy to include an archival quality DVD, CD or USB 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.

A written acknowledgement from Council must be obtained, attesting to this condition being satisfied and submitted to the Certifier, prior to the issue of any Construction Certificate.

Reason: To ensure there is a historical record of buildings to be altered or demolished and their context.

8. Dilapidation survey and report (private property)

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

Address:

- 3 Wahroonga Avenue Wahroonga
- 37 and 41 Braeside Street Wahroonga
- 62 and 64 Burns Road Wahroonga (western side)

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

In the event that access for undertaking the dilapidation survey is denied by a property owner, the Applicant must demonstrate in writing to the satisfaction of the Principal Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

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

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

9. Structural adequacy (alterations and additions)

Prior to commencement of any works, the Principal Certifier shall be satisfied that those components of the building to be retained and/or altered will be structurally sound and able to withstand the excavation and demolition process.

Note: Evidence from a qualified practising structural engineer, demonstrating compliance with the above and detailing, where relevant, means of support for those parts of the retained building shall be provided to the Principal Certifier.

Reason: To ensure that the development can be undertaken in accordance with accepted construction practices as indicated on the endorsed development plans, without the need for modification of the Development Consent.

10. Construction traffic management plan

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

The plan is to consist of a report with traffic control plans attached.

The report is to contain commitments, which must be followed by the demolition and excavation contractor, builder, owner and subcontractors. The CTMP applies to all persons associated with demolition, excavation and construction of the development. The report is to contain the following:

- construction vehicle routes for approach and departure to and from all directions, showing loaded and empty vehicles
- a site plan showing entry and exit points
- swept paths on the site plan showing access and egress for a 12.5 metres long heavy rigid vehicle and 19.0 metres articulated vehicle
- swept path analysis plans showing the existing trees being retained and their tree protective fencing requirements (consistent with this Development Consent) these plans shall be to scale to ensure that truck access and tree fencing requirements do not conflict
- show locations for site offices and materials storage areas which are to be located outside the tree protection zones

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

- I. demolition
- II. excavation
- III. concrete pour
- IV. construction of vehicular crossing and reinstatement of footpath
- V. 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.

For safety and amenity, no construction vehicle movements are to occur in Braeside Street, Wahroonga Avenue, and Burns Road during school drop-off (8.00am to 9.30am) and pick up (2.30pm to 4.00pm) times on school days.

No loaded trucks on Treatts Road or Park Avenue railway bridge will be permitted. Other railway bridges will require the applicant to provide approval from Transport for NSW (TfNSW) for all vehicles over 4.5t gross vehicle mass as well as obtaining a permit under the National Heavy Vehicle Regulator (NHVR) if required by Heavy Vehicle National Law (HVNL)

When a satisfactory CTMP is received and the relevant fees paid in accordance with Council's adopted fees and charges, a letter of approval will be issued with conditions attached. Traffic management at the site must comply with the approved CTMP as well as any conditions in the letter issued by Council. No works may be carried out unless Council has approved the CTMP.

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

11. Work zone

Prior to the commencement of any works, a works zone is to be provided subject to the approval of the Ku-ring-gai Local Traffic Committee.

No loading or unloading must be undertaken from the public road or nature strip unless within a

works zone which has been approved and paid for.

In the event the work zone is required for a period beyond that initially approved by the Ku-ring-gai Local Traffic Committee, the Applicant shall make a payment to Council for the extended period in accordance with Council's schedule of fees and charges for work zones prior to the extended period commencing.

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

12. Sediment controls

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

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

Reason: To protect and enhance the natural environment.

13. Erosion and drainage management

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

Reason: To protect the natural environment.

14. Tree protective fencing type galvanised mesh

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

Reason: To protect existing trees.

15. Tree protection signage

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

The words:

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

and the following information:

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

Reason: To protect existing trees.

16. Ground protection - avoiding soil compaction

Prior to the commencement of any works, measures, to avoid root damage and soil compaction are to be installed for Trees 21 and 52 in accordance with Section 4.5.3 (figure 4) of the current version AS4970 Protection of trees on development sites within the locations and radii specified below. In order to protect the roots of Trees 22 and 88, the existing concrete paving is to be retained within the builder's compound during Stage 1 until the new paving works are installed within the locations and radii specified below:

Tree/Location
T21 <i>Cinnamomum camphora</i> (Camphor laurel)/Wahroonga Ave/within the footprint of the construction access crossing to Wahroonga Ave.
T22 <i>Jacaranda mimosifolia</i> (Jacaranda)/adjacent stage 1 compound within adjoining property 4m
T88 <i>Phoenix canariensis</i> /adjacent stage 1 compound within adjoining property 4m
Tree 52 <i>Syncarpia glomulifera</i> (Turpentine) 4m

Reason: To protect existing trees.

17. Inspection of tree protection measures

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

Reason: To protect existing trees.

18. Project arborist

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

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

Reason: To protect of existing trees.

19. Tree protection plan

Prior to the commencement of any works, tree protection works shall be carried out in accordance with the following approved tree protection plan(s), listed below and endorsed with Council's stamp, except where amended by other conditions of this Development Consent:

Plan no.	Drawn by	Dated
TMP01 Stages 1,2,3	Naturally Trees	11 May 2020

Reason: To protect existing trees.

20. Construction waste management plan

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

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

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

Reason: To ensure appropriate management of construction waste.

21. Noise and vibration management plan (Part 1)

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

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

- identification of the specific activities that will be carried out and associated noise sources
- identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- the construction noise objective specified in the conditions of this consent
- the construction vibration criteria specified in the conditions of this consent
- determination of appropriate noise and vibration objectives for each identified sensitive receiver
- noise and vibration monitoring, reporting and response procedures
- assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions
- description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- contingency plans to be implemented in the event of non-compliances and/or noise complaints

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

22. Swimming pool maintenance

Prior to the commencement of any works the Principal Certifier is to be satisfied that, if any water is held within the swimming pool:

- a) the quantity of water in the pool is maintained at a minimum of 50% of the capacity of the pool; and
- b) the clarity of the water in the pool is maintained through chlorination either by automatic or manual dosing; and
- c) a swimming pool barrier is in place and maintained in accordance with the NSW Swimming Pools Act 1992.

Reason: To ensure the swimming pool does not present a risk to health or safety.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR SUBDIVISION WORKS CERTIFICATE:

23. Drainage easement

Prior to issue of the Construction Certificate, documentary evidence shall be submitted to Council, demonstrating that the property benefits from a registered drainage easement over the downstream property as far as the public drainage system in Burns Road. This documentation must include evidence that the easement has been registered with NSW Land Registry Services.

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

24. Statement of compliance with Australian Standards

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

Reason: To ensure compliance with the Australian Standards.

25. Long service levy

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

Reason: Statutory requirement.

26. Outdoor lighting

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that all outdoor lighting will comply with AS/NZS 4282:2019 *Control of the obtrusive effects of outdoor lighting* and be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

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

Note: Details demonstrating compliance with these requirements are to be submitted to the

Certifier prior to the issue of a Construction Certificate.

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

27. Certification of external materials, colours and finishes - major development

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

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

28. Access for people with disabilities (commercial)

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that access for people with disabilities from the public domain and all car parking areas on 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 Certifier prior to the issue of a Construction Certificate. All details shall be prepared in consideration of the *Disability Discrimination Act* and the relevant provisions of AS1428.1, 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.

29. Green star certification

Prior to the commencement of works:

1. The construction plans must demonstrate ESD measures proposed for the achievement of an equivalent 4 Star Green Star - Design & As Built certification;
2. The plans for the development must achieve an equivalent 4 star Green Star Rating by Green Building Council of Australia (GBCA) for the "Design" component of the Green Star - Design & As Built certification as evidenced by a letter from an independent GBCA Greenstar accredited professional certifying the design.

Reason: To ensure compliance with Part 23.2 Green Buildings of the Ku-ring-gai Development Control Plan.

30. Inter-allotment drainage design

Prior to issue of any Construction Certificate, full hydraulic design documentation for the required inter-allotment drainage system from the subject property to the approved point of discharge to the public drainage system must be submitted for approval by the Certifier. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with the Ku-ring-gai Development Control Plan and AS3500.3 (2003) Plumbing Code. New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry uncontrolled runoff from the contributing catchment.

The following engineering details must be included:

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

Reason: To ensure the design of the inter-allotment drainage is in accordance with relevant codes and Australian Standards.

31. Excavation for services

Prior to the issue of any Construction Certificate, the Certifier 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 the Ku-ring-gai Development Control Plan, located on the subject allotment and adjoining allotments.

Reason: To protect existing trees.

32. Paving near trees

Prior to the issue of any Construction Certificate, the Certifier shall be provided with and approve a paving design endorsed by an arborist with a minimum AQF Level 5 qualification.

Further detailed design for the carpark to Braeside Street is to be provided including detailed levels within the Tree Protection Zone (TPZ) of 8.4m radius of the trunk of Tree 52, demonstrating that no excavation other than minor levelling of no more than 75mm depth is required for the installation of the driveway slab. Details of the construction and specification within the TPZ are to be provided ensuring no compaction of the existing ground is required. Where levelling is required, a sand bed of 25 -50mm depth is to be laid on existing ground under the slab. The slab design is to be of such a type that no compacted subgrade/ base course is required and that the natural ground surface does not require compaction. Details of levels for the reconstructed road reserve crossing are also to be provided.

The paving works within the specified radius of the trunk/s of the following tree/s shall be constructed above existing grades to ensure the tree/s root system is maintained:

Tree/Location	Radius in metres
T52 <i>Syncarpia glomulifera</i> (Turpentine)	8.4m

Reason: To protect existing trees.

33. Acoustic design report

An acoustic design report shall be prepared by an appropriately qualified acoustic consultant and submitted to the Certifier with the application for any construction certificate. The acoustic design report shall identify all mechanical ventilation equipment and other noise generating plant including but not limited to air conditioners proposed as part of the development.

The acoustic design report shall provide acoustic design detailing and recommendations to address any potential noise impacts to ensure compliance with the Project Specific Noise Criteria as indicated in Environmental Noise Assessment prepared by Day Design Pty Ltd, Report Number 6802-1.1R dated 6 December 2019, will be achieved.

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

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

34. Driveway crossing levels

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

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

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

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

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

35. Car parking allocation

Car parking within the development shall be allocated as follows:

staff parking spaces (Wahroonga Avenue and Braeside car parks combined)	27
school taxi van spaces (Braeside carpark)	2
total spaces	29

Consideration must be given to the means of access from disabled car parking spaces to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted with any Construction Certificate application.

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

36. Number of bicycle spaces

The car park shall be adapted to provide 9 bicycle spaces in accordance with the Ku-ring-gai DCP. The bicycle parking spaces shall be designed in accordance with AS2890.3. Details shall be submitted to the satisfaction of the Certifier prior to the issue of any Construction Certificate.

Reason: To provide for alternative modes of transport to and from the site.

37. Design and construction of mechanical ventilation

Prior to the issue of the Construction Certificate plans and specification complying with the requirements of the National Construction Code Volume 1 Part F4 and the Australian Standard 1668 parts 1 and 2- The use of ventilation and air conditioning in buildings- Fire and smoke control in buildings shall be submitted to and approved by the Certifier.

Reason: To ensure compliance with standards for mechanical ventilation.

38. Garbage and recycling facilities

An enclosed garbage storage area shall be provided on the property that adequately contains the garbage and recycled waste bins. The floor of the garbage storage is to be graded and appropriately drained to the sewer with a tap located in close proximity to facilitate cleaning. Details of the waste storage area demonstrating compliance with the above shall be provided to the Certifier prior to the issue of any Construction Certificate.

Reason: To protect amenity and to prevent environmental pollution.

39. Design and construction of food premises - Canteen

Plans and specifications complying with the requirements of the Food Act 2003, Food Standards Code 3.2.3 Food Premises and Equipment and the relevant requirements of Australian Standard AS 4674 2004 - Design, construction and fit-out of food premises and National Construction Code shall be submitted to and approved by the Certifier prior to the issue of any Construction Certificate. Plans and specifications include the following:

- a. floor plans, showing the layout of the fixtures and fittings, food storage and staff personal effects storage areas
- b. elevations and sections showing floor, wall and ceiling construction and finishes
- c. elevations and sections showing the installation of fixtures and fittings

Note: The "Design and Fit-out Guide for Food Businesses" is available on Council's website.

Reason: To ensure compliance with standards for food premises.

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

40. Infrastructure damage security bond and inspection fee

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

- (a) All work or activity undertaken pursuant to this development consent must be undertaken in a manner to avoid damage to Council property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- (b) The applicant, builder, developer or any person acting in reliance on this consent shall be responsible for making good any damage to Council property and for the removal from Council property of any waste bin, building materials, sediment, silt, or any other material or article.

- (c) The Infrastructure damage security bond and infrastructure inspection fee must be paid to Council by the applicant prior to both the issue of any Construction Certificate and the commencement of any earthworks or construction.
- (d) In consideration of payment of the infrastructure damage security bond and infrastructure inspection fee, Council will undertake such inspections of Council Property as Council considers necessary and will also undertake, on behalf of the applicant, such restoration work to Council property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure damage security bond payable pursuant to this condition.
- (e) **Release of the bond** – Upon receipt of an Occupation Certificate, Council will undertake an inspection of Councils Infrastructure and release the bond if no damage is found.

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

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

- (f) In this condition:

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

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

Reason: To maintain public infrastructure.

41. Construction Certificate plans

The Construction Certificate plans must be consistent with the approved plans and documents referred to in Condition No. 1 of this Development Consent.

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

42. Section 7.12 development contributions

In accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979 and Ku-ring-gai S94A Contributions Plan 2015, **\$163,000.00** based on development costs of **\$16,300,000.00** shall be paid to Council to provide for additional local infrastructure improvements in accordance with the works programme listed in the s94A Contributions Plan. (Sections of the Environmental Planning and Assessment Act have been renumbered and former s94A is now known as s7.12).

Contributions payable will be adjusted in accordance with the provisions of the Ku-ring-gai S94A

Contributions Plan 2015 and inflated by the Consumer Price Index (All Groups Sydney). Inflation is applied on all the Ku-ring-gai Contributions Plans on the same date, being the day after the release of the Residential Property Prices Index by the Australian Bureau of Statistics (ABS). Contact Council to ensure your payment is current prior to payment. See Council's website for more information about inflation and paying contributions.

The monetary contributions shall be paid to Council prior to the issue of the first Construction Certificate.

It is the professional responsibility of the Principal Certifier to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Ku-ring-gai S94A Contributions Plan 2015 may be viewed at www.kmc.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

Reason: To cater for the increased demand for upgrades in the public domain resulting from cumulative developments.

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

43. 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.

44. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 4.17 (11) 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:

1. the work must be carried out in accordance with the requirements of the Building Code of Australia
2. 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
3. if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.

Reason: Statutory requirement.

45. Hours of work

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

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

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 Transport for NSW (TfNSW) 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 regulatory action.

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

46. 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 Certifier.

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

47. Combustibility of external walls and cladding

External walls, including attachments, must comply with the relevant requirements of the Building Code of Australia (BCA) and the Building Products (Safety) Act 2017.

Prior to the issue of any Construction Certificate, the Certifier must:

1. Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls, including finishes and cladding such as synthetic or aluminium composite panels, comply with the relevant requirements of the BCA and the Building Products (Safety) Act 2017; and
2. Ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built and does not include a building product listed as unsafe or banned under the Building Products (Safety) Act 2017.

Prior to the issue of partial Occupation Certificate for stage 1b, 2b, and 3a and Occupation Certificate for final stage 3b the Principal Certifier must:

1. Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls, including finishes and cladding such as synthetic or aluminium composite panels, comply with the relevant requirements of the BCA and the Building Products (Safety) Act 2017; and

2. Ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built and does not include a building product listed as unsafe or banned under the Building Products (Safety) Act 2017.

Reason: To ensure the safety of occupants.

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

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

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

49. 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:

- I. 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
- II. display project details including, but not limited to the details of the builder, Principal Certifier and structural engineer
- III. be durable and weatherproof
- IV. 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
- V. be mounted at height of 1.6 metres above natural ground on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

Reason: To ensure public safety and public information.

50. 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 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 at least daily
- no advertising or signage is permitted to be attached to dust cloth material.

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

51. Compliance with submitted geotechnical report

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

Geotechnical aspects of the development work, namely:

- I. appropriate excavation method and vibration control
- II. support and retention of excavated faces
- III. hydro-geological considerations

must be undertaken in accordance with the recommendations of the geotechnical report prepared by J&K.

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

Reason: To ensure the safety and protection of property.

52. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The footpath shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

Reason: To ensure safety and amenity of the area.

53. Toilet facilities

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons working at the site.

1. Each toilet must:
 - a. be a standard flushing toilet connected to a public sewer, or
 - b. have an on-site effluent disposal system approved under the Local Government Act 1993 <<https://www.legislation.nsw.gov.au/>>, or
 - c. be a temporary chemical closet approved under the Local Government Act 1993 <<https://www.legislation.nsw.gov.au/>>.

Reason: Statutory requirement.

54. Recycling of building material (general)

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

Reason: To facilitate recycling of materials.

55. Garbage receptacle

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

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

56. 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.

57. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (2009) "Manual for Uniform Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

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

58. Services

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

Reason: Provision of utility services.

59. Arborist's inspection and reporting

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

The Principal Certifier must be provided with reports by the project arborist within 7 days of the inspection detailing date, trees no, location and species, tree health, compliance with conditions of this Development Consent, description of the works inspected, description of any impacts to trees and any rectification or and mitigation works prescribed and or undertaken.

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

Tree/location	Time of inspection
T52 <i>Syncarpia glomulifera</i> (Turpentine)	Ground preparation for driveway from Braeside St, and carpark within the Tree Protection Zone, installation of formwork for driveway, concrete pour for driveway.
T39, 39A, 51, 61, 62, 70, 71, 75	During selection of the location for the drilling rig access pit(s) and during the excavation of drilling access pit(s), during drilling, during excavation of the exit pit(s).

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.

60. Landscape works near trees

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

Tree/location	area
T9, 15, 18, 19, 52, 77, 80, 81, 83, 84	Within canopy spread

Reason: To protect existing trees.

61. Trees on nature strip

Removal and pruning of the following tree/s from Council's nature strip shall be undertaken at no cost to Council by an experienced tree removal contractor and or arborist holding public liability insurance amounting to a minimum cover of \$20,000,000. All pruning works shall be undertaken by

an experienced arborist/horticulturist, within a minimum AQF Level 3 qualification as specified in the current version of AS 4373 - Pruning of amenity trees. :

Tree/location	Tree Works
Tree 54 <i>Jacaranda mimosifolia</i> (Jacaranda) / Braeside St	Removal

Reason: To protect existing trees.

62. Retention of tree roots

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

Tree/location	Radius in metres
T33-37 & 38 <i>Syncarpia glomulifera</i> (Turpentine)	6
T52 <i>Syncarpia glomulifera</i> (Turpentine)	8.4
T57 <i>Nyssa sylvatica</i>	3
T59/59A <i>Melaleuca stypheloides</i>	3.6
T61 <i>Cedrus deodara</i>	9.6
T62 <i>Acmena smithii</i>	7.2
T70 <i>Quercus robur</i>	7.8
T71 <i>Araucaria cunninghamiana</i>	14.4
T75 <i>Syzigium sp.</i>	5.4

Reason: To protect existing trees.

63. Approved tree works

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

Tree/location	Approved tree works
T85 <i>Camellia sp</i>	Removal

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

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

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

64. Hand excavation

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

Tree/Location	Radius in metres
Tree 52 <i>Syncarpia glomulifera</i> (Turpentine)	6

Reason: To protect existing trees.

65. Thrust boring/directional drilling

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

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

Tree/location	Radius in metres
T59/59A <i>Melaleuca stypheloides</i>	3.6
T61 <i>Cedrus deodara</i>	9.6
T62 <i>Acmena smithii</i>	7.2
T70 <i>Quercus robur</i>	7.8
T71 <i>Araucaria cunninghamiana</i>	14.4
T75 <i>Syzigium sp.</i>	5.4

Reason: To protect and minimise damage to existing trees

66. No storage of materials beneath trees

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

Reason: To protect existing trees.

67. 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.

68. 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 Council officer.

Reason: To protect the environment.

69. Vibration

Vibration emitted from activities associated with the demolition, excavation, construction and fit out of buildings and associated infrastructure shall satisfy the values referenced in Table 2.2 of the Environment Protection Authority Assessing Vibration - a Technical Guideline.

Reason: To protect residential amenity during construction.

70. Control of construction noise (Australian Standard)

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

Reason: To protect the amenity of neighbouring properties

71. Swimming pool maintenance

During demolition, excavation or construction if water is held within the swimming pool:

- a) the quantity of water in the pool is maintained at a minimum of 50% of the capacity of the pool; and
- b) the clarity of the water in the pool is maintained through chlorination either by automatic or manual dosing; and
- c) a swimming pool barrier is in place and maintained in accordance with the NSW Swimming Pools Act 1992.

Reason: To ensure the swimming pool does not present a risk to health or safety.

72. Site fencing

The site must be secured and fenced prior to works commencing. All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

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

If necessary, a hoarding is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place (note that separate approval is required prior to the commencement of works to erect a hoarding or temporary fence on public property).

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

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

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

Reason: To ensure public safety.

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

73. Food premises (canteen) notification

Prior to an Occupation Certificate for stage 1b being issued, the food premises (canteen) shall be registered with Ku-ring-gai Council by completing and submitting the Food Business Notification Form available on Council's website.

Reason: To ensure compliant food premises

74. Acoustic attenuation measures - building construction

- a) Prior to the issue of the partial Occupation Certificate for stage 2b, the Principal Certifier shall be satisfied of the following:
1. The doors to the music room are constructed with 10.38 mm thick laminated glass with acoustic seals as specified in Part 5.2 of Environmental Noise Assessment, Report Number 6802-1.1R, dated 6 December 2019, prepared by Day Design Pty Ltd.
 2. The doors to the multi-purpose room should be constructed with 6.38mm thick laminated glass with acoustic seals as specified in Part 5.2 of Environmental Noise Assessment, Report Number 6802-1.1R, dated 6 December 2019, prepared by Day Design Pty Ltd.
 3. A sound barrier wall is constructed to all four sides of the central roof top plant area, being 2.4 metres high on the northern side, and 2.1 metres high on the eastern, southern and western sides and of materials as indicated in Part 5.3.2 of Environmental Noise Assessment, Report Number 6802-1.1R, dated 6 December 2019, prepared by Day Design Pty Ltd.

Written confirmation from an acoustic engineer that the building elements have been installed as specified above is to be submitted to the Principal Certifier.

- b) Prior to the issue of the partial Occupation Certificate for stage 3a, the Principal Certifier shall be satisfied of the following:
1. External windows to General Learning Areas - 7.1, 7.2, 9.1, 9.2, 5, 6, 8, 9, 10, 11, 12, Art, and Science Labs 1, and 2 are to be of fixed frame construction (where possible, alternatively they are to be capable of being fully closed during classes) with 6.38mm thick laminated glass installed as specified in Part 5.2 of Environmental Noise Assessment, Report Number 6802-1.1R, dated 6 December 2019, prepared by Day Design Pty Ltd.

Written confirmation from an acoustic engineer that the building elements have been installed as specified above is to be submitted to the Principal Certifier.

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

75. Acoustic control measures

- a) Prior to the issue of an Occupation Certificate for Stage 1b, the Principal Certifier shall be satisfied that the acoustic attenuation measures, and controls recommended in Section 5 of Environmental Noise Assessment, Report Number 6802-1.1R, dated 6 December 2019, prepared by Day Design Pty Ltd have been installed.

Written advice from an acoustic engineer is to be submitted to the Principal Certifier, confirming that the acoustic measures achieve the project specific noise criteria objectives specified in the acoustic assessment and 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 - 7.00 am) when measured at the boundary of the site.

- b) Prior to the issue of an Occupation Certificate for Stage 2a, the Principal Certifier shall be satisfied that the acoustic attenuation measures and controls recommended in Section 5 of Environmental Noise Assessment, Report Number 6802-1.1R, dated 6 December 2019, prepared by Day Design Pty Ltd have been installed.

Written advice from an acoustic engineer is to be submitted to the Principal Certifier confirming that the acoustic measures achieve the project specific noise criteria objectives specified in the acoustic assessment and 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 - 7.00 am) when measured at the boundary of the site.

- c) Prior to the issue of an Occupation Certificate for Stage 2b, the Principal Certifier shall be satisfied that the acoustic attenuation measures, and controls recommended in Section 5 of Environmental Noise Assessment, Report Number 6802-1.1R, dated 6 December 2019, prepared by Day Design Pty Ltd have been installed.

Written advice from an acoustic engineer is to be submitted to the Principal Certifier confirming that the acoustic measures achieve the project specific noise criteria objectives specified in the acoustic assessment and 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 - 7.00 am) when measured at the boundary of the site.

- d) Prior to the issue of an Occupation Certificate for Stage 3a, the Principal Certifier shall be satisfied that the acoustic attenuation measures, and controls recommended in Section 5 of Environmental Noise Assessment, Report Number 6802-1.1R, dated 6 December 2019, prepared by Day Design Pty Ltd have been installed.

Written advice from an acoustic engineer is to be submitted to the Principal Certifier confirming that the acoustic measures achieve the project specific noise criteria objectives specified in the acoustic assessment and 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 - 7.00 am) when measured at the boundary of the site.

- e) Prior to the issue of an Occupation Certificate for final Stage 3b, the Principal Certifier shall be satisfied that the acoustic attenuation measures and controls recommended in Section 5 of Environmental Noise Assessment, Report Number 6802-1.1R, dated 6 December 2019, prepared by Day Design Pty Ltd have been installed.

Written advice from an acoustic engineer is to be submitted to the Principal Certifier confirming that the acoustic measures achieve the project specific noise criteria objectives specified in the acoustic assessment and 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 - 7.00 am) when measured at the boundary of the site.

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

76. Traffic management advisory plan

In accordance with the recommendations of the traffic report endorsed at Condition 1, a traffic management advisory plan is to be developed to notify the preferred route for accessing the College to drivers, in order to improve the traffic condition at the Burns Road/Wahroonga Avenue intersection and minimise the impact of the existing sharp right turn manoeuvres from Burns Road into the College's entry.

A copy of this report shall be submitted to Council prior to the issue of an Occupation Certificate for final Stage 3b.

Reason: Driver information

77. Consolidation of lots

Prior to issue of an Occupation Certificate for Stage 1b, the Applicant must consolidate the existing Lots 1 and Lot 6 in DP19875, which will form the development site into a single lot. Evidence of lot consolidation, in the form of a plan registered with NSW Land Registry Services, must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

78. Completion of landscape works

- a) Prior to the issue of an Occupation Certificate for Stage 1b, the Principal Certifier is to be satisfied that all landscape works have been undertaken in accordance with the approved plan(s) and conditions of this development consent.
- b) Prior to the issue of an Occupation Certificate for Stage 2a, the Principal Certifier is to be satisfied that all landscape works have been undertaken in accordance with the approved plan(s) and conditions of this development consent.
- c) Prior to the issue of an Occupation Certificate for Stage 2b, the Principal Certifier is to be satisfied that all landscape works have been undertaken in accordance with the approved plan(s) and conditions of this development consent.
- d) Prior to the issue of an Occupation Certificate for final Stage 3b, the Principal Certifier is to be satisfied that all landscape works have been undertaken in accordance with the approved plan(s) and conditions of this development consent.

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

79. Outdoor lighting

- a) Prior to the issue of an Occupation Certificate for Stage 1b, the Principal Certifier shall be satisfied that all outdoor lighting will comply with AS/NZS 4282:2019 *Control of the obtrusive effects of outdoor lighting* and is mounted, screened and directed in a way that does not create a nuisance or light spill on to buildings on adjoining lots or public places.
- b) Prior to the issue of an Occupation Certificate for Stage 2a, the Principal Certifier shall be satisfied that all outdoor lighting will comply with AS/NZS 4282:2019 *Control of the obtrusive effects of outdoor lighting* and is mounted, screened and directed in a way that does not create a nuisance or light spill on to buildings on adjoining lots or public places.
- c) Prior to the issue of an Occupation Certificate for Stage 2b, the Principal Certifier shall be satisfied that all outdoor lighting will comply with AS/NZS 4282:2019 *Control of the obtrusive effects of outdoor lighting* and is mounted, screened and directed in a way that does not create a nuisance or light spill on to buildings on adjoining lots or public places.
- d) Prior to the issue of an Occupation Certificate for final Stage 3b, the Principal Certifier shall be satisfied that all outdoor lighting will comply with AS/NZS 4282:2019 *Control of the obtrusive effects of outdoor lighting* and is mounted, screened and directed in a way that does not create a nuisance or light spill on to buildings on adjoining lots or public places.

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

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

80. Accessibility

- a) Prior to the issue of an Occupation Certificate for Stage 1b, the Principal Certifier shall be satisfied that:

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

b) Prior to the issue of an Occupation Certificate for Stage 2b, the Principal Certifier shall be satisfied that:

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

Reason: To facilitate disabled access.

81. Retention and re-use positive covenant

Prior to issue of an Occupation Certificate for Stage 3a, the a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property shall be created.

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

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

Reason: To ensure appropriate storm-water management.

82. Works as executed plans for stormwater management and disposal

a) Prior to issue of an Occupation Certificate for Stage 1b, a registered surveyor must provide a works as executed survey of the completed inter-allotment stormwater drainage system to Burns Road. The survey must be submitted to and approved by the Principal Certifier prior to issue of an Occupation Certificate. The survey must indicate:

- I. as built (reduced) surface and invert levels for all drainage pits
- II. gradients of drainage lines, materials and dimensions

- III. as built (reduced) level(s) at the approved point of discharge to the public drainage system
- IV. dimensions of pits and access grates

The works as executed plan(s) must show the as built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the Certifier stamped construction certificate stormwater plans.

- b) Prior to issue of an Occupation Certificate for Stage 3a, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifier prior to issue of an Occupation Certificate. The survey must indicate:

- I. as built (reduced) surface and invert levels for all drainage pits
- II. gradients of drainage lines, materials and dimensions
- III. as built (reduced) level(s) at the approved point of discharge to the public drainage system
- IV. 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
- V. the achieved storage volumes of the installed retention and detention storages and derivative calculations
- VI. as built locations of all access pits and grates in the detention and retention system(s), including dimensions
- VII. the size of the orifice or control fitted to any on-site detention system
- VIII. dimensions of the discharge control pit and access grates
- IX. the maximum depth of storage possible over the outlet control
- X. top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system

The works as executed plan(s) must show the as built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the Certifier stamped construction certificate stormwater plans.

Reason: To ensure appropriate stormwater management.

83. OSD positive covenant/restriction

Prior to issue of an Occupation Certificate for Stage 3a, a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot shall be created.

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

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

Reason: To ensure appropriate stormwater management.

84. Easement drainage line construction

Prior to issue of an Occupation Certificate for Stage 1b, the Principal Certifier shall be satisfied that the required inter-allotment drainage system has been installed and surveyed under the supervision of a designing engineer and or equivalent professional.

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

1. Details from the supervising engineer that the as-constructed works comply with the approved inter-allotment design documentation.
2. A full works as executed drawing of the as built inter-allotment drainage line (dimensions, grades, materials, invert levels) prepared by a registered surveyor, and details from the surveyor that all drainage structures are wholly contained within existing drainage easement(s).

Reason: To ensure appropriate stormwater management.

85. On-site detention system marker plate

A marker plate is to be permanently attached and displayed within the immediate vicinity of the on-site detention system prior to the issue of an Occupation Certificate for Stage 3a.

This marker plate can be purchased from Council.

Reason: To prevent unlawful alteration.

86. Certification of as-constructed driveway/carpark

Prior to issue of an Occupation Certificate for final Stage 3b, the Principal Certifier is to be satisfied that:

1. The as-constructed car park complies with the approved Construction Certificate plans.
2. The completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 - 2004 "Off-Street car parking" and the Seniors Living State Environment Planning Policy in terms of minimum parking space dimensions.
3. Finished driveway gradients and transitions will not result in the scraping of the underside of cars.
4. No doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
5. The development complies with vehicular headroom requirements of Australian Standard 2890.1 - "Off-street car parking",

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

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

87. Reinstatement of redundant crossings and completion of infrastructure works

Prior to issue of an Occupation Certificate for final Stage 3b, and upon completion of any works which may cause damage to Council's property, the Principal Certifier must receive a signed

inspection form from Council which states that the following works in the road reserve have been completed:

1. New concrete driveway crossing in accordance with levels and specifications issued by Council.
2. Removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
3. Full repair and resealing of any road surface damaged during construction.
4. Full replacement of damaged sections of grass verge to match existing.
5. Reconstruction of kerb and gutter with associated road pavement restoration for the full frontage of the development site.

This inspection may not be carried out by the Principal Certifier because restoration of Council property outside the boundary of the site is not a matter listed in Clause 161 of the Environmental Planning and Assessment Regulation 2000.

All works must be completed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

Reason: To protect the public infrastructure.

88. Mechanical ventilation

- a) Prior to the issue of an Occupation Certificate, for Stage 1b, the Principal Certifier shall be satisfied that all mechanical ventilation systems are installed in accordance with the National Construction Code Part F.
- b) Prior to the issue of an Occupation Certificate, for Stage 2b, the Principal Certifier shall be satisfied that all mechanical ventilation systems are installed in accordance with the National Construction Code Part F.
- c) Prior to the issue of an Occupation Certificate, for Stage 3a the Principal Certifier shall be satisfied that all mechanical ventilation systems are installed in accordance with the National Construction Code Part F.
- d) Prior to the issue of an Occupation Certificate, for final Stage 3b, the Principal Certifier shall be satisfied that all mechanical ventilation systems are installed in accordance with the National Construction Code Part F.

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

89. Fire safety certificate

- a) Prior to the issue of an Occupation Certificate for Stage 1a, the Principal Certifier shall be satisfied that a fire safety certificate for all the essential fire or other safety measures forming part of this Development Consent has been completed and provided to Council.
- b) Prior to the issue of an Occupation Certificate for Stage 2b, the Principal Certifier shall be satisfied that a fire safety certificate for all the essential fire or other safety measures forming part of this Development Consent has been completed and provided to Council.
- c) Prior to the issue of an Occupation Certificate for Stage 3a, the Principal Certifier shall be

satisfied that a fire safety certificate for all the essential fire or other safety measures forming part of this Development Consent has been completed and provided to Council.

- d) Prior to the issue of an Occupation Certificate for final Stage 3b, the Principal Certifier shall be satisfied that a fire safety certificate for all the essential fire or other safety measures forming part of this Development Consent has been completed and provided to Council.

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

90. Construction of food premises (canteen)

Prior to the issue of an Occupation Certificate for Stage 1b, the Principal Certifier shall be satisfied that the construction of the food premises and all food storage areas is in accordance with the requirements of the Food Act 2003, Food Standards Code 3.2.3 Food Premises and Equipment and relevant requirements of Australian Standard AS 4674 2004 - Design, construction and fit-out of food premises and National Construction Code.

If a private certifier is to be used, the final inspection of the food premises fit out shall be carried out by a suitably qualified person. Documentation is to be submitted to the Principal Certifier certifying compliance with all relevant requirements.

Note: Council's Environmental Health Officer may be engaged to carry out the required inspection of the food premises. An inspection fee shall be charged in accordance with Council's current Schedule of Fees and Charges if this inspection is required. This fee must be paid prior to inspection being carried out.

Reason: To ensure compliance with standards for food premises.

91. Garbage and recycling facilities

Prior to the issue of an Occupation Certificate for final Stage 3b, the Principal Certifier shall be satisfied that the external waste storage area has been installed and adequately contains the waste bins, 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:

92. Ground Maintenance

All ground maintenance such as leaf blowing, grass cutting or the like that may be required on the grounds of St Edmund's College are to be carried out between the hours of 7.00am and 6.00pm Monday to Friday only.

Reason: To protect the amenity of the surrounding area.

93. Use of the hall and music room

The doors to the music room and multi-purpose room be closed when musical instruments are being used to mitigate potential noise transmission to adjoining residential properties.

Reason: To protect the amenity of adjoining residents.

94. Outdoor lighting

All external lighting must:

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

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

Reason: To protect the amenity of surrounding properties.

95. Screening of air conditioning condenser units

The air conditioning condenser units located on the roof level are to be adequately screened in order to ensure they cannot be seen from the adjoining properties.

Reason: To ensure the air conditioning condenser units are screened.

96. Noise control - plant and machinery

Noise levels associated with mechanical exhaust ventilation or other noise generating plant installed on the premises shall not exceed more than 5dB(A) above the background noise (LA90, 15 min) level during the day and evening when measured at the boundary of the nearest potentially affected residential occupancies and shall not operate at a noise level that is audible in habitable rooms of any adjoining residences at night (10pm and 7am). The background (LA90, 15 min) level is to be determined without the source noise present.

Reason: To protect the amenity of surrounding residents.

97. Loading and unloading

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

Reason: To ensure safe traffic movement.

98. Plan of management

The two plans of management as endorsed at **Condition 1** of this Development Consent for the operation of the school must be implemented during all stages of construction and at the completion of all works. A copy must be kept onsite in the main office.

Reason: To ensure the operation of the facility minimises impact on neighbouring residents.

99. Annual fire safety statement

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

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

100. Noise Control - Classrooms

All openable external windows to the General Learning Areas - 7.1, 7.2, 9.1, 9.2, 5, 6, 8, 9, 10, 11, 12, Art, and Science Labs 1, and 2 are to be kept closed during classes.

Reason: To protect the amenity of adjoining residents.