

Without Prejudice Draft Condition Set

Application: eDA0255/25
Proposal: Demolition of existing buildings, construction of a 120 place child-care centre and associated works
Property: 4B & 8 Charlton Avenue TURRAMURRA NSW 2074

The conditions of consent are as follows:

SCHEDULE A: Deferred commencement – Terms to be satisfied prior to the consent becoming operable:

1. Amendments to landscape plan

The landscape plan(s), listed below must be amended in accordance with the requirements of this condition as well as other conditions of this Development Consent:

Plan no.	Drawn by	Dated
G721_LP_00 to G721_LP_13 Revision C	CPS Creative Planning Solutions	22/09/25

The above landscape plan(s) shall be amended as follows:

Front Setback

- i. All proposed retaining walls within the deep soil areas of the front setback must be removed to ensure deep soil areas remain continuous and unfragmented. Retaining walls must be minimised in height and the top of wall height must not exceed natural ground levels.
- ii. Pedestrian access shall be relocated to the northern side of the driveway with access to the front entry via a paved area in front of the pram storage room and the lobby. The pedestrian access path shall have a maximum width of 1.2m, a barrier separating the path from the driveway and a 600mm wide landscape strip between the path of the northern edge of the driveway.
- iii. Stormwater structures must be relocated to avoid conflict with existing and proposed tree planting.
- iv. The 2 metres side setbacks must maintain the existing ground level.

Rear Outdoor Play Area 4

- i. Changes to soil levels must be restricted to the basement footprint. All other areas must retain natural ground levels. The retaining walls on the western and southern sides of the play area shall be relocated so that they are within the basement footprint.
- ii. Areas outside the basement footprint are to maintain natural ground levels and must be finished with natural turf or mulch, not hard pavement or artificial turf. No retaining walls, stairs, or other structures are to be located outside the basement footprint.

Buffer Planting

- i. Dense buffer planting, including screening shrubs and trees, must be provided along the eastern side setback of the rear building, facing the rear property boundary of 6 Charlton Avenue, to ensure privacy between the development and adjoining properties.

The landscape plan must include a minimum 1.0 metre wide pathway, as a fire egress, and be constructed of permeable materials, such as pebbles, gravel, stepping stones, or similar treatments. The remainder of the eastern side setback is to be dedicated to buffer planting. An amended plan, prepared by a landscape architect or qualified landscape designer must be submitted to Council for endorsement, prior to issue of the operative consent.

Other plans and documents referenced in Condition 1 of Schedule B must also be updated to be consistent with the Council endorsed landscape plans.

Reason: To ensure adequate landscaping of the site.

SCHEDULE B – The standard conditions of consent are set out as follows:

The conditions of consent are 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 as amended by other conditions of this Development Consent:

Plan no.	/Drawn by	Dated
<i>Architectural Plans</i>		
DA02.01 Issue C	Artmade Architects	11/11/2025
DA02.02 Issue B	Artmade Architects	12/09/2025
DA03.01 Issue B	Artmade Architects	12/09/2025
DA03.02 Issue B	Artmade Architects	12/09/2025
DA03.03 Issue B	Artmade Architects	12/09/2025
DA04.01 Issue C	Artmade Architects	11/11/2025
DA05.01 Issue C	Artmade Architects	11/11/2025
<i>Landscape Plans</i>		
LP_00 to LP_13 Issue "C" (all inclusive)	CPS	22/09/2025
<i>Stormwater Management Plans</i>		
D1 to DA6 Issue "B" (all inclusive)	NY Civil Engineering	16/09/2025

Document(s)	Dated
Arboricultural Impact Assessment prepared by CPS Revision A	25/10/2024
Access Report prepared by Ergon Consulting – Revision B B	22/10/2024
Biodiversity Assessment Report prepared by Travers Ecology and Bushfire Ref: ART02	29/01/2025
Operational Plan of Management	October 2025
Nabers Embodied Emissions Materials Form prepared by QPC & C Pty Limited	2/05/2025

Geotechnical Investigation prepared by STS Geotechnics Pty Ltd Report No: 24/3132	October 2024
Ecologically Sustainable Design Report – Issue B – prepared by Efficient Living	17/04/2025
Preliminary + Detailed Site Investigation prepared by Broadcast Environmental Pty Ltd	30/01/2025
Vegetation Management plan prepared by Travers Bushfire and Ecology	22/05/2025
Waste Management Plan prepared by Dickens Solutions Pty Ltd Ref: 24172	October 2024
Water Cycle Management Plan prepared by CY Civil Engineering Ref: E240371 Issue “A”	16/09/2025
BCA Capability Statement prepared by New Crown Consulting	24/06/2025
BCA Compliance Assessment Report prepared by New Crown Consulting	24/06/2025
Environmental Noise Impact Assessment report prepared by Day Design Pty Ltd – Report No. 8040-1.1R Revision A	9/09/2025

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 (ie. fibro), must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.

Reason: To ensure public safety.

4. 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.

5. 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.

6. Construction traffic management plan

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

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

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

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

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

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

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

7. Work zone

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

No loading or unloading must be undertaken from the public road or nature strip unless within a works zone which has been approved and paid for.

In the event the work zone is required for a period beyond that initially approved by the Kuring-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.

8. Temporary construction exit

A temporary construction exit, together with necessary associated temporary fencing, shall be provided prior to commencement of any work on the site and shall be maintained throughout the duration of construction works.

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

9. 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.

10. Tree protection fencing excluding structure

Prior to the commencement of any works, the tree protection zone of the listed tree/s excluding that area of the approved building structures, driveway and related structures shall be fenced off for the specified radius from the trunk to prevent any activities or storage of material within the fenced area. The fence/s shall be maintained intact until the completion of all works.

Tree/Location	Radius in metres
T1 Callistemon viminalis, located in the road reserve	3.2
T6 Acer palmatum, located in the front setback	2.4
T8 Araucaria cunninghamii, located in the front setback	6.6
T16 Callistemon viminalis, located in adjacent site No 10 Charlton Ave	2.4
T17 Camellia japonica, located in adjacent site No 10 Charlton Ave	2.0
T18 Cupressocyparis leylandii, located in the southern portion of the easement.	4.8
T19 Banksia integrifolia, located in the southern portion of the easement.	3.0
T20 Hymenosporum flavum, located in the northern portion of the easement.	2.5
T21 Eucalyptus scoparia, located in the rear of No 10 Charlton Ave	10.8
T22 Jacaranda mimosifolia, located in adjacent site, close to the rear boundary	5.1
T23 Corymbia citriodora, located in the rear of the site adjacent to the rear boundary	5.4
T24 Harpephyllum caffrum, located in the rear of the site adjacent to the rear boundary	15.0

T25 Jacaranda mimosifolia, located in the rear of the site adjacent to the rear boundary	4.3
T26 Eucalyptus microcorys, located in the rear of the site adjacent to the rear boundary	9.0
T27 Unknown species, located in the rear of the site adjacent to the rear boundary	4.3
T28 Brachychiton acerifolius, located in the rear of the site adjacent to the rear boundary	3.6
T29 Eucalyptus saligna, located in the rear of the site adjacent to the rear boundary	9.6
T30 Pittosporum undulatum, located in the rear of the site adjacent to the northern boundary	3.0
T31 Lophostemon confertus, located in the rear of the site adjacent to the northern boundary	5.2
T33 Magnolia x soulangeana, located in the site adjacent to the northern boundary	3.0

Reason: To protect existing trees.

11. Tree protective fencing type galvanised mesh

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.

12. 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.

13. 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.

14. 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 and a copy shall be provided to Council.

Reason: To protect of existing trees.

15. 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.

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

16. 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 and approved by the Certifier prior to the commencement of any demolition works.

Reason: To ensure compliance with the Australian Standards.

17. 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. In order to pay your levy, you will need to register an account with The Long Service Corporation on the online portal at www.longservice.nsw.gov.au.

Reason: Statutory requirement.

18. Electric vehicle charging points

Prior to the issue of any Construction Certificate, the Certifier is to be satisfied that the Construction Certificate plans show that parking areas are constructed so that electric vehicle charging points can be installed for staff parking.

EV readiness is to be provided for all staff car parking spaces within the development.

Reason: Provision of electric vehicle charging points.

19. Design of basement

Prior to the issue of any Construction Certificate, the Certifier is to be satisfied that the basement has been designed as a fully tanked structure as per the requirement of Part 24 C.3(8) of the Ku-ring-gai DCP, unless the Certifier is satisfied that ongoing dewatering will be less than 3ML/year and the ongoing dewatering does not require approval by NSW DPI Office of Water. The Certifier shall consult with a geotechnical engineer before making their decision.

Reason: To protect the environment.

20. Stormwater quality control

Prior to issue of any Construction Certificate, the Certifier is to be satisfied that Stormwater Treatment Measures for the proposed development have been designed in accordance with the requirements of Part 24C.6 of the Ku-ring-gai DCP and is to be included with the plans and specifications accompanying any Construction Certificate. Any variation to the approved proprietary device as shown on the stormwater management plans listed in condition 1 of the consent will require lodgement of a Section 4.55 application to Council to modify the consent and the approval of that application.

Reason: To protect the environment.

21. Project ecologist

A project ecologist shall be commissioned prior to the issue of any Construction Certificate to ensure all bushland/environmental protection measures are carried out in accordance with the conditions of consent.

The project ecologist shall have a minimum qualification of TAFE Certificate III in Bush Regeneration or Conservation and Land Management - Natural Area Restoration or tertiary degree in ecology. The project ecologist shall have at least 4 years' experience in the management of native bushland in the Sydney region. Details of the ecologist, including their name, business name and contact details shall be provided to the Certifier with a copy also to be provided to Council.

Reason: To protect the existing biodiversity values of the site

22. Acoustic design report

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

The acoustic design report shall provide acoustic design detailing and recommendations to address any potential noise impacts to ensure that the operation of an individual piece of equipment or operation of equipment in combination will not be audible within any habitable room in any residential occupancy before 7.00am and after 10.00pm. Outside of these restricted hours noise from an individual piece of equipment or in combination shall not be greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary.

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 acoustic amenity.

23. 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.

24. Driveway grades - basement carparks

Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifier. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The civil/traffic engineer shall provide specific written certification on the plans that:

- vehicular access ramp along the path of travel to the garbage loading/unloading area can be obtained using grades of 20% (1 in 5) maximum,
- vehicular access can be obtained using grades of 25% (1 in 4) maximum, and
- all changes in grade (transitions) comply with Australian Standard 2890.1 - "Off-street car parking" (refer clause 2.5.3) to prevent the scraping of the underside of vehicles

If a new driveway crossing is proposed, the longitudinal sections must incorporate the driveway crossing levels as issued by Council upon prior application.

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

25. Car parking allocation

Car parking within the development shall be allocated as follows:

	Number of Spaces
staff spaces	11
visitor spaces	24
total spaces	35

The child care facility must be provided with car parking complying with the dimensional and location requirements of AS2890.1 – 2004.

At least one visitor space shall also comply with the dimensional and location requirements of AS2890.6:2009.

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

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

26. Utility provider requirements

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

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

27. Design and construction of mechanical ventilation

Prior to the issue of any Construction Certificate the Certifier shall be satisfied that plans and specifications demonstrate that the installation of mechanical ventilation systems will comply with:

- The National Construction Code
- Australian Standard 1668
- Australian Standard 3666 where applicable.

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

28. Waste and recycling storage facilities - Commercial Premises

Prior to the issue of a Construction Certificate the Certifier must be satisfied that the access door to the waste storage bin enclosure area is accessible for waste collection serviced through the car park level. The finished floor or path levels are to be graded and appropriately drained to the sewer. A tap with hot and cold water is to be located in close proximity to facilitate cleaning.

The Plan of Management must be amended to show details of the sizes of the waste bins.

The width of the accessible doorway, from the car park level to the waste bin storage area, must be shown on the architectural plans, and of sufficient size to cater for the size of waste bin servicing the development.

Details of the waste storage area demonstrating compliance with the requirements of this condition shall be submitted to and approved by the Certifier prior to the issue of any Construction Certificate.

Reason: To protect amenity and to prevent environmental pollution.

29. Consolidation of lots

Prior to issue of any Construction Certificate, the existing lots which form the development site shall be consolidated into a single lot. Evidence of lot consolidation, in the form of a plan registered with NSW Land Registry Services, must be submitted to the Certifier prior to the issue of any Construction Certificate.

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

30. Design and construction of food premises

Plans and specifications complying with the requirements of the *Food Act 2003*, Food Standards Code 3.2.3 *Food Premises and Equipment*, 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 shall address the following:

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

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 ANY CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR BUILDING WORKS (WHICHEVER COMES FIRST):

31. 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 manner:

- (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 by Council of an Occupation Certificate, Council will undertake an inspection of Councils Infrastructure and release the bond if no damage is found.

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.

32. Section 7.12 fixed development consent levy contributions

In accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979 and Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023, **\$65,897.83** based on development costs of \$6,589,783.00, shall be paid to Council to provide for additional local infrastructure improvements in accordance with the works programme listed in the s7.12 Contributions Plan.

Contributions payable will be adjusted in accordance with the provisions of the Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023 and inflated by the Consumer Price Index (All Groups Sydney) until they are paid. Contact Council to ensure your payment is current prior to payment. See Council's website for more information about inflation and paying contributions.

- (a) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
- (b) prior to the issue of the first Construction Certificate where the development is for building work; or
- (c) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
- (d) prior to the works commencing where the development does not require a Construction Certificate or Subdivision 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 Council s7.12 Local Levy Contributions Plan 2023 may be viewed at on Council's webpage at www.krg.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 in accordance with Ku-ring-gai Council s7.12 Local Levy Contributions Plan 2023.

33. Housing and productivity contribution

Before the issue of any Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$23,808.91
Transport project component	\$0
Strategic Biodiversity Component	\$0
Total Housing and productivity contribution	\$23,808.91

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order)*.

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

Reason: To require contributions towards the provision of regional infrastructure.

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

34. Road opening permit

The opening of any footway, roadway, road shoulder or any part of the road reserve (excluding where a Driveway Application and Roads Act Approval is required) shall not be carried out without a road opening permit being applied for and obtained from Council (and upon payment of any required fees) beforehand.

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

35. Prescribed conditions

The work shall comply with any relevant prescribed conditions of development consent under Sections 69, 70, 71, 72, 73, 74 and 75 of the Environmental Planning and Assessment Regulation 2021. 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:

Compliance with Building Code of Australia and insurance requirements under [Home Building Act 1989](#)

- 1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.

- 2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the [Home Building Act 1989](#), Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
- 3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*.
- 4) In subsection (1), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.
- 5) In subsection (3), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
- 6) This section does not apply -
 - (a) to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
- 7) **relevant date** has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 19.

Erection of signs

- 1) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- 2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out -
 - (a) showing the name, address and telephone number of the principal certifier for the work, and
 - (b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- 3) The sign must be -
 - (a) maintained while the building work, subdivision work or demolition work is being carried out, and
 - (b) removed when the work has been completed.
- 4) This section does not apply in relation to -
 - (a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - (b) Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Notification of [Home Building Act 1989](#) requirements

- 1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
- 2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following -
 - (a) for work that requires a principal contractor to be appointed -
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer of the work under the [Home Building Act 1989](#), Part 6,
 - (b) for work to be carried out by an owner-builder -
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under the [Home Building Act 1989](#) - the number of the owner-builder permit.
- 3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
- 4) This section does not apply in relation to Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Shoring and adequacy of adjoining property

- 1) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
- 2) It is a condition of the development consent that 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 on adjoining land from possible damage from the excavation, and
 - (b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
- 3) This section does not apply if -
 - (a) the person having the benefit of the development consent owns the adjoining land, or
 - (b) the owner of the adjoining land gives written consent to the condition not applying.

Fulfilment of BASIX commitments

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled -

- a) BASIX development,
- b) BASIX optional development, if the development application was accompanied by a BASIX certificate.

Reason: Statutory requirement.

36. 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 (ie placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by 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.

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.

37. Approved plans to be on site

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

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

38. 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.

39. Site notice

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

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifier and structural engineer

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

Reason: To ensure public safety and public information.

40. 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.

41. Compliance with submitted geotechnical report

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

Geotechnical aspects of the development work, namely:

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

must be undertaken in accordance with the recommendations of the approved Geotechnical Report listed in Condition 1 of Schedule B.

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.

42. 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 of rectification against the applicant/owner/builder or any other responsible person, as the case may be.

Reason: To ensure safety and amenity of the area.

43. 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. One toilet, plus one additional toilet for every 20 persons working at the site are to be provided. 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/>](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/>](https://www.legislation.nsw.gov.au/).

Reason: Statutory requirement.

44. 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.

45. 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 take actions to stop work, which may include the bringing of proceedings.

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

46. 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.

47. Erosion control

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

Reason: To protect the environment from erosion and sedimentation.

48. 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 **Australian Standard AS 4970 - 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 the date of inspection, identifying the trees by their number, the location and species, tree health, compliance with conditions of the Development Consent, description of the works inspected, description of any impacts to trees and any rectification and/or mitigation works prescribed and/or undertaken.

Regular inspections and documentation shall be given by the arborist to the Principal Certifier. These are required, at the following times or phases of work, but may be given more regularly:

Tree/Location	Time of inspection
T1 Callistemon viminalis, located in the road reserve	Tree protection fencing has been installed prior to the commencement of works.
T6 Acer palmatum, located in the front setback	
T8 Araucaria cunninghamii, located in the front setback	
T16 Callistemon viminalis, located in adjacent site No 10 Charlton Ave	
T17 Camellia japonica, located in adjacent site No 10 Charlton Ave	During the excavation, and all construction stages and installation of stormwater structures within the TPZ of the trees to be retained
T18 Cupressocyparis leylandii, located in the southern portion of the easement.	
T19 Banksia integrifolia, located in the southern portion of the easement.	
T20 Hymenosporum flavum, located in the northern portion of the easement.	
T21 Eucalyptus scoparia, located in the rear of No 10 Charlton Ave	

T22 Jacaranda mimosifolia, located in adjacent site, close to the rear boundary	A final inspection is required upon completion of works and prior to the issue of the Occupation Certificate.
T23 Corymbia citriodora, located in the rear of the site adjacent to the rear boundary	
T24 Harpephyllum caffrum, located in the rear of the site adjacent to the rear boundary	
T25 Jacaranda mimosifolia, located in the rear of the site adjacent to the rear boundary	
T26 Eucalyptus microcorys, located in the rear of the site adjacent to the rear boundary	
T27 Unknown species, located in the rear of the site adjacent to the rear boundary	
T28 Brachychiton acerifolius, located in the rear of the site adjacent to the rear boundary	
T29 Eucalyptus saligna, located in the rear of the site adjacent to the rear boundary	
T30 Pittosporum undulatum, located in the rear of the site adjacent to the northern boundary	
T31 Lophostemon confertus, located in the rear of the site adjacent to the northern boundary	
T33 Magnolia x soulangeana, located in the site adjacent to the northern boundary	

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.

49. Stockpiling of topsoil

Topsoil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil must be no deeper than 1.3 metres, located outside drainage lines and tree canopies and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed 14 days, stock-piles are to be seeded or sprayed with an appropriate emulsion solution to minimise particle movement.

Reason: To protect the environment.

50. Cutting of tree roots and branches

Where it is unavoidable, tree roots and branches severed for the purposes of constructing the approved works shall be cut cleanly by hand, by an experienced arborist/horticulturist with a minimum AQF Level 3 qualification. All pruning works shall be undertaken as specified in current version of **Australian Standard AS 4373 - Pruning of amenity trees**. The arborist/horticulturalist shall provide a report to the Certifier confirming compliance with this condition.

Reason: To protect existing trees.

51. Approved tree works

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

Tree/location	Approved tree works
T2 Rogiera amoena, located where driveway is proposed in the front setback	Removal
T3 Camellia sasanqua, located in the front setback	Removal
T4 Camellia sasanqua, located in the front setback	Removal
T5 Acer palmatum, located in the front setback	Removal
T7 Taxodium distichum, located in the front setback	Removal
T9 Fraxinus sp., located in the front setback	Removal
T10 Fraxinus sp., located in the front setback	Removal
T11 Cupressus macrocarpa, located in the front setback	Removal
T12 Cupressus macrocarpa, located in the front setback	Removal
T14 Malus sp. located in the southern side setback,	Removal
T15 Olea europea, located in the southern side setback.	Removal
T32 Fraxinus sp, located in the northern side setback	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 current version of **Australian Standard 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.

52. Excavation near trees

No mechanical excavation shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning, by hand digging and/or air knife to a depth of 600mm, is undertaken by an experienced arborist/horticulturist, with a minimum AQF Level 3 qualification. The arborist/horticulturist shall provide a report to the Principal Certifier confirming compliance with this condition:

Tree/location	Radius in metres
T20 Hymenosporum flavum, located in the northern portion of the easement.	2.5
T21 Eucalyptus scoparia, located in the rear of No 10 Charlton Ave	10.8
T24 Harpephyllum caffrum, located in the rear of the site adjacent to the rear boundary	15.0
T33 Magnolia x soulangeana, located in the site adjacent to the northern boundary	3.0

Reason: To protect existing trees.

53. 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.

54. 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.

55. Canopy replenishment trees to be planted

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

Reason: To maintain the treed character of the area.

56. Removal of weeds

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

Reason: To protect the environment.

57. 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.

58. Maintenance of site

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

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

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

During construction:

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

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

Reason: To ensure the site is appropriately maintained.

59. Imported fill

Where it is necessary to import landfill material onto the site to fill the land to levels shown on the plans forming part of the consent, a certificate, prepared by a suitably qualified and experienced contaminated land consultant, shall be submitted to Council being the regulatory authority prior to the commencement of any works, certifying that the imported fill is virgin excavated natural material (VENM).

Reason: To ensure compliance with *SEPP (Resilience and Hazards) 2021* and environmental health.

60. Discovery of additional information (Contaminated Land)

Any new information discovered during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council being the regulatory authority for the management of contaminated land immediately upon discovery.

Reason: To ensure compliance with *SEPP (Resilience and Hazards) 2021* and environmental health.

61. 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:

62. Vegetation Management Plan -Section 88b instrument

The Certifying Authority is to be provided with evidence of the creation of a restriction on the use of land under Section 88B of the Conveyancing Act 1919, burdening the vegetation management plan extent. The terms of restriction must state that any excavation, soil level changes or construction works are prohibited with the exception of works to be undertaken and outline in accordance with the plan below.

Plan no.	Prepared by	Dated
Vegetation Management Plan (REF: ART02.2VMP)	Travers Bushfire and Ecology	22/05/2025

Reason: To ensure that biodiversity values are protected and managed in accordance with the approved vegetation management plan.

63. Bicycle Parking

Prior to issue of an Occupation Certificate, the Principal Certifier is to be satisfied that the bicycle parking spaces in the staff car park in the basement are in accordance with the appropriate security level specified in AS2890.3.

Reason: To ensure compliance with the KDCP requirements.

64. EV Charging

Prior to issue of an Occupation Certificate, the Principal Certifier is to be satisfied that EV readiness has been provided for all staff car parking spaces within the development.

Reason: To ensure compliance with Council's DCP requirements.

65. No stopping restrictions

Prior to the issue of any Occupation Certificate, the Principal Certifier shall be satisfied that that 'No Stopping 7am-9am and 4pm-6pm Mon-Fri' has been installed along the site frontage.

Council's fees and charges for referral to the Ku-ring-gai Transport Forum and installation of signs apply and are to be paid by the applicant.

Where the restrictions and signage are approved by Council, the necessary signage shall be installed (at the cost of the Applicant) prior to the issue of an Occupation Certificate.

The above requirements only apply in the event that Council approves the no stopping zone across the street frontage of the site.

Reason: To ensure that appropriate measures have been made for the operation of the site at all times.

66. Mechanical ventilation

Following completion, installation and testing of all the mechanical ventilation systems the installation and performance of these systems must comply with:

- The National Construction Code
- Australian Standard 1668
- Australian Standard 3666 where applicable.

The Principal Certifier shall be satisfied of the above prior to the issue of any Occupation Certificate.

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

67. Completion of landscape works

Prior to the issue of an Occupation Certificate, 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.

68. Mechanical noise control

Prior to the issue of an Occupation Certificate, the Principal Certifier must be satisfied that the mechanical ventilation systems and other plant, including but not limited to air conditioners, car park and garbage room exhaust, roller shutter doors lifts and pumps associated with rain water reuse systems when in operation either as an individual piece of equipment or in combination with other equipment will not be audible within any habitable room in any residential occupancy before 7.00am and after 10.00pm. Outside of these restricted hours noise from an individual piece of equipment or in combination must not be greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present. Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifier.

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

69. Outdoor Lighting

Prior to the issue of the Occupation Certificate, 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.

70. No stopping restrictions

Prior to the issue of any Occupation Certificate, the Principal Certifier shall be satisfied that signage stating 'No Stopping 7am-9am and 4pm-6pm Mon-Fri' has been installed along the site frontage.

Where the restrictions and signage are approved by Council, the necessary signage shall be installed (at the cost of the Applicant) prior to the issue of an Occupation Certificate.

Reason: To ensure that appropriate measures have been made for the operation of the site at all times.

71. Retention and re-use positive covenant/restriction

Prior to issue of an Occupation Certificate, the positive covenant and restriction on the use of land under Section 88D/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 24R.8.2 of the Ku-ring-gai Development Control Plan). 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.

72. Certification of drainage works (dual occupancies and above)

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

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

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

Reason: To ensure appropriate stormwater management.

73. Works as executed plans for stormwater management and disposal

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

- as built (reduced) surface and invert levels for all drainage pits
- gradients of drainage lines, materials and dimensions
- as built (reduced) level(s) at the approved point of discharge to the public drainage system
- as built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site
- the achieved storage volumes of the installed retention and detention storages and derivative calculations
- as built locations of all access pits and grates in the detention and retention system(s), including dimensions
- the size of the orifice or control fitted to any on-site detention system
- dimensions of the discharge control pit and access grates
- the maximum depth of storage possible over the outlet control
- top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system

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

Reason: To ensure appropriate stormwater management.

74. OSD positive covenant/restriction

Prior to issue of an Occupation Certificate, a positive covenant and restriction on the use of land under Section 88B/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). 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.

75. On-site detention system marker plate

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

This marker plate can be purchased from Council.

Reason: To prevent unlawful alteration.

76. Rainwater reuse system - noise

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

1. pumps associated with rain water reuse systems when in operation either as an individual piece of equipment or in combination with other equipment will not be audible within any habitable room in any residential occupancy before 7.00am and after 10.00pm, and
2. Outside of these restricted hours noise from pumps associated with rain water reuse systems shall not be greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary.

The background (LA90, 15 min) level is to be determined without the source noise present. Written confirmation from an acoustic engineer or another suitably qualified individual that the development achieves the above requirements is to be submitted to the Principal Certifier.

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

77. Stormwater quality control positive covenant/restriction

Prior to issue of an Occupation Certificate, a positive covenant and restriction on the use of land under Section 88B of the Conveyancing Act 1919 shall be created, burdening the owner with the requirement to maintain the stormwater quality control devices on the lot (i.e. Bio-retention, Stormfilter devices, enviropods).

The terms of the instruments are to be to the satisfaction of Council. 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. The relative location of the stormwater quality control devices, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

The registered title documents showing the creation of 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 stormwater management.

78. Completion of vegetation management works

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the following works have been undertaken in accordance with the approved Vegetation Management prepared by Travers Bushfire and Ecology and conditions of this Development Consent.

- all works detailed within the vegetation management plan including revegetation, weed removal Table 2 weed techniques Appendix A environmental protection measures and proposed planting (Table 1) shall be carried out in accordance with the plan
- all planting to be undertaken within the site are to be species in accordance with the vegetation management plan (Table 1)

- all environmental weeds Appendix A shall be removed from the VMP area within the site
- the person/s supervising the works shall have a minimum qualification of Certificate 2 in Bushland Regeneration and one year demonstrated experience for all other personnel. In addition the site supervisor shall be eligible for full professional membership of the Australian Association of Bush Regenerators

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

79. Reinstatement of redundant crossings and completion of infrastructure works

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

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

This inspection may not be carried out by the Principal Certifier because restoration of Council property outside the boundary of the site is not a matter listed in Section 73 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

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's Operations Department. Repair works shall be at no cost to Council.

Reason: To protect the public infrastructure.

80. Mechanical ventilation - commercial premises

Prior to the issue of an Occupation Certificate, 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.

81. Fire safety certificate

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

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

82. Construction of food premises

Prior to the issue of an Occupation Certificate, the Principal Certifier must 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, 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 must be carried out by a suitably qualified person. Documentation is to be submitted to the Principal Certifier certifying compliance with all relevant requirements.

Reason: To ensure compliance with standards for food premises.

83. Waste and recycling storage facilities - commercial premises

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the waste storage area has been installed within the basement or a separate enclosed room and is of adequate size to contain the waste bins. The waste storage facilities must be covered and all internal walls rendered and coved at the floor/wall intersection. The floor must be graded and appropriately drained to the sewer and a tap with hot and cold water must be located in close proximity to facilitate cleaning.

Reason: To protect amenity and to prevent environmental pollution.

84. Trade waste permit/consent - food premises

Prior to the issue of an Occupation Certificate, evidence of a Sydney Water permit or consent for the discharge of wastewater into the sewer shall be submitted to the Principal Certifier. Where a permit or consent may not be required from Sydney Water, certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.

Reason: To ensure compliance with environmental and health standards for food premises

CONDITIONS TO BE SATISFIED AT ALL TIMES:

85. 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.

86. Compliance with the vegetation management plan

The implementation procedures and specifications contained in the Vegetation Management Plan, prepared by Travers Bushfire and Ecology, dated 22nd of May 2025 and endorsed as part of this Development Consent to eDA0255/25 must be complied with at all times.

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

87. Noise control - mechanical plant

Noise levels associated with mechanical plant installed on the premises must not be audible within any habitable room in any other neighbouring residential premises before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with mechanical plant installed on the premises either as an individual piece of equipment or in combination must not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.

Reason: To protect the amenity of neighbouring residential occupants and neighbouring properties.

88. Noise control - rainwater re-use system

Noise levels associated with rainwater re-use system(s) installed on the premises must not be audible within any habitable room in any other neighbouring residential premises before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with rainwater re-use system(s) installed on the premises either as an individual piece of equipment or in combination must not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.

Reason: To protect the amenity of neighbouring residential occupants and neighbouring properties.

89. Hours of operation

At all times, the hours of operation are restricted to:

Monday to Friday 7am to 6pm except on public holidays

Reason: To protect the amenity of the area.

90. Maximum capacity of the centre based childcare facility

The capacity of the centre based childcare facility is limited to a maximum of 120 children in care at any one time.

Reason: To ensure consistency with the terms of this consent and limit the impacts of the centre on the area.

91. Compliance with the approved plan of management

The operation of the centre based child care facility shall be in accordance with the approved operational plan of management listed in Condition 1, except where amended/varied by conditions of this development consent.

Reason: To ensure the premises are well-run, encourage a satisfactory and safe environment for a centre based child care facility and that the operation of the premises does not cause a disturbance in the local area.

92. Acoustic Control

All openings shall be operated in accordance with the requirement set out in Part 8.2.2 of the approved acoustic report listed in Condition 1. Notices advising of any requirement in the acoustic report to close a window/door during use of the room shall be provided near the relevant window/door.

Reason: To protect the amenity of neighbouring properties

93. 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.

94. Separate consent for signage

Development Consent must be obtained for any signs which are either externally fitted or applied, prior to the erection of any such signs. This does not apply to signs which are classified as being "Exempt Development".

Reason: To protect residential amenity.