



Contact: Shanika Kappagoda

Ref: eMOD0042/26

30 June 2026

The Trustee for LDK Turramurra Unit Trust
PO Box 287W
PARRAMATTA NSW 2150

Dear Sir/Madam

NOTICE OF DETERMINATION OF A SECTION 4.56 APPLICATION

Issued under the Environmental Planning and Assessment Act 1979

Application No.: eMOD0042/26
Proposed modification: Modification to Land and Environment Court Consent 10973 of 2001 (DA0807/01 - construction of 220 dwellings under the provisions of SEPP 5 - Housing for Older People or People with a Disability) proposing various changes to the alterations and additions approved under eMOD0193/24 (conversion of five existing apartments into eight studios with communal living and dining spaces, plus conversion of garages into dementia day respite areas) including an additional dementia care studio.
Property: 440 Bobbin Head Road NORTH TURRAMURRA NSW 2074

Pursuant to Section 118 of the Environmental Planning and Assessment Regulation 2021, you are advised that approval has been granted to the application for modification of the consent to the above Development Application.

Reasons for the decision:

The modification of consent application meets the Objects of the Environmental Planning and Assessment Act 1979 (EP&A Act), contained in section 1.3, having considered the relevant provisions under s.4.15 of the aforementioned Act. Consequently, the development, as modified, is considered to be in the public interest, subject to conditions.

Community views:

The application was notified in accordance with Council's Community Participation Plan. Any submissions received representing community views were considered as part of the assessment of the application. Conditions of consent included within this Notice of Determination have been applied to ensure that the modification to the application satisfies the Objects of the Environmental Planning and Assessment Act.

Date of determination: 30/06/2026

Pursuant to Section 4.56 of the EP&A Act, the development consent is now modified as follows:

All the conditions that now apply in the Notice of Determination to DA0807/01, as amended, are detailed below:

The conditions of the consent are set out as follows:

PART A

Conditions of Appeal No: 10973 of 2002 dated 21 May 2001 DA0807/01

1. The conditions contained within "Annexure A" of Appeal No: 10973 of 2002 dated 21 May 2001 as ordered by the Land and Environment Court remain applicable and additional conditions are added by new conditions contained within PART B to reflect the proposed works and current legislation.

PART B

The works described in the modification application known as eMOD0193/24 and modified by eMOD0042/26 shall be carried out in accordance with the conditions below:

1A. Plans and documentation (*Modified – eMOD0042/26*)

The works shall be carried out in accordance with the following plans listed below, as submitted with the modification application eMOD0193/24 and S.4.56 endorsed with Council's stamp except where amended by other conditions of this Modification Consent:

Section 4.56 Plan no.	Drawn by	Dated
<i>Architectural Plans</i>		
DA00.04 Revision A	Rothe Lowman	22/11/2024
DA00.05 Revision A	Rothe Lowman	22/11/2024
DA00.10 Revision A	Rothe Lowman	22/11/2024
DA00.11 Revision A	Rothe Lowman	22/11/2024
DA01.01 Revision A	Rothe Lowman	22/11/2024
DA01.02 Revision A	Rothe Lowman	22/11/2024
DA01.03 Revision A	Rothe Lowman	22/11/2024
DA02.01 Revision A	Rothe Lowman	22/11/2024
DA02.02 Revision A	Rothe Lowman	22/11/2024
DA03.01 Revision A	Rothe Lowman	22/11/2024
DA03.02 Revision A	Rothe Lowman	22/11/2024
DA04.01 Revision A	Rothe Lowman	22/11/2024

Section 4.56 Document(s)	Dated
Accessibility Report prepared by ABE Consulting Ref: 24364	15/11/2024
Acoustic Report prepared by Acoustic Logic Ref: 20241246.1/2611A/R0/GC Revision "0"	26/11/2024
Building Code of Australia Assessment Report prepared by Private Certifiers Australia Ref: "Final V1.0"	15/11/2024
Colours, materials and fittings prepared by Rothe Lowman	-
Construction Management Plan prepared by Access Building & Maintenance	-
NSW RFS letter Ref: DA20250121000264-Original-1	13/02/2025
Sustainability report prepared by ARK Resources Ref: 527DK	21/11/2024
Sydney Water letter Ref: N/A	10/02/2025
Waste Management Plan prepared by Access Building and maintenance	12/11/2024

Except where amended by that work shown in colour or clouded on the s4.56 (eMOD0042/26) plans endorsed with Council's stamp as listed below and except where amended by other conditions of this Development Consent:

Section 4.56 Plan no.	Drawn by	Dated
<i>Architectural Plans</i>		
DA00.02 (Revision P3)	Rothelowman	26.03.26
DA00.03 (Revision P3)	Rothelowman	26.03.26
DA00.04 (Revision P3)	Rothelowman	26.03.26
DA00.05 (Revision P3)	Rothelowman	26.03.26
DA00.10 (Revision P3)	Rothelowman	26.03.26
DA00.11 (Revision P3)	Rothelowman	26.03.26
DA01.01 (Revision P3)	Rothelowman	26.03.26
DA01.02 (Revision P3)	Rothelowman	26.03.26
DA01.03 (Revision P3)	Rothelowman	26.03.26
DA02.01 (Revision P3)	Rothelowman	26.03.26
DA02.02 (Revision P3)	Rothelowman	26.03.26
DA03.01 (Revision P3)	Rothelowman	26.03.26
DA03.02 (Revision P3)	Rothelowman	26.03.26
DA04.01 (Revision P3)	Rothelowman	26.03.26

Except where amended by the documents submitted with the s4.56 (eMOD0042/26) application, endorsed with Council's stamp as listed below and except where amended by other conditions of this Development Consent:

Section 4.56 Document(s)	Dated
Waste Management Plan prepared by Salt3	8 April 2026
Accessibility Review Report prepared by ABE Consulting	26 March 2026
Sustainable Design Report prepared by Salt3	9 April 2026

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

1. Inconsistency between documents (*Added – eMOD0193/24*)

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

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

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

2. Asbestos works (*Added – eMOD0193/24*)

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.

3. Notice of commencement (Added – eMOD0193/24)

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.

4. Notification of builder's details (Added – eMOD0193/24)

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.

5. Structural adequacy (alterations and additions) (Added – eMOD0193/24)

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.

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.

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

6. Statement of compliance with Australian Standards (Added – eMOD0193/24)

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.

7. Long service levy (Added – eMOD0193/24)

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.

8. Access for people with disabilities (residential) (Added – eMOD0193/24)

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

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

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

9. Location of air conditioning condensers (Added – eMOD0193/24)

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that architectural plans displaying air conditioning condensers will be supplied with an acoustic enclosure to prevent noise impacts.

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

10. Noise control - air conditioning (Added – eMOD0193/24)

Prior to the issue of any Construction Certificate, written confirmation from an appropriately qualified acoustic consultant shall be submitted to the Certifier demonstrating that any proposed air conditioning systems have been positioned and designed so as to operate -

- (a) during peak time (7.00am to 10pm) - at a noise level that will not exceed 5dB(A) above the ambient background noise (LA90, 15 min) level when measured at any property boundary, and
- (b) during off peak time (10pm to 7am) - at a noise level that will not be audible in habitable rooms of any adjoining residences.

Reason: To protect the amenity of neighbouring residents.

11. Utility provider requirements (Added – eMOD0193/24)

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.

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

12. Infrastructure damage security bond and inspection fee (Added – eMOD0193/24)

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.

For development relating to more than 2 dwellings, there will be a six months holding period after the receipt by Council 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.

13. Construction certificate plans (*Added – eMOD0193/24*)

The Construction Certificate plans must be consistent with the approved plans and documents referred to in Condition No. 1a of this Development Consent, as modified by any conditions of consent under Part B.

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

14. Bush fire risk certification (*Added – eMOD0193/24*)

Prior to the issue of any Construction Certificate, the Certifier must be satisfied that the Construction Certificate is in accordance with, and adopts and implements, the requirements in the document prepared by the NSW Rural Fire Service that is listed in Condition 1A of this consent.

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

15. Section 7.12 fixed development consent levy contributions (*Modified – eMOD0042/26*)

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, **\$32,299.25** based on development costs of **\$3,229,925.00**, 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.

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

16. Prescribed conditions (*Added – eMOD0193/24*)

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 (*Added – eMOD0193/24*)

- 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 (Added – eMOD0193/24)

- 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.

Reason: Statutory requirement.

17. Hours of work (Added – eMOD0193/24)

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.

18. Approved plans to be on site (Added – eMOD0193/24)

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.

19. Site notice (Added – eMOD0193/24)

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.

20. Dust control (Added – eMOD0193/24)

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.

21. Use of road or footpath (Added – eMOD0193/24)

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.

22. Toilet facilities (Added – eMOD0193/24)

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/>>, or
- c) be a temporary chemical closet approved under the Local Government Act 1993 <<https://www.legislation.nsw.gov.au/>>.

Reason: Statutory requirement.

23. Construction signage (Added – eMOD0193/24)

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.

24. Services (Added – eMOD0193/24)

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.

25. Sydney Water Section 73 Compliance Certificate (Added – eMOD0193/24)

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the proposal meets the requirements of the Sydney Water letter referenced within the documents table within Condition 1a.

Reason: Statutory requirement.

26. Maintenance of site (Added – eMOD0193/24)

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.

27. Control of construction noise (Australian Standard) (Added – eMOD0193/24)

During any excavation, demolition and/or 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

28. Site fencing (Added – eMOD0193/24)

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:

29. Noise control - air conditioning (*Added – eMOD0193/24*)

Prior to the issue of any Occupation Certificate, acoustic certification prepared by an appropriately qualified acoustic consultant, is to be submitted to the Principal Certifier confirming that any installed air conditioning system/s when in operation either as an individual piece of equipment or in combination do not:

- (a) during peak time (7.00am to 10pm) - exceed more than 5dB(A) above the ambient background noise (LA90, 15 min) level when measured at the boundary of the nearest potentially affected residential occupancy; and
- (b) during off peak time (10pm to 7am) - operate at a noise level that will be audible in habitable rooms of any adjoining residences.

The background (LA90, 15 min) level is to be determined without the source noise present.

Reason: To protect the amenity of neighbouring residents.

30. Location of air conditioning condensers (*Added – eMOD0193/24*)

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that all air conditioning condensers be supplied with an acoustic enclosure.

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

31. Accessibility (*Added – eMOD0193/24*)

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the proposal meets the requirements of the Access Report and BCA report as contained within Condition 1a.

Reason: To facilitate disabled access.

32. Sydney Water Section 73 Compliance Certificate (*Added – eMOD0193/24*)

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the proposal meets the requirements of the Sydney Water letter referenced within the documents table within Condition 1a.

Reason: Statutory requirement.

33. Fire safety certificate (*Added – eMOD0193/24*)

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.

34. Bush fire risk certification (Added – eMOD0193/24)

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that all requirements in the document prepared by the NSW Rural Fire Service and listed in Condition 1A of this approval have been complied with.

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

35. Construction of food premises (Added – eMOD0193/24)

Prior to the issue of an Occupation Certificate, the Principal Certifier must be satisfied that the food storage and preparation areas for the Respite Area meets the requirements of the Food Act 2003.

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.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

36. Compliance with bush fire requirements (Added – eMOD0193/24)

All ongoing recommendations identified in the approved document prepared by the NSW Rural Fire Service, and listed in Condition 1a of this approval, must be complied with at all times.

Reason: To ensure the continual implementation of measures to manage bushfire risk.

37. Noise control - air conditioning (Added – eMOD0193/24)

Noise levels associated with air conditioning units installed on the premises must not be audible within any habitable room in any residential occupancy before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with air conditioning units 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 residential occupants and neighbouring properties.

Reasons for conditions

To safeguard the amenity of the locality.

Right of appeal

You are advised of your right to appeal to the Land & Environment Court under section 8.9 of the EP&A Act, within 6 months after the date on which the determination appealed against is notified or registered on the NSW Planning Portal.

Right of review

You are advised of your right to request a review of the decision under section 8.2 of the EP&A Act, providing the application is made to the consent authority within six months of the date on which the determination is notified or registered on the NSW Planning Portal if no appeal was made.

Advisory Notes

- a) Council is always prepared to discuss decisions, and in this regard please do not hesitate to contact Shanika Kappagoda on telephone **9424 0000**, Monday to Thursday between 10.00am and 11.00am, or email any time to krg@krg.nsw.gov.au quoting the above application number as a reference.
- b) Changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of use may require the submission of a modification application under Section 4.56 of the EP&A Act. Any proposed modification to the development consent must result in a development that is substantially the same development as that which was originally approved.
- c) Your attention is drawn to the necessity to:

Obtain a **Construction Certificate** under Section 6.4 (a) of the EP&A Act in respect of the modifications approved pursuant to Section 4.56 of the Act.

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

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

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

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

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

A Section 4.56 application is required to be submitted to and approved by Council, prior to commencement of any variations from the approved plans and conditions of consent.



Signature on behalf of consent authority
per Jonathan Goodwill
Team Leader
Development Assessment

cc: LDK Turramurra Pty Ltd (owner)