

Conditions of Consent

GENERAL CONDITIONS

Condition

1. 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.

Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.

2. 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.

Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

3. 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.

Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.

4. 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.

Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.

5. Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans

Plan number	Revision number	Plan title	Drawn by	Date of plans
Architectural Plans				
01	C	Site Plan and Roof Plan	Innovate Architects	Sept 25
02	C	Basement Floor Plan	Innovate Architects	Sept 25
03	C	Ground Floor Plan	Innovate Architects	Sept 25
04	C	First Floor Plan	Innovate Architects	Sept 25
05	C	Elevations and External Finishes	Innovate Architects	Sept 25
06	C	Elevations and External Finishes	Innovate Architects	Sept 25
07	C	Elevations and External Finishes	Innovate Architects	Sept 25
08	C	Sections	Innovate Architects	Sept 25
10	C	Play Space Calculations	Innovate Architects	Sept 25
11	C	TPZ Areas	Innovate Architects	Sept 25
14	C	Demolition Plan	Innovate Architects	Sept 25
15	C	Excavation Plan	Innovate Architects	Sept 25
17	C	Sign Plan	Innovate Architects	Sept 25
Landscape Concept Plans				
L-00	D	Cover Sheet	Site Design + Studios	1/10/2025
L-01.1	D	Ground Landscape Plan	Site Design + Studios	1/10/2025
L01.2	D	Ground Planting Plan	Site Design + Studios	1/10/2025
L-02	D	Level 1 Planting Plan	Site Design + Studios	1/10/2025
L-03	D	Standard Details	Site Design + Studios	1/10/2025
L-04	D	Plant Palette	Site Design + Studios	1/10/2025
L-05	D	Plant Schedule	Site Design + Studios	1/10/2025
L-06	D	Existing Tree	Site Design + Studios	1/10/2025
L-07	D	Notes	Site Design + Studios	1/10/2025
L-08	D	Specification	Site Design + Studios	1/10/2025
Stormwater drainage plans				
C01	4	Notes & Legends	Greenview Consulting	03.10.2025
C02	4	Basement Drainage Plan	Greenview Consulting	03.10.2025
C03	4	Ground Floor Drainage Plan	Greenview Consulting	03.10.2025
C04	4	Standard Detail	Greenview Consulting	03.10.2025
Road signage plan				
-	-	Road Signage Plan	Sutherland Shire Council	-

Approved Documents

Document title	Prepared by	Date of plans
Arboricultural Impact Assessment Report	Ross Jackson	16 May 2025

Geotechnical Investigation Report	Geo-Environmental Engineering	22 May 2025
Acoustic Report	Renzo Tonin & Associates	3 October 2025
Operational Plan of Management	Planning Ingenuity	21 May 2025
Operational Waste Management Plan	Elephants Foot Consulting	13 May 2025

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Condition reason: To reinforce the plans and documents that form part of this approval.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition

6. Construction site management plan

Before the issue of a construction certificate, a construction site management plan must be prepared, and provided to the principal certifier. The plan must include the following matters:

1. Protective measures for on-site tree preservation and trees in adjoining properties and/or public domain (if applicable) (including in accordance with AS 4970-2009 Protection of trees on development sites). Tree protection methods must comply with all Landscape, Tree Protection and Arborist Supervision requirements detailed in conditions of consent.
2. The location and materials for protective fencing and hoardings on the perimeter of the site;
3. Provisions for public safety;
4. Pedestrian and vehicular site access points and construction activity zones;
5. Details of construction traffic management including:
 - a. Proposed truck movements to and from the site;
 - b. Estimated frequency of truck movements; and
 - c. Measures to ensure pedestrian safety near the site;
 - d. Measures to limit construction vehicles accessing and egressing the site during school drop-off and pick-up times (30 minutes before and after school start and finish times).
6. Details of bulk earthworks to be carried out;
7. The location of site storage areas and sheds;
8. The equipment used to carry out works;
9. The location of a garbage container with a tight-fitting lid;
10. Air quality, dust, noise and vibration control measures in accordance with applicable NSW EPA construction noise guidelines and measures to maintain internal noise levels for classrooms required by the department's Educational Facilities Standards and Guidelines (EFSG);
11. The location of temporary toilets;
12. Specification for Project Arborist supervision and certification during excavation and construction works approved within the TPZ area for trees to be retained.

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

Condition reason: To require details of measures that will protect the public, and the surrounding environment including to users of the adjoining public school, during site works and construction.

7. Erosion and sediment control plan

Before the issue of a construction certificate or before an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier:

1. Council's relevant development control plan,
2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and
3. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

8. Long Service Levy

If applicable, the long service levy must be paid to the Long Service Corporation or Council under the Building and Construction industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to the certifier.

Condition reason: To ensure the long service levy is paid.

9. Payment of security deposits

Before the issue of the construction certificate, the applicant must:

1. Make payment of \$25,000.00 for a security deposit, and a non-refundable \$250.00 administration fee to Sutherland Shire Council. and
2. provide the principal certifier with written evidence of the payment and the amount paid.

Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.

10. Utilities and services

Before the issue of the relevant construction certificate written evidence of the following service provider requirements must be provided to the principal certifier:

1. a letter from the electricity supply authority demonstrating that satisfactory arrangements can be made for the installation and supply of electricity
2. a response from the water authority as to whether the plans accompanying the application for a construction certificate would affect any water authority infrastructure, and whether further requirements need to be met
3. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

Condition reason: To ensure relevant utility and service providers' requirements are provided to the certifier.

11. Provision of detailed plans for construction certificate application

Before the issue of a construction certificate, detailed plans must be prepared by a suitably qualified person and provided to the Certifier that are consistent with the plans and documentation approved under this consent.

Condition reason: To ensure that detailed construction certificate plans are consistent with the approved plans and supporting documentation.

12. Housing and productivity contribution - general

Before 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)	\$19,112.01
Transport project component	\$0
Total housing and productivity contribution	\$19,112.01

The HPC must be paid using the [NSW planning portal](https://pp.planningportal.nsw.gov.au/) [<https://pp.planningportal.nsw.gov.au/>](https://pp.planningportal.nsw.gov.au/).

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.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

Condition reason: To require contributions towards the provision of regional infrastructure.

13. Section 7.12 Levy - Section 7.12 Development Contribution Plan 2020

Pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979*, and Sutherland Shire Council Section 7.12 Development Contribution Plan 2020, a levy of \$58,312.29 must be paid to Sutherland Shire Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 7.12 Development Contribution Plan 2020.

The rate used to index the contribution rate and outstanding contributions is the Consumer Price Index (All Groups Index) for Sydney. Outstanding levies will be adjusted on the first of July each year in accordance with the following formula:

The formula to index a contribution rate is:

$$\text{New Contribution Rate} = \text{Current Contribution Rate} \times \frac{\text{Current CPI}}{\text{Previous year's CPI}}$$

Payment must be made prior to the issue of the construction certificate.

Condition reason: To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

14. Approvals required under Roads Act or Local Government Act

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993.

These approvals must be obtained prior to the issue of a construction certificate, to the satisfaction of council, for the required development works and may include but are not limited to the following:

- frontage works including construction of a driveway, footpath, etc
- road openings and restoration to provide services to the development
- work zones and hoardings
- skip bins
- shoring / anchoring
- standing of cranes, concrete pumps, etc.

Note: Approval under the Roads Act or Local Government Act cannot be granted by a principal certifier or by a private certifier.

Failure to obtain approval may result in fines or prosecution.

Condition reason: Ensure the protection of public assets.

15. Supervising engineer

The applicant must engage an accredited certifier in civil engineering works or a chartered civil engineer to supervise construction of any:

1. Road frontage works.
2. Construction / installation of stormwater drainage.
3. Rainwater harvesting and reuse.

The principal certifier must be informed of the supervising engineer's name and contact details, in writing, prior to the commencement of any construction works.

Condition reason: Ensure engineering works are constructed in accordance with the approved plans.

16. Works required in the road reserve

A driveway application must be made to Council to obtain footpath crossing and boundary alignment levels before commencing the final design of internal driveways, paths and car park area.

The proposal must comply with the levels issued by council and a copy of the issued levels must accompany the construction certificate. The design of works within the road reserve must include the following:

1. The crossing and driveway ramp design must ensure there are sufficient sight distances of pedestrians at entry/exit of the driveway, in accordance with AS2890.1:2004.
2. All redundant crossings and associated laybacks must be removed and replaced with an integral kerb and gutter.
3. Install "No Stopping Mon-Fri 7AM-10AM & 2.30PM-6PM" road signage, as detailed in the approved road signage plan
4. Relocate existing TfNSW "School Zone" road signage to TfNSW's recommended location and approval.

Condition reason: Ensure suitable vehicle access to the property.

17. Internal driveway, parking and manoeuvring

Before issue of a construction certificate, the internal driveway profile, parking and manoeuvring areas must be designed in accordance with the approved architectural plans except where modified by the following:

1. Align with access and alignment levels issued by council's Public Domain Unit.
2. The internal driveway (extending to the basement entry) must be paved or concreted and must be finished in materials other than plain or exposed aggregate concrete.
3. Provide adequate sight distance for the safety of pedestrians using the footpath area.
4. Provide a maximum grade of 5% for the first 3 metres inside the property boundary.
5. Comply with AS 2890.1(2004) in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
6. The maximum longitudinal grade of the driveway must not exceed 12.5%.
7. The car park must be line marked to accommodate 24 vehicles. Staff Parking and the dedicated turning bay must be clearly delineated.
8. A traffic slowing device at the driveway (within the site) is to be installed to ensure vehicles are slowed at exit.

Condition reason: Details the driveway and parking design requirements within the property boundaries.

18. Engineering design certification

Certification from an appropriately qualified engineer to the effect that the design requirements of internal driveway and stormwater have been met.

A copy of this certification must accompany any construction certificate application.

Condition reason: Ensure the engineering design complies with Australian Standards and council's DCP.

19. Drainage design - detailed requirements

Before issue of a construction certificate, the stormwater drainage system must be designed in accordance with the approved stormwater drainage design drawing; Australian Standard AS 3500.3:2015; and Sutherland Shire Environmental Specification - Stormwater Management.

Except where modified by the following:

1. The rate of discharge of stormwater from the site to a drainage system under Council's

- control must be controlled so that it does not exceed the pre-development rate of discharge.
2. The pipeline within the footpath verge must be a hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres, maximum section width of 125mm and a maximum section height of 75mm.
 3. Where pipelines are located within the “tree protection zone” of significant vegetation to be retained, the lines shall be excavated by hand or by directional under boring techniques to reduce any adverse impact on the root zone of the trees.

Condition reason: Ensuring suitable drainage is provided.

20. Design of waste collection

To ensure the proper storage of waste from the premises:

1. The permanent bin storage area must provide sufficient space to store at least:
 - 6 x 240L garbage bins collected weekly
 - 4 x 240L co-mingled recycling bins collected once a week.
 - 2 x 240L green organics/FOGO bins collection frequency tbc
2. The garbage and/or recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

Condition reason: Ensure the development is suitably serviced.

21. Landscape design

Plans submitted with the construction certificate must illustrate that the approved landscape plan has been amended to incorporate the following changes:

1. Amend the landscape plan in accordance with the approved architectural plans and design change requirements of this development consent (including fence/retaining wall design within Tree Protection Zones).
2. (5) *Banksia integrifolia* (Coastal Banksia) are required to be planted as per the approved landscape plan.
3. Tree Protection Zones (TPZ) / the location of tree protective fencing must be shown on plan for all existing trees and/or natural site features to be retained and protected.
4. Any trees planted within turfed areas are to be staked, mulched, and suitably edged. The minimum size for such contained and edged planters is 900mm x 900mm.
5. Provide minimum soil depths in planter boxes as follows:
 - 1200mm for large trees.
 - 900mm for small trees and tall shrubs.
 - 600mm low shrubs.
 - 450mm grass and ground covers.
6. All landscape retaining walls and planter boxes must be constructed in masonry, stone or gabions. Timber is not acceptable.
7. All landscaped areas and all planter boxes on slab must be provided with a water-efficient irrigation system and taps at 25m centres, connected to a pump and the rainwater tank, to enable effective landscape maintenance.
8. Provide screen planting of mixed indigenous or native species as per the approved Landscape Plans.
9. All landscape areas including planter boxes on slab must achieve a minimum density of

- 4 plants per square metre.
10. To reduce long term maintenance of planting beds turf species must be native grass such as *Zoysia macrantha* 'Nara' or Buffalo grass varieties.
 11. Plastic/polypropylene weed matting is prohibited from use. Biodegradable forms of weed control and suppression such as Jute/Coir netting, mesh or matting are acceptable.

The applicant must engage a suitably qualified landscape designer or landscape architect to oversee any design changes to the approved landscape plan and amendments required above. Details of these design changes must be included in the documentation submitted with the application for a construction certificate.

Condition reason: To inform the landscape design for the construction certificate documentation.

22. Fencing and Retaining Walls

Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:

1. Any strip footings for fencing and retaining walls within the Tree Protection Zone of Tree 3 (*Eucalyptus haemastoma*), Tree 10 (*Eucalyptus haemastoma*), Tree 12A (*Corymbia maculata*) and Tree 15 (*Eucalyptus sideroxylon* 'Rosea') must be constructed using isolated piers and suspended slab/beam or equivalent, built at natural ground level or above ground level.
2. The 150W Grated drain and associated stormwater line behind proposed walling to the west of Tree 3 must be deleted.

Condition reason: To require minor amendments to the plans endorsed by the consent to ensure tree protection.

23. Trees on private land

1. The removal of the following trees is approved:
 - Trees identified on the approved TPZ Area plan as "Dashed red line indicates tree to be removed" and/or as listed below: **Trees 1, T2, T4, T5, T6, T7, T8, T9, T9A, T9B - 9I, T11, T12, T14, T15B and T15C.**
 - Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
 - Any tree species exempted by the Sutherland Shire Local Environmental Plan 2015.
2. All other vegetation that would require approval to be removed must be protected.
3. Twenty two (22) trees are approved for removal as part of this consent. Where trees are proposed to be removed, Sutherland Shire Council requires indigenous replacement canopy tree planting at a ratio of 8:1 on private land (Council Resolution EHR003-17 of 18 July 2016). The extent of compensatory planting has been reduced from (176) to (58) due to the nature and condition of the species removed and existing trees being retained.
4. Five (5) replacement trees are required to be planted as shown on the approved landscape plan and as specified in Landscape Design condition of this consent.
5. For the remaining 53 replacement trees required, council offers offsite planting under a 'Deed of Agreement' as an alternative to onsite planting, at a cost specified in council's

schedule of fees and charges.

Offsite planting will be undertaken as part of council's Green Street Program. 'Deed of Agreement' forms can be downloaded from council's website at [Off-Site tree replacement and Deed of Agreement | Sutherland Shire Council \(nsw.gov.au\)](https://www.sutherlandshire.nsw.gov.au/off-site-tree-replacement-and-deed-of-agreement)

A completed form and payment must be submitted to council prior to the release of the construction certificate.

Condition reason: To inform tree removal and replacement.

24. Cleanliness and maintenance of food preparation and storage areas

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation and storage areas, details of compliance with the below must form part of the documentation accompanying the application for a construction certificate.

The food preparation and storage area/s must be designed in accordance with:

1. Food Act 2003.
2. Food Regulation 2015.
3. Food Safety Standards 3.1.1, 3.2.2 and 3.2.3.
4. AS 4674 - 2004 (Design, construction and fit-out of food premises).
5. Sydney Water Corporation - Trade Waste Section.
6. Protection of the Environment Operations (Clean Air) Regulation, 2021.
7. AS 1668.1 2015.
8. AS 1668.2 2012.

Condition reason: To ensure health and safety of food preparation and storage premises.

25. External lighting - (amenity)

Before the issue of a construction certificate, plans detailing external lighting must be prepared by a suitably qualified person.

The lighting plan must be consistent with the approved plans and documents, and the following requirements:

1. comply with AS 4282: Control for Obtrusive Effects of Outdoor Lighting
2. lighting must be placed at all entrances to, and exits from the premises
3. lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas
4. lighting must not interfere with traffic safety
5. lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties
6. external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.

Note- All above documents refer to the version in effect at the time the consent is granted.

Condition reason: To ensure external lighting is provided for safety reasons and to protect the amenity of the local area.

26. Noise control - design of plant and equipment (continual operation)

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and / or refrigeration systems.

1. All plant and equipment must be designed and / or located so that the noise emitted does not exceed the Project Specific Noise level when measured at the most affected point on or within any residential property boundary.
2. The Project Specific Noise level must be the most stringent noise level of the Intrusive and Amenity criteria and be calculated in accordance with the provisions of the NSW Environmental Protection Authority Noise Policy for Industry 2017.
Note: The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.
3. Details of the acoustic attenuation treatment required to comply with the above, must be prepared by a qualified acoustic engineer. These details must accompany the application for a construction certificate.

Condition reason: To protect the amenity of the local area.

27. Car park ventilation - alternate system

To ensure adequate ventilation for the car park, details of compliance above must form part of the application for a construction certificate:

Design

As the basement car park does not appear to comply with the natural ventilation requirements of Section 4 of Australian Standards AS 1668.2 -2012, the car park must be either mechanically ventilated by a system complying with AS 1668.2 -2012 or alternatively, the natural ventilation system must be certified by a qualified mechanical ventilation engineer to the effect that the system is adequate.

The certification shall confirm that the system will protect the health of occupants of the car park at any time it is used and satisfies the atmospheric contaminate exposure rates specified in the Worksafe Australia document: Workplace Exposure Standards for Airborne Contaminants.

Condition reason: To ensure the mechanical ventilation system has been constructed and installed as approved.

28. Containment of fill

Details of finished levels around the perimeter of the building must accompany the application for a construction certificate.

Condition reason: Ensure the development has been constructed in accordance with the approval.

29. Geotechnical requirements

Before issue of a construction certificate, recommendations within the geotechnical investigation report ID: G25032BUR-R01F, dated 22 May 2025, prepared by Geo-environmental Engineering, must be complied with and any implications of the investigations and monitoring etc. be implemented in the design to the satisfaction of the Engineer and the Principal Certifier.

Condition reason: To ensure the implementation of suitable geotechnical measures.

BEFORE BUILDING WORK COMMENCES

Condition

30. Dilapidation report

Before any site work commences, all reasonable attempts must be made to have a dilapidation report prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures (including pools) or works including at No. 114 Gannons Road, to the satisfaction of the principal certifier.

Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifier, that all reasonable attempts were taken to obtain access to the adjoining properties.

No less than 2 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.

Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.

31. Erosion and sediment controls in place

Before any site work commences, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).

Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

32. Supervising Arborist

Prior to the commencement of any demolition, excavation or construction works on site the applicant must provide clear evidence of the appointment of an appropriately qualified, experienced and certified supervising AQF Level 5 Arborist, to oversee the measures for protection of trees to be retained on site and adjoining sites, to the satisfaction of the principal certifier.

Note: A Consulting Arborist is a person with a current membership of the Institute of Australian Consulting Arboriculturists (IACA) or alternatively a person who has obtained an Australian Qualifications Framework AQF Level 5 in Arboriculture.

Condition reason: To ensure an appropriate person is supervising works.

33. Tree protection measures

Before any site work commences the principal certifier, or council where a principal certifier is not required, must be satisfied the measures for tree protection detailed in the construction site management plan are in place.

All trees not approved for removal on the subject site and trees on the adjoining sites (which are potentially affected by the development works) must be protected by the following measures, **including** any additional recommendations made by the appointed supervising Arborist and outlined in the approved Arboricultural Impact Assessment Report by Ross Jackson dated 16/5/25.

1. For the protection of **Trees 3, T10 and neighbouring trees**, protective fencing constructed of 1.8m high chain wire mesh supported by robust posts or concrete blocks must be installed in accordance with the Australian Standard AS - 4970 Protection of Trees on Development Sites and as outlined in *Annexure D: Tree Protection Details* of the Approved Arborist report by Ross Jackson, dated 16/5/25. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
2. The tree protection zone within the protective fencing must be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
3. No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of topsoil, stockpiling of soil or building materials.
4. Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.
5. Where it is impossible to install protection fencing to the full extent of the specified Tree Protection Zone- install trunk and branch boarding protection as shown in Figure 4 of the Australian Standards AS4970- Protection of Trees on Development Sites (Page 17).

Condition Reason: To protect and retain trees

34. Damage to adjoining properties

Before building work commences, to minimise vibration damage and loss of support to buildings / structures and properties in close proximity to the development site, a Geotechnical Engineer's Report must be prepared detailing constraints to be placed on earth moving and building plant and equipment and the method of excavation, shoring, underpinning and support.

This report must be provided to the person undertaking the excavation and the principal certifier.

Condition reason: Ensure protection of neighbouring structures.

35. Sydney Water requirements

Prior to the commencement of any works on site, including demolition or excavation, the plans approved as part of the construction certificate must also be approved by Sydney Water. Furthermore, Sydney Water has strict requirements for swimming pools / spas discharging to a pressure or vacuum sewer system.

Sydney Water will determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Customers will receive an approval receipt which must be included in the construction certificate documentation.

Please refer to the web site www.sydneywater.com.au.

Condition reason: To ensure the development is adequately serviced and assets protected.

36. Before You Dig Australia

Before excavating or erecting structures, Before You Dig Australia must be contacted at www.byda.com.au <<http://www.byda.com.au>>.

Note: It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Before You Dig Australia service in advance of any construction or planning activities.

Condition reason: To protect damage to third party assets in the interest of health and safety.

37. Containment of fill

Fill must not extend beyond the perimeter of the building (the use of a dropped edge beam is a method of complying with this condition).

Condition reason: To ensure the protection of the environment and the development doesn't divert water.

DURING BUILDING WORK

Condition

38. Discovery of relics and aboriginal objects

While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:

1. the work in the area of the discovery must cease immediately;
2. the following must be notified
 - a. for a relic - the Heritage Council; or
 - b. for an Aboriginal object - the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Site work may recommence at a time confirmed in writing by:

1. for a relic - the Heritage Council; or
2. for an Aboriginal object - the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Condition reason: To ensure the protection of objects of potential significance during works.

39. Hours of work

Site work must only be carried out between the following times -

Monday to Friday: From 7.00am to 6.00pm,
Saturdays from 8.00am to 3.00pm,
No work is permitted on Sundays and Public Holidays.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

Condition reason: To protect the amenity of the surrounding area.

40. Implementation of the site management plans

While site work is being carried out:

1. the measures required by the construction site management plan and the erosion and sediment control plan must be implemented at all times, and
2. a copy of these plans must be kept on site at all times and made available to council officers upon request.

Condition reason: To ensure site management measures are implemented during the carrying out of site work.

41. Noise and vibration requirements

While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of <5db(A) above background noise, when measured at a lot boundary of the site.

Condition reason: To protect the amenity of the neighbourhood during construction.

42. Procedure for critical stage inspections

While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.

Condition reason: To require approval to proceed with building work following each critical stage inspection.

43. Responsibility for changes to public infrastructure

While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.

Condition reason: To ensure payment of approved changes to public infrastructure.

44. Soil management

While site work is being carried out the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

1. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be reported to the principal certifier.
2. All fill material imported to the site must be:
 - a. Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or
 - b. a material identified as being subject to a resource recovery exemption by the NSW EPA, or
 - c. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA.

Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.

45. Approvals required under Roads Act or Local Government Act

While site works are being carried out, there must be no occupation or works on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council.

Any work on public land must be undertaken strictly in accordance with the relevant approval issued under the Roads Act 1993 and/or the Local Government Act 1993 by Sutherland Shire Council.

Note: All plans and permits are required to be on site, at all times and may be requested by council officers at any time.

Condition reason: To protect public infrastructure.

46. Supervision of engineering works

The supervising engineer must supervise the any engineering (civil and/or structural) works to ensure compliance with:

1. All relevant conditions of development consent.
2. Any consent issued under the Roads Act for this development.

Condition reason: Ensure engineering works are constructed in accordance with the approved plans.

47. Works required in the road reserve

All works within the road reserve must be undertaken in accordance with the requirements of the Roads Act approval issued by council.

Condition reason: Ensure the works are being carried out in accordance with the Roads Act Approval.

48. Tree protection during work

While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:

1. the construction site management plan under this consent,
2. the relevant requirements of AS 4970 Protection of trees on development sites,
3. Chapter 39 of council's relevant development control plan (in force as at the date of determination of this consent,
4. The approved Arboricultural Impact Assessment Report by Ross Jackson dated 16/5/25.
5. *Section 4 Recommendations* of the approved Arboricultural Impact Assessment Report by Ross Jackson dated 16/5/25.
6. *Annexure D: Tree Protection Details* of the Approved Arboricultural Impact Assessment Report by Ross Jackson dated 16/5/25.

The tree protection measures detailed under '**BEFORE BUILDING WORKS COMMENCES**' in the condition '**Tree Protection Measures**' must be maintained during construction, including the following measures:

- i) The supervising Consulting Arborist must be present during any approved excavation/earthworks (including basement excavation) and under boring works (including all underground services) within the Tree Protection Zone (TPZ) of **Tree 3, Tree 10 and neighbouring trees** identified for retention and protection

and have the authority to direct works to ensure the trees long term preservation.

- ii) All excavation works relating to the installation of the fire pipeline within the Tree Protection Zone of Tree 3 must be completed under supervision of the consulting Arborist, photographed and signed off in the Tree Protection Schedule/Hold Points.
- iii) The supervising Consulting Arborist must strictly supervise that there is no disturbance or severing of roots greater than 30mm diameter and to cleanly cut those roots between 10-30mm in diameter.
- iv) All pier footings within the Tree Protection Zone of trees specified within this consent for retention must be hand dug and excavation works must be completed under supervision of the consulting Arborist as per the Australian standard AS4970.
- iii) Maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.
- iv) If the trees identified for retention above are damaged or destabilised during construction, then works must cease and Council's Tree Assessment Officer (ph. 9710 0333) must be contacted to assess the tree and recommend action to be taken.
- v) Ensure each hold point outlined below within the Tree Protection Schedule is signed off and dated progressively by the Consulting Arborist throughout the various development stages including preconstruction, construction/excavation, and post construction. **Photographic evidence** must also be provided for establishment of tree protection, any excavation/earthworks within TPZ's and post construction.

Hold Point	Task	Responsibility	Certification	Timing of Inspection	Sign/ Date
1.	Indicate clearly with spray paint trees approval for removal only	Principal Contractor	Supervising Arborist	Prior to demolition and site establishment	
2a.	Establishment of tree protection fencing and ensuring its retention throughout construction	Principal Contractor	Supervising Arborist	Prior to demolition and site establishment	
2b.	Inspection of retention of existing walling retention during demolition, excavation and construction as outlined in the Environmental Site Management Plan	Principal Contractor	Supervising Arborist	During demolition, excavation and construction	
3a.	Supervise all excavation works proposed for the basement, within the TPZ of Tree 3 and T10.	Principal Contractor	Supervising Arborist	As required prior to the works proceeding adjacent to the tree	
3b.	Supervise excavation of fire pipeline within TPZ of Tree 3	Principal Contractor	Supervising Arborist	As required prior to the works proceeding adjacent to the tree	
3c.	Supervise excavation works for stormwater works within TPZ of Tree 3 and Tree 10	Principal Contractor	Supervising Arborist	As required prior to the works proceeding adjacent to the tree	
3d.	Supervise hand excavation of fencing/walling piers within TPZ of Tree 3, T10, T12a and T15	Principal Contractor	Supervising Arborist	As required prior to the works proceeding adjacent to the tree	

4.	Inspection of trees by Project Arborist	Principal Contractor	Supervising Arborist	Bi-monthly during construction period	
5.	Final inspection of trees by project Arborist	Principal Contractor	Supervising Arborist	Prior to issue of interim/final Occupation Certificate	

Condition Reason: To protect trees during the carrying out of site work.

49. Toilet facilities

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

Each toilet must:

1. be a standard flushing toilet connected to a public sewer, or
2. have an on-site effluent disposal system approved under the Local Government Act 1993, or
3. be a temporary chemical closet approved under Local Government Act 1993.

Condition reason: To ensure appropriate amenities are made available during the construction process.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

50. Completion of landscape and tree works

Before the issue of an occupation certificate the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.

Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).

51. Completion of public utility services

Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.

Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

52. Post-construction dilapidation report

Before the issue of an occupation certificate a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the principal certifier detailing whether:

1. after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
2. where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent, and
3. a copy of the post-construction dilapidation report must be provided to council (where council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s).

Condition reason: To identify any damage to adjoining properties resulting from site work on the development site.

53. Preservation of survey marks

Before the issue of an occupation certificate, documentation must be submitted by a registered surveyor to the principal certifier, which demonstrates that:

1. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
2. any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 -Preservation of Survey Infrastructure.

Condition reason: To protect the state's survey infrastructure.

54. Release of securities

When Council receives an occupation certificate, an application may be lodged to release the securities held as required by this development consent.

Condition reason: To allow release of securities where the terms and conditions for the securities have been met to council's satisfaction.

55. Repair of infrastructure

Before the issue of an occupation/subdivision certificate:

1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or
2. if the works in (1) are not carried out to council's satisfaction, council may carry out the works required and the costs of any such works must be paid as directed by council and in the first instance will be paid using the security deposit required to be paid under this consent.

Condition reason: To ensure any damage to public infrastructure is rectified.

56. Works-as-executed plans and any other documentary evidence

Before the issue of the occupation certificate, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the principal certifier:

1. All stormwater drainage systems and storage systems, and
2. Traffic slowing device, relocation of signage.
2. A copy of the plans must be provided to council with the occupation certificate.

Condition reason: To confirm the location of works once constructed that will become council assets.

57. Certification of acoustic measures

Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier that the acoustic measures have been installed in accordance with the acoustic report prepared by Renzo Tonin & Associates (dated 3 October 2025) and design change conditions approved under this consent.

Condition reason: To protect the amenity of the local area.

58. Water authority certification

Before the issue of an occupation certificate, a certificate of compliance must be obtained in relation to the proposed use(s) from Sydney Water.

Condition reason: To ensure compliance with the water supply authority's requirements.

59. Certification of landscape works

Council Landscape Officer must be satisfied all landscape and tree works have been completed in accordance with the approved landscape plans and specifications documents and any relevant conditions of this consent. A Final Landscape Inspection must be carried out and a certificate issued by Council's landscape officer prior to occupation or the issue of an Occupation Certificate.

To arrange a Final Landscape Inspection please phone 9710-0333. An inspection fee will be charged in accordance with the current schedule of rates listed on Council's website. Any secondary inspections will incur a reinspection fee.

Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).

60. Certification of tree retention and protection

The principal certifier and Council's Landscape Officer must be satisfied all tree protection measures including AQF Level 5 Arborist Supervision & Certification have been completed in accordance with the approved plans and documents and any relevant conditions of this consent.

Prior to the issue of an Occupation Certificate the Supervising Arborist's signed and dated checkpoint list and photographic evidence must be provided to both the Principal Certifier and Council's Landscape Officer at the time of the final landscape inspection.

Condition reason: To ensure the approved tree protection works and trees have been retained in good health and condition.

61. Noise control - residential air conditioning unit / heat pump water heater / any other pump

To minimise the noise impact on the surrounding environment, the equipment must be installed in accordance with the manufacturer's specification and all required noise attenuation measures implemented to ensure that the equipment complies with below.

The equipment must be located, designed and/or acoustically attenuated so that noise emitted does not exceed a sound pressure level of 5dB LAeq (15 minute) above the ambient background level when measured on or within any other residential property boundary.

Condition reason: To ensure that the equipment has minimal noise impact on the surrounding environment.

62. Noise control - design of plant and equipment (continual operation)

A certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with the requirements listed in the "Building work/Noise control - design of plant and equipment (continual operation)" condition of consent.

Condition reason: To protect the amenity of the local area.

63. Car park ventilation - alternate system

Prior to the occupation of the building or the issue of any occupation certificate, certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with condition 'Building work/ Car park ventilation - alternate system' above.

Condition reason: To ensure the mechanical ventilation system has been constructed and installed as approved.

64. Access standards for child care centres

Prior to the occupation of the development or the issue of any Occupation Certificate, certification from an appropriately qualified access consultant must be provided demonstrating compliance with the following:

1. The development must comply with the provisions of AS1428.1 and / or AS 1428.3 Design for Access and Mobility. This includes all internal dimensions, fixtures and fit out of the development (including installation of fixtures and fittings, benches, doors signage, luminance contrast, floor coverings).
2. The child care centre must always be operated to comply with the provisions of AS1428.1 and / or AS 1428.3 Design for Access and Mobility.

A copy of the required certification must accompany the occupation certificate.

Condition reason: To ensure the child care centre complies to the applicable access standards.

65. Works required in the road reserve

Before the issue of an occupation certificate, the works required by the Roads Act approval must be completed to the satisfaction of council or the supervising engineer (where one is required to be appointed by a condition of this development consent).

Condition reason: Ensure engineering works are constructed in accordance with the Roads Act Approval.

66. Completion of engineering works

A certification from an appropriately qualified engineer to the effect that the completed Internal driveway and stormwater drainage required by this consent have been completed to their satisfaction, in accordance with the development consent and any relevant Australian Standards.

A copy of this certification must accompany any occupation certificate application.

Condition reason: Ensure engineering works are constructed in accordance with the approved

plans.

67. Sustainability Commitments

The sustainability provisions contained within Table 3 of the Statement of Environmental Effects prepared by Planning Ingenuity (dated 21 May 2025) must be incorporated into the development and validated by a suitably qualified consultant prior to the issue of the Occupation Certificate.

Condition reason: To ensure sustainability initiatives such as rainwater tank, solar panels etc be implemented into the development.

OCCUPATION AND ONGOING USE

Condition

68. Maintenance of wastewater and stormwater treatment device

During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).

Condition reason: To protect sewerage and stormwater systems.

69. External lighting during ongoing use

During ongoing use of the premises, all lighting must be operated and maintained in accordance with the approved plans and the requirements of this consent.

Condition reason: To ensure the safe operation of the premises and protect the amenity of the local area.

70. Signage during ongoing use

During ongoing use of the premises:

1. Signage is not permitted to be illuminated.
2. All signage must relate to the approved use. No general advertising of goods, products or services which does not relate to the use is permitted.

Condition reason: To protect the amenity of the local area.

71. Ongoing management of waste collection

1. All ongoing management, maintenance and cleaning of all waste and recycling management facilities, including suitable collection arrangements and how bins are to be moved from waste storage area/s to collection area/s are to be carried out in accordance with the approved Waste Management Plan for the development.
2. All waste and recycling bins must be stored wholly within the approved permanent garbage and/or recycling storage area. The bins must only be placed in the onsite bin holding area in the evening prior to collection and returned to the permanent garbage and/or recycling storage area as soon as possible after pick-up.

Condition reason: Ensure the development is suitably serviced.

72. Maintenance of landscaping

All landscaping works required by this consent must be maintained for 12 months following the final landscape inspection date. Trees required by this condition must be maintained and protected until they are covered by council's Controls for Preservation of Trees and Bushland Vegetation (SSCDP 2015 Chapter 39).

Any plants found faulty, damaged, diseased, or dead shall be replaced with the same species in the same sized container within one month with all costs borne by the owner.

Note: If difficulty is experienced sourcing suitable indigenous plants from other suppliers, plants grown from locally provenance seed may be available from:

Sutherland Shire Council Nursery
345 The Boulevard, Gympie
Ph: 02 9524 5672

Condition reason: To protect the residential amenity and streetscape.

73. Noise control - design of plant and equipment (continual operation)

During ongoing use of the premises, the noise levels of all plant and equipment must not exceed the project specific noise level when measured at the most affected point on or within any residential property boundary.

The project specific noise level must be the most stringent noise level of the Intrusive and Amenity criteria and be calculated in accordance with the provisions of the NSW Environmental Protection Authority Noise Policy for Industry 2017.

Note: The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.

Condition reason: To protect the amenity of the local area.

74. Noise - outdoor play areas at childcare centre

The Leq, 15min noise level emitted from the outdoor play area shall not exceed the background noise level by more than:

1. 10 dB(A) for periods of outdoor play if the total hours of outdoor play is up to 2 hours per day (total); or
2. 5 dB(A) for periods of outdoor play if the total outdoor play is more than 2 hours per day (total).

as recommended by the Association of Australasian Acoustical Consultants (AAAC) Guideline for Child Care Centre Acoustic Assessment.

The noise level assessment shall be measured at the most affected point on or within any residential receiver property boundary.

Examples of this location may include:

- 1.5 m above ground level;
- On a balcony on the ground or higher floors;
- Outside a window on the ground or higher floors.

Certification must be provided to both council and the principal certifier, by a qualified

acoustic engineer within 12 weeks of occupation confirming that the operational noise requirements specified above are being achieved. The report is to include post validation results.

Condition reason: To minimise the impact on the nearby residents.

75. Child Care Centre Operation

The development must be operated in accordance with the following at all times:

1. The centre shall comply at all times with the National Quality Framework for Early Childhood, Education and Care, including the Education and Care Services National Law and National Regulations. Separate approval / licence shall be issued by the NSW Department of Education.
2. The child care centre is to operate in accordance with the document titled 'Operational Plan of Management' (21 May 2025) prepared by Planning Ingenuity and be updated to the following effect.
 - Room 1 / adjoining outdoor play area 1 - Maximum 15 x 0-2 year olds
 - Rooms 2 & 3 / adjoining outdoor play area 2 - Maximum 40 x 2-3 year olds
 - Rooms 4 & 5 / adjoining outdoor play area 3 - maximum 40 x 3-5 year olds
3. The centre shall accommodate a maximum of 95 children, or at a lesser capacity as approved / permitted under a licence issued.
4. The hours of operation are limited to between 7.00am and 6.00pm Mondays to Fridays. The centre shall be closed on weekends and public holidays.
5. A full copy of all current development consents (including approved plans) for the operation of the premises, any registers required, and any required Plan of Management must be kept on the premises and made available for inspection immediately upon request by council officers.

Condition reason: To ensure appropriate operation of the child care centre and to minimise external impacts.

76. Safety and Security

1. The playgrounds and all entry points to the facility must be fitted with appropriate access control devices. Security systems, access control devices and CCTV cameras are to be installed by a licensed security professional to meet or exceed Australian Standard 4806.
2. All external lighting, handrails and other fixtures must be made from robust and vandal resistant materials;
3. If the facility is used during dark hours, the playgrounds, parking area, access ways, pedestrian routes and communal areas should be lit in accordance with AS/NZS 1158.3.1, and must be compatible with any CCTV system;
4. Graffiti is to be removed from the property as soon as is practicable from the time of reporting.

Condition reason: To ensure a safe and secure environment for users of the development

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

Condition

77. Disconnection of services before demolition work

Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.

Condition reason: To protect life, infrastructure and services.

78. Notice of commencement for demolition

At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:

1. name
2. address,
3. contact telephone number,
4. licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and
5. the contact telephone number of council and
6. the contact telephone number of SafeWork NSW (4921 2900).'

Condition reason: To advise neighbours about the commencement of demolition work and provide contact details for enquiries.

79. Demolition work and / or removal of asbestos

Asbestos removal signage

Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.

Condition reason: To alert the public to any danger arising from the removal of asbestos.

80. Demolition management plan

Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person.

The demolition management plan must be prepared in accordance with Australian Standard 2601 - The Demolition of Structures, the Code of Practice - Demolition Work, Council's Development Control Plan and must include the following matters:

1. The proposed demolition methods
2. The materials for and location of protective fencing and any hoardings to the perimeter of the site
3. Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones
4. Details of construction traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles
5. Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's Development Control Plan.

The Demolition plan must also be amended to be consistent with the Environmental Site Management Plan and demonstrate existing walls North, West and South of Tree 3 are retained during demolition, excavation and construction to avoid unwanted disturbance to TPZ of Tree 3. The retention of these walls must be documented, photographed and signed off in the Tree Protection Schedule/Hold Points at each phase outline.

6. Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways
7. Dust, noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent
8. Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines
9. Details of any bulk earthworks to be carried out
10. Details of re-use and disposal of demolition waste material in accordance with Council's Development Control Plan
11. Location of any reusable demolition waste materials to be stored on-site (pending future use)
12. Location and type of temporary toilets onsite
13. A garbage container with a tight-fitting lid.

Condition reason: To alert the public to any danger arising from the removal of asbestos.

DURING DEMOLITION WORK

Condition

81. Handling of asbestos during demolition

While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

1. Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;
2. Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
3. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on line reporting tool WasteLocate.

Condition reason: To ensure that the removal of asbestos is undertaken safely and professionally.

82. Site maintenance

While demolition work is being carried out, the following requirements, as specified in the approved demolition management plan, must be maintained until the demolition work and demolition waste removal are complete:

1. Protective fencing and any hoardings to the perimeter on the site
2. Access to and from the site
3. Construction traffic management measures
4. Protective measures for on-site tree preservation and trees in adjoining public domain
5. Onsite temporary toilets

6. A garbage container with a tight-fitting lid.

Condition reason: To protect workers, the public and the environment.

ON COMPLETION OF DEMOLITION WORK

Condition

83. Waste disposal verification statement

On completion of demolition work:

1. if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the certifier within 14 days of completion of the demolition work.

Condition reason: To provide for the submission of a statement verifying that demolition has been undertaken appropriately.