

Annexure 'A'
Conditions of Consent
Hunters Hill Ventures Pty Ltd v Hunters Hill Council
22 & 22A Joubert Street, Hunters Hill

That Development application No.DA2016/1073 be **approved** pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979 in respect of Nos.22 & 22a Joubert Street, Hunters Hill, for the for the demolition of existing structures and the construction of a single-storey and basement building to be used for a childcare centre with a maximum capacity for 88 children and 14 staff.

Part A - General Conditions

1. Pursuant to the provisions of the Environmental Planning & Assessment Act 1979 this approval shall lapse and be void if the building/subdivision work or use to which it refers is not physically commenced within five (5) years after the date of approval.
2. The development must be carried out in accordance with the following drawings and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Drawings by	Drawing No.	Dated
ArtMade Architects	Project 46216 Dwg. A00.02 Issue E Streetscape analysis & elevations	15 Nov 2016
	Dwg. A01.01 Issue J Demolition plan	15 Nov 2016
	Dwg. A02.01 Issue L Proposed site & roof plan	18 Nov 2016
	Dwg. A02.02 Issue E Tree protection zone plan	15 Nov 2016
	Dwg. A03.01 Issue O Proposed lower ground floor plan	15 Nov 2016
	Dwg. A03.02 Issue Q Proposed ground floor plan	18 Nov 2016
	Dwg. A.04.01 Issue N Proposed building elevations	15 Nov 2016
	Dwg. A05.01 Issue K Proposed building sections	15 Nov 2016
	Dwg. A05.02 Issue E Proposed site sections 1	15 Nov 2016
	Dwg. A05.03 Issue D Proposed site sections 2	15 Nov 2016
	Dwg.A06.02 Issue J Proposed materials & finishes - perspectives	15 Nov 2016
	Dwg. A06.03 Issue E Proposed boundary fence elevations & details	15 Nov 2016
	Dwg.A07.02 Issue E Unencumbered indoor & outdoor	18 Nov 2016

Drawings by	Drawing No.	Dated
	play area diagram	
Narelle Sonter Botanica Landscape Horticultural Specialists	Job No.160311 Dwg.LP.01/H Landscape Plan	28 Nov 2016
A.J.Whipps Consulting Group	Project 2016-0054. Dwg HDA01/P4 Cover Sheet, Legend and Drawing Schedule	12 Oct 2016
	Project 2016-0054. Dwg. HDA02/P5 Site plan, demolition plan and erosion & sediment control plan	17 Nov 2016
	HDA03/P4 Sediment and Erosion Control Details	12 Oct 2016
	HDA04/P4 Roof Plan	12 Oct 2016
	Dwg. HDA05/P5 Stormwater Drainage Ground floor plan	17 Nov 2016
	Dwg.HDA06/P6 Stromwater drainage . Lower ground floor plan	21 Nov 2016
	Dwg.HDA07/P5 Stormwater drainage Detail Sheet	21 Nov 2016

Documents	Dated
Arboricultural Impact Assessment Landscape Matrix	16 Nov 2016 & 11 April 2016
Plan of Management Greenwood Early Education Centre	
Acoustic Assessment Report prepared by Renzo Tonin & Associates	10 Nov 2016

3. The child care centre is approved to a maximum capacity of 88 children across the following age groups provided below and for 14 staff members and director during the approved hours of operation in condition 4. The maximum places provided for each age range is as follows:
 - a. 16 spaces for 0-2 aged children
 - b. 25 spaces for 2-3 aged children
 - c. 47 spaces for 3-5 aged children.

4. The approved hours of operation of the child care centre shall be restricted to 7:00am to 6:00pm Monday to Friday with no operation permitted on public holidays. The childcare centre must not operate outside the approved operating hours other than for four select Saturdays per year as outlined in the Plan of Management for the purposes of special events.

5. The Plan of Management approved by this consent must be complied with at all times. Any changes to the Plan of Management will require a section 96 modification application approval from Council. The Plan of Management is to be clearly displayed at the front foyer/reception area and must be provided to the guardian of each child enrolled at the Child Care Centre upon enrolment/orientation.
6. This consent permits 17 off-street car spaces provided in the basement car park on the site. In accordance with Condition B.1(a) the basement will accommodate:
 - a. 11 spaces for parents/visitors including 1 disabled car park;
 - b. 6 spaces for staff members; and
 - c. Bicycle parking.

There should be no amendment to the required 17 off street car parking spaces as part of this consent for the purposes of any construction certificate application or documentation.

One additional on-street parking space is to be used for a staff member in lieu of the one (1) additional off street car space required by the Hunters Hill Council Development Control Plan 2013 for the 88 child and 14 staff child care centre.

[Note: the provision of 17 off street car spaces, and 1 on street space in lieu of the required 18 off-street spaces was agreed to by the Council as an appropriate measure in proceedings 2016/192136, solely in the circumstances of that application being limited to 88 children and 14 staff members].

7. The recommendations of the approved Acoustic Assessment Report prepared by Renzo Tonin & Associates and dated 10 November 2016 are to be complied with at all times. Acoustic lapped and capped timber fences with no gaps between palings are to be erected in accordance with the Proposed Boundary Fence Elevations and Detail Plan, A06.03, Revision E, prepared by ArtMade Architects and dated 15 November 2016 (as amended by Condition B.1(e)). Any air conditioning and plant is to be installed in the basement level to reduce noise impacts.
8. All redundant footpath and gutter crossings are to be removed and the affected kerbing, footpath and nature-strips restored to the satisfaction of Council's Design Engineer and at the applicant's cost. Stone kerb and guttering (if present) is to be lifted, stored in a safe, secure place and reincorporated into the new works in the approximate position in which it is found.
9. The footpath and kerb and gutter works referred to in Condition B.1(b)(i),(ii) & (iii) are to be carried out by the applicant at the applicant's expense.
10. The Storm water Management Plan prepared by A.J Whipps Consulting Group detailed in Condition A.2 must be followed at all stages of development to ensure the protection of the facilities and infrastructure generally.
11. This consent authorises the removal of the following trees:

Tree	Name
T6	Franklinia axillaris (Gordonia)
T6A	Eriobotrya japonica (Loquat Tree)
T6B	Tibouchina granulosa (Purple Glory Tree)
T7	Tibouchina granulosa (purple glory tree)
T8	Tibouchina granulosa (purple glory tree)
T13	Syagrus romanzoffiana (Cocos Palm)
T14A	Lagunaria Patersonia (Norfolk Island Hibiscus)

T15	Murraya paniculata
T16	Camellia japonica
T17	Murraya paniculata
T18	Murraya paniculata
T19	Nerium oleander (Oleander)
T20	Cyathea australis (Tree Fern)
T21	Phoenix canariensis (Canary Island Date Palm)
T22	Cotoneaster spp
T23	Syagrus romanzoffiana (Cocos Palm)
T25	Castanospermum austral (Blackbean Tree)
T25A	Schefflera arboricola (Dwarf Umbrella Tree)
T27	Howea fosteriana (Kentia Palm)
T29	Plumeria acutifolia (Frangipani)

12. The following trees are to be retained:

Tree	
T1	Eucalyptus racemosa (Scribbly Gum)
T2	Liquidambar styraciflua (Liquidambar)
T3	Glochidion ferdinandi (Cheese Tree)
T4	Castanospermum austral (Blackbean Tree)
T5	Eucalyptus robusta (Swamp Mahogany)
T6C	Olea europea subsp. cuspidata (African Olive) adjoining tree
T6D	Sapium sebiferum (Chinese Tallow Tree) adjoining tree
T6E	Ulmus procera (English Elm) adjoining tree
T6F	Ulmus procera (English Elm) adjoining tree
T9-12	2 x Murraya, Hibiscus and Cabbage Tree
T14	Murraya paniculata
T14B	Liquidambar styraciflua (Liquidambar) adjoining tree
T14C	Melaleuca styphelioides (Prickly-leaved Paperbark) adjoining tree
T19A	Howea forsteriana (Kentia Palm) adjoining tree
T19B	Syagrus romazoffianum (Cocos Palm) adjoining tree
T24	Jacaranda mimosifolia (Jacaranda) street tree
T26	Angophora costata (Smooth-barked Apple)
T28	Syzygium leuhmanii (Ribbery)
T30	Dypscis lutescens (Golden Cane Palms)
T30A	Cyathea cooperi (Scaly Tree Fern)
T30B	Archontophoenix alexandrae (Alexandra Palm)
T31	Olea europea subsp. cuspidata (African Olive) street tree
T32	Jacaranda mimosifolia (Jacaranda) adjoining tree
T33	Stenocarpus sinuatus (Qld Firewheel Tree) adjoining tree
T34	Syagrus romazoffianum (Cocos Palm) adjoining tree

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate fully satisfy the requirements of this condition.

Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

13. No trees protected under clause 5.9 of *Hunters Hill Local Environmental Plan 2012* or *Hunters Hill Development Control Plan 2013* (including trees on neighbouring properties) are to be removed as part of this consent unless they have been specifically nominated for removal. This approval does not give approval to the removal of any trees over the indicative building footprints unless the removal of the trees has been carried out as part of the activation of this consent and specifically nominated on the approved plans for removal.
14. The recommendations and provisions of the Tree Protection Plan approved pursuant to Condition B.2(a) of this consent are to be carried out and complied with.
15. All trees retained on site are to be monitored and inspected annually by an AQF Level 5 arborist to check health and vigour and monitor potential impacts from on-going use of the site and the trees are to be maintained to minimize potential hazards (e.g. regular removal of dead wood).
16. The childcare centre must obtain an appropriate licence with the Department of Community Services and comply with the Department's requirements and conditions.
17. Works, work on any building including demolition, landscaping, excavation and tree removal shall not commence until a Construction Certificate, complying in all respects with the provisions of the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Building Code of Australia, has been issued.
18. The works shall be erected/constructed in conformity with the approved plans and any approved specifications and in accordance with the conditions of approval. Any alterations, modification or variations to these plans or specifications requires the prior formal approval of Council.
19. A copy of all stamped approved plans, specifications and documents (including the plans, specifications and documents submitted and approved with the Construction Certificate) must be kept on site at all times so as to be readily available for perusal by Council or the Principal Certifying Authority.
20. All documents kept on site in accordance with this condition must be provided to Council or the Principal Certifying Authority upon their request.
21. The applicant may nominate the Council or an Accredited Private Certifier as the authority who will issue the Construction Certificate. The Principal Certifying Authority (nominated by the applicant) shall monitor compliance with the approval and issue any relevant documentary evidence, certificate or orders to comply.
22. The supplied trees shall be planted using healthy and vigorous stock grown in accordance with Australian Standard 2303-2015 "Tree Stock for Landscape Use".
23. Your attention is directed to the operation of the Disability (Access to Premises - Buildings) Standards (The premises standards) and Commonwealth Disability Discrimination Act 1992, which may impose greater obligations on providing access to disabled persons other than compliance with the Building Code of Australia.
24. It is the applicant's responsibility to consult with Telstra, Optus, Sydney Water and/or Energy Australia regarding the availability or, relocation of communications facilities and/or utilities prior to acting on this consent.

Note: All adjustments to existing utility services whether caused directly or indirectly by this proposed development are to be undertaken at the developer's expense.

Part B - Prior to Construction Certificate

1. Prior to the issue of the Construction Certificate the following plans and documentation must be provided to and approved by Council:
 - a. An amended Proposed Lower Ground Floor Plan showing:
 - i. The disabled space with line marking and signposting restricting this space to "Reverse in/Forwards Out" Only.
 - ii. The bollards to the west of the disabled space offset west by 900m to provide sufficient space for a disabled driver to enter and exit their vehicle after reversing into the space.
 - iii. The parking allocation adjusted so that spaces 9, 14-17 & the on street car space are to be allocated for staff, space 12 is to be allocated as a staff space/turning bay and spaces 1-8, 10, 11 and 13 are allocated for visitors.
 - b. An application under section 138 of the *Roads Act 1993* and/or section 68 of the *Local Government Act 1993* including detailed plans showing the following proposed works:
 - i. Reconstruction of footpath, removal of asphalt, turfing and landscaping on the road verge along Joubert Street consistent with that shown on the approved Landscape Plan LP.01/H, dated 28 November 2016 prepared by Narelle Sonter Botanica. The reconstructed footpath is to meet the footpath on Figtree Road.
 - ii. Reconstruction of kerb and gutter 15m either side of the retained driveway on Joubert Street consistent with that shown on the approved Proposed Lower Ground Floor Plan, D03.01, Issue O, dated 15 November 2016. The works are to tie in with the proposed footway works and marry up with levels and drainage to existing kerb and gutter either side. The retained driveway should include improved localised concrete splays over the drainage gutter (on either side) to prevent left turn entry and left turn exit vehicles from dropping into the gutter and damaging the underside of vehicles and Council's drainage structure.
 - iii. Chain linked bollards with reflectors proposed to be erected to match the alignment of the corner of Joubert Street and Figtree Road. These bollards are to direct drivers around the drains as well as providing clear separation of the road and footpath to children. A suitable break in the chain linked bollards is to be included to permit access across the throat of Figtree Road to align pedestrians to the continuation of the Joubert Street western footpath, north of Figtree Road. The design of the bollard treatment is to be provided to Council for approval by its heritage advisor.
 - c. An updated waste management plan including the following details:
 - i. The quantities of waste to be generated.
 - ii. The number of bins to be used to be provided to adequately meet the collection schedule.
 - iii. The number of each of the residual waste bins, recycling bins and nappy disposal bins.
 - iv. The proposed collection schedule ie which bins on what days and how many collections per week.
 - v. The proposed method of collection, be it internal or external.
 - vi. If the collection is to be internal, then details of vehicle dimensions and turning facilities are to be provided. A heavy duty footpath crossing will be required if internal collection is proposed.
 - vii. The method of internal housing of the bins, including access, cleaning and other structural details.

- d. Details of the proposed porous soft fall material to be installed in the TPZs of tree numbers 1, 5 and 26 where high levels of activity are anticipated (to minimise soil compaction in these trees' TPZ) pursuant to Condition F.16.
- e. Amended architectural plans and Landscape Plan showing:
 - i. The acoustic screen located in Outdoor Play Area 3 is not to exceed 1.5m in height above the finished level of the play area at any point. The screen is to be located on the western side of the proposed planting bed and is to be designed so as to not impact on the health of the existing hedge. The proposed screen is to be constructed of timber in a lapped and capped design, and finished in a penetrating timber stain in a dark recessive colour.
 - ii. The acoustic screen in Outdoor Play Area 1 is to be located as shown in the Sketch Plan attached to this consent as "**Annexure A**" dated 22 November 2016. The height of the splayed fence is to have a maximum height of RL25.21, a maximum of 1.5 metres above finished ground level, and to follow the contour of Figtree Road towards Joubert Street. The proposed screen is to be constructed of timber in a lapped and capped design, and finished in a penetrating stain in a dark recessive colour.
 - iii. The masonry piers in the boundary fence to Figtree Road are to be removed and the wall is to be modified to match the height of the adjacent sandstone blockwork wall, and continue along Figtree Road at an equal height above ground for its entire length. The masonry wall is to be topped with a lapped and capped timber fence that is not to exceed 1.5m in height above the finished ground level of Outdoor Play Area 1, in accordance with the acoustic engineer's recommendation. The fence is to be finished in a penetrating stain in a dark recessive colour. The modified masonry wall is to be painted a light stone colour.
- f. The Proposed materials & Finishes - perspectives is to be amended to remove reference to 'or similar'. An external materials, finishes and colour board (physical samples) is to be provided. Any variation to the approved finishes in Condition A.1 requires approval by Council.

2. Prior to the issue of the Construction Certificate the following documents must be provided to the PCA:

- a. A detailed 'Tree Protection Plan' prepared by the applicant in accordance with the principles and specifications identified in *AS4970-2009 Protection of trees on development sites*. The Tree Protection Plan that is prepared must be certified by an independent AQF5 Arborist. The Tree Protection Plan is to include, but not be limited to, the following:
 - i. A site plan showing the locations of proposed tree protection fencing, trunk and ground protection within the tree protection zones of tree to be retained/protected;
 - ii. A detailed part site plan specifically dealing with the tree protection measures that will be implemented to protect trees in the vicinity of the proposed soil level changes including trunk, branch and ground protection (tree numbers 1, 5, 6, 19B, 33 and 34);
 - iii. Details of specific tree protection measures for tree number 26;
 - iv. Specify acceptable and unacceptable activities within the tree protection zones of trees to be retained;
 - v. Specifications for the branch pruning;

- vi. Details of site monitoring and reporting requirements, including hold points;
 - vii. Specifications for excavation and root pruning within the tree protection zones of trees to be retained; and
 - viii. Details of compliance reporting including details provided by the AQF5 arborist required to directly supervise the installation of all fence posts proposed within 3 m radius of Tree 26 (Sydney Red Gum) and 2m of Tree 28 (Riberry/Lillypilly).
- b. A design Certification for the car park that it complies with AS2890.1 and AS890.2 including line marking to separate entry/exit lanes at the driveway, adequate lighting of pedestrian activity areas (in accordance with Clause 4.7 of AS2890.1-2004), a 5km/h and "Watch for Pedestrians" signage at the entrance of the car park.
3. Prior to the issue of a Construction Certificate, a Noise and Vibration Management Plan for Construction is to be prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The plan should address the requirements of the EPA Construction Noise Guidelines and the EPA document Assessing Vibration: a technical guideline.
 4. Prior to the issue of the Construction Certificate payment of a levy of **\$8,879.00** payable to Council on behalf of the Long Service Payments Corporation being 0.35% of the value of construction work.
 5. Prior to the issue of the Construction Certificate, a fee of **\$2,800.00** is to be paid to Council if the Council is to be nominated as the Principal Certifying Authority.
 6. Prior to the issue of a Construction Certificate by the Principal Certifying Authority a security deposit of **\$1,300.00** is to be paid to Council. Once a Final Occupation Certificate has been issued this is eligible to be returned. The deposit is required as a security against damage to Council property during works on the site, and to ensure compliance with Conditions of Consent and installation of environmental controls.
 7. A fee of **\$318.00** is to be paid for the certification where the applicant has nominated Council has the Principal Certifying Authority.
 8. Pursuant to section 80A (1) of the Environmental Planning and Assessment Act 1979, and Hunter's Hill Section 94a Developer Contributions Plan 2014, a contribution of **\$25,368.70** shall be paid to council for the provision, extension or augmentation of key community infrastructure.

The amount to be paid may need to be adjusted at the time of the actual payment in accordance with the provisions of Hunter's Hill Section 94a Developer Contributions Plan 2014, Clause 11 – Indexing Cost. The contribution must be paid to Council:

- a) In the case of complying development, at the time notice is given to Council under s86 of the EP&A Act of the applicant's intention to subdivide, commence work or erect a building.
- b) In all other instances the S94A levy must be calculated and paid a week prior to the issue of the first Part 4A certificate. Receipt of payment must be included with copies of the documents provided to Council in accordance with clause 142(2), 151(2) or 160(2) of the EP&A Regulation (whichever is applicable, depending on the certificate which is being issued).

Subdivision, or work of any kind, may not occur on the subject site until the required S94A levy has been paid to Council.

9. Prior to the issue of a Construction Certificate the approved plans must be lodged to Sydney Water Tap In to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For the Sydney Water Tap in Service details please refer to the web site www.sydneywater.com.au or telephone 13 20 92.
10. A waste management plan is to be submitted for approval by the Principal Certifying Authority prior to the issue of any Construction Certificate. The plan must include, but not be limited to:
- (a) The estimated volume of waste and method of disposal for the construction and operation phase of the development
 - (b) The design of the on-site waste storage and recycling areas.
 - (c) Administrative arrangements for waste and recycling management during the construction process.

The approved Waste Management Plan must be complied with at all times in the carrying out of the development.

11. Erosion and sediment control techniques are required where construction or excavation activity requires the disturbance of the soil surface or existing vegetation. As a minimum, the control techniques are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the "Blue Book" or a suitable and effective alternative method.

A Sediment Control Plan must be prepared and submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate and prior to any works commencing. The Sediment Control Plan must be consistent with the Blue Book and disclose:

- (a) All details of drainage to protect and drain the site during the construction processes.
- (b) All sediment control devices, barriers and the like.
- (c) Sedimentation tanks, ponds or the like.
- (d) Covering materials and methods.
- (e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- (f) Methods for the temporary and controlled disposal of stormwater during construction.

All works must be undertaken in accordance with the approved Sediment control plan.

The Principal Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate fully satisfy the requirements of this condition.

12. The tree protection measures contained in the Tree Protection Plan approved pursuant to Condition B.2(a) shall be shown clearly on the Construction Certificate drawings. Plans and specifications showing the said tree protection measures must be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate. The Principal Certifying Authority must ensure the construction plans and specifications submitted, fully satisfy the requirements of this condition.
13. Prior to the issue of a Construction Certificate, structural drawings prepared by a suitably qualified and experienced Structural Engineer are to be submitted and approved by the Principal Certifying Authority. The plans shall detail:
 - (a) Footings of the proposed structure.
 - (b) All reinforced concrete slabs and/or beams or raft slab (having due regard to the possible differential settlement of the cut and fill areas where applicable).
 - (c) Structural steel beams/columns.
 - (d) Floor joist and bearer layout
 - (e) Any additional requirements which the engineer may impose.

14. If a Work Zone is proposed, an application must be made to the Hunters Hill Local Traffic committee to install the 'Work Zone'. A Work Zone permit is required to be issued by the Council prior to the issue of any Construction Certificate. Work Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Work Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods. If the Work Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Hunters Hill Local Traffic Committee and submit a copy of this to the Principal Certifying Authority to enable issue of the Construction Certificate.

Where approval of the 'Work Zone' is given by the Committee, the requirement of the committee, including installation of the necessary 'Work Zone' signage and payment of any fees, must occur prior to commencement of any works on the site. Further, at the expiration of the Work Zone approval, the developer is required to remove the Work Zone signs and reinstate any previous signs, all at the developer's cost. The requirements imposed by the Committee on the Work Zone permit (or permits) must be complied with at all times.

15. Prior to the issue of a Construction Certificate full design details and associated calculations showing the method of disposal of all sub-surface, surface and roof water, including on-site detention from the site in accordance with Council's Development Control Plan.
16. A photographic survey and dilapidation report of adjoining properties No. 20 Joubert Street and No. 1 Figtree Road, Hunters Hill detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, SHALL BE submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate.

A copy of the report is to be provided to Council, if Council is not the Principal Certifying Authority, prior to the issue of any Construction Certificate. All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant **MUST DEMONSTRATE**, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained by Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by the developer or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owners' interest for it to be as full and detailed as possible.

Part C – Prior to the Commencement of Works

1. Building Work, demolition or excavation in accordance with this development consent must not be commenced until the applicant has given at least 2 days' notice to Hunter's Hill Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.
2. A sign shall be displayed in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

The sign must list the following details:

- (a) The name, address and telephone number of the Principal Certifying Authority.
- (b) The name of the Principal Contractor and an afterhours telephone number.
- (c) That unauthorised entry to the site is prohibited.
- (d) Hours of construction as per the consent.

The sign must be maintained while the building work, subdivision work or demolition work is being carried out and removed upon completion.

3. An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.
4. Building work, demolition or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifying Authority for the building work in accordance with the provisions of the Environmental Planning & Assessment Act, 1979 and its Regulation.
5. Prior to works commencing, adequate toilet facilities are to be provided on the work site in accordance with the requirements of Sydney Water.
6. Prior to the commencement of works a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device shall be installed in accordance with the site Sediment Control Plan to prevent sediment leaving the site and being deposited on any roadway.

7. A Project Arborist (AQF Level 5) shall be engaged prior to commencement of work to provide arboricultural supervision on-site and monitor compliance with these Conditions of Consent.

Part D – Critical Stage Inspections

1. Prior to pouring of the footings and/or ground floor slab, the building shall be set out by a registered surveyor to verify the correct position of each structure.
2. Building work must be inspected by the Principal Certifying Authority on the critical stage inspection as listed below and as directed by the Principal Certifying Authority.

Inspection	Hold Point
Waterproofing of wet areas	Prior to covering waterproofing in any wet areas
Interim Occupation	Building completed with minor works outstanding – able to be occupied
Final Occupation	All works relating to the proposed development are complete and all conditions of development consent are complied with.

It is advised that any Certifying Authority is unable to issue an Occupation Certificate unless all critical stage inspections have been carried out (Section 109E (3)(d) of the Environmental Planning and Assessment Act 1979).

Part E– Demolition

1. All demolitions are to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991 “*The Demolition of Structures*”.
2. Access to demolition sites shall be protected as directed by Council by the use of suitable fences or hoardings.
3. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments off the site into any street gutter or street drainage system.
4. The applicant or builder/developer is responsible and liable for the cost of repairing any damage that may be caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which the approval relates.
5. All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear personal protective equipment conforming with Australian Standard 1716 “*Respiratory Protective Devices*” and adopt work practices in accordance with Workcover requirements.

Any existing accumulations of dust (e.g. in ceiling voids and wall cavities) must be removed by use of an industrial vacuum fitted with high efficiency particulate air (HEPA) filter.

All dust on surfaces and dust created by work is to be suppressed by fine water spray and not to be allowed to enter the street gutter or stormwater drainage systems.

Demolition work is not to be performed during high winds that might cause dust to be spread beyond the site boundaries.

Demolition work is to be undertaken with hand tools or hand held power tools. If heavy machinery is to be used to clear the site, work practices must comply with the requirements of the Work Plan.

6. Hazardous or intractable wastes arising from any demolition process shall be removed and disposed of in accordance with the requirements of Work Cover and the EPA, and with the provisions of:

- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2014
- Work zones and decontamination procedures
- Contingency plans and incident reporting
- Environmental monitoring

7. Removal, cleaning and disposal of lead-based paint shall conform with the current EPA guidelines. Demolition of materials incorporating lead is to be conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the Australian Standard 2601-1991, "*Demolition of Structures*".

A person taking down or demolishing or causing to be taken down or demolishing any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the WorkCover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos.

8. Dust control measures shall be employed to avoid a nuisance to adjoining properties, harm to the environment and carried out strictly in accordance with the recommendations in the Work Plan prepared in accordance with Australian Standard 2601 "*Demolition of Structure*".

- (a) A person taking down or demolishing or causing to be taken down or demolish any building or portion of any building shall:

- (i) cause the windows or other openings in the external walls to be close boarded or otherwise covered
- (ii) cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations
- (iii) cause areas, components and debris to be wetted down
- (iv) in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.

Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.

8. Materials salvaged from a demolition to be re-used may be stored on site (for a maximum 6 month period) provided they are non-combustible, neatly and safety stockpiled, and not likely to become a harbourage for vermin.

9. All fill imported on to the site shall be validated to ensure it is suitable for the proposed land use from contamination. Fill imported onto the site shall be compatible with the existing soil characteristic for site drainage purposes.

All fill should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analysis of the material or the known past history of the site where the material was obtained;
- (b) Sampling and analysis of the fill material should be conducted in accordance with the EPA Sampling Guidelines (1995) to ensure that the material is not contaminated.

Part F – Construction

1. All works shall be carried out in accordance with the provisions of the Building Code of Australia and all relevant Australian Standards.
2. Building construction and works must be restricted to within the hours of 7.00 am to 6.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works must be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. For the purposes of this condition:

- (a) “Building construction” means any physical activity on the site involved in the erected of a structure, cladding, external finish, formwork, fixture, fitting of service installation and the unloading of plant, machinery, materials or the like.
- (b) “Demolition works” means any physical activity to tear down or break up a structure (or part thereof) of surface, or the like, and includes the loading of demolition waste and the unloading of plant of machinery.
- (c) “Excavation work” means the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders, or the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site and includes the unloading of plant or machinery associated with excavation work.

All builders, excavators must display, on-site their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

3. Any demolition works involving the removal and disposal of asbestos cement greater than 10m² must only be undertaken by contractors who hold a current WorkCover Asbestos or “Demolition Licence” and a current WorkCover “Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.
4. All building materials, spoil, debris and other material arising from the carrying out of building work, shall be contained wholly within the allotment boundaries. Such accumulation is to be properly disposed of at regular intervals to the satisfaction of Council and the Principal Certifying Authority.

The pathway and road reserve shall be kept in a clean, tidy and safe condition during building operations. At no point can any public reserve be used to place or store such material Council reserves the right, without notice to rectify any such breach and to change the cost against the applicant/owner/builder, as the case may be.

5. All kerb and gutters, roads and footpath are to be protected throughout the building operations as required by the Principal Certifying Authority. No obstruction being caused to pedestrian use of Council's footpath area or vehicular use of Council's roadway area during building operations.

All spoil loads to be covered and the wheels of haulage vehicles washed prior to leaving the site.
6. All weather access to the site is to be provided across Council's footpath together with barricades and hazard warning lights for the safe passage of pedestrians. Council will recover the cost from the Applicant for works to protect pedestrian safety if safe pedestrian access is compromised.
7. No filling of any part of the site, whether with materials arising from site operations or otherwise shall be carried out without the prior written consent of the Council.
8. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
10. Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day.
11. No portion of the proposed building work works, as approved within the subject site, are to encroach upon any road reserve, private land or other public land including easements except where permitted by the Local Government Act 1993. This includes the opening and closing of gates and door that must open and close within the subject site.
12. All construction work is to be strictly in accordance with the approved Reduced Levels.
13. The proposed building is to be protected from the infestation of termites in accordance with the Building Code of Australia and Australian Standard 3660 "*Protection of Building from Subterranean Termites*".
14. All balustrades of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125 mm.

or not) must be protected and retained in accordance with this condition.
15. The proposed sandpit in the tree protection zone of tree number 26 is to be installed above grade. (NB: the TPZ for tree 26 is a 6.2 metre radius measured from centre of trunk)
16. A porous soft-fall material is to be installed in the TPZs of tree numbers 1, 5 and 26 where high levels of activity are anticipated (to minimise soil compaction in these trees' TPZs). The material is to be installed on a shallow bed of coarse sand. Details

of the proposed materials are to be submitted to Hunters Hill Council for approval prior to release of the construction Certificate.

17. The installation of the proposed sandpit in the tree protection zone of tree number 26 is to be monitored by an AQF Level 5 arborist with a minimum of 5 years' experience in monitoring construction works in the vicinity of trees.
18. All fence posts proposed within 3 m radius of Tree 26 (Sydney Red Gum) and 2m of Tree 28 (Riberry/Lillypilly) are to be installed under the direct supervision of an AQF5 arborist. Details of this supervision (e.g. observations, outcomes and recommendations) are to be included in the compliance reporting requirements of the approved Tree Protection Plan.
19. New tree planting is to be in accordance with Council's Tree Management Controls, irrespective of the size.
20. All new landscape plantings must be maintained in a healthy condition for an establishment period of 2 years. Maintenance includes watering, weeding, pest and disease control and any other operations required to maintain the plantings in a healthy condition.

All works within the TPZ (Tree Protection Zone) of the trees to be retained shall be supervised by the Project Arborist.
21. The tree planting shall be undertaken by a qualified Horticulturalist or Arborist (minimum AQF Level 2) and must be undertaken at the completion of the construction work, prior to the Interim Occupation Certificate.
22. The pruning and/or removal works shall be undertaken by a Practising Arborist (AQF Level 3) in accordance with the Workcover Code of Practice for the Amenity of Tree Industry (1998).
23. Garbage rooms shall be located in positions, which will permit easy, direct and convenient access for the removal of garbage without creating a nuisance from dust, litter, odour and noise. Garbage rooms shall be located within the main building. The garbage area/loading dock shall be redesigned to accommodate proper functioning of the residential garbage and the convenient and efficient collection of garbage on site.
24. Garbage storage shall be located so that their use will not interfere with the use of access driveways, loading bays or parking bays. Collection vehicles will travel in a forward direction.

Part G - Prior to the Issue of an Occupation Certificate

1. A Final Occupation Certificate will not be issued until all conditions of this consent have been complied with in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Regulation 2000.
2. The footpath and kerb and gutter works referred to in Condition B.1(b) must be carried out and completed prior to issue of an Occupation Certificate.
3. The signage for the disabled car space required by condition B.1(a)(i) is to be completed prior to the release of an Occupation Certificate.
4. A person must not commence occupation or use of the whole or any part of a new building (new building includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate has been issued in relation to the building

or part. Only the Principal Certifying Authority appointed for the building work can issue an Occupation Certificate.

5. Prior to the issue of an Occupation Certificate a follow up dilapidation report is required to be submitted to the Principal Certifying Authority. A copy is to be submitted to Council if not the Principal Certifying Authority.
6. Prior to the issue of any Occupation Certificate, a certificate must be prepared by an appropriately qualified and practising Civil Engineer certifying that access and facilities for persons with a disability in accordance with the Building Code of Australia and The Disability (Access to Premises – Buildings) Standards 2010 has been provided. This certificate must be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

END OF CONDITIONS