

Original signed by Robyn Pearson on 4/02/2020

Date determined: 30/01/2020

Date operates: Deferred

Date lapses: 30/01/2021

Anna Williams
Your Beautiful Home Pty Ltd
15/28-34 Roseberry Street
BALGOWLAH NSW 2093

D240/19
MS3 (CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
NOTICE OF DETERMINATION – Deferred Commencement

*Issued under Section 4.18 of the Environmental Planning and Assessment Act 1979 (“the Act”).
Clause 100 of the Environmental Planning and Assessment Regulation 2000 (“the Regulation”)*

Development Application Number: 240/19

Land to which this applies: 68 Ellalong Road, Cremorne
Lot No.: 10, DP: 10291

Applicant: Your Beautiful Home Pty Ltd

Proposal: Alterations and additions to an existing dwelling house
and construction of an inground swimming pool.

Determination of Development Application: Subject to the provisions of Section 4.17 of the
Environmental Planning and Assessment Act 1979,
deferred commencement has been granted, subject to
conditions in the notice of determination.

Date of Determination: 30 January 2020

Reason for Deferred Commencement: The matters for consideration as outlined in section
4.15(1) of the Act have been satisfied. The proposed
development is permissible, meets the development
standards and relevant provisions of NSLEP 2013 and is
generally in accordance with the objectives of the
NSDCP 2013.

Subject to conditions, the proposed development would
result in an exceedance of the site coverage provision of
40% by 3% however this is considered reasonable in the
circumstances and is not inconsistent with surrounding
development. The landscaped area and unbuilt upon area
provisions are also met.

The proposed first floor rear addition has been designed to ensure that views, solar access and privacy is retained to the adjoining properties. The addition is sited towards the rear and complements the existing character of the dwelling.

The rear setback of the site is constrained by an existing *Melaleuca* tree located along the north eastern side, by the sewer line traversing the rear, and by the requirement for an absorption trench to be constructed on the south western side. The proposed pool is recommended to be reduced in size via condition to meet these constraints and is not considered to adversely impact the amenity of surrounding properties.

The proposed carport located within the front setback will be required via condition to be of an open construction to ensure that it does not create uncharacteristic bulk and scale within the streetscape.

Conditions have been recommended to retain significant vegetation that adds to the landscape amenity of the site and provides screening to and from the adjoining properties.

The proposed development is considered reasonable and is recommended for approval, subject to a deferred commencement.

Deferred Commencement Time Frame:	12 months
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Date Lapsing:	30 January 2021
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How community views were taken into account:	The application was notified in accordance Council's notification policy and two submissions against the proposal were received. Amended plans were sought and conditions of consent provided to ameliorate unreasonable impacts identified by submitters.
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Review of determination and right of appeal:	Consideration should be given to providing the evidence to Council to allow sufficient time to consider the same and form a view as to whether the deferred commencement conditions are satisfied or not.
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Within 6 months after the date of notification of the decision, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. A review of determination should be lodged as soon as possible, and preferably no later two months after the date of notification of the decision to enable the review to be completed within the six-month period.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
ROBYN PEARSON
TEAM LEADER ASSESSMENTS

(i) Conditions

Consent is granted subject to the following conditions imposed pursuant to Section 4.17 of the Environmental Planning & Assessment Act 1979 (“the *Act*”) and the provisions of the Environmental Planning & Assessment Regulation 2000 (“the *Regulation*”) such conditions being reasonable and relevant to the development as assessed pursuant to Section 4.17 of the Act.

(ii) Definitions

Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act* 1987 as in force at the date of consent.

Applicant means the applicant for this consent.

Approved Plans means the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

AS or ***AS/NZS*** means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

NCC means the National Construction Code as published by the Australian Building Codes Board as in force at the date of issue of any *Construction Certificate*.

Council means North Sydney Council.

Court means the Land and Environment Court.

Local Native Plants means species of native plant endemic to North Sydney LGA.

Stormwater Drainage System means all works, facilities and documentation relating to:

- The collection of stormwater,
- The retention of stormwater,
- The reuse of stormwater,
- The detention of stormwater,
- The controlled release of stormwater; and
- Connections to easements and public stormwater systems.

Owner means the owner of the *site* and successors in title to the *site*.

Owner Builder has the same meaning as in the *Home Building Act* 1989.

Principal Certifier for building or subdivision work means the certifier appointed as the principal certifier for the building work under section 6.6 (1) or for the subdivision work under section 6.12 (1).

Principal Contractor for building work means the person responsible for the overall coordination and control of the carrying out of the building work.

Note: If any residential building work is involved, the principal contractor must be the holder of a contractor licence under the *Home Building Act 1989*.

Professional Engineer has the same meaning as in the *NCC*.

Public Place has the same meaning as in the *Local Government Act 1993*.

Road has the same meaning as in the *Roads Act 1993*.

SEE means the final version of the Statement of Environmental Effects lodged by the *Applicant*.

Site means the land being developed subject to this consent.

NSLEP 2013 means *North Sydney Local Environmental Plan 2013*

NSDCP 2013 means *North Sydney Development Control Plan 2013*

Work for the purposes of this consent means:

- the use of land in connection with development,
- the subdivision of land,
- the erection of a building,
- the carrying out of any work,
- the use of any site crane, machine, article, material, or thing,
- the storage of any waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an *occupation certificate*.

Note: **Interpretation of Conditions** – Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.

INDEX OF CONDITIONS

	Page No.
AA. <i>Deferred commencement conditions</i>	
AA1. Amendments to Plans	8
AA2. Amendments to Stormwater Disposal Plan	9
A. <i>Conditions that Identify Approved Plans</i>	
A1. Development in Accordance with Plans/documentation	10
A2. Plans on Site	11
A3. No Demolition of Extra Fabric	11
C. <i>Prior to the Issue of a Construction Certificate (and ongoing, where indicated)</i>	
C1. Dilapidation Report Damage to Public Infrastructure	12
C2. Structural Adequacy of Existing Building	12
C3. Sediment Control	12
C4. Waste Management Plan	13
C5. External Colours and Finishes	13
C6. Reflectivity Index of Glazing	14
C7. No External Service Ducts	14
C8. Work Zone	14
C9. Bond for Damage and Completion of Infrastructure Works – Stormwater, Kerb and Gutter, Footpaths, Vehicular Crossing and Road Pavement	14
C10. Tree Bond for Public Trees	15
C11. Tree Protection Measures to be shown on Construction Drawings	16
C12. Protection of Trees	16
C13. Approval for removal of Trees	17
C14. Asbestos Material Survey	18
C15. Swimming Pool Pumps on Residential Premises	18
C16. Privacy	19
C17. Pool Access	19
C18. Swimming Pool Water to Sewer	19
C19. Pool Filter	20
C20. Security Deposit/ Guarantee Schedule	20
C21. BASIX Certificate	20
D. <i>Prior to the Commencement of any Works (and continuing where indicated)</i>	
D1. Protection of Trees	20
D2. Protection of Public Trees	21
D3. Public Liability Insurance – Works on Public Land	21
D4. Sydney Water Approvals	21
D5. Commencement of Works Notice	22
E. <i>During Demolition and Building Work</i>	
E1. Cigarette Butt Receptacle	22
E2. Parking Restrictions	22
E3. Road Reserve Safety	22

E4.	Temporary Disposal of Stormwater Runoff	23
E5.	Removal of Extra Fabric	23
E6.	Dust Emission and Air Quality	23
E7.	Noise and Vibration	24
E8.	No Work on Public Open Space	24
E9.	Applicant's Cost of Work on Council Property	24
E10.	No Removal of Trees on Public Property	24
E11.	Protection of Trees	24
E12.	Special Permits	25
E13.	Construction Hours	26
E14.	Installation and Maintenance of Sediment Control	26
E15.	Sediment and Erosion Control Signage	27
E16.	Site Amenities and Facilities	27
E17.	Health and Safety	27
E18.	Prohibition on Use of Pavements	27
E19.	Plant & Equipment Kept Within Site	27
E20.	Waste Disposal	28
E21.	Asbestos Removal	28
 <i>F. Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation</i>		
F1.	National Construction Code	28
F2.	Home Building Act	28
F3.	Appointment of a Principal Certifier (previously known as a PCA)	29
F4.	Construction Certificate	29
F5.	Occupation Certificate	29
F6.	Mandatory Critical Stage Inspections	29
F7.	Commencement of Works	30
F8.	Excavation/Demolition	30
F9.	Protection of Public Places	30
F10.	Site Sign	31
 <i>G. Prior to the Issue of an Occupation Certificate</i>		
G1.	Pool Access	31
G2.	Pool Safety Requirements	31
G3.	Damage to Adjoining Properties	32
G4.	Utility Services	32
G5.	Asbestos Clearance Certificate	32
G6.	Certification of Tree Condition	32
G7.	Additional Landscaping – North Eastern Side Swimming Pool Setback Area	33
G8.	Unpaved Verge	33
 <i>I. On-Going / Operational Conditions</i>		
I1.	Pool Filter	34
I2.	Ongoing Street Tree Care	34

AA. Deferred Commencement Conditions

This consent shall not operate until the following deferred commencement conditions have been satisfied.

The applicant must satisfy Council as to the matters specified in the deferred commencement conditions within 12 months of the date of the grant of this consent.

If the applicant fails to satisfy Council as to the matters specified in the deferred commencement conditions within 12 months of the date of the grant of this consent. This consent will lapse in accordance with Section 4.56 of the Environmental Planning and Assessment Act 1979.

Amendments to Plans

AA1. The following amendments shall be applied to the plans:

a) Carport Door

The Carport door along the street boundary is to be an open security screen and not a roller door or solid panel lift door.

(Reason: To ensure that solid structures do not overwhelm the streetscape and to ensure that vehicle sightlines are retained to protect pedestrian safety)

b) South Western and North Eastern Carport Elevations

The horizontal slats on the south western and north eastern elevations of the carport are to have a maximum width of 45mm and minimum spacing of 45mm.

(Reason: To ensure that solid structures do not overwhelm the streetscape and to ensure that vehicle sightlines are retained to protect pedestrian safety)

c) Carport Slab – Protection of Camellia Hedge

The new concrete slab for the carport floor is to be reduced in width by 450mm along the south western side. This section of carport floor is to be constructed from paving or other flexible material following the existing topography of the site. Any excavation for footings within the 450mm of the boundary is to be undertaken by hand and no roots greater than 30mm are to be severed.

(Reason: To ensure that the Camellia Hedge located adjacent to the proposed carport is not adversely impacted in order to ensure that adequate visual screening can be retained by the adjoining property to the western wall of the carport)

d) Swimming Pool Setback to *Melaleuca quinquenervia*

The length of the swimming pool and spa is to be reduced to provide a minimum setback of no less than 4.0m from the trunk of the *Melaleuca quinquenervia* located along the eastern side boundary.

The pool coping and adjacent concourse area on the southern side of the pool is to be raised above existing ground level so that no further excavation is required within the tree's TPZ.

(Reason: To ensure the ongoing health and stability of the *Melaleuca* is retained)

e) Swimming Pool Setback to Eastern Side Boundary

The width of the swimming pool is to be reduced to have a minimum setback of no less than 1.2m from the side boundary with 70 Ellalong Road.

(Reason: To comply with provision P3, Section B-1.5.11 in NSDCP 2013)

f) Swimming Pool Fencing

The child restraint barrier as required by condition C19 is to be constructed directly around the swimming pool concourse area.

(Reason: to ensure that the legislative requirements of pool fencing are met and so as to not require the removal of all 'climbable' vegetation within the rear setback area)

g) Rear Deck Depth

The depth of the rear deck and associated vergola structure is to be reduced to not more than 3.5m measured perpendicular from the rear wall of the dwelling.

(Reason: To increase compliance with the site coverage provision of the development)

h) No Change of Levels

The proposed retaining walls and change of the levels, with the exception of the swimming pool, are to be deleted from the plans. The existing landscaping levels within the rear setback area are to be retained.

Architectural Plans complying with the above requirements must be submitted for the written approval of Council prior to the issue of any Construction Certificate.

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

(Reason: To ensure that significant landscaping is retained and prevent additional overlooking created by changes of levels)

Amendments to Stormwater Disposal Plan

AA2. A Revised stormwater management plan is to be submitted to the satisfaction of Council's Development Engineer.

Roof water must be conveyed via a Charged Line stormwater drainage system to Council's kerb & gutter in Ellalong Road. The charged line stormwater drainage works shall be in accordance with Council's specifications and the following:

- a) There must be a minimum of 1.8m difference in height between the most remote section of the roof gutter and the discharge point (invert level of the street gutter).
- b) Stormwater from the Charged Line should be connected to Control Pit within the property frontage boundary. The Control Pit within the property frontage must have a solid, fixed lid.
- c) All pipes must be a minimum of 100 mm and all joints must be solvent welded.
- d) A cleaning eye must be provided at the low point in the system within a pit that can be drained to an on-site dispersal system.
- e) Gutter guards must be installed on all gutters to minimize debris entering the system.
- f) A Positive Covenant will be required to be placed on the title of the property to inform owners of their responsibility in maintaining the system.
- g) A Permit for Street Opening must be applied for and approved prior to undertaking stormwater drainage works in the public road.
- h) Any footpath panel on Ellalong Road disturbed for the purpose of stormwater connection shall be reconstructed as whole panel.
- i) Pipelines within the "footpath" area must be hot dipped galvanized rectangular steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height 100 millimetres.
- j) The design and installation of the Rainwater Tanks shall comply with BASIX and Sydney Water requirements. Overflow from tanks shall be connected by gravity to the proposed absorption trench.

Roof water from the rear addition of the property and overflow from rainwater tanks only may be conveyed via gravity directly to the proposed absorption trench located in the rear yard.

(Reason: To ensure appropriate provision for disposal and stormwater management arising from the development)

B. Subject to the above deferred commencement conditions being satisfied within 12 months of the date of this determination, the consent shall operate in accordance with the attached conditions including the following standard conditions:

A. *Conditions that Identify Approved Plans*

Development in Accordance with Plans/documentation

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent.

Plan No.	Issue	Title	Dated	Drawn by	Received
-	P-1	Proposed Site Plan	29/10/2019	Your Beautiful Home	6/11/2019
DA07	P-5	Ground Floor Demolition Plan	29/10/2019		6/11/2019
DA08	P-6	First Floor Demolition Plan	29/10/2019		6/11/2019
DA09	P-7	Proposed Ground Floor Plan	29/10/2019		6/11/2019
DA10	P-8	Proposed First Floor Plan	29/10/2019		6/11/2019
DA11	E-05 E-06	North East South West	29/10/2019		6/11/2019
DA12	E-07 E-08	North West South East	29/10/2019		6/11/2019
DA13	S01	Section	29/10/2019		6/11/2019
DA14	P-9	Proposed Pool	29/10/2019		6/11/2019
DA15	P-10	Pool Detail	29/10/2019		6/11/2019
DA16	P-11	Pool Site Details	29/10/2019		6/11/2019
DA17	P-12	Roof Plan	13/01/2019		13/01/2019

(Note: The final drawing numbers and associated details in this condition are subject to further updates to reflect the changes required by the relevant deferred commencement conditions)

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Plans on Site

A2. 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 any officer of Council or the Principal Certifying Authority.

All documents kept on site in accordance with this condition must be provided to any officer of the Council or the certifying authority upon their request.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance)

No Demolition of Extra Fabric

A3. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans.

(Reason: To ensure compliance with the approved development)

C. *Prior to the Issue of a Construction Certificate (and ongoing, where indicated)*

Dilapidation Report Damage to Public Infrastructure

- C1. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the pre-developed condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

The developer shall bear the cost of carrying out works to restore all public infrastructure damaged as a result of the carrying out of the development, and no occupation of the development shall occur until damage caused as a result of the carrying out of the development is rectified.

A copy of the dilapidation survey and report must be lodged with North Sydney Council by the Certifying Authority with submission of the Construction Certificate documentation.

(Reason: To record the condition of public infrastructure prior to the commencement of construction)

Structural Adequacy of Existing Building

- C2. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Certifying Authority for approval prior to issue of any Construction Certificate. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

(Reason: To ensure the structural integrity of the building is maintained)

Sediment Control

- C3. Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, 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 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; and
- 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 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.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Waste Management Plan

- C4. A Waste Management Plan is to be submitted for approval by the 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 phases of the development;
 - b) The design of the on-site waste storage and recycling area; and
 - 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.

(Reason: To encourage the minimisation of waste and recycling of building waste)

External Colours and Finishes

- C5. The external colours and finishes shall match those as existing and/ or be compatible with surrounding development. A schedule of external colours and finishes 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.

(Reason: To ensure that the completed colours and finishes of the works are compatible with surrounding development)

Roofing Materials - Reflectivity

- C6. Roofing materials must be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. Plans and specifications which comply 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.

(Reason: To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development)

No External Service Ducts

- C7. Service ducts must be provided within the building to keep external walls free of plumbing, drainage or any other utility installations. Plans and specifications which comply 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.

(Reason: To ensure quality built form of the development)

Work Zone

- C8. If a Work Zone is proposed, an application must be made to the North Sydney 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. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the North Sydney Local Traffic Committee and submit a copy of this to the Certifying Authority to enable issue of the Construction Certificate.

Where approval of the 'Work Zone' is given by the Committee, the requirements 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.

(Reason: Amenity and convenience during construction)

Bond for Damage and Completion of Infrastructure Works – Stormwater, Kerb and Gutter, Footpaths, Vehicular Crossing and Road Pavement

- C9. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$2,000 to be held by Council for the payment of cost for any/all of the following:

- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
- b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and [environmental controls](#)) required in connection with this consent
- c) remedying any defects in any such public work that arise within 6 months after the work is completed.

The security required by this condition and in the schedule contained later in these conditions must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate or completion of public work required to be completed (whichever is the latest) but only upon inspection and release by Council's Engineers.

Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in circumstances including the following: -

- where the damage constitutes a hazard in which case Council may make use of the security immediately;
- the applicant has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;
- works in the public road associated with the development are to an unacceptable quality; and
- the Certifying Authority must ensure that security is provided to North Sydney Council prior to issue of any Construction Certificate.

(Reason: To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure)

Tree Bond for Public Trees

- C10. Prior to the issue of any construction certificate, security in the sum of \$7,000 must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

The security required by this condition and in the schedule contained later in these conditions must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate but only upon inspection and release by Council's Landscape Development Officer.

If any tree is removed or damaged Council may deduct from this security the reasonable cost of replacement with a tree of the same species and to a similar stage of growth it would have attained at the completion of the work.

In the case of any tree, which cannot be replaced with a similar specimen, the security for that tree will be forfeited to Council and used to provide replacement street plantings.

SCHEDULE

Tree Species	Location	Bond
1 x <i>Jacaranda mimosifolia</i> (4x5m – lopped under wires)	Council’s verge between 66 & 68 Ellalong Road	\$3,500
1 x <i>Jacaranda mimosifolia</i> (5x5m)	Council’s verge in front of 68 Ellalong Road	\$3,500

(Reason: Protection of existing environment public infrastructure, community assets and significant trees)

Tree Protection Measures to be shown on Construction Drawings

C11. The tree protection measures contained in the arborist report prepared by Aura Tree Services dated September 2019, and received by Council on 6/11/19, in addition to those required in accordance with AS 4970-2009 – Protection of trees on development sites: shall be shown clearly on the Construction Certificate drawings. Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that appropriate tree protection measures are shown on construction drawings)

Protection of Trees

C12. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

Tree	Location	Height
1 x <i>Jacaranda mimosifolia</i>	Council verge between 68 & 66 Ellalong Rd	(4x5m–lopped Under wires)
1 x <i>Jacaranda mimosifolia</i>	Council verge outside 68 Ellalong Rd	(5m x5m)
<i>Camellia sasanquas</i> (hedge)	Front setback of 66 Ellalong Road	(3m)
3x <i>Camellia</i> sp.,	Front setback of 68 Ellalong Road	
1x <i>Lagerstroemia indica</i>	Front setback of 68 Ellalong Road	(5m x5m)
1x <i>Rondeletia amoena</i> (incorrectly shown as <i>Viburnum</i>)	Front setback of 68 Ellalong Road	(4m)
1 <i>Archontophoenix cunninghamiana</i>	Front setback of 68 Ellalong Road	(9m)

1 x <i>Lagerstroemia indica</i>	Northeastern boundary of 66 Ellalong Road adjacent to the rear building line of 68 Ellalong Rd	(6m x 4m)
T1 <i>Melaleuca quinquenervia</i>	Northeastern boundary of 68 Ellalong Road (rear setback)	(12m x 12m)
1 x <i>Glochidion ferdinandi</i>	Southeastern corner of 39 Ryries Parade	(10m x 8)
1 x <i>Magnolia grandiflora</i> cv.	Rear setback of 68 Ellalong Road	(9m x 4m)
1 x <i>Magnolia grandiflora</i> cv.	Rear setback of 68 Ellalong Road	(8m x 3m)
3 x <i>Elaeocarpus eumundi</i>	Rear setback of 68 Ellalong Road	Up to 8 x 5m
Hedge of <i>Syzygium</i> sp. and <i>Murraya paniculata</i> (mixed)	Rear setback of 68 Ellalong Road	pruned to 5m
All perimeter planting above 3m (unless expressly identified for removal)	Rear setback of 68 Ellalong Road	>3m

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.

(Reason: Protection of existing environmental and community assets)

Approval for removal of Trees

C13. The following trees are approved for removal in accordance with the development consent:

Trees that are acceptable to remove	Location	Reason
2 x <i>Camellia</i> sp. (Pruned to 4m)	Northwestern boundary 68 Ellalong Road within rear setback	Conflicts with development
1 x <i>Camellia</i> sp. (5m x 3m)	Northwestern boundary 68 Ellalong Road within rear setback	Conflicts with development
1 x <i>Nerium oleander</i>	Rear setback of 68 Ellalong Road	Low value
1 x <i>Plumeria acutifolia</i> (6 x 7m)	Adjacent to rear deck of 68 Ellalong Road	Conflicts with development

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Council's Tree Preservation Order.

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.

(Reason: Protection of existing environmental and community assets)

Asbestos Material Survey

- C14. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

Any demolition works or other works identified in the report as having to be carried out must be carried out in accordance with the recommendations of the report and the following:

- a) the removal of asbestos must be undertaken by a WorkCover licensed contractor;
- b) all removal must be in strict accordance with the requirements of the WorkCover Authority in relation to the removal, handling and disposal of material containing asbestos and any Work Safe Australia requirements.
- c) during the removal of any asbestos a sign stating “DANGER ASBESTOS REMOVAL IN PROGRESS” must be erected in a visible position at the boundary of the site; and
- d) Waste disposal receipts must be provided to the Certifying Authority as proof of correct disposal of asbestos laden waste.

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

(Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily)

Swimming Pool Pumps on Residential Premises

- C15. The Certifying Authority must be satisfied that the swimming pool pump to be installed on the premises must not:

- a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
 - i) before 8.00am and after 8.00pm on any Sunday or Public Holiday; or
 - ii) before 7.00am or after 8.00pm on any other day
- b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.

“affected residence” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation and hospitals.

“boundary” includes any window or elevated window of an affected residence.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

Details demonstrating compliance with the requirements of this condition must be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(Reason: To maintain residential amenity)

Privacy

C16. The following privacy devices are to be provided:

- a) A fixed privacy screen to a minimum height of 1.5m above the finished floor level of the deck is to be constructed along the north eastern edge of the rear deck

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.

(Reason: To ensure an adequate level of privacy is provided to adjoining property located at 70 Ellalong Road)

Pool Access

C17. Access to the pool must be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992, and the barrier is to conform to the requirements of the applicable Australian Standard. 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.

(Reason: To ensure the safety of children and make applicant aware of the need to comply with applicable pool fencing legislation)

Swimming Pool Water to Sewer

C18. The swimming pool, including overflow water, must be drained to the sewer. The consent of Sydney Water to dispose of wastewater must be obtained prior to the issue of any Construction Certificate. Plans and specifications complying with this condition and any conditions/ requirements of Sydney Water 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 comply with this condition and any conditions/ requirements imposed by Sydney Water.

(Reason: Water from a swimming pool is classified as wastewater and cannot be legally disposed of into the stormwater system)

Pool Filter

C19. The pool filtering equipment must be encased by a soundproof cover and must be located six (6) metres from any habitable room in a dwelling on a neighbouring property. 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.

(Reason: To ensure noise generated by equipment does not result in offensive noise)

Security Deposit/ Guarantee Schedule

C20. All fees and security deposits/ guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security deposit/ guarantee	Amount (\$)
Street Tree Damage Bond	\$7,000
Infrastructure Damage Bond	\$2,000
TOTAL BONDS	\$9,000

The security required by the above schedule must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

(Reason: Compliance with the development consent)

BASIX Certificate

C21. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A353495, dated 30 July 2019 for the development are fulfilled. 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.

(Reason: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

D. Prior to the Commencement of any Works (and continuing where indicated)

Protection of Trees

D1. All trees that are specifically nominated to be retained in accordance with condition C14 of this consent must be maintained and protected during demolition, excavation and construction on the site in accordance with AS4970-2009 (Protection of trees on development sites).

A report containing recommendations, and methods of tree protection prepared by an appropriately qualified person must be provided to the Certifying Authority for approval by an appropriately qualified person prior to commencement of any works on the site. Any recommendations must be undertaken for the duration of works on the site.

(Reason: To ensure trees required to be retained are adequately protected through the development)

Protection of Public Trees

D2. Trees located on public land are to be retained and protected as part of the development consent in accordance with the schedule below:

Tree	Location	Protection
1 x <i>Jacaranda mimosifolia</i> (4 x 5m – lopped under overhead wires)	Council verge between 66 and 68 Ellalong Road	1.8m steel mesh tree protection fencing
1 x <i>Jacaranda mimosifolia</i> (5 x 5m)	Centrally located in the Council verge outside 68 Ellalong Road	1.8m steel mesh tree protection fencing

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.

(Reason: To protect Council's assets)

Public Liability Insurance – Works on Public Land

D3. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note, and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

(Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application)

(Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land)

Sydney Water Approvals

D4. Prior to the commencement of any works, the approved plans must be submitted to Sydney Water to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

The Certifying Authority must ensure that Sydney Water has appropriately stamped the plans before the commencement of building works.

Notes:

- *Sydney Water Building Plan Approvals can be obtained from the Sydney Water Tap in™ online service. Building plans must be submitted to the Tap in™ to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. For further information visit <http://www.sydneywater.com.au/tapin/index.htm> or call 13 000 TAP IN (1300 082 746) for further information.*

(Reason: To ensure compliance with Sydney Water requirements)

Commencement of Works Notice

- D5. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least 2 days notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

(Reason: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

E. During Demolition and Building Work

Cigarette Butt Receptacle

- E1. A cigarette butt receptacle is to be provided on the site for the duration of excavation/demolition/construction process, for convenient use of site workers.

(Reason: To ensure adequate provision is made for builders' waste)

Parking Restrictions

- E2. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The Developer will be held responsible for any breaches of this condition, and will incur any fines associated with enforcement by Council regulatory officers.

(Reason: To ensure that existing kerbside parking provisions are not compromised during works)

Road Reserve Safety

- E3. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council.

A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

Where public infrastructure is damaged, repair works must be carried out in when and as directed by Council officers (at full Developer cost). Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

E4. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures must be to the satisfaction of the Certifying Authority.

(Reason: Stormwater control during construction)

Removal of Extra Fabric

E5. Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith.

No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

(Reason: To ensure compliance with the terms of this development consent)

Dust Emission and Air Quality

E6. The following must be complied with at all times:

- (a) Materials must not be burnt on the site.
- (b) Vehicles entering and leaving the site with soil or fill material must be covered.
- (c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction.
- (d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

(Reason: To ensure residential amenity is maintained in the immediate vicinity)

Noise and Vibration

- E7. The works must be undertaken in accordance with the “Interim Construction Noise Guideline” published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

(Reason: To ensure residential amenity is maintained in the immediate vicinity)

No Work on Public Open Space

- E8. No work can be undertaken within adjoining public lands (ie. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

(Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land)

Applicant's Cost of Work on Council Property

- E9. The applicant must bear the cost of all works associated with the development that occurs on Council’s property, including the restoration of damaged areas.

(Reason: To ensure the proper management of public land and funds)

No Removal of Trees on Public Property

- E10. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved by this consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

(Reason: Protection of existing environmental infrastructure and community assets)

Protection of Trees

- E11. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009. All recommendations contained within the tree report prepared by prepared by Aura Tree Services dated September 2019, and received by Council on 6/11/19, must be implemented for the duration of the works.

In the event that any tree required to be retained is damaged during works on the site, notice of the damage must be given to Council forthwith.

Notes:

- a. If the nominated tree is damaged to a significant degree or removed from the site without prior written approval being obtained from Council, the issuing of fines or legal proceedings may be commenced for failure to comply with the conditions of this consent.

- b. An application to modify this consent pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 will be required to address the non-compliance with any of the conditions of consent relating to the retention of nominated trees, and Council may require tree replenishment.

(Reason: Protection of existing environmental infrastructure and community assets)

Special Permits

- E12. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

The developer, owner or builder may apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property. In the event that a permit is granted by Council for the carrying out of works, processes, storage of materials, loading and unloading associated with the development on Council's property, the development must be carried out in accordance with the requirements of the permit. A minimum of forty-eight (48) hours notice is required for any permit: -

1) **On-street mobile plant**

Eg. cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the developer's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

(Reason: Proper management of public land)

2) **Hoardings**

Permits are required to erect Class A and Class B hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

(Reason: Proper management of public land)

3) **Storage of building materials and building waste containers (skips) on Council's property**

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.

(Reason: Proper management of public land)

4) **Kerbside restrictions, construction zones**

Attention is drawn to the existing kerbside restrictions adjacent to the development. Should alteration of existing kerbside restrictions be required, or the provision of a construction zone, the appropriate application must be made and the fee paid to Council. Alternatives to such restrictions may require referral to Council's Traffic Committee and may take considerable time to be resolved. An earlier application is suggested to avoid delays in construction programs.

(Reason: Proper management of public land)

Construction Hours

E13. Building construction and works must be restricted to within the hours of 7.00 am to 5.00 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 erection 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) or surface, or the like, and includes the loading of demolition waste and the unloading of plant or 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.

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

Installation and Maintenance of Sediment Control

E14. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

Erosion and sediment measures must be maintained in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004), commonly referred to as the "Blue Book" and can only be removed when development activities have been completed and the site fully stabilised.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Sediment and Erosion Control Signage

E15. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Site Amenities and Facilities

E16. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of work place determines the type of amenities required.

Further information and details can be obtained from the Internet at www.workcover.nsw.gov.au

(Reason: To ensure the health and safety of the community and workers on the site)

Health and Safety

E17. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site, and provide a contact telephone number for enquiries.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the internet at www.workcover.nsw.gov.au

(Reason: To ensure the health and safety of the community and workers on the site)

Prohibition on Use of Pavements

E18. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

(Reason: To ensure public safety and amenity on public land)

Plant & Equipment Kept Within Site

E19. All plant and equipment used in the undertaking of the development/ works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

Details of Council requirements for permits on public land for standing plant, hoardings, storage of materials and construction zones and the like are available on Council's website at www.northsydney.nsw.gov.au.

(Reason: To ensure public safety and amenity on public land)

Waste Disposal

E20. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environmental Protection Authority.

(Reason: To ensure the lawful disposal of construction and demolition waste)

Asbestos Removal

E21. All demolition works involving the removal and disposal of asbestos cement 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.

(Reason: To ensure works are carried out in accordance with relevant WorkCover requirements)

F. Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation

National Construction Code

F1. All building work must be carried out in accordance with the provisions of the National Construction Code.

(Reason: Prescribed - Statutory)

Home Building Act

F2. 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) for which the *Home Building Act* 1989 requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given North Sydney Council written notice of the contract of insurance being issued and of the following:

- a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
- b) in the case of work to be done 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 that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this conditions is out of date, work must cease and no further work may be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifying Authority (PCA)

F3. 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 EP&A Act and its Regulations.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Construction Certificate

F4. Building work, demolition or excavation in accordance with the development consent must not be commenced until a Construction Certificate for the relevant part of the building work has been issued in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Occupation Certificate

F5. 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.

(Reason: Statutory)

Mandatory Critical Stage Inspections

F6. Building work must be inspected by the Principal Certifying Authority on the critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed Principal Certifying Authority.

(Reason: Statutory)

Commencement of Works

F7. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least 2 days notice to North Sydney Council of the person's intention to commence the erection of the building.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Excavation/Demolition

- F8. 1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- 2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 3) Demolition work must be undertaken in accordance with the provisions of AS2601-Demolition of Structures.

(Reason: To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage)

Protection of Public Places

- F9. 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
- 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- 5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained. Any application needs to be accompanied by plans indicating the type of hoarding and its layout. Fees are assessed and will form part of any approval given. These fees must be paid prior to the approval being given. Approval for hoardings will generally only be given in association with approved building works, maintenance or to ensure protection of the public. An application form for a Hoarding Permit can be downloaded from Council's website.

(Reason: To ensure public safety and the proper management of public land)

Site Sign

- F10. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

G. *Prior to the Issue of an Occupation Certificate*

Pool Access

- G1. Access to the pool must be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992, and the requirements of the applicable Australian Standard. The pool must not be filled with water or be allowed to collect stormwater until the installation of the child resistant barrier is completed. Certification from an appropriately qualified person confirming compliance with these requirements must be provided prior to the issuing of any Occupation Certificate.

(Reason: To ensure that any person acting upon this consent is aware of their obligations under the provisions of the Swimming Pools Act)

Pool Safety Requirements

- G2. A notice must be displayed in a prominent position in the immediate vicinity of the pool at all times showing:
- a) Appropriate instructions of artificial resuscitation methods.
 - b) A warning stating:
 - (i) “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL”, and
 - (ii) “POOL GATES MUST BE KEPT CLOSED AT ALL TIMES”, and
 - (iii) “KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES”,

Details demonstrating compliance are to be provided with any Occupation Certificate issued for the pool.

This notice must be kept in a legible condition and at the poolside.

(Reason: To ensure an adequate level of safety for young pool users)

Damage to Adjoining Properties

G3. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

(Reason: To ensure adjoining owner's property rights are protected)

Utility Services

G4. All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

(Reason: To ensure compliance with the terms of this consent)

Asbestos Clearance Certificate

G5. For building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Certifying Authority (and a copy forwarded to Council if it is not the Certifying Authority) for the building work prior to the issue of any Occupation Certificate, the asbestos clearance certificate must certify the following: -

- a) the building/ land is free of asbestos; or
- b) the building/ land has asbestos that is presently deemed safe.

The certificate must also be accompanied by tipping receipts, which detail that all asbestos waste has been disposed of at an approved asbestos waste disposal depot. If asbestos is retained on site the certificate must identify the type, location, use, condition and amount of such material.

Note: Further details of licensed asbestos waste disposal facilities can be obtained from www.epa.nsw.gov.au

(Reason: To ensure that building works involving asbestos based products are safe for occupation and will pose no health risks to occupants)

Certification of Tree Condition

G6. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Certifying Authority, describing the health of the tree(s) specifically nominated below: -

Tree	Location	Height
1x <i>Jacaranda mimosifolia</i>	Council verge between 68 & 66 Ellalong Road	(4x5m–lopped Under wires)
1x <i>Jacaranda mimosifolia</i>	Council verge outside 68 Ellalong Rd	(5m x5m)
<i>Camellia sasanquas</i> (hedge)	Front setback of 66 Ellalong Road	(3m)
3x <i>Camellia</i> sp.	Front setback of 68 Ellalong Road	
1x <i>Lagerstroemia indica</i>	Front setback of 68 Ellalong Road	(5m x5m)
1x <i>Rondeletia amoena</i> (incorrectly shown as <i>Viburnum</i>)	Front setback of 68 Ellalong Road	(4m)
1x <i>Archontophoenix cunninghamiana</i>	Front setback of 68 Ellalong Road	(9m)
1x <i>Lagerstroemia indica</i>	Northeastern boundary of 66 Ellalong Road adjacent to the rear building line of 68 Ellalong Road	(6m x4m)
T1 <i>Melaleuca quinquenervia</i>	Northeastern boundary of 68 Ellalong Road (rear setback)	(12m x 12m)
1x <i>Glochidion ferdinandi</i>	Southeastern corner of 39 Ryries Parade	(10m x 8)
1x <i>Magnolia grandiflora</i> cv.	Rear setback of 68 Ellalong Road	(9m x 4m)
1x <i>Magnolia grandiflora</i> cv.	Rear setback of 68 Ellalong Road	(8m x 3m)
3x <i>Elaeocarpus eumundii</i>	Rear setback of 68 Ellalong Road	Up to 8 x 5m
Hedge of <i>Syzygium</i> sp. and <i>Murraya paniculata</i> (mixed)	Rear setback of 68 Ellalong Road	pruned to 5m
All perimeter planting above 3m (unless expressly identified for removal)	Rear setback of 68 Ellalong Road	>3m

The report must detail the condition and health of the nominated tree(s) upon completion of the works, and shall certify that the tree(s) has/have not been significantly damaged during the works on the site, and has/have reasonable prospects for survival.

(Reason: To ensure compliance with the terms of this consent)

Additional Landscaping – North Eastern Side Swimming Pool Setback Area

G7. A screening hedge of suitable species is to be provided along the north eastern boundary setback area adjacent to the swimming pool subject to the requirements of the *Swimming Pools Act 1993*.

(Reason: To provide additional landscaped screening between the proposed pool and the adjoining dwellings)

Unpaved Verge

G8. The unpaved verge area must be constructed/reconstructed with an appropriate species of grass prior to completion of the works at no cost to Council

(Reason: To ensure that community assets are presented in accordance with reasonable community expectations)

I. On-Going / Operational Conditions

Pool Filter

11. The swimming pool pump installed at the premises must not operate so as to:
- a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
 - i) before 8.00am and after 8.00pm on any Sunday or Public Holiday; or
 - ii) before 7.00am or after 8.00pm on any other day
 - b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 of the EPA Industrial Noise Policy shall be applied.

“affected residence” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation and hospitals.

“boundary” includes any window or elevated window of an affected residence.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

(Reason: To ensure noise generated by equipment does not result in offensive noise)

Ongoing Street Tree Care

12. The 2 x *Jacaranda mimosifolia* located in the road reserve shall be watered for a period of six (6) months after the final construction certificate is issued. The watering shall be approximately 20 litres per week (min) delivered gently by hose or watering can so that the surrounding soil can absorb the water. Seasol solution is recommended once a month over this period.

Plans and specifications showing the said tree protection measures must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure the construction plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that appropriate tree protection measures are shown on construction drawings)