

MINUTES OF KU-RING-GAI PLANNING PANEL HELD ON WEDNESDAY, 24 FEBRUARY 2010

Present: Bill Tsakalos (Chairperson)
Kerry Bedford

Staff Present: Director Development & Regulation (Michael Miotic)
Manager Development Assessment Services (Corrie Swanepoel)
Senior Governance Officer (Geoff O'Rourke)

The Meeting commenced at 5.00pm

PP5 **APOLOGIES**

File: S06347

Ms E Crouch tendered an apology for non-attendance [personal commitment] and requested leave of absence.

NOTE: The General Manager, John McKee tendered an apology for non-attendance.

Resolved:

That the apology by Ms E Crouch for non-attendance be accepted and leave of absence be granted.

CARRIED UNANIMOUSLY

DECLARATIONS OF INTEREST

The Chairperson adverted to the necessity for the Ku-ring-gai Planning Panel members and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

No Interest was declared.

CONFIRMATION OF MINUTES

PP6 **Minutes of Ku-ring-gai Planning Panel**

File: S06347

Meeting held 3 February 2010
Minutes numbered PP1 to PP4

Resolved:

(Moved: K Bedford/Chairperson, B Tsakalos)

That Minutes numbered PP1 to PP4 circulated to Panel members were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

PP7 **76A Highfield Road, Lindfield - Works to Establish a Recreation Area comprising Multi-Purpose Courts Primarily for Futsal**

File: DA0331/09

Ward: Roseville

Applicant: Mr Peter Gnamm

Owner: Ku-ring-gai Council

The following members of the public addressed the Panel:

**U Righetti
M Shelley
T Barker
L Cosgrove
I Hurwitz
P Rodgers
S Gould
M Greer
P Greer
D Twycross**

To determine Development Application No.0331/09 for the conversion of two (2) existing bowling greens to create two (2) full size international Futsal courts and one (1) multi-purpose court with associated lighting and fencing.

Resolved:

(Moved: Chairperson, B Tsakalos/K Bedford)

That the Ku-ring-gai Planning Panel, as the consent authority, grant development consent to DA0331/09 for works to establish a recreation area comprising multi-purpose futsal courts on land at 76A Highfield Road, Lindfield for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

Conditions that identify approved plans:**1. Approved architectural plans and documentation**

The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plans

Plan number / name	Drawn by	Dated
20967	SJ Feeney & Associates Pty Ltd	25 January 2010
20892	SJ Feeney & Associates Pty Ltd	13 May 2009
SK01	-	July 2009
Proposed Site Plan	-	Received by Council 8 February 2010
2154-1	Thorn	18/01/2010
CD1376	GM Poles	18.02.08
WLBC Rev. B	Tiger Turf	-

Documents

Document name	Prepared by	Dated
Noise Impact Assessment – Lindfield Football Club – Revision C	Noise and Sound Services	January 2010
Lindfield Sports Centre – Acoustic Assessment: Response to DA Assessment	Noise and Sound Services	6 October 2009

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

2. Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

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

Conditions to be satisfied prior to demolition, excavation or construction:**3. Road opening permit**

The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a road opening permit being obtained from Council (upon payment of the required fee) beforehand.

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

4. Notice of commencement

At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

Reason: Statutory requirement.

5. Notification of builder's details

Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

Reason: Statutory requirement.

6. Erosion and drainage management

Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing manual "Managing Urban Stormwater: Soils and Construction" certificate. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

Reason: To preserve and enhance the natural environment.

7. Construction waste management plan

Prior to the commencement of any works, the Principal Certifying Authority shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with Council's DCP 40 – Construction and Demolition Waste Management.

The plan shall address all issues identified in DCP 40, including but not limited to: the estimated volume of waste and method for disposal for the construction and operation phases of the development.

Note: The plan shall be provided to the Certifying Authority.

Reason: To ensure appropriate management of construction waste.

Conditions to be satisfied prior to the issue of the construction certificate:**8. Car Park**

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that the existing car park will be appropriately upgraded in order to cater for the high turnover of patrons. This upgrade shall include, but not be limited to, the re-surfacing of the existing car park, line marking (including disabled access marking), wheelstops, appropriate signs with internal no parking signs (refer Traffic Report by Traffix dated 3/4/2009) and extended individual parking modules (where necessary). Construction details/drawings prepared by a suitably qualified person shall be provided in accordance with the relevant guidelines. Council's recommendations concerning disabled parking spaces and pick up and drop off areas shall be noted on the plans.

Reason: To provide suitable parking provisions to the proposed development.

9. Fire safety and compliance with Building Code of Australia

Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000 the following fire safety upgrade works are required to the existing club house building. Details are to be submitted with the application for a Construction Certificate:

- a) A fire hydrant system must be provided to serve the building in accordance with Clause E1.3 of the Building Code of Australia.
- b) A fire hose reel system must be provided to serve the building in accordance with E1.4 of the Building Code of Australia.
- c) Portable fire extinguishers must be installed throughout the building to comply with Clause E1.6 of the Building Code of Australia.
- d) An Emergency Lighting system shall be installed throughout the building and comply with Australian Standard AS2293.1.
- e) Exit signs shall be upgraded throughout the building to comply with Clause E4.5 of the Building Code of Australia and AS2293.1.
- f) The operation of the door latch on the required exit doors on the ground floor and lower ground floor are to comply with Clause D2.21 of the Building Code of Australia.
- g) The balustrade of the internal stair shall be upgraded to comply with Clause D2.16 of the Building Code of Australia.

Reason: Statutory requirement

10. Disabled access

Disabled access to the proposed courts and to and within the existing club

house building shall be upgraded in accordance with the 'Access & Mobility Assessment Report' dated 21 August 2009 prepared by Wayne Boyle, Access & Mobility Consultant. Details are to be shown on plans submitted with the application for a Construction Certificate.

Reason: To provide access for disabled persons.

11. Sanitary facilities

Sanitary facilities are to be provided in the club house for patrons and staff to comply with Part F2 of the Building Code of Australia. Details are to be shown on the plans submitted with the application for a Construction Certificate.

Reason: Statutory requirement

12. Access doors and gates

All access doors and gates to the courts, including those of the acoustic fence, are to be sprung loaded to ensure the doors close after operation. Rubber absorbing pads are to be provided to the doorframes to prevent the impact of sound. The details of this required amendment are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To protect neighbouring residential amenity.

13. Lighting bafflers

The flood lighting to be erected upon the six (6) light towers is to be installed in a manner that restricts any 'obtrusive light' (as defined by AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting) spillage into the surrounding bushland. The details of this required amendment are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To minimise the impacts of the facility upon wildlife.

14. Light tower colour

The light towers are to be treated in a recessive colour (such as light green) that is compatible with surrounding natural environment. The colour to be used is to be submitted to and approved by Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To minimise visual impact and to protect streetscape character.

15. Acoustic fencing

The proposed acoustic fencing is to be positioned as per the location shown on the approved site plan (received by Council on 8 February 2010), incorporating a minimum 1.0 metre setback at the eastern end, increasing to a 1.3m setback at

the western end. The section of the fence that is to run parallel with the Highfield Road street frontage is to be constructed as shown within the drawing titled 'Insert A' on the approved elevation plan 'SK01'.

The fence is to be constructed of solid, 'lapped and capped' timber and treated in a recessive colour (such as pale green) that is compatible with the surrounding natural environment.

Screen planting capable of attaining a minimum height of 2.5 metres is to be placed within the setback area to Highfield Road and is to be established at a minimum 45 Litres pot size. This screen planting is to be of a hedge variety incorporating dense foliage.

The details of the above are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To protect streetscape character.

16. Amendments to the car parking plan

The following amendments to the plan, prepared by SJ Feeney & Associates Pty Ltd, dated 6 October 2009 and lodged with Council on 14 October 2009, are required and are to be undertaken in accordance with the associated condition No. 23 titled '**Design of works in public road (Roads Act approval)**' of this consent:

- The space marked '1' and '63' on the plan is to be removed and two (2) accessible parking spaces are to be provided in the spaces marked '2' and '3'. The accessible spaces shall be converted in accordance with the recommendations of the consulting access report;
- Spaces '66-68' are to be signposted as 'Pick-up' and 'Drop-off' spaces;
- Space is to be provided for the staged provision of fourteen (14) bicycle parking spaces in accordance with the requirements of Austroads 'Guide to Traffic Engineering Practice - Part 14: Bicycles';
- The vehicle access point to Highfield Road be widened to 7.0m and that kerb and gutter be constructed between the traffic control device and the bus bay, in order to provide clear and adequate deflection for westbound vehicles in Highfield Road, including the minor re-alignment of the vehicular crossing;
- An accessible path between the bus bay (at street level) to the courts is to be provided and integrated with the proposal to connect the accessible parking space with the futsal courts and the clubhouse.

Reason: To provide adequate parking that does not unduly impact upon traffic movements and to provide adequate connectivity and accessibility between the parking areas and futsal courts.

17. Approval of traffic signs

Prior to the issue of the Construction Certificate, the applicant is to obtain the following approvals from the Ku-ring-gai Traffic Committee and Council for:

- The installation of 'No Parking' restrictions between the access point and the proposed bus bay;
- The installation of 'No Parking' restrictions easterly of the access point and past the traffic control device; and
- The installation of 'Bus zone' signs across the proposed bus bay, with appropriate times.

The required fees as specified in Council's adopted Fees and Charges shall be paid with the traffic sign installation application.

Reason: To ensure the proposed parking restrictions signs and bus zone signs are appropriately installed.

18. Long service levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

19. Outdoor lighting

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that all outdoor lighting will comply with AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Note: Details demonstrating compliance with these requirements are to be submitted prior to the issue of a Construction Certificate.

Reason: To provide high quality external lighting without adverse affects on public amenity from excessive illumination levels.

20. Driveway crossing levels

Prior to issue of the Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings".

Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant development application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment.

This development consent is for works wholly within the property. Development consent does not imply approval of footpath or driveway levels, materials or location within the road reserve, regardless of whether this information is shown on the development application plans. The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

The construction of footpaths and driveways outside the property in materials other than those approved by Council is not permitted.

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

21. Drainage of paved areas

All new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details of such measures shall be shown on the Construction Certificate drawings, to the satisfaction of the Certifying Authority.

Reason: To control surface run off and protect the environment.

22. Vehicular access and garaging

Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking". Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that parking spaces are in accordance with the approved development.

23. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue

purposes and must detail the following infrastructure works required in Highfield Rd:

- Construction of the bus bay fronting the property. The bus bay shall be designed in accordance with the relevant RTA and disabled access guidelines.
- Pedestrian footpath from the bus bay to the court level to provide disabled access.
- Kerb and gutter from the western side of the proposed bus bay to the required driveway layback. Suitable traffic deflection devices for vehicles travelling in a westbound direction shall also be provided.
- Kerb and gutter from the eastern side of the proposed driveway crossing to marry up with the existing concrete kerb and gutter.
- The width of the driveway crossing increased to 7.0m.

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

Reason: To ensure that the plans are suitable for construction purposes.

24. Advisory sign sizes

The advisory signs to be used (as referred to within this consent and by the document titled 'Plan of Management for the West Lindfield Sports and Recreation Club', lodged with Council on 14 October 2009, dated October 2009) are to be a maximum of 1m² in size. The details of the signage satisfying this requirement is to be submitted to and approved by the Principal Certifying

Authority prior to the issue of the Construction Certificate.

Reason: To minimise visual impacts.

Conditions to be satisfied prior to the issue of the construction certificate or prior to demolition, excavation or construction (whichever comes first):

25. Infrastructure restorations fee

To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.
- e) In this condition:

“Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

Reason: To maintain public infrastructure.

Conditions to be satisfied during the demolition, excavation and construction phases:

26. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- The work must be carried out in accordance with the requirements of the Building Code of Australia
- In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

Reason: Statutory requirement.

27. Approved plans to be on site

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

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

28. Statement of compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

Reason: To ensure compliance with the Australian Standards.

29. Demolition, excavation and construction work hours

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12 noon Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 7.30am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon 1.00pm.

Where it is necessary for works to occur outside of these hours (ie) placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by the RTA from travelling during daylight hours to deliver, erect or remove machinery, tower cranes, pre-cast panels, beams, tanks or service equipment to or from the site, approval for such activities will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

NOTE: Failure to obtain a permit to work outside of the approved hours will result in on the spot fines being issued.

Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties.

30. Site notice

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

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

Reason: To ensure public safety and public information

31. Dust control

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust

- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out daily

Reason: To protect the environment and amenity of surrounding properties.

32. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

Reason: To ensure safety and amenity of the area.

33. Toilet facilities

During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Reason: Statutory requirement.

34. Protection of public places

If the work involved in the erection, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, a hoarding is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any hoarding, fence or awning is to be removed when the work has been completed.

Reason: To protect public places.

35. Recycling of building material (general)

During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

Reason: To facilitate recycling of materials.

36. Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

Reason: To ensure compliance with Council's controls regarding signage.

37. Maintenance period for works in public road

A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - after the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the applicant receives a formal letter from Council stating that the works involving public infrastructure have been completed satisfactorily.

Reason: To protect public infrastructure.

38. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (2002) "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: To ensure safe public footways and roadways during construction.

39. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

Reason: Provision of utility services.

40. Temporary disposal of stormwater runoff

During construction, stormwater runoff must be disposed of 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 manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.

Reason: To preserve and enhance the natural environment.

41. Erosion control

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

Reason: To protect the environment from erosion and sedimentation.

42. Drainage to existing system

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the existing site drainage system. The installation of new drainage components must be completed by a licensed contractor in accordance with AS3500.3 (Plumbing Code) and the BCA. No stormwater runoff is to be placed into the Sydney Water sewer system. If an illegal sewer connection is found during construction, the drainage system must be rectified to the satisfaction of Council and Sydney Water.

Reason: To protect the environment.

43. No storage of materials beneath trees

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

Reason: To protect existing trees.

44. Removal of refuse

All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

Reason: To protect the environment.

Conditions to be satisfied prior to the issue of an Occupation Certificate:**45. Car Park**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that the existing car park has been appropriately re-surfaced, line marked, wheelstopped, signed with internal no parking signs (refer Traffic Report by Traffix dated 3/4/2009) and extended where necessary (individual parking modules).

Reason: To provide suitable parking provisions to the proposed development.

46. Emergency requirements

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that the following has been undertaken:

- The curtains and security screens in front of the ground floor exit doors are to be removed; and
- The final exit doors located at the bottom of the internal stair at lower ground floor level and in meeting room 2 shall be fitted with a device for holding them in the open position during an emergency.

Reason: To ensure adequate safety during emergency.

47. Noise attenuation fencing

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied the proposed noise attenuation fencing has been constructed in accordance with the specifications contained within the submitted acoustic report (Noise Impact Assessment – Lindfield Football Club – Revision C, prepared by Noise and Sound Services, dated January 2010) so as to achieve consistency with the certification provided within 'Appendix C' of this document.

Reason: To ensure the protection of neighbouring residential amenity.

48. Reinstatement of redundant crossings and completion of infrastructure works

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that the following works in the road reserve have been completed:

- new concrete driveway crossing and layback (of 7.0m width) in accordance with levels and specifications issued by Council
- removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials)
- full repair and resealing of any road surface damaged during construction
- full replacement of damaged sections of grass verge with a native variety to match existing

All works must be completed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

Reason: To protect the streetscape and Council infrastructure.

49. Construction of works in public road – approved plans

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that all approved road, footpath and/or drainage works have been completed in the road reserve in accordance with the Council Roads Act approval and accompanying drawings, conditions and specifications.

The works must be supervised by the applicant's designing engineer and completed and approved to the satisfaction of Ku-ring-gai Council.

The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved stamped drawings. The works must be subject to inspections by Council at the hold points noted on the Roads Act approval. All conditions attached to the approved drawings for these works must be met prior to the Occupation Certificate being issued.

Reason: To ensure that works undertaken in the road reserve are to the satisfaction of Council.

50. Fire safety certificate

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.

Note: A copy of the Fire Safety Certificate must be submitted to Council.

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

Conditions to be satisfied at all times:**51. Maintenance of acoustic fencing**

The screen planting and acoustic fence is to be regularly maintained. This maintenance is to include the regular removal of any graffiti.

Reason: To protect streetscape character.

52. Management plan

The operation of the site is to be in accordance with the document titled 'Plan of Management for the West Lindfield Sports and Recreation Club', lodged with Council on 14 October 2009, dated October 2009. No approval is given to the operating hours referred to in Part 3 of this Plan or the 'portable sign' referred to in Part 5. This consent does not grant approval for any changes to the current use of the clubhouse.

Reason: To ensure the appropriate operation of the facility in a manner that respects the amenity of the surrounding residential environment.

53. Prohibition of major competitions

The staging of major competitions, such as regional, state and/or international competitions or school carnivals is not permitted. In this condition, a major competition refers to any competitions likely to attract spectator numbers in excess of the nominated spectator number provided within the 'Noise and Sound Services Noise Impact Assessment' report dated January 2010.

Reason: To contain the impacts of the facility upon the surrounding residential environment.

54. Waste management

The management of the waste generated by the facility is to be in accordance with the document 'Waste Management Plan for West Lindfield Sports and Rec Club' lodged with Council on 14 October 2009, dated 01.10.09.

Reasons: To ensure the appropriate management of waste.

55. Restriction of the sale of food and beverages

No approval is granted for the sale of any food or beverages (including BBQ's) from the proposed temporary selling point.

Reason: To avoid any unsafe handling of food.

56. Hours of operation

The use of the courts throughout the year shall be restricted to:

- Monday to Friday: 8.00am to 8.00pm (front court)
- Monday to Friday: 8.00am to 9.00pm (The middle and rear courts furthest from Highfield Road)
- Saturday: 8am to 6pm
- Sunday: 9am to 6pm

Reason: To protect the amenity of the area.

57. Illumination of courts

The illumination of the courts is to cease within 15 minutes of the conclusion of the permitted hours of use. The flood lights are to be fitted with timers to ensure compliance with this condition is observed.

Reason: To ensure the protection of neighbouring residential amenity.

58. Restriction on the use of advertising signage

No advertising signage is to be erected without prior Council consent.

Reason: To protect streetscape character.

59. Advisory signage

The following advisory signage is to be installed:

- Signs prominently displayed at the entry and exit points, including the car-parking area and access gates, requesting all visitors to minimise noise on entering and leaving the facility;
- A sign provided at the bus bay to inform bus drivers to turn off the engine whilst waiting for passengers to disembark and board.

Reason: To ensure the protection of neighbouring residential amenity.

60. No use of amplified sound equipment

Amplified sound equipment must not be used outdoors at any time.

Reason: To ensure the protection of neighbouring residential amenity.

61. Conditions of use to be provided to external users

The conditions of the use of the facility must be provided to schools, organisations or any other external groups wishing to use the facility. These conditions shall incorporate the relevant conditions of consent, including the permitted hours of use, operation of lighting, noise minimisation requirements and the use of designated parking areas.

Reason: To ensure the protection of neighbouring residential amenity.

62. Use of maintenance and cleaning equipment

Maintenance and/or cleaning equipment that generates noise must not be used on or around the courts between 6pm and 7am on weekdays and Saturdays and between 6pm and 8am on Sundays and public holidays.

Reason: To ensure the protection of neighbouring residential amenity.

63. Complaints monitoring

A logbook must be maintained to record all complaints received from the use of the facility. This logbook is to be made available to Council Officers or any other relevant authority for review upon request.

Reason: To ensure the facility is appropriately operated and in accordance with the determination.

64. Use of lawn bowling green to be retained

No approval is granted for any alternate use of the lawn bowling green that is to be retained for purposes other than lawn bowls.

Reason: To ensure the operation of the facility is in accordance with the determination.

65. Restriction on the playing of basketball

The approved futsal courts are not to be used for basketball at any time.

Reason: To ensure the protection of neighbouring residential amenity

66. Compliance monitoring

Attended acoustic monitoring by an acoustic consultant shall be conducted on at least two (2) occasions during futsal events during the first year of operation with an initial assessment undertaken within three (3) months of occupation to ensure compliance with the day, evening and night noise criteria. The monitoring is to occur with no prior notice to the occupants or users of the facility. A log book of noise complaints must be maintained at the facility and the acoustic compliance monitoring should consider these complaints during the assessment.

Should the acoustic monitoring identify breaches of the noise criteria, a report is to be prepared identifying further noise attenuation measures and/or management measures necessary to achieve compliance. Additional

monitoring will be required after installation/implementation of the recommendations to ensure compliance is achieved.

Reason: To ensure the protection of neighbouring residential amenity.

67. Outdoor lighting

At all times for the life of the approved development, all outdoor lighting shall comply with AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Reason: To protect the amenity of surrounding properties.

68. Noise control – plant and machinery

All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall not emit a noise level of greater than 5dbA above the background when measured at the nearest boundary.

Reason: To protect the amenity of surrounding residents.

69. Loading and unloading

At all times, all loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site.

Reason: To ensure safe traffic movement

CARRIED UNANIMOUSLY

The Meeting closed at 5.41pm

The Minutes of the Ku-ring-gai Planning Panel held on 24 February 2010 (Pages 1 - 22) were confirmed as a full and accurate record of proceedings on 9 June 2010.

Chairperson