

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION
LOCAL DEVELOPMENT CONSENT D367-07
Environmental Planning and Assessment Act, 1979**

TO:

Bluenite Pty Ltd
17 Carnarvon Avenue
Glenhaven NSW 2156

being the applicant for Development Application D367-07 relating to:

**Lot A DP623127, Lot 4, DP 262132, Lot 222 DP10669 and Lot 1 DP 623127, No.s 30, 36, 38
& 42 Progress Street, Tahmoor**

APPROVED DEVELOPMENT:

To demolish existing dwellings and structures and erect a 194 serviced self care dwelling retirement village incorporating a multi purpose community centre over twelve (12) stages.

DATE OF DETERMINATION: 25 October 2007

Pursuant to Section 81 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the attached conditions.

- (1) Development Consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the lapse date except where a condition specifies a limit to the duration of the consent.*
- (2) You are further advised that this approval will expire if the development is not commenced within five (5) years of the determination date appearing above.*
- (3) Where construction work is proposed, the granting of development consent is the first step in the process. Before construction work may commence, a Construction Certificate must be obtained from Council or an accredited certifier.*

Should you wish to discuss Council's decision or the conditions imposed you may contact Council's Land Use Planning & Environment Division. Should you feel aggrieved by Council's decision in this matter, or object to the conditions imposed, in accordance with Section 97(1) of the Act you are entitled to lodge an appeal with the Land and Environment Court of NSW within twelve (12) months of the date appearing above. Forms for such are obtainable from the Local Court at your request.

Yours faithfully,

Michael Kelly
Supervisor - Development Assessment
LAND USE PLANNING & ENVIRONMENT

1.0 COMPLIANCE

These conditions have been imposed to ensure that the development is carried out in accordance with the conditions of consent and the approved plans to Council's satisfaction.

- 1.1 Development Consent is granted to demolish the existing dwellings and structures and erect a 194 serviced self care dwelling retirement village incorporating a multi purpose community centre. The development is to be carried out in twelve (12) stages being:

Stage 1: Erection of multipurpose community centre, fourteen (14) dwellings, main entrance and entry road as indicated upon proposed staging drawing SK004.

Stages 2 - 12: Erection of dwellings, internal roadwork, infrastructure, communal areas as indicated upon proposed staging drawing SK004.

Nothing in this development consent shall restrict, or be interpreted to restrict, the carrying out of the above stages concurrently.

- 1.2 Development shall take place in accordance with the information and plans submitted in respect of Development Application D367-07, received by Council on 5 June 2007 and Tahmoor Aged Care Development Progress Street Tahmoor Statement of Environmental Effects prepared by dem australia pty ltd dated 31st May 2007 and drawings prepared by dem australia pty ltd and numbered as follows:

Drawing Title	Project no.	Drawing No.	Revision No.
Site Plan	3943-00	ar0101	A01
Landscape Master plan	3943-00	la-0102	A02
Site Demolition Plan	3943-00	ar-0301	A01
Community Facility Lower Ground Floor Plan	3943-00	ar2-1200	A01
Community Facility Ground Floor Plan	3943-00	ar2-1201	A01
Community Facility Roof Plan	3943-00	ar2-1202	A01
Community Facility North & South Elevations	3943-00	ar2-1203	A01
Community Facility East & West Elevations	3943-00	ar2-1204	A01
Site Cross Sections/Elevations	3943-00	ar1-1301	A01
2 bedroom duplex	3943-00	ar1-1310	A01
3 bedroom (SG) Duplex	3943-00	ar1-1311	A01
3 bedroom (DG) duplex	3943-00	ar1-1312	A01
2 bedroom triplex	3943-00	ar1-1313	A01
2 bedroom quadruplex	3943-00	ar1-1314	A01
2 bedroom multiplex (Plan)	3943-00	ar1-1315	A01
2 b duplex (north entry)	3943-00	ar1-1317	A01
3 B (SG) duplex (north entry)	3943-00	ar1-1318	A01
2B triplex (North entry)	3943-00	ar1-1319	A01
2 B quadruplex (north entry)	3943-00	ar1-1320	A01
Staging Plan	3943-00	Sk004	D

supported by the following reports:

Title of report	Prepared by	Date
Wastewater Site Assessment	Morse Mcvey & Associates	29 May 2007 and as amended
Support Services Statement	Stan Manning & Associates Aged Care Consultants	May 2007 and as amended
Basix Report	Efficiency Assessments	Undated
Assessment of Traffic & Parking Implications	Transport & Traffic Planning Associates	May 2007
BCA 2007 Assessment Report	DixGardner Pty Ltd	25 May 2007
Stormwater Management Report Issue D	Sydney All Services Pty Ltd	
Access Assessment Report	Accessibility Solutions	22 nd May 2007

except where varied by the following conditions.

- 1.2 The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the development, without the approval of Council.
- 1.3 The height of the development, as defined in State Environmental Planning Policy (Seniors Living) 2004 (Amendment No.2), must not exceed eight (8) metres in height.
 - 1.3.1 Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA).
- 1.4 Excavation must not commence until a Construction Certificate has been issued, for construction of the development.
- 1.5 Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- 1.6 Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.
- 1.7 No consent is granted or implied to the subdivision of the proposed development. A separate application for Subdivision must be made to Council should future subdivision of the proposed development be proposed.
- 1.8 A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.
- 1.9 The facility shall comply with AS1428.1 2001.
- 1.10 Warning alarm systems shall comply with AS2220-1989 "*Emergency Warning and Inter-communication system for Buildings*".

- 1.11 The development the subject of this consent is to be undertaken in accordance with the requirements of the Mines Subsidence Board. The Mines Subsidence Board shall be consulted for their specific requirements.
- 1.12 In order to comply with the Building Code of Australia the subject land must be consolidated into a single parcel. Evidence of the registration of the plan of consolidation at the Land Titles Office is to be provided to the PCA, prior to the issue of any Construction Certificate.

2.0 DEMOLITION

These conditions have been imposed to ensure that the demolition of buildings is carried out with regard to public and environmental safety.

These conditions apply to Stage 1

- 2.1 Prior to commencement of demolition work, the details including plans and elevation showing distances of the subject buildings from the site boundaries, must be submitted to the satisfaction of the Principal Certifying Authority and a copy sent to Council if it is not the PCA.
- 2.2 Any demolition works involving asbestos removal must comply with all legislative requirements including the *Code of Practice for the Safe Removal of Asbestos (2nd Edition – National Occupational Health and Safety Commission) [NOHSC:2002(2005)]*, WorkCover NSW and NSW Department of Environment and Conservation (DEC) requirements.
- 2.3 Any work involving lead paint removal must not cause lead contamination of air or ground.
- 2.4 All demolition material shall be deposited in an approved waste management centre.
- 2.5 Demolition works shall not create general nuisance by reason of inadequate dust, noise or environmental controls.
- 2.6 All demolition works should be carried out in a way that ensures that waste is managed in a manner consistent with the "Construction and Demolition Waste Action Plan 1998" (copies can be obtained from the Pollution Line by phoning 131 555).
- 2.7 Care should be taken when demolishing building structures likely to have been treated with pesticides to avoid contact with the top 10-20mm of soil. The top layer of soil should not be left exposed where children or other sensitive individuals may come into contact with it.
- 2.8 Demolition is to be carried out to Australian Standard AS 2601-1991 – The Demolition of Structures.
- 2.9 All demolition work shall be restricted to between the hours of:
- (i) 7.00am and 6.00pm Mondays to Fridays (inclusive);
 - (ii) 7.00am to 1.00pm Saturdays, if inaudible, otherwise 8.00am to 1.00pm; and
 - (iii) prohibited on Sundays and Public Holidays.

- 2.10 Certification is to be provided to Council by the Principal Certifying Authority that the demolition work has been carried out in accordance with Conditions 2.1 to 2.8 inclusive. Such certification is to be provided prior to the issue of any Construction Certificate.
- 2.11 All demolition work shall be undertaken in such a manner that it is not a danger to the public. During the demolition works an appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works.
- 2.12 During demolition works all materials and equipment shall be kept entirely within the site and not on adjoining property, footpaths and roads.
- 2.13 Prior to commencement of site excavation works, a Site Contamination Survey Report, prepared by a qualified Environmental Consultant, in accordance with the provisions of the Contaminated Land Management Act 1997 must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier).
- 2.14 Where a site is determined to be a "Contaminated Site" under the definition contained in ANZECC/NHMRC 1992 definitions, prior to the commencement of site excavation works:-
- (a) A Remediation Action Plan which details the proposed method for the proper cleaning of contaminated materials from the site is to be provided to the satisfaction of the PCA, and a copy sent to Council if it is not the PCA.
 - (b) A suitably qualified and accredited "Independent Auditor" to the satisfaction of Council, (in terms of section 7A of the Environmental Planning and Assessment Act 1979) is to be appointed in accordance with the requirements of the Contaminated Land Management Act 1997, and Regulations 1998.
 - (c) The approved Remediation Action Plan, must be made available on the site at all times during the progress of the work.
 - (d) The Independent Auditor is to provide a letter to the satisfaction of the PCA, that the RAP is appropriate to remediate the land to the standard suitable for the proposed redevelopment of the land and that common or public areas meet the criteria for common property or designated public space.
 - (e) On completion of the excavation works, a validation certificate must be submitted to the PCA (and a copy sent to Council if it is not the PCA). The certificate signed by the Independent Auditor, must testify that the requirements detailed in the remediation Action Plan, have been satisfactorily completed, and have achieved results as required under the requirements of the Contaminated Land Management Act 1997, and Regulations 1998.

Note: SEPP 55- Remediation of Land requires that Category 1 Remediation Work requires Development Consent prior to the works being undertaken. Category 1 work is defined by clause 9 of SEPP 55. Should Category 1 Remediation Work be required the developer will be required to seek further development consent in respect to the remediation work.

3.0 BUILDING GENERAL

These conditions have been imposed to ensure that the structures are constructed to an approved standard and related approvals.

3.1 All construction work shall be:

- (i) restricted to between 7.00am and 6.00pm Mondays to Fridays (inclusive);
- (ii) restricted to between 7.00am and 1.00pm on Saturdays if work is inaudible - no power tools permitted, otherwise 8.00 am to 1.00pm; and
- (iii) prohibited on Sundays and Public Holidays.

unless written approval to vary the hours of work is granted by Council.

3.2 Construction shall not commence until such time as a Construction Certificate has been obtained.

3.3 Any damage to Council's footway, road or other land being restored in accordance with Council's specifications.

3.4 The buildings shall be constructed in accordance with the requirements of the Building Code of Australia.

3.5 Works shall not commence on the site, no temporary buildings shall be placed on the site and no site excavation, filling, removal of trees or other site preparation shall be carried out prior to the issue of a building approval.

4.0 Building Design

To ensure that the appearance/construction of the works complies with the aims of the relevant Statutory Regulations.

4.1 All materials and colours to be used in the external construction of the proposed buildings shall be consistent throughout the total development.

4.2 The development shall incorporate visual alarms in accordance with AS2220.1 and shall be arranged to flash in conjunction with audible alarms.

4.3 A continuous accessible path of travel is to be provided in accordance with AS1428.1 2001 from all units to the main entry point of the development.

4.4 Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) must be provided, and copy submitted to Council.

4.5 The visible light reflectivity from building materials used on the façade of the buildings should not exceed 20% and must be otherwise designed so as not to result in glare that causes discomfort or threatens safety of pedestrians or drivers.

4.6 The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, and the like which are used by the public must comply with AS/NZS 3661.1:1993 "Slip Resistance of Pedestrian Surfaces Part 1: Requirements" Appendices A and B.

- 4.7 All dwellings shall be designed for persons with disabilities so as to allow for future fit out in accordance with AS 1428.1 – 1993 “Design for Access and Mobility”.
- 4.8 Prior to issue of a Construction Certificate, the certifying authority must ensure that all living rooms and bedrooms shall have a minimum floor to ceiling height of not less than 2.7 metres.

Additional Conditions relating to Stage 1- Construction of Village Community Centre

- 4.8 Toilet doors in general facilities in pool area should have double swing doors to avoid issues with doors opening in one direction.
- 4.9 Details are to be provided to the principal certifying authority incorporating accessible (disabled) change facilities in pool area.
- 4.10 Details are to be provided to the principal certifying authority showing accessible toilet on the first floor of the complex.
- 4.11 Southern elevation indicates a ramp. Details are to be amended to incorporate rails including kerb rail as per AS1428.1 for safety.

5.0 ENGINEERING & CONSTRUCTION SPECIFICATIONS

These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public:-

- 5.1 All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design Code and Construction Specification.
- 5.2 Engineering Design Plans **for the entire site development**, the roads, the internal access road, car parking areas, footpath/shared path, bus access areas, waste service areas, stormwater drainage and detention are to be submitted to and approved by the nominated principal certifying authority, prior to issue of a Construction Certificate for any works associated with this development.

Drainage calculations are to be carried out in accordance with “Australian Rainfall and Runoff” published by the Institution of Engineers Australia, and are to include a contoured catchment diagram and delineation of flow paths for storms of average recurrence interval of 1:100 years (1% AEP) where appropriate.

- 5.3 A “Soil and Water Management Plan” (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to Council. The measures shall be in accordance with Council's Construction specification and the Department of Housing's “Blue Book”. The plan is to be approved by the Principal Certifying Authority with the engineering plans.
- 5.4 A “Traffic Management Plan” that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to Council. The safety precautions are to be in accordance with the requirements of the RTA's “Traffic Control at Work sites” manual. The plan is to be prepared and endorsed by a person with current RTA certification and provided to the

Principal Certifying Authority before issue of Construction Certificate for the development.

- 5.5 Where Council's Construction Specification require that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Council within 7 days. A NATA registered laboratory shall carry out the tests. When testing for density, the Standard Compaction testing method is to be used.

Failure to submit test results may result in Council refusing to issue completion certificates and hence may result in additional works being required.

- 5.6 A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Council before the final inspection for the Certificate of Practical Completion. The "Works as Executed" plan must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.
- 5.7 Engineer's Certification shall be provided for all civil works carried out within the private property. All work within the Public Roads shall be approved by Council prior to the issue of a Construction Certificate by the Principle Certifying Authority.
- 5.8 The applicant shall provide engineer's certification for the structural design and construction of detention tanks to the Principal Certifying Authority prior to issue of the Occupation Certificate for each stage of the development to which those tanks belong.
- 5.9 The applicant shall provide certification for the installation of stormwater re-use system to the Principal Certifying Authority prior to issue of the Occupation Certificate for each stage of the development to which those re-use systems belong.
- 5.10 Where this consent requires both engineering and building works to be undertaken, a separate Construction Certificate shall be issued for each category of works, that is, a separate Engineering Construction Certificate (for any on-site detention, inter allotment drainage, public road works, etc) and a separate Building Construction Certificate (for all works relating to the erection and fit-out of a structure).

A CONSTRUCTION CERTIFICATE FOR THE CIVIL WORKS MUST BE ISSUED PRIOR TO THE ISSUE OF A BUILDING CONSTRUCTION CERTIFICATE WITH THE CERTIFIED PLANS OF THE CIVIL ENGINEERING WORKS ALSO INCORPORATED INTO THE BUILDING PLANS.

Additional Conditions relating to Stage 1- Construction of Village Community Centre

- 5.11 All works is to be carried out in accordance with Wollondilly Shire Council's adopted Design Code, Construction Specification, approved plans and issued Construction Certificate
- 5.12 Engineer's Certification shall be provided for all civil works carried out within the private property.

6.0 DRAINAGE/STORMWATER

These conditions have been imposed to ensure drainage/stormwater is appropriately managed.

- 6.1 Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- 6.2 Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.

The applicant shall provide stormwater drainage generally as shown on the concept drainage plan by Sydney All Services P/L drawings SW01 to SW05 dated 21 September 2007.

- 6.3 An Operation and Maintenance Plan for the management of the drainage system, on-site detention, water reuse and stormwater quality is to be approved by the Principle Certifying Authority prior to the issue of a Construction Certificate.
- 6.4 The applicant shall provide full computer modelling of the stormwater drainage design and analysis of the site to the Principal Certifying Authority for approval prior to issue of a Construction Certificate and results of the computer output shall be shown on the engineering plans. Detention system shall be designed to ensure that post development flow rates from the site is not more than pre-developed site discharge at each discharge point for all rainfall events up to 1 in 100 year ARI.
- 6.5 Prior to the issue of the Occupation Certificate for each stage of the proposed development the creation of a Restriction on Use of Land and Positive Covenant over the operation and maintenance of the On-Site Stormwater Detention System including the water recycling system are to be registered with the Land Titles Office. Wollondilly Shire Council shall be nominated as the body empowered with authority to release, modify or vary the restrictions.
- 6.6 The applicant, at no cost to Council shall carry out any necessary amplification or upgrading of the downstream drainage system **and property accesses**, including the negotiation and dedication of appropriate easements where required.
- 6.7 Where it is necessary to convey collected stormwater runoff from one lot through another in order to facilitate suitable disposal, an interallotment drainage easement not less than 1.5m wide is to be acquired that confers appropriate drainage rights.
- 6.8 The applicant shall incorporate adequate dissolved pollutant as well as silt, grass and oil pollutant controls to the stormwater management system. The pollution control devices shall be located within the property and shall be regularly maintained at the applicant's cost. Details of the stormwater pollution control system shall be shown on the engineering plans.

The following additional conditions apply to Stage 1:

- 6.9 The existing pipe drainage in **Abelia Street** shall be extended to the western boundary of the site to provide drainage for the western catchment in conjunction with the kerb and gutter in **Progress Street**. Details shall be shown on the engineering plans for approval by the Principal Certifying Authority prior to the issue of a Construction Certificate.

- 6.10 The applicant shall provide a grass swale table drain in **Progress Street** from the outlet of the proposed drainage pipes at the eastern boundaries of the site. The discharge from these pipes is for a maximum 1: 10 year ARI storm but the discharge is not to exceed the capacity of the tabledrains. Design details are to include every power pole and property access and there interaction with the tabledrain in **Progress Street**. Details of the work shall be shown on the engineering plans for approval by the Principal Certifying Authority before issue of a Construction Certificate.
- 6.9 The swale tabledrains are to be provided in **Progress Street** to the pipe culvert in front of lot 3, No. 65 DP599365 for discharge to the open drain in lot 3. This open drain is located within a 4.0 metre wide easement, details shall be provided with the engineering plans of the capacity of the open drain. Any upgrading required to provide adequate capacity shall be carried out with the property owners consent.

Additional Conditions specifically relating to Stages 8, 9, 10, 11 and 12:

- 6.10 The applicant shall provide a grass swale table drain in **Tahmoor Road** from the outlet of the proposed drainage pipes at the eastern boundary of the site. The discharge from these pipes is for a maximum 1: 10 year ARI storm but the discharge is not to exceed the capacity of the tabledrains. Design details are to include every power pole and property access and there interaction with the tabledrain in **Tahmoor Road**. Details of the work shall be shown on the engineering plans for approval by the Principal Certifying Authority before issue of a Construction Certificate.
- 6.11 The swale tabledrain is to be provided in **Tahmoor Road from the site to the natural watercourse in Cross Street** at lot 207 DP10669 .
- 6.12 Where it is necessary to convey collected stormwater runoff from one lot through another in order to facilitate suitable disposal, an interallotment drainage easement not less than 1.5m wide is to be acquired that confers appropriate drainage rights.

7.0 INSPECTIONS

These conditions have been imposed to ensure that the work is constructed to an approved standard and related approvals.

- 7.1 The works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:
- When drainage lines have been laid, jointed and bedded, prior to backfilling
 - Prior to pouring of the drainage pits, when the formwork and steel is in place.
 - When roadworks have been excavated to subgrade, prior to placing of pavement.
 - When part of the pavement depth (as indicated by Council) has been placed.
 - During the roller test, which is to be carried out using a three point roller or approved equivalent.
 - At completion of pavement shaping, prior to priming.
 - At sealing (minimum 24 hours required after priming).

- At completion of the preparation of kerb and guttering subgrade.
- Prior to pouring concrete for concrete footpath/cycleway, when formwork and steel is in place.
- At practical completion of works.
- At final completion of works (minimum of 12 months after date of issue of practical completion certificate.)

Note: it is the responsibility of the applicant or contractor to notify Council when inspections are required. Failure to notify Council may lead to additional work being required prior to issue of inspection certificates. A minimum of 48 hours notice is required for inspections. Bookings can be made by phoning Council on (02) 4677 1100 during office hours.

8.0 CARPARKING/LOADING/ACCESS

These conditions have been imposed to ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.

- 8.1 The following carparking requirements apply:
 - (a) The approved vehicle spaces shall be allocated on the development site as follows:
 - a. 273 resident spaces;
 - b. 26 on street visitor spaces
 - c. 8 designated staff spaces
 - (b) All spaces must be allocated and marked according to this requirement.
- 8.2 The internal driveways, car parking spaces and manoeuvring areas are to be constructed using segmental paving, exposed aggregate concrete or other coloured or textured finish and shall be compatible with the external colours, materials and finishes of the dwellings. A detailed plan showing the dimensions, grades and finishes of all parking, driveway and manoeuvring spaces shall be submitted with the Construction Certificate to demonstrate compliance with Australian Standard AS2890.1 (1993). All dimensions are to be measured from the inside face of kerbs and edging to driveway, parking spaces and manoeuvring areas.
- 8.3 The internal access roads shall be designed and constructed considering two way traffic flows, pedestrian and wheel chair access. The engineering plans of the internal access roads shall be submitted to and approved by the Principal Certifying Authority before issue of Construction Certificate for the development.
- 8.4 To ensure adequate loading and unloading facilities (in association with the Community Centre), a loading and unloading area measuring a minimum of 7.6m long by 3.75m wide shall be provided. This area is to be line marked, signposted and kept clear of obstructions and goods at all times.
- 8.5 The loading/service dock must be maintained for use in connection with the community centre facility, at all times.
- 8.6 Provision shall be made for service vehicles such as garbage and service trucks to access the proposed development. In this regard the vehicles must be able to enter

and leave the development in a forward direction. Details are to be submitted to the satisfaction of Council's Development Engineer.

- 8.7 A concrete vehicular footway crossing shall be provided at all locations where vehicles cross the footway.
- 8.8 Provision shall be made for vehicles to access and leave the site in a forward direction.
- 8.9 Prior to the release of the construction certificate, a proposed list of street names is to be furnished to Council for endorsement.
- 8.10 The proposed garage doors shall be provided with a minimum width of 2.4m and the garages shall have internal width of not less than 3.0m and length of 5.5m.

9.0 PUBLIC ROADS

These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.

- 9.1 All utility services shall be located underground. Details of the location of the utility services shall be shown on the engineering plan.
- 9.2 In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Council's Works Division a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.
- 9.3 Prior to the principal certifying authority issuing a subdivision / occupation certificate, the restoration of public road and associated works required as a result of the development shall be carried out by the applicant at no cost to Council.
- 9.4 Prior to construction work commencing, a joint inspection with the contractor, applicant and Council of the existing roads shall be carried out to formulate a maintenance agreement for local roads that will be affected by construction traffic.

The following additional conditions apply to Stage 1:

- 9.5 Provision of kerb and gutter, drainage and constructed sealed road shoulder from the edge of existing bitumen to the lip of the gutter shall be constructed along the full frontage of the proposed development in **Progress Street**. Details of this work shall be shown on the engineering plans to be submitted to, and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
- 9.6 The existing road pavement and seal in **Progress Street** shall be tested by a geotechnical engineer to ascertain the existing pavement strength and where shown to be substandard in relation to additional traffic loadings, pavement strengthening shall be carried out. Details shall be provided to the Principal Certifying Authority prior to issue of a Construction Certificate.
- 9.7 The applicant shall construct a 2.0m wide shared concrete pathway from the development site entrance in **Progress Street to the existing path at Remembrance Driveway** prior to occupation of any units in Stage 1 of the proposed development. Detailed engineering plan of the shared pathway shall be provided to the Principal Certifying Authority for approval prior to issue of a Construction Certificate.

- 9.8 The applicant shall install traffic crossing devices such as a pedestrian refuge in **Progress Street** to allow for safe crossing of this road to access shops and the nearby bus stop, for approval by the Principal Certifying Authority prior to issue of a Construction Certificate.
- 9.9 Street lighting shall be provided at the frontage of the site in **Progress Street** to comply with the current Australian Standards AS 1158 and as determined by Council and certified by an Integral Energy Approved design consultant.
- 9.10 The applicant shall provide street lighting along the shared path way route in **Progress Street** to comply with AS1158 and as determined by Council and certified by an Integral Energy Approved design consultant.

The following additional Conditions apply to Stages 8, 9, 10, 11 and 12

- 9.11 Provision of kerb and gutter, drainage and constructed sealed road shoulder from the edge of existing bitumen to the lip of the gutter shall be constructed along the full frontage of the proposed development in **Tahmoor Road**. This shall also extend around the bend in **Tahmoor Road** to the west of the site. Details of this work shall be shown on the engineering plans to be submitted to, and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
- 9.12 Street lighting shall be provided at the frontage of the site in **Tahmoor Road** to comply with the current Australian Standards AS 1158 and as determined by Council and certified by an Integral Energy Approved design consultant.

The following conditions apply to all stages:

10.0 EARTH CUT/FILL

To ensure the safe disposal of fill the following conditions are imposed:

- 10.1 All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction. A report on the site filling is to be submitted in accordance with Wollondilly Shire Council's Construction Specification by an appropriately qualified Geotechnical Engineer or Soil Scientist. Such a report shall be supported by a survey plan of the site indicating the areas filled and depth of fill in relation to the lot boundaries.
- 10.2 There being no loss of support of the drainage easement as a result of excavation or filling within the site.
- 10.3 There being no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.
- 10.4 Only clean fill is to be used in regard to this development. In this regard, clean fill includes natural materials such as earth, rock and stone. Under no circumstances is any other material to be used. Building, demolition or putrescible wastes shall not be utilised. The applicant is advised that concrete and other materials sourced from the removal of infrastructure, such as roads, is not considered to be clean fill in relation to this condition.

- 10.5 Prior to the Principal Certifying Authority issuing a construction certificate, a geotechnical report prepared by a NATA registered laboratory shall be submitted, which indicates that the land will not be subject to subsidence, slip, slope failure or erosion where excavation and/or filling exceeds 500 mm in depth or the land has been identified as previously being filled.

11.0 EROSION AND SEDIMENT CONTROL

These conditions have been imposed to minimise the impact of the development on the environment and on adjoining properties.

- 11.1 Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- 11.2 Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- 11.3 Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- 11.4 All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- 11.5 Plans consisting of the following information shall be provided to the nominated Principal Certifying Authority for approval before issue of Construction Certificate for the development:
- Location of earthworks, areas of cut and fill and regrading
 - Location and design criteria of erosion and sediment control measures.
 - Site access for works
 - Location of top soil and stockpiles.
 - Proposed techniques for re-vegetation of all disturbed areas.
 - Procedures for maintenance of erosion and sediment control measures.
 - Details and procedures for dust control.
- 11.6 Stockpiles of construction and landscaping materials and of site debris are to be located clear of any drainage lines and within the erosion containment boundary or equivalently protected from erosion and shall not encroach upon Council's footpath and road reserve at any time.

ADVICE

1. At all times work is being undertaken with the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
2. During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., that require alteration shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.

3. A Road Opening Permit must be obtained from Council before trenching or other excavation work is undertaken within the public road reserve. It is the responsibility of each contractor and/or subcontractor to obtain such a permit. The permit must be held on site and produced when requested by a Council Officer.
4. A defects liability period of twelve (12) months will apply from the date of issue of the Certificate of Practical Completion by Council. A 10% maintenance bond, or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with Council's Construction Specification for all work that is to become the property of Council.
5. The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
 - * Motor vehicle insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RTA permit (Including CTP insurance). Primary producer's registration is not valid registration for use on Public Road construction work.
 - * Workers Compensation Insurance.
 - * Ten Million Dollar Public Liability Insurance.

NOTE: This consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Development & Environment Division.

12.0 LANDSCAPING

To reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance

- 12.1 Prior to issue of a Construction Certificate a detailed landscape plan prepared by a person with appropriate horticultural qualifications is to be submitted, which demonstrates compliance with the conditions of this consent and details the following:
 - (a) Location and species of proposed plantings. The plan is to also indicate the staging of the landscaping as it relates to the staging of the development.
 - (b) Landscaping to ensure the security of residents is maintained.
 - (c) Details of growth and maintenance of the landscaping.
 - (d) Endorsed with the qualifications of the person preparing the plan.
- 12.2 Compliance with the provisions of Council's Tree Preservation Order. Under the order a person shall not, except with the consent of Council, ringbark, cut down, top, lop or wilfully destroy any tree which: -
 - (a) Is greater than 3m in height;
 - (b) Has a girth greater than 45cm at a height of 1m from the ground;
 - (c) Has a branch spread greater than 3m.

- 12.3 Landscaping is to be installed for each stage in accordance with the approved Plan, prior to the release of the Occupation Certificate for each stage and maintained in accordance with the details provided on that Plan.
- 12.4 A Weed Eradication and Management Plan is to be prepared by a suitably qualified and experienced person and shall include:
- a. An inventory of all Noxious and Environmental Weeds on the development site and a site plan indicating weed infestations with referenced to the species and degree of infestation (ie. Low, Medium or High);
 - b. A Treatment Schedule in tabulated form, specifying for each species:
 - the method of treatment (mechanical, herbicide use or cultural such as pasture improvement or grazing);
 - the rates of application methods of all herbicide treatments;
 - the primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill; and
 - the timing of all treatments.
 - c. An annual weed maintenance programme indicating the methods to be implemented to maintain a weed-free site;
 - d. Details of any methods of disposal of weed material.

Council may require a bond or bank guarantee to be held over the duration of the works for the control of weeds in accordance with an approved Weed Eradication and Management Plan. Failure to control weeds in the manner specified may result in the forfeiting of all or part of the bond or bank guarantee for use by Council in environmental improvement works.

- 12.5 All primary weed treatment measures identified in the Weed Eradication and Management Plan shall be carried out prior to the release of the Construction Certificate for Stage 1 of the development.
- 12.6 A certificate from a suitably qualified person that the Initial Treatment Measures identified in the Weed Management Plan have been completed is to be submitted to Council prior to the release of the Occupation Certificate for any of the units in Stage 2 - 12. A certificate from a suitably qualified person that the follow up treatments identified in the Weed Management Plan have been carried out shall be provided to the Principal Certifying Authority 3 months after the issue of the final occupation certificate for Stage 2 - 12 of the development.

13.0 SERVICES

These conditions have been imposed to ensure that an adequate level of services are provided for the development:

- 13.1 All power and services within the site shall be underground.
- 13.2 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to "Your Business" section of Sydney Water's web site www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

14.0 Section 94 Contributions

These conditions have been imposed to ensure the adequate provision of public facilities required as a result of the development the following conditions apply:

Stage 1:

14.1 Payment of a Contribution for **14 Dwellings** for Seniors Living in accordance with the Wollondilly Section 94 Contribution Plan 2005, the cost of which will be determined and payable to Council prior to the release of the Construction Certificate for Stage 1.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$	1,526
(ii)	Open Space, Sport & Recreation (Precinct)	\$	62,356
(iii)	Library & Community Facilities (Shire)	\$	11,886
(iv)	Library & Community Facilities (Precinct)	\$	9,282
(v)	Transport & Traffic (Roads & Intersections)	\$	53,410
(vi)	Transport & Traffic (Cycleways)	\$	378
(vii)	Bushfire Protection	\$	1,092
(viii)	Companion Animal	\$	336
(ix)	Plan Administration	\$	7,014
TOTAL		\$	145,754

These figures are reviewed quarterly.

Stage 2:

14.2 Payment of a Contribution for **11 Dwellings** for Seniors Living in accordance with the Wollondilly Section 94 Contribution Plan 2005, the cost of which will be determined and payable to Council prior to the release of the Construction Certificate for Stage 2.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$	1,199
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(ii)	Open Space, Sport & Recreation (Precinct)	\$ 48,994
(iii)	Library & Community Facilities (Shire)	\$ 9,339
(iv)	Library & Community Facilities (Precinct)	\$ 7,293
(v)	Transport & Traffic (Roads & Intersections)	\$ 41,965
(vi)	Transport & Traffic (Cycleways)	\$ 297
(vii)	Bushfire Protection	\$ 858
(viii)	Companion Animal	\$ 264
(ix)	Plan Administration	\$ 5,511
TOTAL		\$115,720

These figures are reviewed quarterly.

Stage 3:

14.3 Payment of a Contribution for 17 Dwellings for Seniors Living in accordance with the Wollondilly Section 94 Contribution Plan 2005, the cost of which will be determined and payable to Council prior to the release of the Construction Certificate for Stage 3 .

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$ 1,853
(ii)	Open Space, Sport & Recreation (Precinct)	\$ 75,718
(iii)	Library & Community Facilities (Shire)	\$ 14,433
(iv)	Library & Community Facilities (Precinct)	\$ 11,271
(v)	Transport & Traffic (Roads & Intersections)	\$ 64,855
(vi)	Transport & Traffic (Cycleways)	\$ 459
(vii)	Bushfire Protection	\$ 1,326
(viii)	Companion Animal	\$ 408
(ix)	Plan Administration	\$ 8,517
TOTAL		\$178,840

These figures are reviewed quarterly.

Stage 4:

14.4 Payment of a Contribution for **14 Dwellings** for Seniors Living in accordance with the Wollondilly Section 94 Contribution Plan 2005, the cost of which will be determined and payable to Council prior to the release of the Construction Certificate for Stage 4.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$ 1,526
(ii)	Open Space, Sport & Recreation (Precinct)	\$ 62,356
(iii)	Library & Community Facilities (Shire)	\$ 11,886
(iv)	Library & Community Facilities (Precinct)	\$ 9,282
(v)	Transport & Traffic (Roads & Intersections)	\$ 53,410
(vi)	Transport & Traffic (Cycleways)	\$ 378
(vii)	Bushfire Protection	\$ 1,092
(viii)	Companion Animal	\$ 336

(ix)	Plan Administration	\$ 7,014
	TOTAL	\$145,754

These figures are reviewed quarterly.

Stage 5:

14.5 Payment of a Contribution for **16 Dwellings** for Seniors Living in accordance with the Wollondilly Section 94 Contribution Plan 2005, the cost of which will be determined and payable to Council prior to the release of the Construction Certificate for Stage 5.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$ 1,744
(ii)	Open Space, Sport & Recreation (Precinct)	\$ 71,264
(iii)	Library & Community Facilities (Shire)	\$ 13,584
(iv)	Library & Community Facilities (Precinct)	\$ 10,608
(v)	Transport & Traffic (Roads & Intersections)	\$ 61,040
(vi)	Transport & Traffic (Cycleways)	\$ 432
(vii)	Bushfire Protection	\$ 1,248
(viii)	Companion Animal	\$ 384
(ix)	Plan Administration	\$ 8,016
	TOTAL	\$ 168,320

These figures are reviewed quarterly.

Stage 6:

14.6 Payment of a Contribution for **16 Dwellings** for Seniors Living in accordance with the Wollondilly Section 94 Contribution Plan 2005, the cost of which will be determined and payable to Council prior to the release of the Construction Certificate for Stage 6.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$ 1,744
(ii)	Open Space, Sport & Recreation (Precinct)	\$ 71,264
(iii)	Library & Community Facilities (Shire)	\$ 13,584
(iv)	Library & Community Facilities (Precinct)	\$ 10,608
(v)	Transport & Traffic (Roads & Intersections)	\$ 61,040
(vi)	Transport & Traffic (Cycleways)	\$ 432
(vii)	Bushfire Protection	\$ 1,248
(viii)	Companion Animal	\$ 384
(ix)	Plan Administration	\$ 8,016
	TOTAL	\$ 168,320

These figures are reviewed quarterly.

Stage 7:

14.7 Payment of a Contribution for **17 Dwellings** for Seniors Living in accordance with the Wollondilly Section 94 Contribution Plan 2005, the cost of which will be determined and payable to Council prior to the release of the Construction Certificate for Stage 7.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$ 1,853
(ii)	Open Space, Sport & Recreation (Precinct)	\$ 75,718
(iii)	Library & Community Facilities (Shire)	\$ 14,433
(iv)	Library & Community Facilities (Precinct)	\$ 11,271
(v)	Transport & Traffic (Roads & Intersections)	\$ 64,855
(vi)	Transport & Traffic (Cycleways)	\$ 459
(vii)	Bushfire Protection	\$ 1,326
(viii)	Companion Animal	\$ 408
(ix)	Plan Administration	\$ 8,517
TOTAL		\$178,840

These figures are reviewed quarterly.

Stage 8:

14.8 Payment of a Contribution for **25 Dwellings** for Seniors Living in accordance with the Wollondilly Section 94 Contribution Plan 2005, the cost of which will be determined and payable to Council prior to the release of the Construction Certificate for Stage 8.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$ 2,725
(ii)	Open Space, Sport & Recreation (Precinct)	\$ 111,350
(iii)	Library & Community Facilities (Shire)	\$ 21,225
(iv)	Library & Community Facilities (Precinct)	\$ 16,575
(v)	Transport & Traffic (Roads & Intersections)	\$ 95,375
(vi)	Transport & Traffic (Cycleways)	\$ 675
(vii)	Bushfire Protection	\$ 1,950
(viii)	Companion Animal	\$ 600
(ix)	Plan Administration	\$ 12,525
TOTAL		\$ 263,000

These figures are reviewed quarterly.

Stage 9:

14.9 Payment of a Contribution for **14 Dwellings** for Seniors Living in accordance with the Wollondilly Section 94 Contribution Plan 2005, the cost of which will be determined and payable to Council prior to the release of the Construction Certificate for Stage 9.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$	1,526
(ii)	Open Space, Sport & Recreation (Precinct)	\$	62,356
(iii)	Library & Community Facilities (Shire)	\$	11,886
(iv)	Library & Community Facilities (Precinct)	\$	9,282
(v)	Transport & Traffic (Roads & Intersections)	\$	53,410
(vi)	Transport & Traffic (Cycleways)	\$	378
(vii)	Bushfire Protection	\$	1,092
(viii)	Companion Animal	\$	336
(ix)	Plan Administration	\$	7,014
TOTAL		\$	145,754

These figures are reviewed quarterly.

Stage 10:

14.10 Payment of a Contribution for **26 Dwellings** for Seniors Living in accordance with the Wollondilly Section 94 Contribution Plan 2005, the cost of which will be determined and payable to Council prior to the release of the Construction Certificate for Stage 10.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$	2,834
(ii)	Open Space, Sport & Recreation (Precinct)	\$	115,804
(iii)	Library & Community Facilities (Shire)	\$	22,074
(iv)	Library & Community Facilities (Precinct)	\$	17,238
(v)	Transport & Traffic (Roads & Intersections)	\$	99,190
(vi)	Transport & Traffic (Cycleways)	\$	702
(vii)	Bushfire Protection	\$	2,028
(viii)	Companion Animal	\$	624
(ix)	Plan Administration	\$	13,026
TOTAL		\$	273,520

These figures are reviewed quarterly.

Stage 11:

14.11 Payment of a Contribution for **12 Dwellings** for Seniors Living in accordance with the Wollondilly Section 94 Contribution Plan 2005, the cost of which will be determined and payable to Council prior to the release of the Construction Certificate for Stage 11.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$	1,308
(ii)	Open Space, Sport & Recreation (Precinct)	\$	53,448
(iii)	Library & Community Facilities (Shire)	\$	10,188
(iv)	Library & Community Facilities (Precinct)	\$	7,956
(v)	Transport & Traffic (Roads & Intersections)	\$	45,780

(vi)	Transport & Traffic (Cycleways)	\$ 324
(vii)	Bushfire Protection	\$ 936
(viii)	Companion Animal	\$ 288
(ix)	Plan Administration	\$ 6,012
TOTAL		\$ 126,240

These figures are reviewed quarterly.

Stage 12:

14.12 Payment of a Contribution for **12 Dwellings** for Seniors Living in accordance with the Wollondilly Section 94 Contribution Plan 2005, the cost of which will be determined and payable to Council prior to the release of the Construction Certificate for Stage 12.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$ 1,308
(ii)	Open Space, Sport & Recreation (Precinct)	\$ 53,448
(iii)	Library & Community Facilities (Shire)	\$ 10,188
(iv)	Library & Community Facilities (Precinct)	\$ 7,956
(v)	Transport & Traffic (Roads & Intersections)	\$ 45,780
(vi)	Transport & Traffic (Cycleways)	\$ 324
(vii)	Bushfire Protection	\$ 936
(viii)	Companion Animal	\$ 288
(ix)	Plan Administration	\$ 6,012
TOTAL		\$ 126,240

These figures are reviewed quarterly.

15.0 OCCUPATION & USE

These conditions have been imposed to ensure the development and associated activities/operations are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation:

- 15.1 The premises being maintained in a clean and tidy state at all times.
- 15.2 The footpaths being kept clear of signs, fixtures and goods at all times.
- 15.3 Advertising signs shall not be displayed or placed anywhere outside the property boundaries.
- 15.4 The owner/manager of the site shall be responsible for the removal of all graffiti from the development and its surrounds within 48 hours of its application.
- 15.5 Each dwelling must only be occupied by one of the following kinds of persons:
 - (a) seniors or people who have a disability,
 - (b) people who live within the same household with seniors or people who have a disability,

- (c) prior to issue of a Construction Certificate under the Environmental Planning & Assessment Act 1979, a restrictive covenant is to be registered on the title of the development site pursuant to Section 88B of the Conveyancing Act 1919 to include a Restriction on User/purchaser of the lots on the scheme.

Note:

- (i) The restriction/covenant will be noted on the Section 149 Certificates for all allotments within the development.

16.0 WASTE MANAGEMENT

These conditions have been imposed to ensure that wastes are correctly disposed of and controlled at all times to prevent accidents and to maintain a clean and tidy site.

- 16.1 The development is to be carried out in accordance with the Waste Management Plan submitted with the development application and also in accordance with Council's Waste Minimisation and Management Guidelines.
- 16.2 The wastewater management system shall be designed, constructed and operated in accordance with the management practises and recommendations detailed in the Wastewater Site Assessment prepared by Morse McVey and Associates dated 29 May 2007.

17.0 LIGHTING

These conditions have been imposed to ensure all public road works required by the development are provided with adequate lighting and to ensure there is adequate internal public lighting for maintaining the security of residents.

- 17.1 Street lighting shall be provided at the frontage of the site in Progress Street and Tahmoor Road to comply with the current Australian Standards AS 1158 as determined by Council and certified by an Integral Energy Approved design consultant.
- 17.2 All public lighting on site shall meet the Australian Standard AS1158.
- 17.3 All public lighting on-site should be vandal proof and shall not be Bollard style.
- 17.4 Lighting throughout the site and for each dwelling shall permit facial recognition of an approaching person at a distance of 15 metres. Certification from a qualified lighting consultant is to be provided to Council, demonstrating that the lighting installed will comply with the requirements of this condition, prior to the issue of any Occupation Certificate.

18.0 SENIORS LIVING

To ensure that the development is carried out in accordance with the provisions of State Environmental Planning Policy (Seniors Living) 2004 (Amendment No2).

- 18.1 Prior to the issue of the Construction Certificate the person having the benefit of this development consent shall submit a report to the Principal Certifying Authority from a suitably qualified and practicing acoustic engineer demonstrating that the noise levels within all dwellings in all stages will not exceed the recommended noise levels outlined

in The Australian and New Zealand Standard entitled AS/NZS 2107–2000, Acoustics—Recommended design sound levels and reverberation times for building interiors.

18.2 Prior to the issue of the Construction Certificate, the person having the benefit of this development consent shall submitted amended plans and details to demonstrate compliance for all stages of the development, with the following requirements outlined in Division 4 of Part 4 of Chapter 3 of the State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2):

(i) details of any pathway lighting to be installed in relation to the development and demonstrating that the lighting will provide at least 10lux at ground level.

(ii) details and plans of a central letterbox area to be provided in both Progress Street and Tahmoor Road adjacent to the driveway entrances. The letterboxes must be situated on a hard stand area and have wheelchair access by a continuous path of travel (within the meaning of AS1428) from all units.

(iii) plans indicating the provision of a telephone access point adjacent to a general power outlet within both the living room and dining room of each unit.

(iv) plans indicating the provision of a telephone outlet and general power outlets within the main bedroom in accordance with Clause 62 of State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2).

(v) plans and details of the fitout of the kitchen within each dwelling which demonstrates compliance with the following requirements:

(a) a width of at least 2.7 metres and a clear space between benches of at least 1,450 millimetres, and

(b) a width at door approaches of at least 1,200 millimetres, and

(c) benches that include at least one work surface:

(i) that is at least 800 millimetres in length, and

(ii) that can be adjusted or replaced as a unit at variable heights within the range of 750 millimetres to 850 millimetres above the finished floor surface, and

(d) a tap set:

(i) that is located within 300 millimetres of the front of the sink, and

(ii) that is a capstan tap set or that comprises lever handles or a lever mixer, and

(e) cook tops:

(i) with either front or side controls, and

(ii) with controls that have raised cross bars for ease of grip, and

(iii) that include an isolating switch, and

(f) a work surface adjacent to the cook top and at the same height and that is at least 800 millimetres in length, and

(g) an oven that is located adjacent to a work surface the height of which can be adjusted, and

(h) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and

(i) general power outlets:

(i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and

- (ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.
- (iv) plans and details of a linen cupboard being provided to each unit in accordance with Clause 68 of State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2), being a cupboard:
 - (a) that is at least 600 millimetres wide, and
 - (b) that has adjustable shelving.

The matters and works outlined in the amended plans and details required by this condition are to be installed in accordance with the amended plans and details prior to the issue of the Occupation Certificate for each stage.

- 18.3 All entries to each dwelling must
 - (a) not have a slope that exceeds 1:40, and
 - (b) must comply with clauses 4.3.1 and 4.3.2 of AS 4299, and
 - (c) must have an entry door handle and other hardware that complies with AS 1428
- 18.4 All external doors to any one dwelling must be keyed alike and be fitted with key operated locksets (ANZS) to restrict unauthorised access to units.
- 18.5 The living room and dining room shall be provided with wiring capable of providing a potential illumination level of 300lux. Certification that such wiring has been installed to the living and dining rooms, from a qualified electrician shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.
- 18.6 The bathroom of each dwelling is to be fitted out in accordance with Clause 63 of State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2). The bathroom is to be fitted out as follows:
 - (a) an area that complies with AS 1428, and
 - (b) a slip-resistant floor surface, and
 - (c) a shower:
 - (i) the recess of which is at least 1 160 millimetres × 1 100 millimetres, or that complies with AS 1428, or that complies with clause 4.4.4 and Figures 4.6 and 4.7 of AS 4299, and
 - (ii) the recess of which does not have a hob, and
 - (iii) that is waterproofed in accordance with AS 3740, and
 - (iv) the floor of which falls to a floor waste, and
 - (v) that can accommodate a grab rail that complies with Figure 4.6 of AS 4299 and AS 1428, and
 - (vi) that has a tap set that is a capstan tap set or that comprises lever handles and that has a single outlet, and
 - (vii) that has the tap set positioned so as to be easily reached from the entry to the shower, and
 - (viii) that can accommodate an adjustable, detachable hand-held shower rose mounted on a slider grab rail or a fixed hook, and
 - (ix) that can accommodate a folding seat that complies with Figure 4.6 of AS 4299, and
 - (d) plumbing that would allow either immediately or in the future the installation of a washbasin with clearances that comply with Figure 4.4 of AS 4299, and
 - (e) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, and

- (f) a mirror, and
 - (g) a double general power outlet beside the mirror.
- 18.7 Each bathroom shall have wall studs appropriately located that will allow for the installation of grab rails should they be required by residents in the future.
- 18.8 The toilet provided within the bathroom of each dwelling is to be in accordance with the requirements of Clause 64 of State Environmental Planning Policy (Seniors Living) 2004. Specifically, each unit must have a toilet:
 - (a) that is a visitable toilet within the meaning of clause 1.4.12 of AS 4299, and
 - (b) that is installed in compliance with AS 1428, and
 - (c) that has a slip-resistant floor surface, and
 - (d) the WC pan of which is located from fixed walls in accordance with AS 1428, and
 - (e) that can accommodate a grab rail that complies with Figure 4.5 of AS 4299 and AS 1428.
- 18.9 Every door within each dwelling and the community centre shall comply with the requirements of Clause 69 of State Environmental Planning Policy (Seniors Living) 2004. Each door handle must be:
 - (a) able to be operated with one hand, and
 - (b) located between 900 millimetres and 1,100 millimetres above floor level.
- 18.10 A continuous accessible path of travel as per AS1428.1 2001 from each dwelling shall be provided to all public and communal areas within the development.

19.0 ENVIRONMENTAL DESIGN

To ensure the development is well designed and maintained to increase the security of residents.

- 19.1 A Maintenance Plan shall be prepared detailing ongoing management of the development in terms of landscaping, communal areas and removal of graffiti. This plan shall be submitted for approval to the Principal Certifying Authority prior to issue of the Construction Certificate.
- 19.2 All dwellings shall be signposted to ensure that their front entrances are easy to identify.
- 19.2.1 The applicant shall prepare and submit a Security Management Plan which specifies security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site. The Plan shall be approved by Council, prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

20.0 FENCING

To ensure that fencing has a minimal effect on the landscape/streetscape of the locality:

To ensure that fencing does not hinder surveillance opportunities for residents:

- 20.1 Fencing should use graffiti resistant material. Details of fencing location, height, materials, colours and design shall be submitted prior to issue of the Construction Certificate.
- 20.2 All fencing and gates of the front yards of each dwelling shall have a maximum height of 900mm and all other internal fences shall be a maximum of 1500mm.
- 20.3 All fencing is to be installed in accordance with the provisions of Council's Fencing Policy.

21.0 PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (AS AMENDED)

These conditions are imposed as they are mandatory under the Act.

21.1 COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

- (1) All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
- (2) This clause does not apply to the extent to which an exemption is in force under clause 187 or 188 of the *Environmental Planning and Assessment Regulation 2000*, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4).

21.2 RESIDENTIAL BUILDING WORK

- (1) Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
 - (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of the Act, or
 - (b) in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of the Act.

And is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: The amount referred to in paragraph (b) (ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this regulation was Gazetted, that

amount was \$3,000. As those regulations are amended from time to time, so that amount may vary.

- (2) 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.

21.3 EXCAVATIONS AND BACKFILLING

- (1) All excavation 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.

21.4 RETAINING WALLS AND DRAINAGE

If the soil conditions require it:

- (1) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (2) Adequate provision must be made for drainage.

21.5 PROTECTION OF PUBLIC PLACES

- (1) If the work involved in the erection or demolition of a building:
 - (a) Is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) Building involves the enclosure of a public place,
A hoarding or fence must be erected between the work site and the 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.

21.6 SIGNS TO BE ERECTED ON BUILDING AND DEMOLITION SITES

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) Stating that unauthorised entry to the work site is prohibited, and
 - (b) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- (2) Any such sign is to be removed when the work has been completed.
- (3) This clause does not apply to:
 - (a) building work carried out inside an existing building, or
 - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

21.7 TOILET FACILITIES

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (2) Each toilet provided:
 - (a) Must be a standard flushing toilet, and
 - (b) Must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facilities approved by the council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.
- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- (4) In this clause:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

Approved by the council means the subject of an approval in force under Division 4 of Part 2 of the Local Government (General) Regulation 2005.

Public sewer has the same meaning as it has in the Local Government (General) Regulation 2005.

Sewage management facility has the same meaning as it has in the Local Government (General) Regulation 2005.

Should you require further information regarding the above matter, please contact Alexandra Long on phone (02) 4677 8226 or fax (02) 4677 1831 in Council's Land Use Planning and Environment Division, Monday to Friday between the hours of 8:00am and 4:30pm. Please quote File Number D367-07