

MINUTES OF THE SYDNEY WEST REGIONAL PANEL MEETING HELD AT BLUE MOUNTAINS CITY COUNCIL ON THURSDAY, 28 OCTOBER 2010 AT 5.00 PM

PANEL PRESENT:

Janet Thomson
Bruce McDonald
Paul Mitchell

Chairperson
Panel Member
Panel Member

COUNCIL STAFF IN ATTENDANCE

Lee Morgan
Will Langevad
Chris Brogan
Graham Price
Rochelle Mackay
Byron Tully
Christo Aitken
Deborah Friedewald
Laurel Hodgens (Minutes)

Acting Group Manager, E&CS
Acting Manager, LUM
Manager, B&C
Principal Development Engineer, LUM
Principal EH&BS, B&C
Acting Executive Principal, LUM
Consultant Heritage Adviser
Environmental/Landscape Assessment Officer
Technical Assistant, B&C

Other Attendees

George Saad
Michael Summerton
Michael Mendel
Jonathan Bryant
James Smith
Councillor Myles (Mayor)
Councillor Van Der Kley
Nigel Bell
Paul Cashel
Janne Yardy
Glen Sherlock
Michelle Maher
Susan Bell
Malcolm Hughes

Applicant
Project Manager for Applicant.
Architect for Applicant
Heritage Consultant for Applicant
Local Adviser

BMCC (Observer)
BMCC (Observer)
BMCC (Observer)
BMCC (Observer)
BMCC (Observer)
Sydney Catchment Authority

The meeting commenced at 5pm

1 Apologies

None

2. Declarations of Interest

None

3. Business Item

ITEM 1 - JRPP 2009SYW011 – Blue Mountains City Council DA X/773/2009 - Additions to Tourist Facility (Hydro Majestic), 52 - 88 Great Western Highway, Medlow Bath.

4. Public Submissions

Mr James Smith addressed the Panel raising objections to several points regarding the Vegetation Management Plan.

5. Business Item Recommendations

JRPP 2009SYW011 – Blue Mountains City Council DA X/773/2009 - Additions to Tourist Facility (Hydro Majestic), 52 - 88 Great Western Highway, Medlow Bath.

That the Development Application No. X/773/2009 for additions and alterations to an existing tourist facility, the Hydro Majestic Hotel, on Lots 8 - 22 DP 2450, Lot 1 DP 133407, Lot 20 DP 25570, Lot 2 DP 334630, Lot 2 DP 133410, Lot 134 DP 751657, Lot D DP 413431, Lot 1 DP 113904, 52-88 Great Western Highway, Medlow Bath be determined pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 by the granting of a deferred commencement consent subject to conditions shown in Attachment 1 to this report.

Moved, Paul Mitchell; seconded Janet Thomson that the recommendation be adopted subject to the following alterations to conditions.

5.1 Condition 7 – Sydney Catchment Authority Concurrence

General – Point 1, dot point 4 to be amended to read:

- *Stormwater Management Report and associated plans (Plan Numbers 09130E41 to 09130E44; Rev A; dated 3 June 2010) prepared by Barker Ryan Stewart.*

5.2 Condition 31 –Amendments to Vegetation Management Plan (VMP)

Point a), dot point 2 to be amended to read:

- *Zones 1 – 4 are to be noted on amended plans as per Figure 3.1 with the exception of a portion of 1a, the bulk of 1d, approximately a third of zone 4 and the larger pocket of zone 3 which fall within the adjoining allotment.*

5.3 Condition 38 – Fire Safety Upgrade

First paragraph to be amended by the deletion of the following sentence:

“Consideration of other conditions of consent”

5.4 Condition 66 – Implementation and Compliance – Vegetation Management Plan

Second paragraph to be amended to read:

“The appointed PCA must ensure regular monitoring and reporting of the implementation of the approved Vegetation Management Plan (VMP) is undertaken in accordance with Condition 90 for the first three years of its implementation.

The final paragraph, commencing '*In order to ensure compliance...*' is to be deleted in its entirety.

5.5 Condition 68 – View conservation and Management of regrowth Eucalyptus Oreades forest.

Fifth dot point to be amended to read:

- *Regrowth Eucalyptus Oreades must not be lopped or pruned for view conservation other than in locations identified in the View Analysis where views are to be retained.*

5.6 Condition 76 – Stormwater Quality Treatment Devices – Vegetation Establishment and Maintenance.

First paragraph to be amended to read:

“Prior to the issue of the Occupation Certificate, a dense and continuous coverage of healthy vegetation consistent with the approved landscape plan must be established across the entire surface area of the raingarden areas. The vegetation is to be maintained in a weed free and healthy condition to ensure successful establishment of a dense sward and effective functioning of the bio filtration system.”

5.7 Condition 91 – Independent Audit Requirements

First paragraph to be amended to read

Within 3 years of occupation, the owners or operators shall appoint and pay for an independent and appropriately qualified and experienced person to conduct an audit and report on continued compliance with the objectives and performance indicators specified in the approved Vegetation Management Plan.

MOTION CARRIED

The meeting concluded at 5.45pm

Endorsed by

Janet Thomson
Chair, Sydney West Region Planning Panel
03 November 2010

Part A – Deferred Commencement Conditions

Schedule of Conservation Works

- 1 A Schedule of Conservation Works (as referred to in correspondence of 24 August 2010 from the Heritage Branch, NSW Department of Planning) shall be prepared, submitted to and approved by the Council.

The Schedule shall conform to appropriate heritage practice and principles and is to be prepared by the author of the Hydro Majestic Hotel Conservation Management Plan dated July 2010 (Graham Brooks and Associates) or a similarly qualified and experienced heritage consultant.

The Schedule shall include, but is not limited to, the following:

- a) a schedule of all built elements across the site (including exterior and interior elements of each building, ancillary structures, landscape works and walking tracks within the area of development)
- b) in the case of interior elements, this shall be arranged with reference to floors, rooms and spaces as depicted on approved plans;
- c) the respective heritage significance of each of those elements;
- d) the material, condition and integrity of each element;
- e) the necessary conservation works for each element.

Impact of fire safety upgrades and other proposed new works on heritage significance

- 2 An addendum to the Heritage Impact Assessment dated July 2010 as prepared by Graham Brooks and Associates, shall be prepared, submitted to and approved by the Council.

The addendum is to be prepared by the author of the Hydro Majestic Hotel Heritage Impact Assessment dated July 2010 by Graham Brooks and Associates, or a similarly qualified and experienced heritage consultant.

The addendum shall include the following:-

- a) an assessment of the heritage impacts of the necessary fire safety measures to conform to the Building Code of Australia and Rural Fire Service requirements on each of the built elements identified in the Schedule of Conservation Works. Alternative measures or options shall be considered, as necessary, to achieve fire safety outcomes in a manner that retains the heritage significance of building elements in the Schedule of Conservation Works to the Council's satisfaction.
- b) an assessment of the heritage impacts of the other proposed new works (including works arising from conditions of consent) on each of the built elements identified in the Schedule of Conservation Works. Alternative measures or options shall be considered, as necessary, to retain the heritage significance of building elements in the Schedule of Conservation Works to the Council's satisfaction.

Part B – Operational Consent Conditions

A. Preliminary

Confirmation of relevant plans

1. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the following plans and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent:

Drawing Title	Prepared by:	Plan No.	Issue	Dated
Location Plan	Group GSA	09-249 - 0000	B	16/6/2010
Demolition Plan Central	Group GSA	09-249 - 1001	A	6/4/2010
Demolition Plan South	Group GSA	09-249 - 1002	B	17/6/2010
Site Analysis	Group GSA	09-249 - 1010	B	7/7/2010
Site Plan Ground Floor	Group GSA	09-249 - 1100	E	7/7/2010
Site Plan Basement Floor	Group GSA	09-249 - 1101	D	7/7/2010
Site Plan	Group GSA	09-249 - 1102	D	7/7/2010
Mark Foy - Belgravia Ground Floor	Group GSA	09-249 -2010	E	7/7/2010
Mark Foy - Belgravia L1	Group GSA	09-249 -2011	E	7/7/2010
Mark Foy - Belgravia L2	Group GSA	09-249 -2012	E	7/7/2010
Mark Foy - Belgravia L3	Group GSA	09-249 - 2013	C	7/7/2010
Mark Foy - Belgravia Basement	Group GSA	09-249 - 2014	C	7/7/2010
Mark Foy - Belgravia Roof Plan	Group GSA	09-249 - 2015	B	7/7/2010
Casino Hargravia Ground Floor	Group GSA	09-249 - 2020	D	8/7/2010
Casino & Hargravia Level 1	Group GSA	09/249/2020	D	8/7/2010
Casino Hargravia Basement	Group GSA	09-249 - 2022	D	8/7/2010
Casino Hargravia Roof Plan	Group GSA	09-249 - 2023	C	8/7/2010
Function Ground Floor	Group GSA	09-249 - 2030	D	16/6/2010
Function Basement	Group GSA	09-249 - 2031	C	16/6/2010
Function Roof	Group GSA	09-249 - 2032	C	16/6/2010
Function L1	Group GSA	09-249 - 2033	C	16/6/2010
Function L2	Group GSA	09-249 - 2034	C	16/6/2010
Site Elevations	Group GSA	09-249 -3000	B	7/7/2010
Mark Foy Belgravia Elevations	Group GSA	09-249 -3010	B	7/7/2010
Function Centre Elevations	Group GSA	09-249 -3020	A	3/3/2010

Drawing Title	Prepared by:	Plan No.	Issue	Dated
Function Centre Elevations	Group GSA	09-249 -3021	A	3/3/2010
New Belgravia Sections	Group GSA	09-249 -3100	C	7/7/2010
New Belgravia Sections	Group GSA	09-249 -3101	B	16/6/2010
Mark Foy Sections	Group GSA	09-249 -3102	B	16/6/2010
Function Centre Sections	Group GSA	09-249 -3110	A	3/3/2010
Detailed Landscape Plan	Taylor Brammer	LA01		30/3/2010
Detailed Landscape Plan – Northern Garden	Taylor Brammer	LA02		30/3/2010
Detailed Landscape Plan – Function Centre and Carpark	Taylor Brammer	LA04		30/3/2010

Note:- Plan 3030 Automobilla Elevations is not approved as part of this consent, and reference to it shall be deleted from the following plans.

1. 1100-1102, and
2. 2010-2015.

Period of development consent

2. Physical commencement of construction or remediation work is required within a five year period from the date of this consent. Should this not occur, the development consent will lapse and a new development application will be required.

Construction certificate (building)

3. A construction certificate for all new building works is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.

The certifying authority must take into account the fire safety upgrading works and recommendations contained with the Concept Fire Safety Strategy (Report No. SY090158) dated April 10 prepared by Defire and the conditions of this development consent.

Building Code of Australia

4. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Occupation Certificate

5. The buildings shall not be used or occupied prior to the issue of an Occupation Certificate in accordance with Sections 109H and 109M of the Environmental Planning and Assessment Act 1979.

State government authorities – concurrence and conditions

Rural Fire Service – Bushfire Safety Authority

6. The RFS provides its bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' subject to the following conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants.

1. At the commencement of building works and in perpetuity the property to the west of the proposed and existing buildings for a minimum distance of 41 metres shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
2. For asset protection zones (APZ) on slopes greater than 18 degrees, the property shall be landscaped or managed (e.g. terracing) with suitable access being provided to the APZ to ensure the ongoing maintenance of the area, Details of landscaping plans are to be submitted for approval to Council or the principal certifier with the construction certificate.
3. Any coal piles located around the existing and proposed buildings and within the asset protection zone shall be removed.

Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

4. In recognition that an unreliable reticulated water supply exists, a 100,000 litre water supply shall be provided for fire fighting purposes.
5. Underground tanks shall have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is to be supplied within 4 metres of the access hole.
6. A 65mm metal Storz outlet with a gate or ball valve shall be provided for any tanks located above ground.
7. Hydrants shall be installed along the perimeter service trail at intervals no greater than 70 metres. Fire hydrant spacing, sizing and pressures shall comply with Australian Standard AS 2419.1– 2005 'Fire Hydrant Installations'. A radiant heat shield shall be provided on the western side of each new hydrant where a pedestrian access point into the hotel is not provided. The radiant heat shield shall be 1.8 metres high x 3 metres long and of masonry construction.
8. Electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
9. A pump shall be provided to boost the internal hydrant system which shall be shielded from the direct impacts of bush fire. The pump shall be located in proximity to the Boiler House and parking area at the front of the development.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments,

10. An Emergency/Evacuation Plan is to be prepared consistent with the NSW Rural Fire Service document 'Guidelines for the Preparation of Emergency/Evacuation Plan'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack,

11. The existing building(s) shall be upgraded to improve protection against bush fires by undertaking the following:
 - Existing window(s) on the western, northern and southern elevation are to be screened with aluminium, bronze or corrosion resistant steel mesh with a maximum aperture size of 1.8mm. Screens shall be placed over the openable part of the window to prevent the entry of embers.
 - Vents, weepholes and the like are to be screened with aluminium, bronze or corrosion resistant steel with a maximum aperture of 1.8mm, to prevent the entry of embers.
 - External doors are to be sealed with draft excluders to prevent the entry of embers.
 - Subfloor areas are to be fully enclosed with aluminium, bronze or corrosion resistant steel mesh with a maximum aperture size of 1.8mm or noncombustible material to prevent the entry of embers.
12. New construction shall comply with Australian Standard AS3959–1999 'Construction of buildings in bush fire-prone areas' Level 3.
13. There is to be no exposed timber on the proposed building
14. Roofing of all buildings shall be gutterless or have guttering and valleys screened to prevent the build up of flammable material. Any materials used shall have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2–1993 'Methods for Fire Tests on Building Materials, Components and Structures – Test for Flammability of Materials'.
15. All glazing on the northern and western elevation(s) of new buildings shall be capable of withstanding up to 40 kW/m² of radiant heat flux loading.

Sydney Catchment Authority Concurrence

7. The Chief Executive concurs to granting consent to the application subject to the following conditions being imposed:

General

1. The works and site layout are to be implemented as specified in the following documents except where modified by conditions below:
 - the Statement of Environmental Effects prepared by Moody & Doyle Pty Ltd (date not specified);

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- the Site Plans prepared by Group GSA Pty Ltd (Job No. 09-249; Issue A; Drawing Nos. 1100 to 1102; 2010 to 2014; 2021; 2030 & 2031; dated 15, 17 and 31/03/10);
 - the Landscape MasterPlans prepared by Taylor Brammer (dwg:LA01 to LA05; dated 24 & 30 March 2010); and
 - Stormwater Management Report and associated plans (Plan Nos. 09130E41 to 09130E44; Rev. A; dated 3 June 2010) prepared by Barker Ryan Stewart;
2. Any revision to the works or site layout is to be agreed to by the Sydney Catchment Authority;

Reason for Conditions 1 & 2- The Sydney Catchment Authority has based its assessment under the Drinking Water Catchments Regional Environmental Plan No. 1 on this version of the development;

Contamination Site

3. Any contaminated area within the proposed development works area shall be decontaminated and the contaminated soil either removed from the site and disposed of at an appropriately licenced facility, or remediated consistent with the requirements of *National Environment Protection (Assessment of Site Contamination) Measure* (1999) and *Managing Land Contamination Guidelines* consultation draft (November 2008) or any updated version;

Reason for Condition 3 – To ensure the decontamination of any contaminated soil and sandstone are managed in such a way so as not to cause any detrimental impact on surface and ground water quality;

Stormwater Management

4. All stormwater treatment and management measures are to be implemented as specified in Stormwater Management Report (dated 3 June 2010) and shown on associated plans (Plan Nos. 09130E41 to 09130E44; Rev. A; dated 3 June 2010) prepared by Barker Ryan Stewart, in particular as elaborated or varied below:
- rainwater tanks with a minimum total capacity of 115,000 litres are to be installed to collect roof runoff from the Mark Foy building and function centre;
 - the tanks are as a minimum to be plumbed for toilets, laundry, and may also be used for other non potable purposes such as landscape irrigation;
 - stormwater runoff from the car park in the south is to be directed to a bioretention basin located as specified on the Plan via bioswales and pipes;
 - the design and construction of the bioretention basin is to be consistent with Chapter 6 of *WSUD Engineering Procedures: Stormwater* (Melbourne Water 2005) and must incorporate the following specific requirements:
 - bioretention basin is to have a minimum total surface area of 300 square metres and filter area of 200 square metres;
 - bioretention basin shall have a filter depth of 600 mm, an extended detention depth of 300 mm and a filter media particle size diameter of 0.45 mm;
 - any discharge from the bioretention basin is to be directed to

escarpment via a level spreader in a manner that prevents scouring or erosion;

- the design and construction of the bioswales along the car park is to be consistent with Chapter 8 of *WSUD Engineering Procedures: Stormwater* (Melbourne Water 2005) and must incorporate the following specific requirements:
 - three bioswales with a minimum total surface and filter area of 366 square metres;
 - each bioswale shall have a filter depth of 600 mm, an extended detention depth of 150 mm and a filter media particle size diameter of 0.45 mm;
 - the discharge from the bioswales is to be directed to the bioretention basin in such a manner to prevent scouring;
 - the bioswales and bioretention basin are to be protected from vehicular damage by bollards, fences, steel barriers or similar permanent structures, with signs erected to advise of its nature and purpose in stormwater quality management;
 - an Operational Environmental Management Plan detailing the responsibilities for the inspection, monitoring and maintenance of all stormwater management structures, including bioswales and bioretention basin is to be developed in consultation with the Sydney Catchment Authority;
5. Any variation to stormwater treatment and management, including any detail in the design and location of the bioswales, must be agreed to by the Sydney Catchment Authority;

Reason for Conditions 4 & 5 - To ensure appropriate stormwater management and quality control measures are installed and managed to ensure a sustainable neutral or beneficial impact on water quality particularly during wet weather over the longer term;

Construction Activities

6. A Soil & Water Management Plan (SWMP) is required for all site works undertaken and proposed as part of the development including demolition and construction. The SWMP is to be prepared by a person with knowledge and experience in the preparation of such plans. The SWMP is to meet the requirements outlined in Chapter 2 of the NSW Landcom's *Soils and Construction: Managing Urban Stormwater* (2004) manual – the “Blue Book” – and be to the satisfaction of Council;
7. Effective erosion and sediment controls are to be installed prior to all construction works. The controls must prevent sediment leaving the construction area, and are to be regularly maintained and retained until works have been completed and ground stabilized;

Reason for Conditions 6 & 7 – To manage adverse environmental and water quality impacts during the construction stage of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.

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- a) The proposed road works and intersection treatment associated with the construction of the entry/exit to the Hydro Majestic Hotel is to be designed generally in accordance with the attached (Attachment A) which has modified Concept Plan No. 09130E21, Revision D, dated 24/08/10 as contained in Appendix A of the Road Safety Audit prepared by Transport and Traffic Planning Associates, dated August 2010, Revision A. This is to also include the following:
The final design for the development shall provide for a sealed 2.0m wide shoulder on both sides of the Great Western Highway and a 3.5m wide footway between the heritage fence line and the proposed kerb.
- b) Kerb and gutter shall be provided to the entire frontage of the development with gutter crossings provided to all access points including the service access point to the north of the site. The design and construction of the kerb, gutter and gutter crossings shall be in accordance with RTA requirements.
- c) Existing utility poles and trees located within the 'clear zone' of the amended Great Western Highway road alignment are to be relocated/removed and positioned outside the 'clear zone' along the full length of the proposed intersection treatment, in accordance with the RTA's 'Road Design Guideline'
- d) The above road works along the Great Western Highway shall be designed to meet the RTA's requirements, and endorsed by a suitably qualified and chartered Engineer (i.e. who is registered with the Institute of Engineers, Australia). The design requirements shall be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to the RTA for consideration and approval prior to the release of a Construction Certificate by the Principal Certifying Authority and commencement of road works.
The RTA fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of road works.
The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the Works Authorisation Deed (WAD) will need to be executed prior to the RTA's assessment of the detailed civil design plans.
- e) Sight distances from the proposed vehicular crossings to vehicles entering the Great Western Highway are to be in accordance with the Austroads 'Guide to Traffic Engineering Practice, Part 5: Intersections at Grade, Section 6.2 – Sight Distance'. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.
- f) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on the Great Western Highway.
- g) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as
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required by the various public utility authorities and/or their agents.

- h) All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.
- i) Post-development storm water discharge rates from the site into the RTA drainage system are not to exceed the pre-development discharge rates.
- j) A Demolition and Construction Traffic Management Plan detailing demolition and construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control are to be submitted to and approved by the Council prior to the issue of a Construction Certificate by the Principal Certifying Authority.
- k) Full time 'No Stopping' restrictions are to be implemented along that part of the frontage of the development site adjacent to the proposed seagull intersection treatment.
Prior to the installation of these parking restrictions the applicant is to contact the RTA's Traffic Management Section on phone: (02) 88492294 for a works instruction.
- l) The swept path of the longest vehicle (including garbage trucks and coaches) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to and approved by Council prior to the issue of a Construction Certificate, demonstrating that the development complies with this requirement.
- m) The proposed turning areas are to be kept clear of any obstacles, including parked cars, at all times.
- n) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) are to be in accordance with AS2890.1-2004 and AS2890.2-2002 for heavy vehicle usage.
- o) The car parking provision is to be to the Council's satisfaction.
- p) All vehicles are to enter and leave the site in a forward direction.
- q) All vehicles entering the site are to be wholly behind the kerb alignment before being required to stop.

Integral Energy

- 9. To ensure the adequate loading is available to the site the relocated sub station shall be in accordance with the requirements of Integral Energy. In this regard the facility will need to establish 2 x 1000kVA padmount substations within the property boundary. The sub stations are to be located with the new substation room as indicated by Plans numbered 2030, Issue D.

Engineering works - general

Compliance with standards

- 10. All internal and external engineering works required by this development, are to be in accordance with Council's Specification for Engineering Work for

Subdivisions and Development, Part 1—Design and Part 2—Construction (Development Control Plan No. 31), Australian Rainfall and Runoff 2001 and other relevant Australian Standards and best practice standards. The design and construction is to include any additional works to make the construction effective.

Where the works affect Roads and Traffic Authority controlled roads, the design and construction is to be in accordance with Roads and Traffic Authority requirements.

Traffic, parking and access requirements

- 11.
- a) All vehicular access to this development is to be directly from the Great Western Highway (GWH) for both the construction and the operation phases
 - b) The vehicle access adjacent to the Conference Centre is to be the main entry and exit access for all vehicles, including coaches and service vehicles. The largest vehicle permitted to use this access is the 12.5m HRV AS2890.2-2002.
 - c) The vehicle access adjacent to the Hotel Gymnasium is to be restricted to, and signposted, no entry from the Great Western Highway, left turn out only. The largest vehicle permitted to use this access is the B99 percentile design car AS2890.1-2004
 - d) The new staff and emergency vehicle access is to be restricted to and signposted left turn in and out only. The largest vehicle permitted to use this access is the B99 percentile design car AS2890.1-2004, except for emergency service vehicles.
 - e) All accesses off the GWH are to be designed and constructed to suit the largest vehicle using the access
 - f) All accesses of the GWH, car parking areas and driveways shall conform to RTA requirements and standards, Australian Standard AS 2890.1/2004 AS2890.2/2002 and AS2890.6/2009. Clearance height for the loading dock shall be in accordance with AS 2890 and the Building Code of Australia.
 - g) The loading dock area is to be adjusted to avoid the emergency fire escape landing and to not compromise the proposed working of the loading dock.

Onsite Engineering Works

Driveways, aisles, car parking areas and service vehicle areas

- 12.
- The internal driveways, aisles, car parking areas and service vehicles areas are to be formed and line marked together with any necessary drainage, retaining walls, safety barriers and signage to make the construction effective.

The eight parking spaces for people with a disability shall be relocated to parking spaces numbered 5, 53, 54, 55, 123, 124, 125, and 126. All parking spaces for people with a disability, required pedestrian manoeuvring area and accessible paths of travels shall be sealed.

The most southern overflow car park pavement is to be a reinforced cell grassed treatment that ensures that the car spaces can be line marked. The reinforced grass cell pavement is to be maintained at 100% grass coverage at all times.

All internal driveway and access shall be designed and constructed in accordance with Australian Standard (AS) 2890.1/2004, AS 2890.2/2002 and AS2890.6/2009.

Site stormwater system

13. All stormwater runoff from impervious areas, fire/emergency trail, all car parking areas including the southern pervious overflow car park, bus parking areas, and service vehicle parking and access areas of the site are to be collected and drained by an underground stormwater system. The stormwater system is to be designed by a suitably qualified person for a 1 in 20 years ARI, 5 minutes duration storm and in accordance with ARR 2001.

In order to minimise downstream impacts and convey runoff and surcharge flows around the adjoining property, 26 Bellevue Crescent (Lot 1 DP 517279) Medlow Bath, to the Major Bio Retention Basin, the southern new pervious overflow car park and part of the new sealed southern car park is to be provided with underground piping for the 1:100 year ARI, 5 minute duration storm. Provision is to be made for blockages in accordance with ARR 2001.

The drainage systems are to include gross pollutant traps prior to discharge into the Highway and into the onsite stormwater treatments systems.

Discharge outlets from existing systems and new systems are to be provided with velocity control and scour protection treatments to prevent scouring and remediate existing scouring conditions

On site detention

14. On site detention systems are to be provided which restrict post-development discharges from the site to the Great Western Highway, and to within the site, to pre-development discharges for all storms up to and including the 1:100 year ARI storm.

The on site detention systems shall be designed to incorporate the following:

- a. All habitable floor levels are to be located a minimum 300 mm above the 1 in 100 year ARI top water levels.
- b. An emergency overflow facility capable of safely conveying all storms up to and including the 1 in 100 year ARI storm to the Highway or the escarpment as appropriate.
- c. A 300 mm x 300 mm wide by 300 mm deep silt trap is to be drained by weep holes and a 90 mm diameter agricultural line surrounded by 200 mm thick gravel bed wrapped in a geofabric. The agricultural line shall be connected to the nearest downstream stormwater pit or outlet.
- d. Allowable storage depth shall be:
 - Car parks—0.2 metres maximum.
 - Landscaped areas—0.6 metres maximum. Depth greater than 0.6 metres is permissible subject to the installation of pool type fencing surrounding the detention area.
 - Underground tanks—0.8 metres minimum depth.

Engineering plans prepared by a suitably qualified person together with certification verifying the above requirements have been met shall be

submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

Fire Trail construction

15. The emergency fire trail at the rear of the buildings is to be constructed in accordance with the requirements of Planning for Bush Fire Protection 2006 and is to include the following:
- The pavement is to be all weather gravel with sealed surface in areas of slope equal to or steeper than 10% grade and or in areas that are subject to scouring and hydraulic problems.
 - Batter construction is to be avoided especially when it results in large batters exceeding 1.0m.
 - Drainage outlets existing and new are to be provided with scour protection and velocity controls.
 - Existing drainage outlets are to be remediated from scouring effects.
 - The work is to include any necessary retaining walls , drainage stabilisation/ revegetation of slopes, batters and disturbed areas

Off site Engineering Works

Works in the Great Western Highway

16. The following engineering works shall be constructed in the Great Western Highway at no cost to the RTA or the Council:
- a) All works required in accordance with the RTA's conditions of concurrence.
 - b) All redundant laybacks and apron crossings adjacent to the development site are to be removed and replaced with the new kerb and gutter and footpath treatments.
 - c) Formation and grading of the footway adjacent to the proposed kerb and gutter for a minimum footway width of 3.5m to comply with cross falls of 2.5% maximum. The formation is not to undermine the heritage stone fences and other encroaching heritage structures.
 - d) In order to control road drainage, the footway and the 3 driveway accesses are to be formed so they slope toward the proposed kerb and gutter, away from the development site.
 - e) Where removed due to adjustment of levels, or damaged as a result of this development, the existing 1.2m wide concrete path paving is to be replaced as directed by the Council. The footpath is to be a minimum 100mm thick, and thickened to 150mm within 1m of driveways.
 - f) The remaining footpath area in Great Western Highway shall be top soiled and turfed and/or landscaped.
 - g) The 3 driveways are to be constructed with new heavy duty reinforced concrete laybacks and apron crossings.
 - h) The driveway pavement for the main southern entry is to be constructed with a pedestrian refuge in the central splitter median.
 - i) The new staff and emergency vehicle access driveway is to be a minimum of 6m wide at the boundary and 9m wide at the kerb

alignment.

- j) The driveway adjacent to the Hotel Gymnasium is to be constructed so as to accommodate a B99 percentile design car AS2890.1-2004.
- k) The vehicle access adjacent to the Conference Centre is to cater for the entry and exit of the largest vehicle using the site (12.5m HRV AS 2890.2/2002/Coaches). In this regard the driveway design and the intersection design compliance for the main southern access is to be demonstrated with computer generated manoeuvring paths for the largest vehicle.
- l) The grade of access driveways from the invert of the K&G in Great Western Highway to the road boundary is to be no steeper than 5% in accordance with AS 2890.1/2004 and AS 2890.2/2002.
- m) The provision of piped drainage in accordance with ARR 2001, the Council and the RTA standards and requirements. In this regard road water is to be prevented from entering the development site. Discharges into the existing drainage piped systems within the Highway are to be restricted to predevelopment flows for all storm events up to and including the 1:100 year ARI storm event by the provision of underground On Site Detention Systems/structures within the road reserve
- n) The adjustment and/or relocation of services as necessary.
- o) Any necessary drainage, retaining walls, landscaping and works to make the construction effective

B Prior to the issue of a Construction Certificate

General

Consolidation of lots

17. To ensure that the overall development is integrated, all lots subject to this consent shall be consolidated into one parcel

Prior to the issue of a construction certificate

Evidence of registration with the Land Titles Office must be provided to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

Sydney Water Section 73 Certificate

18. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
- Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Prior to the issue of a construction certificate

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying

Authority **prior to issue of a Construction Certificate.**

Section 94A Development Contribution

Prior to the issue of a construction certificate

19. Pursuant to section 80A(1) of the *Environmental Planning and Assessment Act 1979*, and the *Blue Mountains Citywide Community Infrastructure Contributions Plan 2010 (Section 94A Levy Plan)* adopted 23 February 2010 ("the Contributions Plan"), a contribution of \$346, 996.27 shall be paid to Council.

This amount will be adjusted* at the time of payment in accordance with Section 1.14 of the Contributions Plan.

The contribution shall be paid **prior to the issue of a Construction Certificate**, or commencement of the use of the land, whichever occurs sooner.

The Contributions Plan is available for inspection at Council's Katoomba Office, 2 Civic Place, Katoomba Monday to Friday 8.30 am to 5.00 pm or Council's Springwood Office 102-104 Macquarie Road Springwood, Monday to Friday 9.00 am to 5.00 pm, or on Council's website at www.bmcc.nsw.gov.au.

**Using the All Groups Consumer Price Index (Sydney), as published by the Australian Bureau of Statistics. You are advised to check the current amount payable with Council prior to any payment.*

Occupancy and use of land within the GWH road reserve

20. Subject to the applicant establishing that it has title to the land within the Great Western Highway road reserve that is hatched in red on the plan attached to this consent and marked "GWH 1" (GWH land), the applicant will enter into a lease or licence with Blue Mountains City Council in relation to the GWH land. The terms of any lease or licence shall be agreed by the Roads and Traffic Authority. The lease or licence required by this condition must be entered into **prior to the issue of a construction certificate** relating to the conduct of any works relating to the GWH land that are carried out in accordance with this consent.

Engineers certificate – Belgravia Entry

Prior to the issue of a construction certificate

21. A certificate from a registered Structural Engineer addressing any underpinning or other structural works required to Belgravia Entry to ensure the structural adequacy of the existing building during and after excavation and the consequent vibration is to be submitted **as part of the construction certificate documentation.**

Engineering conditions

Onsite engineering works

Prior to the issue of a construction certificate

22. Fully detailed engineering plans of all onsite engineering works are to be submitted to and approved by the Principal Certifying **Authority prior to the issue of a Construction Certificate.**

Structural design and

23. The design of the major bio-retention and onsite detention basin structure and similar major structures and fill areas are to be certified by a qualified structural

certification

*Prior to the issue of a
construction certificate*

or geotechnical engineer as conforming to the relevant standards and load capacities and in accordance with a final detailed Geotechnical Report prepared by a qualified geotechnical engineer. The report is to specifically address but not be limited to the following:

- The determination of the final risk level of instability and the treatments required to maintain the structures at acceptable risk
- Treatments and procedures to maintain the structures for long term stability.
- All relevant codes, Australian Standards, State and Federal Government Acts Regulations, Standards, Codes and Guidelines and current best practice standards
- Performance Standards are to be clearly documented together with the appropriate compliances

The report and design are to be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

**Council Approvals and
Approvals under the Roads
Act 1993**

*Prior to the issue of a
construction certificate*

24. **Prior to the issue of the Construction Certificate**, detailed engineering plans and specifications of all proposed works within the road reserve are to be submitted to and approved by the Council under the Roads Act 1993.

The plans and specifications are to be approved by the Roads and Traffic Authority before submission to Council for approval.

These plans are to include sedimentation and erosion control plans and pedestrian and traffic management plans prepared by suitably qualified professionals.

Assessment fees will be charged in accordance with Council's schedule of fees and charges.

**Design Certification of-
Structural works in the road
reserve**

25. The design of all structural works within the road reserve shall be certified by a chartered structural engineer (NPER-3 Structural registered) as conforming to the relevant standards and load capacities.

**Performance and
Maintenance Bond**

*Prior to the issue of a
construction certificate*

26. Prior to the issue of the Roads Act Approval and **prior to the issue of a Construction Certificate** a, \$10,000.00 performance, maintenance, damage and defects bond is to be lodged with the Council. The bond may be in the form of an unconditional bank guarantee with no expiry date, a bank cheque or cash. The bond is to cover the safety of the public, environmental protection, and performance and maintenance of the works and damage during and after construction in the road reserve.

This bond shall be retained for six (6) months after construction is completed to the satisfaction of Council's Supervising Engineer. The bond period commences at the issue of a successful final inspection of the works by the Council and or Operation Certificate which ever is the latest starting date. The bond will be released upon an application being made by the applicant subject to the satisfactory performance of the works. The applicant is to pay a bond inspection fee upon lodgement of the application for the release of the bond.

Management Plans

Waste Management Plan

Prior to the issue of a construction certificate

27. A Waste Management Plan (WMP) shall be submitted to and approved by Council. The WMP shall address, but not be limited to, the following matters:-
- a) Type, location and storage method of waste containers
 - b) Waste collection arrangements
 - c) Waste recycling

An application fee for the assessment and approval of the WMP applies in accordance with the Council's Schedule of Fees and Charges.

A copy of the approved WMP shall be provided to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

Demolition Management Plan

Prior to the issue of a construction certificate

28. To ensure protection of the public and to minimise traffic disruption during demolition works, a Demolition Management Plan (DMP) shall be submitted to and approved by the Council. The Demolition Management Plan shall include details of the proposed extent of demolition works, provision of fencing/hoardings, as well as traffic management. Works occurring within the road reserve will require a separate Roads Act application to Council.

An application fee for the assessment and approval of the DMP applies in accordance with the Council's Schedule of Fees and Charges.

A copy of the approved DMP shall be provided to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

Construction Management Plan

Prior to the issue of a construction certificate

29. A Construction Management Plan (CMP) is to be submitted to and approved by the Council. The purpose of the CMP is to ensure protection of the public and to minimise traffic disruption during construction works.

The CMP is to address, but not be limited to, the following matters:

- The construction program
- Location and storage of construction materials
- Location of site sheds and toilets
- Location and type of hoardings/site secure fencing
- Points of access from public roads
- Location of tradesmen's vehicle parking

No construction materials, site shed or toilet is to be located within the road reserve.

An application fee for the assessment and approval of the CMP applies in accordance with the Council's Schedule of Fees and Charges.

A copy of the approved CMP shall be provided to the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

Amendments to Plans

Amendments to landscape plan

Prior to the issue of a construction certificate

30. An amended landscape plan shall be submitted to and approved by Council **prior to issue of a Construction Certificate**. The following additional or amended information is required.
- a) Provide an additional detail drawing for the southernmost area affected by tree removal, landscaping or revised layout plans. On the detailed drawing demonstrate the following:
- In order to ameliorate the visual impact and potential light spillage of the overflow carparking area when viewed from the adjoining properties in Bellevue Crescent and from public areas, additional planting to the western edge of the lower line of overflow parking is required.
 - In order to ameliorate the visual impact and potential light spillage of the revised conference centre loading dock when viewed from the adjoining properties in Bellevue Crescent or from public areas to the west, additional planting to the western edge of the service road to the loading dock.
 - alternative solution for soil protection in overflow carparking area. If decomposed granite or other unconsolidated material is used, ensure that there is no opportunity for drainage flows from this area to the proposed raingarden, as fine particulate matter is likely to compromise effective function of the filter media. It is suggest that cellular confinement system and gravel be used.
- b) Include additional ground layer species suitable for the raingarden and bio retention basin application. Consult a specialist if necessary to ensure efficient functioning of the WSUD feature.
- c) To maintain effective functioning of the WSUD feature, reduce numbers of trees proposed in carpark raingarden area. Replace one of the deciduous tree species with an appropriate evergreen or conifer species to reduce leaf drop, or undertake a maintenance regime which ensures removal of all fallen leaf material.
- d) Ensure adequate depth of planting media in each location. Replace trees with ground or shrub species where soil depth falls below 300mm.
- e) The southern boundary is to be amended to exclude the property known as 26 Bellevue Crescent Medlow Bath.
- f) Inclusion of the London Plane tree proposed for removal, which is located at the street frontage of the proposed Gymnasium building.
- g) Provide an additional landscape detail drawing for the northernmost area adjacent to the adjoining northern dwelling. The detailed drawing shall demonstrate landscaping to ameliorate the visual impact and potential light spillage on the dwelling caused by 1) the guest car parking area adjacent to the dwellings southern boundary, and 2) the service vehicle car park area adjacent to the dwellings northern boundary.

Amendments to Vegetation Management Plan (VMP)

Prior to the issue of a construction certificate

31. An amended Vegetation Management Plan (VMP) is to be submitted to Council for consideration and approval **prior to issue of a Construction Certificate.**

The amended VMP is to be generally in accordance with the comprehensive Vegetation Management Plan (VMP) prepared by UBM Ecological Consultants Pty Ltd, dated 9 April 2010, except as follows:-

a) Maps: Figure 3.1 management zones.

- The southern boundary is to be amended to exclude the property known as 26 Bellevue Crescent.
- Zones 1 - 4 are to be noted on amended plans as per Figure 3:1 with the exception of a portion of 1a, the bulk of 1d, approximately a third of zone 4 and the larger pocket of zone 3 which fall within the adjoining allotment.

b) Clarify and improve performance indicators for the following matters:

- Weed removal;
- Management of runoff as per Caverstock Group correspondence dated 16 June 2010;
- Specify the density and height of the canopy of *E. oreades* within each of the areas where the forest has been conserved or reinstated in the Asset Protection Zone (APZ).
- Specify survival rates and final acceptable density of plants in revegetated areas.

The VMP, once assessed and approved by the Council, must be fully implemented in accordance with the methods and timelines specified in the approved document, or as otherwise specified within the conditions of the consent.

Vegetation Management Plan – amendments to boundaries

Prior to the issue of a construction certificate

32. Clear depiction of the southern property boundary is required on an amended plan to ensure no management of the adjoining property is permitted or required under the approved plan. The proposed extent of the area to be subjected to Vegetation Management is to be approved by Council **prior to the issue of a Construction Certificate.**

The amended plan shall include the following;

- all areas directly affected by proposed works
- all areas within the approved asset protection zone,
- all areas containing scheduled vegetation and within the receiving system below the Hydro Majestic Hotel
- all areas affected by drainage and runoff from the development area, and
- all areas affected by soil disturbance and identified contaminated fill.

These areas are satisfactorily identified at Figure 1.3 within the Vegetation

Management Plan (VMP) prepared by UBM Ecological Consultants Pty Ltd, dated 9 April 2010, with the exception of aforementioned inaccurate property boundaries.

Site remediation conditions

Site contamination and remediation – Phase 1

Prior to the issue of a construction certificate

33. To ensure adequate arrangements are in place to address on-site contamination, the following works are to be undertaken in accordance with the report titled *"Phase 1 Preliminary Site Contamination Investigation"* from GETEX Pty:-

- a) Prepare an "asbestos register".
- b) Access to the boiler room including the office space adjacent to main boiler room is to be restricted immediately.
- c) Until the "asbestos register" is completed and assessed, and the hotel "deemed "safe" then access is to be restricted to only those people with adequate "personal protection equipment" and who are experienced in dealing with asbestos.

A target OH&S report and an Environmental Management Plan shall be submitted to the Council **prior to the issue of a Construction Certificate**.

Site contamination and remediation – Phase 2

Prior to the issue of a construction certificate

34. A *"Phase 2 -Detailed Site Contamination Investigation"* report is to be submitted to and approved by the Council **prior to the issue of a Construction Certificate**.

This report should cover the area/s known to be contaminated that poses an unacceptable health risk, including the boiler house and the immediate area. The report is to be prepared by a suitably qualified environmental consultant who has competencies and expertise in this field. The consultant should follow the *"Guidelines for Consultants Reporting on Contaminated Sites"*

If the *Detailed Site Investigation* report identifies issues of concern, a remediation action plan (RAP) is to be prepared presenting remediation and validation procedures for the site and submitted to and approved by Blue Mountains City Council **prior to the issue of a Construction Certificate**.

In addition to the above a *Detailed Contingency Plan* is to be designed and implemented to deal with any potential contaminants which may or may not arise both during and after the construction phase.

The contingency plan should include the need for an ongoing site monitoring program. This plan should include a monitoring strategy, parameters to be monitored, areas of risk identified for monitoring, frequency of monitoring, the reporting requirements and incident response plan. All preliminary investigation reports should follow the *"Guidelines for Consultants Reporting on Contaminated Site"* issued by DECC.

Provision of sanitary facilities

Sanitary facilities in Gymnasium and Function/ Conference Centre

*Prior to the issue of a
construction certificate*

35. An adequate number of sanitary facilities for persons are to be provided within the Gymnasium and Function Area/ Conference Centre to comply with Part F2 of the Building Code of Australia.

Documentation is to be submitted **with the application for a Construction Certificate.**

Sanitary facilities in the Boiler House

*Prior to the issue of a
construction certificate*

36. An additional one water closet for males and one water closet for females are to be provided in the Boiler House to ensure adequate facilities are available for persons to comply with the relevant Performance Requirements of the Building Code of Australia.

Documentation is to be submitted **with the application for a Construction Certificate.**

Spa Treatment Rooms

*Prior to the issue of a
construction certificate*

37. The construction of the "Spa Treatment Rooms" is to comply with Schedule 2, Part 3 of the Local Government (General) Regulation 2005, in this regard.
- a) Wall finish must be impervious to moisture and capable of being cleaned.
 - b) The treatment facility must have a designated hand wash basin (hands free) fitted with clean hot and cold running water.
 - c) Any form of skin penetration, for example acupuncture, ear piercing, hair removal etc, must comply with the "Guidelines on Skin Penetration" Clause 10, Public Health (Skin Penetration) Regulation 2000 and "Skin Penetration Code of Best Practice" issued by the NSW Health.

Documentation is to be submitted **with the application for a Construction Certificate.**

Fire safety upgrading –

s94 Environmental Planning & Assessment Regulation 2000

Fire safety upgrade –

*Prior to the issue of a
construction certificate*

38. In accordance with the requirements of Clause 94 of the Environmental Planning and Assessment Regulation 2000, the fire safety measures proposed in the Concept Fire Safety Strategy (Report No. SY090158) dated April 10 prepared by Defire are to be carried out, with the following exceptions and as varied by any other condition of consent (including the outcome of satisfying deferred commencement conditions).

The plans accompanying the application for a Construction Certificate must demonstrate compliance of the following:-

- a) The proposed sprinkler system is to be installed in Delmonte,

Delmonte Hallway, Hargravia, Cats Alley, a section of the Ground floor of Fine Dining as shown on plan prepared by Group GSA Job No. 09-249 Drawing No. 2020 Issue C, the Basement levels of Casino and Fine Dining, and Belgravia Entry.

- b) Existing doors to sole occupancy units in the Belgravia Lounge First and Second floors, Hargravia First floor, Delmonte Hallway First floor, and Delmonte Ground, First and Second floors are to be fitted with a self-closing device and be tight-fitting.
- c) The separation of the stairway between Delmonte Hallway and Delmonte on Ground, First and Second floors is to be located as per approved plans (Drawing Numbers 2030, 2033 and 2034).
- d) The separation of sprinkler protected and non-sprinkler protected compartments between Fine Dining area and Cats Alley is to be located in accordance with the approved plan (Drawing Number 2020).
- e) The openings in the northern elevation of the ground floor of Belgravia Entry that are exposed to the Belgravia/ Mark Foy compartment are to be protected in accordance with C3.4 of the Building Code of Australia. Alternatively, an alternative solution demonstrating compliance with the relevant Performance Requirements of the Building Code of Australia for the protection of these openings is to accompany the application for construction certificate to the certifying authority.
- f) A self-closing fire door with minimum FRL of -/120/30 and fire rated construction with a minimum FRL of 120/120/120 (if loadbearing) or -/120/120 (if non-loadbearing) must be provided in the Basement level at the stair leading up to Casino Lounge.
- g) A self-closing fire door with minimum FRL of -/120/30 must be provided in the Basement level between the Casino Lounge and the Kitchen of the Fine Dining Area.
- h) Openings in Level 1 of Delmonte Hallway that are above the roofline of the Function Room compartment or are exposed to and within 6 metres of the Function Room compartment are to be protected in accordance with the relevant performance requirements of the Building Code of Australia.
- i) The windows serving Units 24 and 52 and the 'blind' window on the Ground floor of Belgravia Entry are to be protected internally in accordance with the performance requirements of the Building Code of Australia.
- j) Old Belgravia is to be provided with a suitable-type portable fire extinguisher, fire blanket and smoke detection system complying with the Building Code of Australia.
- k) The Gymnasium is to be provided with a suitable-type portable fire extinguisher to comply with the Building Code of Australia.
- l) Existing stairs within the building are to have non-skid strips near nosings and at the edge of landings.
- m) Any enclosures under the existing non-fire isolated stairways in the building (for example, Hargravia and Belgravia Entry) must have walls and ceilings of minimum Fire Resistance Level (FRL) of 60/60/60 and any doorway protected by a self-closing FRL -/60/30 fire door.
- n) A certificate from a suitably qualified electrician indicating that the existing electrical wiring system has been inspected and is certified as

being adequate, safe and fit for purpose.

- o) A certificate from a suitably qualified gas fitter indicating that the existing gas installation has been inspected and is certified as being adequate, safe and fit for purpose.
- p) The egress discharge point from the internal stairway between Delmonte and Delmonte Hallway is to be via a door to the verandah and stairs on the western side of Delmonte that leads to the service road.
- q) The existing exit stair to the south of Delmonte is to be enclosed and is to provide egress from all storeys of the Delmonte building.
- r) The new fire stair to the south of Delmonte is to be connected to the existing fire stair and provide a path of travel for persons using the existing stairway to the service road.

All work must be completed prior to the issue of an Occupation Certificate.

The fire safety upgrade works are to be completed prior to the issue of an Occupation Certificate.

Access for people with disabilities

Accessibility and adaptability design statement

39. To ensure appropriate access and facilities are provided, a statement is required from a suitably qualified Access and Mobility Specialist, certifying that the development complies with the following, except as varied by these conditions of consent.
- The six nominated accessible accommodation suites in terms of Australian Standard 1428, and
 - All accommodation suites in terms of Australian Standard 4299-1995 Adaptable Housing Class C.

This statement is to form part of the Construction Certificate documentation.

Access and sanitary facilities for people with disabilities

Prior to the issue of a construction certificate

40. Access for persons with disabilities is to be provided to and within the buildings in accordance with the approved plans, Building Code of Australia, Australian Standard 1428.1 and the principles of the Disability Discrimination Act 1992, with the following exceptions. The plans **accompanying the application for a Construction Certificate** must demonstrate compliance and address, but not be limited to, gradients and surface materials.
- a) A continuous path of travel for persons with disabilities must be provided from the vestibule of the Casino Lobby into the Casino Lounge.
 - b) Access for persons with disabilities must be provided to the accessible facility, history centre, offices and business centre contained within the ground floor of Hargravia.
 - c) A path of travel for persons with disabilities must be provided from the main building to the Gymnasium. Access into the Gymnasium must be via its principal entry in its western elevation.

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- d) A lift complying with the Building Code of Australia and AS1428.1 must be provided in the Boiler House.
 - e) Signage must be provided to direct persons with disabilities to enter the Boiler House via the café on the ground level.
 - f) Access from the building to Pretty Point Lookout must be provided
 - g) Access into the ground floor level of Belgravia Entry is required.
 - h) Sanitary facilities throughout the development.

All work must be completed prior to the issue of an Occupation Certificate.

Access to the Fine Dining

41. To comply with the provisions of the Building Code of Australia and the principles of the *Disability Discrimination Act 1992*, the principal entrance to the Hydro Majestic (the Casino Lobby) shall be made available as one of the paths of travel for all patrons of the Fine Dining facility, whether or not those patrons are overnight guests of the hotel.

Parking spaces for people with a disability adjacent to the Casino Lobby are to be available for people with a disability, whether or not those people are overnight guests of the hotel or patrons of the Fine Dining facility.

Car parking spaces for persons with disabilities

Prior to the issue of a construction certificate

42. Car parking spaces for persons with disabilities are to be provided as shown on the approved plans and in accordance with Australian Standard 2890.1, with the following exceptions.
- a) Car spaces 1 and 2 in the southern parking area are to be designed and identified as required for persons with disabilities. Spaces 39 and 76 are not to be identified for use of persons with disabilities.
 - b) The car parking spaces for persons with disabilities in the northern parking areas, and the path of travel from those parking spaces to the building, must comply with AS1428.1, and include but not be limited to, gradients and surface materials.

The plans **accompanying the application for a Construction Certificate** must demonstrate compliance.

C. During Remediation works, Demolition works and Construction works

General

Plans on site

43. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

Signage

44. To ensure that the site is easily identifiable for deliveries and provides information on the person responsible for the site, a sign displaying the following information is to be erected:
- The statement *"Unauthorised access to the site is not permitted"*.
 - The names of the builder or another person responsible for the site

along with an out of hours contact number.

- Street number.

Site management

45. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
- a) Site and building works (including the delivery of materials to and from the property) shall be carried out Monday to Friday between 7am-6pm and on Saturdays between 8am-3pm, excluding public holidays. Alteration to these hours may be possible for safety reasons but only on the approval of Council.
 - b) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - c) Building operations such as brickcutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site.
 - d) Builders waste generated under this consent (including felled trees, tree stumps and other vegetation) must not be burnt or buried on site. All waste must be contained and removed to an approved Waste Disposal Depot or in the case of vegetation, with the exception of environmental and declared noxious weeds, mulched for re-use on site.

Erosion & sediment controls

46. To contain soil and sediment on the property, controls in accordance with Council's *Better Living* Development Control Plan are to be implemented prior to the commencement of site works. This will include:
- a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
 - b) To prevent vehicular tracking of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm, or other suitable method. The length must be at least 6 metres with the width at least 3 metres.
- Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

Workers amenities

47. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.

Hoarding / fencing

48. To ensure the protection of the public during any demolition or construction work, hoardings are to be provided on all sides of the site to the requirements of NSW WorkCover Authority. Where any road reserve is proposed to be utilised for hoardings, it will be necessary to submit a Roads Act application and obtain the relevant approval prior to the erection of the hoarding.

Prior to the commencement of works within the road reserve

Preconstruction meeting	49. Prior to commencement of works within the road reserve, an onsite preconstruction meeting is to be held with the contractor, the Superintendent and the Council's Supervising Engineer.
Insurance	50. All contractors working in the road reserve shall be covered for workers compensation and public liability insurance to the amount of \$10 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to Council's supervising engineer at the pre-construction meeting.
Installation of sediment and erosion controls	51. Sediment and erosion controls are to be installed in accordance with the approved Erosion and Sediment Control Plan prior to the commencement of works on site.
Installation of pedestrian and traffic controls	52. All pedestrian and traffic controls are to be installed in accordance with the approved Pedestrian and Traffic Management Plan prior to the commencement of works onsite.

During engineering works

Fill material	53. All fill material imported to the site is to comply with the requirements of Virgin Excavated Natural Materials as defined in Appendix F, Glossary, of the Blue Mountains Better Living DCP.
Hoardings and fencing and associated TMP etc	54. To ensure the protection of the public, hoardings etc are to be provided on all sides of the site to the requirements of NSW Work Cover Authority. Where any road reserve is affected <u>and before work commences on site</u> the applicant is to obtain a Roads Act Approval in accordance with Council's Policy (Temporary Fencing (Hoardings)/ barrier systems) and the conditions of this consent. Application fees and On Going Use fees are required to be paid.
Inspections of works within the road reserve	<p>55. To ensure all works are completed in accordance with the appropriate specifications and approved plans, compliance certificates for works undertaken off site are to be issued at significant stages throughout the construction period.</p> <p>The inspections of the works within the Great Western Highway carriageway are to be carried out by officers of the RTA.</p> <p>The inspections of works within the footway and the kerb and gutter alignment are to be carried out by Council's Supervising Engineer. Inspection fees will be payable in accordance with Council's current schedule of fees & charges.</p> <p>Council's Engineer will require a minimum of 48 hours notice to conduct an inspection.</p> <p>These stages are:</p> <p>a. Pre construction meeting.</p>

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- b. Driveways
 - After set out (prior to any excavation)
 - Laying and compaction of subgrade
 - Compaction of roadbase or placing reinforcement for concrete works
 - During sealing of pavements
 - Final – all disturbed areas revegetated.
 - a. Kerb construction
 - After setout (prior to any excavation)
 - Laying and compaction of subgrade
 - Placement of stringline
 - During placement of kerb
 - Compaction of roadbase to existing road
 - During sealing of pavements
 - Final – all disturbed areas revegetated.
 - b. Stormwater Drainage
 - After setout (prior to any excavation)
 - After installation of pits and pipes, prior to backfilling
 - Final – all disturbed areas revegetated.
 - c. Pedestrian pathways
 - After set out (prior to any excavation)
 - After boxing out of pathway
 - Final – all disturbed areas revegetated.
 - f. Final inspection of completed development.

Maintenance of sediment and erosion controls

56. Sediment and erosion controls are to be maintained in accordance with the approved Erosion and Sediment Control Plan for the duration of the works and until all disturbed areas are stabilised.

Maintenance of pedestrian and traffic controls

57. All pedestrian and traffic controls are to be maintained in accordance with the approved Pedestrian and Traffic Management Plan for the duration of the works.

Demolition conditions

Demolition management – stripping of buildings and breaking of pavements

58. The work is to be executed by a competent person, with due regard for safe working practices and in accordance with the requirements of the WorkCover Authority and Australian Standard 2601-1991. At all times during demolition a competent person shall directly supervise work. It is the responsibility of the person to ensure that:

The structures to be demolished and all their components shall be maintained in a stable and safe condition at all stages of the demolition work. Temporary bracing, guys, shoring or any combination of these, shall be added for stability where necessary.

Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained particularly in the event of sudden and severe weather changes. Severe weather changes

refer primarily to the localised high winds. In these circumstances loose debris can become airborne, particularly if it is in sheet form.

The site shall be secured at all times against the unauthorised entry of persons or vehicles.

Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed off before any stripping or demolition commences.

Demolition notification

59. The applicant is to notify Council and adjoining occupants in writing, at least ten (10) working days prior to demolition commencing, of the intention to commence demolition works. Notification is to be a clearly written note, on at least note pad size paper, giving the date demolition will commence and be placed in the letterbox or under the door of premises either side and immediately to the rear of the demolition site.

Adjoining buildings

60. In consideration of the proximity of adjoining buildings to the site:
- a) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
 - b) No demolition activity is to cause damage to or adversely affect the structural integrity of adjoining buildings.
 - c) The effect of vibration and concussion on adjoining buildings and their occupants is to be minimised by selection of appropriate demolition methods and equipment.

Dust control

61. The techniques adopted for stripping out and for demolition are to minimise the release of dust into the atmosphere.

Before commencing work, any existing accumulations of dust are to be collected, placed in suitable containers and removed. Selection of appropriate collection techniques, such as vacuuming or hosing down, shall take account of the nature of the dust and the type of hazard it presents (eg., explosive, respiratory etc).

Dust generated during stripping or during the breaking down of the building fabric to removable sized pieces shall be kept damp until it is removed from the site or can be otherwise contained. The use of excess water for this purpose is to be avoided.

It should be borne in mind, that in certain environments and under certain stimuli, deposits of combustible dust on beams, machinery and other surfaces may be subject to flash fires, and suspensions of combustible dusts in the air can cause them to explode violently (see NFPA Handbook).

Removal of material

62. All demolished material and excess spoil from the site shall be disposed of at a location and in a manner approved of by Council. No material is to be burnt on site.

Removal of hazardous waste

63. Removal of dangerous or hazardous materials shall be carried out in
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accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).

Only competent persons, or competent and registered persons shall carry out removal.

Removal of asbestos or materials containing asbestos fibres, shall be in accordance:

- a) with the NOHSC code of practice, and
- b) any requirements of the approved Remediation Action Plan.

Precautions to be observed and procedures to be adopted during the removal of dangerous or hazardous materials other than asbestos, shall be in accordance with the relevant State regulations pertaining to those materials.

Landscaping and vegetation management

Landscape implementation

64. In order to provide for the conservation of the heritage fabric and preservation and enhancement of the significant landscape character and setting on the subject site in a manner consistent with LEP objectives and DCP standards, extensive landscape restoration and management of the site is required.

These works are to be undertaken in accordance with the amended detailed landscape plans prepared by **Taylor Brammer, (LA01, LA02, LA04)** and dated **30 March 2010** except as amended by Council in red on approved plan or otherwise amended by these conditions.

Given the importance of timely re-establishment of the landscape character of the site, screen plants and feature trees as shown must be in an advanced stage of growth at the time of planting in accordance with the approved planting schedule

Vegetation Management Plan

65. The natural areas of the site shall be managed in accordance with the amended Vegetation Management Plan (VMP) prepared by UBM Ecological Consultants Pty Ltd, dated 9 April 2010, except where amended by the relevant conditions in this consent.

Implementation and compliance - Vegetation Management Plan

66. Works in the approved VMP shall commence immediately upon issue of a Construction Certificate if specified in the approved plan.

The appointed PCA must ensure regular monitoring and reporting of the implementation of the approved Vegetation Management Plan (VMP) is undertaken in accordance with Condition 90 for the first 3 years of its implementation.

The PCA is to ensure reports are completed and sent to Council in accordance

with the timeframe specified in the VMP or the conditions of consent.

Council may inspect and require additional works if reports indicate a significant failure to achieve performance targets.

**Monitoring and Reporting
requirements – prior to VMP
works commencing**

67. Prior to commencement of any of the approved works within the management zones subjected to approved vegetation management, the following monitoring tasks are to be undertaken by the restoration practitioner:
- a. permanent photographic monitoring points are to be established in all key restoration areas, particularly where significant weed infestation, soil instability or waste stockpiles are currently located by the restoration practitioner.
 - b. The first of a series of annotated 'before and after' photographs, repeated in respect of both location and angle of execution, are to be captured on a six monthly basis or following achievement of key performance indicators from each of these monitoring points
 - c. Ensure adequate photo documentation of regrowth *E. oreades* forest so that its progression and the impact of asset protection zone implementation can be monitored.

**View conservation and
management of regrowth
Eucalyptus oreades forest**

68. The regrowth Scheduled Vegetation community is to be managed in a manner that promotes continued recovery of the community following the 2002 bush fires. The following objectives and restrictions apply:
- The re-establishment of *E. oreades* open forest is to be promoted in all parts of the Asset Protection Zone (APZ) where it is practicable or possible (based on edaphic factors) to do so.
 - The regenerating and surviving canopy trees are to be managed to achieve a variety of age classes are present in all areas retained as open forest.
 - Canopy separation is to be consistent with but not exceed the standards for the provision and maintenance of asset protection zones and the RFS conditions of consent.
 - The mature height and density of the recovering vegetation community is to be consistent with the recommendations within the amended Vegetation Management Plan (VMP)
 - Regrowth *Eucalyptus Oreades* must not be lopped or pruned for view conservation other than in locations identified in the View Analysis where views are to be retained.

The regrowth forest canopy will assist in the amelioration of the impact of the development when viewed from the Megalong Valley, but views are to be conserved in key locations of the hotel, (rather than across the entire extent of the hotel), and are to be consistent with the View Analysis.

**Work method statement to
be provided for removal of**

69. **Prior to the commencement of tree removal**, (within the area subject to the VMP) a work method statement is to be provided by a fully qualified arborist for

dead Radiata pines

tree removal on steep land within the APZ (including for dead pine trees).

The constraints and risks associated with tree removal on steep land needs to be considered in a two stage process;

1. tree removal
2. log and other vegetative waste management.

Note: Under no circumstances is machinery removal through 'pushing up' of trees and tree roots to be considered on slopes in excess of 20%. Doing so is likely to expose the operator and the environment to an unacceptable level of risk. Tree roots and stumps need to be retained in situ in all but exceptional circumstances. Management of woody debris must not result in slope instability or damage to retained trees.

Mitigation of damage to the slope from tree cutting and removal of debris must be undertaken following removal.

All tree removal within the management zones covered by the approved Vegetation Management Plan is to be undertaken in consultation with and under the supervision of the bushland manager/project ecologist.

Asset Protection Zone (APZ) implementation

70. The management of the vegetation within the APZ is to be strictly in accordance with the techniques and methods described within the Vegetation Management Plan (VMP) and within any subsequently approved work method statement in relation to tree removal on steep sites.

The extent of the APZ works shall not exceed the requirements of *Planning for Bushfire Protection 2006* and the RFS conditions.

Implementation of works

71. A qualified and experienced Bush Regeneration contractor will be required to undertake and supervise bush regeneration works on this site.

Bio-retention conditions

Updated bio-retention filter design

72. Prior to the commencement of works, raingarden filter design details are to be submitted to and approved by Council. These updated design details are to be in accordance with the 'Specifications for Soil Media in Bio-retention Systems' prepared by the Facility for Advanced Water Bio Filtration (Monash University). Hydraulic conductivities for each layer within the basin are to be specified

Protection of bio-retention device during construction

73. The bio-retention / raingardens are not to be operational until all on-site activities related to construction are completed.

Bio-retention filter media certification

74. Prior to the installation of the filter media material within the raingardens, certification is to be provided to and approved by the PCA from a NATA registered laboratory confirming that the bio-retention device filter media material complies with the 'Specifications for Soil Media in Bio-retention Systems' prepared by the Facility for Advanced Water Bio Filtration (Monash University) and the specification approved by Council

D Prior to the issue of an Occupation Certificate*

***Occupation certificate means "occupation certificate" or "interim occupation certificate"**

General

Access and mobility – verification that completed development complies

Prior to the issue of an occupation certificate

75. To ensure the completed development has been constructed to provide access and facilities for people with a disability or limited mobility in accordance with the principles of the *Disability Discrimination Act 1992* and the Council's planning instruments, written verification shall be provided by a suitably qualified Access and Mobility Specialist.

The document shall verify that the completed development is accessible to people with a disability in accordance with the Building Code of Australia, the relevant part of the Council's *Better Living DCP* and Australian Standard AS 1428.1-2001 *Design for access and mobility – General requirements for access – New building work*, as per clause 107 (Access to public buildings and public land) of *Local Environmental Plan 2005* and any variation allowed by these conditions of consent

This verification statement is to be provided to the Principal Certifying Authority **prior to the issue of an Occupation Certificate.**

Nothing in this condition alters any obligations imposed under the *Disability Discrimination Act 1992*.

Stormwater Quality Treatment Devices – Vegetation Establishment and Maintenance

Prior to the issue of an occupation certificate

76. **Prior to the issue of the Occupation Certificate**, a dense and continuous coverage of healthy vegetation consistent with the approved landscape plan must be established across the entire surface area of the raingarden areas. The vegetation is to be maintained in a weed free and healthy condition to ensure successful establishment of a dense sward and effective functioning of the bio filtration system.

Landscaping certification

Prior to the issue of an occupation certificate

77. All works shown on the landscaping plans, including car park construction and the installation of approved stormwater treatments shall be installed prior to occupation.

Healthy and vigorous plants generally consistent with the species nominated on approved landscape plans as feature trees and screen plantings, or

otherwise as amended by Council, must be sighted in the landscape. Minor amendment is permissible should selected species fail to establish or be determined as unsuited to climatic constraints.

A suitably qualified horticulturalist or landscape architect shall certify that the completed landscaping works have been carried out in accordance with the approved landscaping plan. The verification statement is to be provided to the Principal Certifying Authority **prior to the issue of an Occupation Certificate.**

**Vegetation management
Plan certification**

*Prior to the issue of an
occupation certificate*

78. The works in the approved Vegetation Management Plan shall achieve the targets and objectives specified in the relevant time frames in the plan. A suitably qualified consultant ecologist or bushland restoration practitioner shall certify that the VMP works have been carried out in accordance with the time frames up to occupation. This verification statement is to be provided to the Principal Certifying Authority **prior to the issue of an Occupation Certificate.**

**Final fire safety certificate
(Prior to occupation)**

*Current / proposed and
required essential fire safety
measures*

79. The essential fire safety measures referred to in the Fire Safety Schedule issued with the Construction Certificate, excluding any existing measures, are to be installed within the building.

A final fire safety certificate, in or to the effect of Form 15 (copy attached) is to be furnished by the owner of the building to the Principal Certifying Authority (PCA) **prior to the issue of an Occupation Certificate**, in respect of all essential fire safety measures specified in the above Schedule.

The certificate should state that each specified essential fire safety measure has been assessed by a properly qualified person (chosen by the owner), and was found to be capable of performing to a standard not less than that specified in the Schedule.

Advice

A person who carries out the assessment must inspect and verify the performance of each specified fire safety measure and must test the operation of each new item of equipment installed in accordance with the Schedule.

Engineering works

Repair of damage

80. The applicant shall repair or reconstruct all damage within the road reserve caused by construction activity relating to the development as required by Council's Supervising Engineer prior to release of the Occupation Certificate

Restore disturbed area

81. All disturbed earthworks and/or batters within the road reserve are to be restored, stabilised, topsoiled and turfed/revegetated to Council's Supervising Engineer's satisfaction prior to release of the Occupation Certificate.

**Construction Certification
of structural works in the
road reserve**

82. The construction of all structural works within the road reserve shall be certified by a chartered structural engineer (NPER-3 Structural registered) as conforming to the relevant standards and load capacities. A copy of this certification is to be provided to both the RTA and the Council's Supervising Engineer prior to the issue of the Occupation Certificate.

**Service Authority
certification**

83. Prior to the issue of the Occupation Certificate, the applicant is to provide certification to the Council's Supervising Engineer, from all of the relevant service authorities, confirming that all service adjustments and relocations within the road reserve have been completed to their satisfaction.

Works as Executed plans

84. Prior the issue of the Preliminary Final Inspection Report by the Council's Supervising Engineer and prior to the issue of the Occupation Certificate, a Works as Executed Plan prepared by a registered surveyor of all engineering works in road reserve shall be submitted to and approved by the Council.

Certification by Council

85. Prior to the issue of the Occupation Certificate, certificates shall be obtained from both the RTA and the Council's Supervising Engineer to verify that all external works have been completed in accordance with the approved plan and to the RTA's and the Council's satisfaction.

**Certification of the water
quality treatment and
discharge controls systems
and structures**

86. Prior to the Issue of the Occupation Certificate, certification is to be submitted to and approved by Principal Certifying Authority that the water quality treatment and discharge control systems and structures have been carried out in accordance with the conditions and requirements of this consent, including SCA requirements. The certification is to also confirm that the performance of the above treatments/control systems and structures is in accordance with the requirements of this consent including the SCA requirements.

The certification is to be provided by a suitably qualified person with demonstrated experience in water sensitive urban design.

**Water Quality and discharge
Control Treatments
Stormwater System
Operation and Maintenance
Manual**

87. To ensure that:
- Effective ongoing structural integrity and operation of the water quality treatment and discharge controls systems and structures including the bio-retention infiltration basins, swales, OSD structures/devices, permeable pavements and other structures for water quality treatment and discharge control as well as all drainage outlet structures and controls, are maintained.
 - The requirements of the SCA and the conditions of this consent are met.
 - The post development water quality and discharge conditions meet the required performance objectives for the life of the development,
 - a Stormwater System Operation and Maintenance Manual for all of the approved stormwater management devices/system is to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Occupation Certificate.

The manual is to be prepared and implemented by consultants who are qualified and experienced in this field.

To ensure the stormwater devices/ system remains in good working order for the life of the development the manual shall be to the requirements of the SCA and clearly specify but not limited to the following:

- a) monitoring and maintenance requirements for each device, and
- b) auditing and performance assessment both for water quality, hydraulic performance and structural integrity, and
- c) schedule for inspections, audits and remedial maintenance tasks to meet the performance objectives (e.g. after specified storm events and no less than annually, timeframe for filter media replacement), and
- d) establishment methods, monitoring and maintenance of all vegetative components of water quality/infiltration devices, and
- e) nominated regular period for review of the manual.
- f) documented maintenance taken.

**Positive Covenant- On Site
Detention and Water Quality
Treatment (OSD/WQ)**

88. To ensure the on site detention and water quality treatment (OSD/WQ) systems are satisfactorily maintained, a covenant under Section 88E of the Conveyancing Act, 1919 shall be prepared and registered over the subject land.

The terms of the 88E Instrument with positive covenant shall include, but not be limited to, the following:

- a. The Proprietor of the property shall agree to be responsible for keeping clear and the maintenance of all pits, pipelines, trench barriers and other structures comprising the OSD/WQ systems.
- b. The Proprietor shall agree to have the OSD/WQ facilities inspected annually and/or more regularly as required by the manufacturer's specifications and the Stormwater System Operation and Maintenance Manual, by a competent person.
- c. The Proprietor shall agree to implement the approved Stormwater System Operation and Maintenance Manual referred to in the consent and to keep it up to date
- d. The Council shall have the right to enter upon the land referred to above at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD/WQ or which convey stormwater from the said land and recover the costs of any such works from the Proprietor.
- e. The registered Proprietor shall indemnify the Council and any adjoining landowners against damage to their land arising from the failure of any component of the OSD/WQ or failure to clean, maintain and repair the OSD/WQ.

The applicant shall bear all costs associated in the preparation of the subject 88E Instrument. The wording of the Instrument shall be submitted to and approved by Council prior to lodgement at NSW Land and Property Information. Proof of lodgement with NSW Land and Property Information

shall be submitted to Council prior to the issue of the Occupation Certificate.

**Supervision of internal
engineering works**

89. Prior to issue of the Occupation Certificate, a suitably qualified Certifier is to provide certification to the Principal Certifying Authority that all internal engineering works have been constructed in accordance with the approved plans and specifications.

E Occupation and ongoing use

**Vegetation and management
Plan –
monitoring and reporting
requirements**

90. The following specific matters, based on identified objectives and performance indicators are to be addressed by the project manager/restoration contractor within an annual report to Council (for the initial three years of the VMP operation):
- a) results of the photo monitoring
 - b) updated species lists for natives and weeds.
 - c) updated weed densities and/or % of weed to native species in each management zone;
 - d) any matters arising from tree removal, contaminated land, soil instability or erosion and stormwater management that may confound restoration objectives;
 - e) a summary of hours and categories of work, including zones/areas involved;
 - f) précis of progress toward achievement of performance indicators based on the above information.
 - g) the final report must include recommendations (actions, timing and frequency) for the ongoing management and maintenance of all management zones covered by the Vegetation Management Plan (VMP).

**Independent audit
requirements**

91. Within 3 years of occupation, the owners or operators shall appoint and pay for an independent and appropriately qualified and experienced person to conduct an audit and report on continued compliance with the objectives and performance indicators specified in the approved Vegetation Management Plan.

If required, the auditor should recommend actions to address any identified deficiencies in order to achieve compliance with the project objectives.

Within three months of commissioning the audit, a copy of the report is to be supplied to the Council, with a response to any recommendations made within the report, including a timeframe to complete any additional works.

Noise

92. To ensure the continued amenity of nearby residential properties, any "noise" associated with the operation of the tourist accommodation, conference facilities or cafe shall not constitute "offensive noise" as defined by the Protection of the Environment Operations Act 1997 or any subsequent Act.

The tourist accommodation shall comply with the recommendations and noise management controls detailed in the report prepared by Acoustic Logic Consultancy, Noise & Vibration Consultants, Report No: 2009975/2203A/R1/GW, which is dated 25 March 2010.

External lighting

93. To protect the amenity of the local area, the external lighting is to be positioned, directed and shielded so that it does not interfere with traffic safety or cause nuisance to adjoining and nearby properties.

Advertising signage

94. To protect the visual amenity of the neighbourhood and city, signage shall be limited to the details included with the application. Any additional signage will require separate development consent.

Illumination is to be minimised so as to ensure no adverse impact on traffic flow or adjoining properties. Flashing signs are not permitted.

Annual fire safety statement

Each essential fire safety measure in the building

95. Each year, within 12 months of the previous statement, or after a certificate of installation has been issued for the building (whichever is applicable), the owner of the building must submit to Council an Annual Fire Safety Statement that must deal with each essential fire safety measure installed within the building.

A copy of the Annual Fire Safety Statement (together with a copy of the current fire safety schedule) is to be given to the Commissioner of New South Wales Fire Brigades. A further copy is to be prominently displayed in the building.