

Consolidated Conditions of Modification No.3 (MOD2011/0143) approved 31 August 2011, No.2 (MOD2010/0283) approved 10 February 2011, and Modification No.1 (MOD2010/0305) approved 12 January 2011 of Development Consent DA2010/0166 approved 13 May 2010

#### A. DETERMINATION

Made on (Date): 13 May 2010

Consent to operate from (Date): 19 May 2010

Consent to lapse on (Date): 19 May 2015

### GENERAL CONDITIONS

### CONDITIONS THAT IDENTIFY APPROVED PLANS

#### 1. Approved Plans and Supporting Documentation

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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA1.01–DA1.18 (issue A)	8 February 2010	Young Metcalf Architects

Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
C-301-C-312 (issue C)	October 2009	Warren Smith & Partners Pty Ltd

As modified by the Section 96 application Mod2010/0238 received by Council on 12 November 2010, and endorsed with Council's approval stamp;

Architectural Plans - Endorsed with Council's stamp			
Drawing No.	Dated	Issue	Prepared by
DA1.01	October 2010	B	Young Metcalf Architects
DA1.03	October 2010	B	Humel Architects
DA1.05	November 2010	B	Humel Architects
DA1.06	November 2010	B	Humel Architects
DA1.07	November 2010	B	Humel Architects
DA1.08	November 2010	B	Humel Architects
DA1.09	November 2010	B	Humel Architects
DA1.10	November 2010	B	Humel Architects
DA1.11	November 2010	B	Humel Architects
DA1.12	November 2010	B	Humel Architects
DA1.13	November 2010	B	Humel Architects
DA1.15	October 2010	B	Young Metcalf Architects
DA1.16	October 2010	B	Young Metcalf Architects

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Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared by
C-301-C-312 (issue E)	October 2010	Warren Smith & Partners Pty Ltd

As further modified by Section 96 application Mod2011/0143 received by Council on 29 June 2011, and endorsed with Council's approval stamp:

Architectural Plans - Endorsed with Council's stamp			
Drawing No.	Dated	Issue	Prepared by
DA1.011	2/06/2011	C	Humel Architects
DA1.12	2/06/2011	C	Humel Architects
DA1.13	2/06/2011	C	Humel Architects
DA1.14	2/06/2011	C	Humel Architects

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

The development is to be undertaken generally in accordance with the following:

Landscape Plans - Endorsed with Council's stamp		
Drawing Number	Dated	Prepared By
LA01 –LA02 (issue A)	October 2010	Taylor Brammer

**Reason:** To ensure the work is carried out in accordance with the determination of Council and approved plans.

## 2. No Approval for any Signage

No approval is granted under this Development Consent for signs (as defined under Warringah Local Environment Plan 2000 and State Environmental Planning Policy No. 64). A separate Development Application for any signs (other than exempt and signs permitted under Complying Development) must be submitted for the approval prior to the erection or display of any such signs.

**Reason:** Control of signage.

## 2A Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department, Authority or Service	E-Services Reference	Dated
Energy Australia/Ausgrid	Response Ausgrid Referral	14 July 2011
NSW RFS Services	RFS Referral Response	-

**(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au) )**

**Reason:** To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Bodies. (DACPLB02)

### **3. No Development is to occur on the Cross Hatched Area**

No approval is granted under this Development Consent for any works to occur within areas of the locality shown as cross –hatched on the maps.

**Reason:** *To comply with the requirement of WLEP 2000.*

### **4. Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) Showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) Stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) In the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) In the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) Protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) Where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

**Reason:** *Legislative Requirement.*

## **5. General Requirements**

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:  
7.00 am to 5.00 pm inclusive Monday to Friday  
8.00 am to 1.00 pm inclusive on Saturday,  
No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:  
8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

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- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) Smoke alarms are to be installed throughout all new and existing portions of any Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.  
)
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

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

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

**6. Section 94A Contributions**

The Section 94A Contributions are required to be paid for this development. This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index).

The basis for the contributions is as follows:

<i>Warringah Section 94A Development Contributions Plan</i>		
Contribution based on total development cost of		\$21,680,000.00
<b>Contribution - all parts Warringah</b>	<b>Levy Rate</b>	<b>Contribution Payable</b>
Total S94A Levy	0.95%	205,960.00
S94A Planning and Administration	0.05%	10,840.00
<b>Total</b>	<b>1.0%</b>	<b>\$216,800</b>

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Details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development.

## **7. Compliance with Standards**

The development (where applicable) is to be carried out in accordance with all relevant Australian Standards.

(Note: At the time of determination the following (but not limited to) Australian Standards applied:

- (a) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking.
- (b) AS2601.2001 - Demolition of Structures
- (c) AS4361.2 - Guide to lead paint management - Residential and commercial buildings
- (d) AS 1428.2 - 1992, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities.

**Note:** *The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website*

[www.hreoc.gov.au/disability\\_rights/buildings/good.htm](http://www.hreoc.gov.au/disability_rights/buildings/good.htm)  
<[www.hreoc.gov.au/disability%20rights%20/buildings/good.htm](http://www.hreoc.gov.au/disability%20rights%20/buildings/good.htm)>

- (e) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting
- (f) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted)
- (g) AS 4970 - 2009 'Protection of trees on development sites'

(**Note:** that the above list is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.)

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

## **8. External Colours and Materials (Dwellings)**

### **External Roofing**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development.

## **9. Bonds**

### **(a) Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee paid of \$210.00 as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

### **(b) Construction, Excavation and Associated Works Bond (Pollution)**

A Bond of \$5,000 as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure adequate protection of Council infrastructure.

## **10. On-site Stormwater Detention Compliance Certification**

Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification" and the concept drawing by Warren Smith & Partners, drawing number 3442 C - 301, C- 302, C - 310, C - 311, C - 312 dated 29 January 2010.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

## **11. Submission of Engineering Plans - Roadworks in Colooli Road**

Engineering plans are to be submitted to the Certifying Authority for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of roadworks in Colooli Road which are to be generally in accordance with the civil design approved with the Development Application and Council's Minor Works Policy.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure compliance with Council's specification for engineering works.

## **11(A) Public Road**

The intersection of Stack Street and Colooli Road is to be designed as a T junction and the radius of the eastern kerb return should not exceed 10m.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure the safety of public Road.

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## **12. Structural Adequacy and Excavation Work**

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, and retaining walls and support where required.

All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** Safety.

## **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

## **13. Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

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

## **CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

## **14. Maintenance of Road Reserve**

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

**Reason:** Public Safety.



#### **15. Traffic Control During Road Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with Council's Minor Works Policy and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

**Reason:** Public Safety.

#### **16. Trees Condition**

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

**Reason:** Protection of Trees.

#### **17. Requirement to Notify about New Contamination Evidence**

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

**Reason:** To protect human health and the environment.

#### **18. Imported Fill**

Prior to the importation of any landfill material onto the site, a validation report prepared in accordance with the Department of Environment & Climate Change's guidelines the validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the fill being imported to the site.

**Reason:** To ensure that imported fill is of an acceptable standard.

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#### **19. Water Quality from Contaminated Sites**

Any runoff or water to be discharged from the site during construction works must be drained to an adequately bunded collection sump and treated, if necessary, to meet NSW Environment Protection Authority discharge criteria.

**Reason:** To protect the environment from contaminated sedimentation and erosion from development sites.

### **CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

#### **20. House / Building Number**

House/building number is to be affixed to the building to be readily visible from the public domain.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

**Reason:** Proper identification of buildings.

#### **21. Authorisation of Legal Documentation Required for On-site Stormwater Detention**

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

**Reason:** To create encumbrances on the land.

#### **22. Registration of Encumbrances for On-site Stormwater Detention**

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

**Reason:** To identify encumbrances on land.

#### **23. Restriction as to User for On-site Stormwater Detention**

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to

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lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

**Reason:** To ensure modification to the on-site stormwater detention structure is not carried without Council's approval.

#### **24. On-Site Stormwater Detention Compliance Certification**

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

**Reason:** To ensure stormwater disposal is constructed to Council's satisfaction.

#### **25. Positive Covenant for On-site Stormwater Detention**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Warringah Council's delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

**Reason:** To ensure ongoing maintenance of the on-site stormwater detention system.

#### **26. Creation of Positive Covenant and Restriction as a User**

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands".

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

**Reason:** To identify encumbrances on land.

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## **27. Environmental Reports Certification**

Written certification from a suitably qualified person(s) shall submit to the Principal Certifying Authority and Warringah Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

- (a) Sediment & Erosion Control Plan
- (b) Construction & Waste Management Plan
- (c) Statement of Environmental Effects prepared by BBC Consulting Planners dated February 2010

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

**Reason:** To ensure compliance with standards.

## **ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

## **28. Visitor Car parking**

Visitor car parking must be permanently available, freely accessible and clearly marked / signposted. The visitor car parking spaces area not to be allocated to individual units / tenancies.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

**Reason:** To ensure visitor carparking is available at all times and is clearly identified.

## **29. The Anzac War Memorial**

The Anzac War Memorial fronting Veterans Parade is to be protected at all times during demolition and construction works, to ensure that it is not damaged.

**Reason:** To ensure that there is no damage to the heritage listed memorial as a result if construction traffic and works.

## **30. Construction Work within Public Land**

The written consent of Council must be obtained to enter or undertake any work within adjoining public lands prior to the commencement of works.

**Reason:** Protection of existing public infrastructure.

## **31. Occupancy (Mixed Use and Category 3 Development)**

Nothing in this consent shall authorise the use of the following Land uses:

- Chapel and War Museum;
- Recreation Facilities;
- Community and communal Facilities; and
- Offices

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- Motel type accommodation (Studio No: 1, 2, 3 & 4)

For any other purpose other than providing for the needs the residents of the RSL village.

Any variation to the approved land use and/occupancy of any Land uses beyond the scope of serving the need of the residents within the RSL retirement village will require the submission to Council of a new development application.

**Reason:** To ensure compliance with the terms of this consent.

## **SPECIAL CONDITIONS FOR HOUSING FOR OLDER PEOPLE OR PEOPLE WITH A DISABILITY**

### **32. Occupation of Seniors Housing or Housing for Persons with a Disability**

A positive covenant pursuant to S88E of the Conveyancing Act 1919 is to be registered on the title of the land to which this development consent applies.

The covenant shall stipulate that Council is the sole authority to release or modify the covenant and that the development is only permitted to be occupied by persons detailed as follows:

- (a) Seniors or people who have a disability;
- (b) People who live within the same household with seniors or people who have a disability;
- (c) Staff employed to assist in the administration of and provision of services to housing provided under this Policy.

**(Note:** Under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004):

**Seniors** are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the [Aged Care Act 1997](#) of the Commonwealth) is provided and / or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

**AND**

**People with a disability** are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.)

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue any Interim / Final Occupation Certificate.

**Reason:** Statutory requirements.

### **33. Requirements for Seniors Housing or Housing for Persons with a Disability**

The development is for the purposes of Seniors Housing or Housing for Persons with a Disability and is required to comply with the Schedule 3 (Standards concerning accessibility and useability for self-contained dwellings) of the State Environmental Planning Policy (Housing for seniors or people with Disability 2004).

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Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

**Reason:** To ensure statutory requirements have been completed, public safety and equitable access for seniors of people with a disability.

**34. Certification of completion of requirements for Seniors Housing or Housing for Persons with a Disability**

Details demonstrating that all stipulated requirements of this development consent for Seniors Housing or Housing for Persons with a Disability have been completed.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

**Reason:** To ensure statutory requirements have been completed, public safety and equitable access for seniors of people with a disability.

## **CONDITIONS PROVIDED BY THE NSW RURAL FIRE SERVICES**

**35. Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the property to the west of the proposed buildings for a distance of 70 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. At the commencement of building works and in perpetuity the property around the existing buildings that are situated adjacent to any area of unmanaged vegetation, for a minimum distance of 10 metres shall be maintained 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'.

**Reason:** To ensure compliance with the requirement of NSW Rural Fire Service.

**36. Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006',

**Reason:** To ensure compliance with the requirement of NSW Rural Fire Service.

### **37. Access**

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

4. Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

**Reason:** To ensure compliance with the requirement of NSW Rural Fire Service.

### **38. 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. To achieve this, the following conditions shall apply:

5. An emergency/evacuation plan is to be prepared for the entire facility, in accordance with the emergency management provisions within 4.2.7 of 'Planning for Bush Fire Protection 2006' and consistent with the NSW Rural Fire Service 'Guidelines for the Preparation of Emergency / Evacuation Plan'. The prepared plan is for implementation by the occupants in the event of a bush fire emergency. If a plan already exists, it needs to be updated to include the proposed development.

**Reason:** To ensure compliance with the requirement of NSW Rural Fire Service.

### **39. Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

6. New construction to the northern and eastern elevations of the proposed Village Centre shall comply with section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire – prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
7. New construction to the southern and western elevations of the proposed Village Centre shall comply with section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire – prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
8. New construction to the proposed Montgomery Centre, Chapel, Village Centre and War Museum shall comply with Section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire – prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
9. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable materia. Any material used shall have a Flammability index of no greater than 5 when tested in accordance with Australia Standard AS 1530.2-1993 'Methods for Fire Tests on Building Materials, Components and Structural – test for Flammability of Materials'.

**Consolidated Conditions of Modification No.3 (MOD2011/0143) approved 31 August 2011, No.2 (MOD2010/0283) approved 10 February 2011, and Modification No.1 (MOD2010/0305) approved 12 January 2011 of Development Consent DA2010/0166 approved 13 May 2010**

10. Roller doors, tilt-a-doors and other such doors shall be sealed to prevent the entry of embers into the building.
11. Structure and shade materials in the inner protection area shall be non-combustible or 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'.

#### **40. Landscaping**

Landscaping site is to comply with the principles of Appendix 5 of Planning for Bush Fire protection 2006'.

**Reason:** To ensure compliance with the requirement of NSW Rural Fire Service

#### **41. General Advice - consent authority to note**

##### **Riparian Areas**

The asset protection zones (APZ) required as part of the development will encompass land that will be located within a riparian corridor/area. Ecological management of the riparian area may conflict with that required for the APZ's. in this regard the applicant will need to liaise with the relevant Government Department to identify their management requirements do not conflict with those required for the APZ's by the NSW Rural Fire Service.

**Reason:** To ensure compliance with the requirement of NSW Rural Fire Service.