

**JRPP PLANNING REPORT  
(Sydney West Region)**

<b>JRPP No:</b>	2011SYW055
<b>DA Number:</b>	1421/2011/JP
<b>Local Government Area</b>	THE HILLS SHIRE COUNCIL
<b>Proposed Development:</b>	SENIORS HOUSING DEVELOPMENT (RESIDENTIAL CARE FACILITY) COMPRISING 232 BEDS PURSUANT TO THE STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY 2004
<b>Street Address:</b>	LOTS 15-18 DP 235678, LOTS 16-17 DP 806095, LOTS 15-16 DP 255031, LOT 2 DP 567579, LOT 109 DP 793840 & LOT 6 DP 232975, NOS. 5-19 BASS DRIVE & 103-115 SEVEN HILLS ROAD, BAULKHAM HILLS
<b>Applicant/Owner</b>	PAYNTER DIXON CONSTRUCTIONS (AUST) PTY LTD
<b>Number of Submissions:</b>	1 <sup>st</sup> NOTIFICATION – FIFTY SIX (56) AND A PETITION WITH 309 SIGNATURES  2 <sup>nd</sup> NOTIFICATION – THIRTY TWO (32)
<b>Recommendation:</b>	APPROVAL SUBJECT TO CONDITIONS.
<b>Report by:</b>	DEVELOPMENT ASSESSMENT CO-ORDINATOR CLARO PATAG

**RECOMMENDATION**

The Development Application be approved subject to the following conditions of consent:

**GENERAL MATTERS**

**1. Development in Accordance with Submitted Plans (as amended)**

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent.

The amendments in red include:-

- i) Provide a minimum of 2m landscaping strip in front of the 3 parking spaces adjacent to the driveway entry to the porte-cochere.
- ii) Removal of the 2<sup>nd</sup> level terrace area adjacent to the eastern boundary.
- iii) Provision of dense landscaping within the setback area on the eastern boundary of the site with suitable plant species. A detailed landscaping plan shall be submitted to Council's Tree Management Coordinator which includes a schedule of the proposed planting, including quantities, botanical name, common name, expected mature height and staking requirements.

## REFERENCED PLANS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA01	Site Plan	CC	01/09/2011
DA03	Basement Floor Plan	DD	01/09/2011
DA04	Ground Floor Plan	DD	01/09/2011
DA05	First Floor Plan	EE	01/09/2011
DA06	Second Floor Plan	FF	28/10/2011
DA07	Roof Plan	DD	28/10/2011
DA08	Sections A-A, B-B, C-C	FF	28/10/2011
DA09	Sections D-D, E-E, F-F	EE	28/10/2011
DA10	Elevations	FF	28/10/2011
001	Landscape Design Statement	F	30/08/2011
002	Landscape Masterplan (Render)	F	30/08/2011
003	Lower Ground Landscape Plan	F	30/08/2011
004	First Floor Landscape Plan	F	30/08/2011
005	-	F	30/08/2011
006	Landscape Detail Plan A	F	30/08/2011
007	-	F	30/08/2011
008	Landscape Detail Plan B	F	30/08/2011
009	-	F	30/08/2011
010	Landscape Detail Plan C	F	30/08/2011
011	-	F	30/08/2011
012	Landscape Detail Plan D	F	30/08/2011
013	Landscape Elevations	F	30/08/2011
014	Planting Palette	F	30/08/2011
015	Planting Palette	F	30/08/2011
016	Planting Palette	F	30/08/2011
017	Planting Palette	F	30/08/2011
018	Indicative Landscape Specification	F	30/08/2011
019	Plant Schedule	F	30/08/2011
020	Materials Palette	F	30/08/2011

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

### **2. Compliance with Roads and Traffic Authority (RTA) Requirements**

Compliance with the requirements of the Roads and Traffic Authority (RTA) requirements attached as Appendix (1) to this consent and dated 20 June 2011.

### **3. NSW Police Recommendations**

The following conditions are required by the NSW Police Service or as otherwise agreed by NSW Police and Council in writing:

#### Surveillance

- Lighting is required to meet minimum Australian Standards to ensure safety by improving visibility and detection of offenders. Special attention should be given to lighting for the entry/exit points from the building, car park and access/exit driveways. Site transition lighting is needed to reduce visual impairment i.e. walking from light to dark places.

- Landscape works are to be maintained at all times to minimise concealment and entrapment opportunities.

#### Access Control

- Use of CCTV to monitor the common areas lobbies, access/exit driveways and car parks where possible.

#### Territorial Reinforcement

- The site is to be clean and maintained at all times, including repairing vandalism and graffiti, replacement of car parking lighting and general site cleanliness.

- Many graffiti vandals favour porous building surfaces, as 'tags' are difficult to remove and often a ghost of the image will remain even after cleaning. Easily damaged building materials may be less expensive to purchase initially, but their susceptibility to vandalism can make them a costly proposition in the long term, particular in at-risk areas. This should be considered when selecting material for construction.

#### Other Matters

- The use of sensor lighting and a security company to monitor the site while construction is in progress is recommended.

- If nursing staff are working a shift where only one nurse is on-site, it is suggested that the nurse be given a mobile panic alarm in the event an unauthorised entry is made to the facility. This will enable the nurse to raise alarm without having to locate and activate a fixed panic alarm.

- Medicine room/s and or cabinets are to be alarmed as well as any doors that give external access to the street.

#### **4. Access Report**

The applicant shall carry out the works recommended in the Access Report prepared by Access Associates Sydney dated 14 April 2011 (Project Number A10039) to ensure the site is accessible to and from the nearby bus stops, as follows:

- Modifications to existing kerb crossings in Flinders Avenue; and
- Rectification of footpath surface along Seven Hills Road;

#### **5. Revised Plan of Management**

The applicant shall adhere to the Revised Plan of Management dated 30 August 2011 attached as Appendix (2) to this consent addressing the four key areas of operation, i.e. hours of operation, staffing, traffic management and community relations.

#### **6. Construction Certificate**

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

#### **7. Building Work to be in Accordance with BCA**

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

#### **8. Provision of Parking Spaces**

The development is required to be provided with 96 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

#### **9. External Finishes**

External finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.

#### **10. Separate application for Signs**

A separate application being submitted to, and approved by Council prior to the erection of any advertisements or advertising structures.

#### **11. Fixed Structures within Council's land**

Under no circumstances is the applicant to place any fixed structures within Council's land which includes fencing.

#### **12. Tree Removal**

Approval is granted for the removal of trees numbered 1-5, 8, 10, 11, 13-19, 21, 24-27, 30-43, 47, 49, 50, 54-56, 58-61, 63, 64, 68-77, 79-83, 85-88, and 90 as per First Floor Landscape Plan drawing number 004 issue F prepared by Site Image and dated 30.08.2011.

Additionally trees numbered 6, 12, 20, 22, 23, 53, 57, 62, 78 and 84 may be removed as they are exempt from Council's Tree Management Provisions.

#### **13. Planting Requirements**

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m<sup>2</sup>.

Angophora costata is to be replaced with Eucalyptus microcorys.

#### **14. Tree/s to be retained**

To maintain the treed environment of the Shire, trees numbered 7, 9, 28, 29, 44-46, 48, 51, 52, 65-67, and 89 as per First Floor Landscape Plan drawing number 004 issue F prepared by Site Image and dated 30.08.2011 are to be retained and protected during all works.

#### **15. Adherence to Approved Waste Management Plan**

The Waste Management Plan submitted to and approved by Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste material nominated for recycling must be reused or recycled. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act (1997) and only to a place that can lawfully be used as a waste facility. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

#### **16. Waste Storage and Separation - Construction and Demolition**

The reuse and recycling of waste materials must be maximised during construction and demolition. The separation and recycling of the following waste materials is required:

- 1) masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- 2) timber waste to be separated and sent for recycling;
- 3) metals to be separated and sent for recycling;
- 4) clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- 5) mixed waste (plastic wrapping, cardboard etc) to be sent to a licenced recycling or disposal facility

This can be achieved by constructing a minimum of five trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste. Alternatively,

mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

#### **17. Surplus Excavated Material**

The disposal/landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. Any unauthorised disposal of waste, which includes excavated material, is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of actual receipts verifying recycling/disposal must be kept and presented to Council when required.

#### **18. Garbage Collection – Commercial/Industrial**

Collection of waste and recycling material, generated by the premises, must not cause nuisance or interference with the amenity of the surrounding area.

#### **19. Waste Collection**

Waste and recycling material, generated by the premises, must only be collected between the hours of 6am and 10pm except for Sundays and public holidays, where collection shall be between 8am and 10pm.

#### **20. Waste Management- Commercial/Industrial**

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste and for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.

The waste storage area must be:

- i) provided with a hose tap connected to the water supply;
- ii) paved with impervious floor materials;
- iii) graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
- iv) adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the *Protection of the Environment Operations Act 1997*;
- v) fitted with appropriate interventions to meet fire safety standards in accordance with the *Building Code of Australia*.

#### **21. Medical Waste Storage and Disposal**

A separate waste bin is to be provided for the disposal of clinical and sharps waste. Clinical and sharps waste must be collected and disposed of by an authorised contractor in accordance with the *Protection of the Environment*.

#### **22. Imported 'Waste Derived' Fill Material**

The only waste derived fill material that may be received at the development site is:

- virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); or
- any other waste-derived material the subject of a resource recovery exemption under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

NOTE: The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997* (POEO Act). However, a licence is not required by the occupier of the land if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a **resource recovery exemption** under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

**Resource recovery exemptions** are available on Department of Environment and Climate Change's website at: <http://www.environment.nsw.gov.au/waste/>

**Definition of 'virgin excavated natural material' within the meaning of the POEO Act:**

Natural material (such as clay, gravel, sand, soil or rock fines) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues (as a result of industrial, commercial, mining or agricultural activities), and that does not contain any sulfidic ores or any other waste.

**Definition of 'waste' within the meaning of the POEO (Waste) Regulation:**

In relation to substances that are applied to land, the application to land by:

- (a) spraying, spreading or depositing on the land, or
  - (i) ploughing, injecting or mixing into the land, or
  - (ii) filling, raising, reclaiming or contouring the land,
- (b) in relation to substances that are used as fuel, all circumstances.

See Clause 3B of the Regulation for exemptions.

**23. Dust Control**

The following measures must be taken to control the emission of dust:

- dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work;
- all dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system;
- all stockpiles of materials that are likely to generate dust must be kept damp or covered.

**24. Construction and Fit-out of Food Premises**

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard AS 4674-2004 – Design, construction and fit-out of food premises and the provisions of the Food Safety Standards Code (Australia).

Note: Copies of AS 4674-2004 may be obtained from SAI Global on telephone 1300 654 646 or by visiting the website: [www.saiglobal.com](http://www.saiglobal.com)

Copies of the Food Safety Standards Code (Australia) may be obtained by contacting the Food Standards Australia New Zealand Authority on Telephone: (02) 6271-2222, or by visiting the website: [www.foodstandards.gov.au](http://www.foodstandards.gov.au).

**25. Construction Noise**

Upon receipt of a justified complaint in relation to noise pollution emanating from rock breaking as part of the excavation and construction processes, rock breaking will be restricted to between the hours of 9am to 3pm, Monday to Friday.

Details of noise mitigation measures and likely duration of the activity, will also be required to be submitted to Council seven (7) days of receiving notice from Council.

#### **26. Acoustic Consultant – Traffic Noise**

An appropriately qualified acoustic consultant shall be engaged to certify that the design of the traffic noise affected portions of the building complies with the *EPA's – Environmental criteria for road traffic noise*. A copy of this certification shall be submitted to Council prior to the issue of a Construction Certificate.

#### **27. Noise to Surrounding Area**

There shall be no amplified music or speakers external to the building.

#### **28. Stockpiles**

Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water, to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

#### **29. Coving (Food Shop)**

The intersection of floors with walls and exposed plinths in food preparation, storage and servery are to be coved. Coving is defined as a concave curve at the junction of two surfaces with the radius of the curve to be not less than 25mm.

#### **30. Walls and Partitions (Food Shop)**

All walls are to be solid construction. Solid construction is defined as brick, concrete blocks, structural fibrous cement or preformed panels that are filled with suitable material.

#### **31. Hand Wash Basin (Food Shop)**

Hand-wash Basins:

1. Must be provided and must not be obstructed. Must be accessible at bench height and no further than 5 metres from any place where open food is handled or prepared; and
2. Must be fitted with a tap that operates hands free with a permanent supply of warm running potable water delivered through a single outlet. A soap dispenser and paper towel holder shall be provided adjacent to the hand-wash basin.

#### **32. Asbestos Removal**

Asbestos and asbestos containing material shall be removed by licensed asbestos removalist and all work must be in accordance with the requirements of the NSW Workcover Authority. Asbestos and asbestos containing material is to be disposed of in accordance with the requirements of the Department of Environment & Conservation and all dockets and paper work for the disposal shall be retained and made available to the Council if requested.

#### **33. Acoustic Requirements**

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic, referenced as 2010781/1509A/R3/GC, dated 15 September 2010 and submitted as part of the Development Application are to be implemented as part of this approval. In particular: the recommendations as listed in Section 6.

#### **34. Contamination Assessment & Site Remediation**

The recommendations of the Site Assessment and Report prepared by Consulting Earth Scientists Pty Ltd, referenced as CES100712-PDC-01-F, dated 27 September 2010 and submitted as part of the Development Application are to be implemented as part of this approval. In particular: CES recommend that based on the results of the Stage 2 DSI, remediation and validation of the site must be conducted to achieve the necessary clean up criteria.

#### **35. Food Service Central Kitchen**

A rack conveyor dishwasher and independent pot wash shall be provided in the food service central kitchen in accordance with correspondence provided by Quantum Design International; Foodservice Facilities Consultants, dated 27 July 2011.

### **36. Café Sanitisation Provisions**

Warewashing shall be catered for in the café by the installation of an under counter commercial dishwasher, suitable for food contact equipment, and a separate wash sink shall also be provided in accordance with correspondence from Quantum Design International; Foodservice Facilities Consultants, dated 27 July 2011.

### **37. Protection of Public Infrastructure**

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

### **38. Vehicular Access and Parking**

The formation, surfacing and drainage of all driveways, parking modules, circulation roadways and ramps is required, with their design and construction complying with:

- a) AS/ NZS 2890.1:2004
- b) AS/ NZS 2890.6:2009
- c) AS 2890.2:2002
- d) DCP Part D Section 1 – Parking
- e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. In urban areas, all driveways and car parking areas must be concrete or bitumen. The pavement design must consider the largest design service vehicle expected to enter the site.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

### **39. Gutter and Footpath Crossing Application**

Each driveway requires the lodgement of a separate gutter and footpath crossing application, accompanied by the current fee as prescribed by Council's Schedule of Fees and Charges.

### **40. Engineering Works – Design and Construction Approval Process**

The design certification and construction approval of the engineering works nominated in this consent require separate approval prior to the commencement of any works.

Works on existing public roads or any other land under the care and control of Council require an Engineering Construction Certificate (ECC) in accordance with the Roads Act 1993 or the Local Government Act 1993. This includes the construction of new roads which are to be dedicated as public road. An ECC can only be issued by Council.

All other engineering works must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

For Council to issue an ECC the following must be provided:

- a) A completed application form.
- b) Four copies of the design plans and specifications.
- c) Payment of the applicable application and inspection fees.
- d) Payment of any required security bonds.

#### **41. Minor Engineering Works**

The design and construction of the engineering works listed below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Any variance from these documents requires separate approval from Council.

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993.

#### **i. Driveway Requirements**

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's driveway specifications which can be found on Council's website:

<http://www.thehills.nsw.gov.au/>

The proposed driveways must be built to Council's heavy duty standard. Any driveways that traverse across a footpath are to have a maximum grade of 2.5% at those points.

A separate driveway application fee is payable as per Council's Schedule of Fees and Charges.

#### **ii. Disused Layback/ Driveway Removal**

All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

#### **iii. Concrete Footpath Paving**

A 1.5m wide concrete footpath paving, including access ramps at all intersections, must be provided across the street frontage of the development site transitioning into the existing footpath adjacent in accordance with Council's standard footpath detail and the above documents. A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

#### **iv. Footpath Verge Formation**

The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

#### **v. Site Stormwater Drainage**

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge based on a 1 in 10 year ARI storm event.

#### **42. Supervision of Works**

All work in the road reserve must be supervised by a suitably qualified and experienced person. The supervisors name, address and contact phone number must be submitted to Council prior to works commencing in the road reserve. A construction programme and anticipated duration of works must be submitted to Council prior to works commencing in the road reserve.

#### **43. Public Liability Insurance**

All contractors working in the road reserve must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. A copy of this insurance must be submitted to Council prior to works commencing in the road reserve.

### **PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE**

#### **44. Notice of Requirements**

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an 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 Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

#### **45. Landscape Bond**

To ensure the public amenity of the streetscape a landscape bond in the amount of \$50,000.00 is to be lodged with Council prior to the issue of the Construction Certificate. It shall be refunded 6 months following the issue of the Final Occupation Certificate and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team, that the works have been carried out in accordance with the approved landscape plan.

#### **46. Internal Pavement Structural Design Certification (Waste Services)**

A Certified Practicing Engineer (CPEng) must confirm the structural adequacy of the internal pavement design to Council prior to the issue of a Construction Certificate. The proposed pavement design must be adequate to withstand the loads imposed by a loaded waste vehicle (i.e. 28 tonne axle load) from the boundary to the waste collection point including any manoeuvring areas.

#### **47. Section 94 Contribution**

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

Residential Aged Care Facility

	<i>Per 1 Bed</i>	<i>Per Credit</i>	<i>No. Of Beds: 232</i>	<i>No. Of Credits: 7</i>	<i>Total Section 94</i>
Roads & Traffic - Capital	\$ 41.27	\$ 111.08	\$ 9,574.64	\$ 777.56	\$ 8,797.08
<b>Total</b>	<b>\$ 41.27</b>	<b>\$ 111.08</b>	<b>\$ 9,574.64</b>	<b>\$ 777.56</b>	<b>\$ 8,797.08</b>

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 7.

Council's Contributions Plans can be viewed at [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au) or a copy may be inspected or purchased at Council's Administration Centre.

#### **48. Engineering Works and Design**

The design and construction of the engineering works outlined below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. The following engineering works are required:

##### **i. Stormwater Drainage – Pipe Extension**

The existing street drainage in Bass Drive must be extended from the existing downstream pit to the point of discharge in the north eastern frontage of the site, where a new kerb inlet pit is required. The pipe extension must be located underneath the existing kerb requiring the removal and reconstruction of the kerb and gutter and road shoulder.

#### **49. Onsite Stormwater Detention – Upper Parramatta River Catchment Area**

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

The stormwater concept plan prepared by TaylorThomsonWhitting Consulting Engineers Drawing 101258 Revision P2 dated 26/11/2010 is for DA purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan.

Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer and submitted with:

- A completed OSD Drainage Design Summary Sheet;
- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes;
- A completed OSD Detailed Design Checklist;
- A maintenance schedule.

The design and construction of the OSD system must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate.

A Design Compliance Certificate (DCC) certifying the detailed design of the OSD system can be issued by Council subject to the following being provided:

- i. A completed application form;
- ii. Four copies of the design plans and specifications;
- iii. Payment of the applicable application and inspection fees.

#### **50. Basement Car Park and Subsurface Drainage**

The stormwater pump-out system must provide for the following:

- a) A holding tank sized to store the run-off from a 12 hour 1 in 100 year ARI storm event;
- b) A alternating two pump system capable of emptying the holding tank at either the Permissible Site Discharge rate or the rate of inflow for a 5 hour 1 in 5 year ARI storm event, whichever is lower;
- c) An alarm system to alert a pump failure;
- d) 100mm freeboard to all nearby parking spaces;
- e) The system must be connected to the Onsite Stormwater Detention system before being discharged to the street, under gravity.

All relevant plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming the design complies with the above requirements.

#### **51. Draft Legal Documents**

Where an encumbrance on title is required to be created as part of this consent, draft copies of all legal documents must be submitted to Council for checking before a Construction Certificate is issued.

#### **52. Security Bond – Pavement and Public Asset Protection**

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$42,750 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The above amount is calculated at the rate of \$30.00 per square metre based on the public road frontage of the subject site (90m) plus an additional 50m on either side (100m) and the width of the road measured from face of kerb on both sides (7.5m), or \$10,000.00, whichever is the greater.

The bond must be lodged with Council prior to the issue of a Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these remaining costs.

#### **53. Security Bond – External Works**

In accordance with Section 80A(6)(b) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works, or \$10,000.00, whichever is the greater.

The bond must be lodged with Council prior to the issue of any Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being completed to Council's satisfaction.

#### **54. Bank Guarantee Requirements (Development)**

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 1421/2011/JP;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

#### **55. Erosion & Sediment Control Plan**

Submission of an Erosion and Sediment Control Plan to the Principal Certifying Authority, including details of:

- a) Allotment boundaries
- b) Location of the adjoining roads
- c) Contours
- d) Existing vegetation
- e) Existing site drainage
- f) Critical natural areas
- g) Location of stockpiles
- h) Erosion control practices
- i) Sediment control practices
- j) Outline of a maintenance program for the erosion and sediment controls

(NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

#### **56. Photographic Record**

A photographic record of the house and surrounding structures at No. 103 Seven Hills Road, Baulkham Hills is to be submitted to Council's Heritage Staff prior to the commencement of works.

### **PRIOR TO WORK COMMENCING ON THE SITE**

#### **57. Principal Certifying Authority**

A sign is to be erected in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000.

#### **58. Management of Building Sites – Builder's Details**

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

#### **59. Consultation with Service Authorities**

Applicants are advised to consult with Telstra and Australia Post regarding the installation of telephone conduits and letterboxes respectively.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the building plans will be stamped indicating that no further requirements are necessary.

#### **60. Builder and PCA Details Required**

Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with the Regulations.

#### **61. Protection of Existing Trees**

To ensure the long term viability of the existing trees to be retained they are to be protected strictly in accordance with AS4970- 2009 Protection of Trees on Development Sites. All protection measures are to be in place prior to any works commencing on the subject site.

#### **62. Approved Temporary Closet**

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

#### **63. Site Remedial Action Plan**

A complete site remedial action plan shall be prepared by a suitably qualified environmental consultant in accordance with '*Contaminated Sites; Guidelines for Consultants Reporting on Contaminated Sites*' published by the Department of Environment and Heritage (formerly the EPA), 2000 and submitted to Council. The Remedial Action Plan shall ensure that the presence of Arsenic and Zinc, and Lead found to exceed the ecological based Site Assessment Criteria and the Health based Investigation Levels, respectively.

#### **64. Validation Report**

A validation report shall be prepared by a suitably qualified environmental consultant in accordance with '*Contaminated Sites; Guidelines for Consultants Reporting on Contaminated Sites*' published by the Department of Environment and Heritage (formerly the EPA), 2000, and submitted to Council. The report shall include the rationale and justification for the validation strategy based on the Remedial Action Plan, and specifically detail the results of validation sampling and analysis and verification of compliance with Site Assessment Criteria and Remedial Action Plan.

#### **65. Erosion and Sedimentation Controls – Major Works**

Erosion and sedimentation control devices are to be provided in accordance with Council's "Works Specification - Subdivisions/Developments" (August 1997). All devices are to be established prior to the commencement of engineering works and maintained for a minimum period of six (6) months after the completion of all works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

On completion of works all land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

#### **66. Stabilised Access Point**

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

#### **67. Site Water Management Plan**

A Site Water Management Plan is to be submitted to Council for approval. The plan is required to be site specific and be in accordance with "Managing Urban Stormwater - Soils and Construction" (The Blue Book) produced by the NSW Department of Housing.

#### **68. Erosion & Sediment Control Plan Kept on Site**

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and made available to Council officers on request.

#### **69. Notification of Asbestos Removal**

Prior to the commencement of any demolition works involving asbestos or asbestos containing materials, all adjoining and adjacent neighbours and Council must be given a minimum five days written notification of the works.

#### **70. Discontinuation of Domestic Waste Service(s)**

Prior to commencement of any demolition works, Council must be notified to collect any garbage or recycling bins from any dwelling/building that is to be demolished and to discontinue the waste service (where the site ceases to be occupied during works). Construction or demolition workers must not use Council's domestic and garbage and recycling service for the disposal of waste. Please contact Council's Domestic Waste Hotline on 1800 623 895 for the discontinuation of waste services.

#### **71. Demolition Works & Asbestos Removal/Disposal**

The demolition of any existing structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001 Part 8* and the *Australian Standard AS 2601-1991: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have loads covered and are not to track any soil or waste materials on the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoarding or fence. All demolition waste is to be removed from the site according to the Council's approved waste management plan. – Demolition Waste Section. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority Guidelines and requirements. The asbestos must be removed by a bonded asbestos licensed operator. Supporting documentation (dockets/Receipts), verifying recycling and disposal must be kept, to be checked by Council if required.

#### **72. Traffic Control Plan**

A Traffic Control Plan is required to be prepared in strict compliance with the requirements of AS 1742.3 and the current RTA Traffic Control and Work Sites Manual and submitted to Council for approval. The person preparing the plan must have the relevant RTA accreditation to do so. Where amendments to the approved plan are required, they must be submitted to Council for approval prior to being implemented.

#### **73. RTA Design Approval**

Prior to any works commencing, the design and construction of the works in Seven Hills Road must be approved by the NSW Roads and Traffic Authority. Four copies of the RTA stamped approved construction plans and a covering letter from the RTA advising that suitable arrangements have been made to enable the commencement of works must be submitted to Council.

#### **74. Separate OSD Detailed Design Approval**

No work is to commence until a detailed design for the OSD system has been approved by either Council or an accredited certifier.

#### **75. Pre-Construction Public Infrastructure Dilapidation Report**

A public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

- a) Designated construction access and delivery routes; and
- b) Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

### **DURING CONSTRUCTION**

#### **76. Hours of Work**

Work on the project to be limited to the following hours: -

**Monday to Saturday - 7.00am to 5.00pm;**

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

#### **77. Survey Report**

Survey Certificate to be submitted to the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

#### **78. Compliance with Critical Stage Inspections and Other Inspections**

##### **Nominated by the Principal Certifying Authority**

Section 109E(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

**NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.**

#### **79. Acoustic Fence**

A 2 metre high fence on the boundary between the Aged Care Facility and the closest residential receivers on Bass Drive shall be constructed at the expense of the applicant. The fence can be constructed by colorbond or equal with all penetrations and junctions acoustically sealed (maximum 50mm gap at the bottom of the fence to allow water flow). A qualified acoustic consultant shall be engaged to submit certification to Council that the design and construction of the 2 metre high fence complies with the abovementioned requirements.

#### **80. Stormwater Management**

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

#### **81. European Sites or Relics**

If, during the earthworks, any evidence of a European archaeological site or relic is found, all works on the site are to cease and the Office of Environment and Heritage be contacted immediately. All relics are to be retained in situ unless otherwise directed by the Office of Environment and Heritage.

### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

#### **82. Landscaping Prior to Issue of Occupation Certificate**

The landscaping of the site shall be carried out prior to issue of the Occupation Certificate in accordance with the approved plan. All landscaping is to be maintained at

all times in accordance with BHDGP Part D, Section 3 – Landscaping and the approved plan.

The sub-station kiosk shall be finished with graffiti-free materials.

### **83. Food Shop Registration Requirements**

Occupation of the premises shall not occur until:

- a) The food business is registered with Council by completing and submitting the Registration of Food Business form available from Council's website; and
- b) Notification to the NSW Food Authority under Food Safety Standard 3.2.2 Division 2 Section 4 Notification is completed. This requirement is to be met by notifying through the following website [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au)

Evidence of notification is to be submitted to Council prior to commencement of business.

### **84. Hair/Beauty/Skin Penetration Premises Registrations**

Occupation of the premises shall not occur until the business is registered with Council by completing and submitting either:

- a) Registration of hair dressing premises; or
- b) Annual registration of Skin Penetration Premises.

Both forms are available on Council's website [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au).

### **85. Regulated Systems**

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of the Building Code of Australia and:

- a) Australian/New Zealand Standard AS/NZS 3666.1:2002 – Air handling and water systems of buildings – Microbial control – Design, installation and commissioning
- b) Australian/New Zealand Standard AS/NZS 3666.2:2002 – Air handling and water systems of buildings – Microbial Control – Operation and maintenance
- c) Australian/New Zealand Standard AS/NZS 3666.2:2002 – Air handling and water systems of buildings – Microbial Control – Performance based maintenance of cooling water systems; and
- d) Public Health (Microbial Control) Regulation 2000

The regulated system is to be registered with Council by completing and submitting an *Application for Registration of Regulated Water Cooling/Warm Water Systems*, available on Council's website [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au) prior to commissioning.

### **86. Acoustic Compliance Report**

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled Acoustic Assessment prepared by Acoustic Logic, referenced as 2010781/1509A/R3/GC, dated 15 September 2010

Certification is to be provided to Council as to the correct installation of components and that the required criteria's have been met.

### **87. Food Premises Final Inspection**

Prior to the issuing of an Occupation Certificate, the food premises shall be inspected by an authorised officer of The Hills Shire Council under the Food Act 2003, to determine compliance with the *Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design Construction and Fit-out of Food Premises*.

### **88. Occupational Hygienist Report for Asbestos Removal**

On completion of the asbestos removal works an Occupational Hygienist shall provide an asbestos clearance for the works.

#### **89. Internal Pavement Construction Certification (Waste Services)**

Certification from a Certified Practicing Engineer (CPEng) must be submitted to Council prior to the issue of an Occupation Certificate confirming that the internal pavement has been constructed in accordance with the approved plans and is suitable for use by a loaded waste vehicle.

#### **90. Stormwater CCTV Recording**

All piped stormwater drainage systems and ancillary structures which will become Council assets must be inspected by a CCTV and a report prepared. A hard copy of the report must be submitted along with a copy of the CCTV inspection on either VHS or DVD (in WMA format).

#### **91. Completion of Engineering Works**

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

#### **92. Compliance with NSW Roads and Traffic Authority Requirements**

A letter from the NSW Roads and Traffic Authority must be submitted confirming that all works in Seven Hills Road, Baulkham Hills have been completed in accordance with their requirements and that they have no objection to the issuing of an Occupation Certificate.

#### **93. Post Construction Public Infrastructure Dilapidation Report**

Before an Occupation Certificate is issued, an updated public infrastructure inventory report must be prepared and submitted to Council. The updated report must identify any damage to public assets in the direct vicinity of the development site and the means of rectification for the approval of Council.

#### **94. Creation and Registration of Restrictions and Positive Covenants**

##### **a) Creation of Restrictions and Positive Covenants**

The submission to Council of all necessary documentation together with payment of the endorsement fee prescribed in Council's Schedule of Fees and Charges to create the following over the title of the property. The wording must nominate The Hills Shire Council as the authority to release, vary or modify each restriction or positive covenant.

##### **i. Restricting Development – OSD Modification**

A restriction as to user restricting development over or the varying of any finished levels and layout of the constructed onsite stormwater detention system.

##### **ii. Positive Covenant – OSD Maintenance**

A positive covenant must be created to ensure the ongoing maintenance of the constructed onsite stormwater detention system.

##### **iii. Positive Covenant – Stormwater Pump Maintenance**

A positive covenant must be created to ensure the ongoing maintenance of the constructed stormwater pump-out system at the expense of the property owner.

##### **iv. Restricting Development – Occupation of Seniors Housing Development**

A restriction as to user must be created restricting the use or occupation of any dwellings other than as housing for older people or people with a disability, as per the definition from SEPP Seniors Housing 2004.

##### **b) Registration of Request Documents**

The request documents endorsed by Council must be registered and a copy of the registered documents submitted to Council before an Occupation Certificate is issued.

#### **95. Consolidation of Allotments**

All allotments included in this consent must be consolidated into a single allotment before an Occupation Certificate is issued. A copy of the registered plan must be submitted to Council.

**96. Pump System Certification**

Certification that the stormwater pump system has been constructed in accordance with the approved design and the conditions of this approval must be provided by a suitably qualified hydraulic engineer.

**97. Removal of Existing Drainage Easement**

The existing drainage easement must be removed before an Occupation Certificate is issued. Where Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges.

**98. OSD System Certification**

The Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of the Principal Certifying Authority (PCA) prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of the OSD system and prior to a final inspection:

- a) Works as executed plans prepared on a copy of the approved plans;
- b) A certificate from a suitably accredited engineer or surveyor verifying that the constructed OSD system will function hydraulically;
- c) A certificate of structural adequacy from a suitably accredited structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

Where Council is not the PCA a copy of the above documentation must be submitted to Council.

**99. Section 73 Certificate**

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 Co-ordinator. Please refer to the Building Development and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) and then refer to Water Servicing Co-ordinator under "Developing Your Land" or telephone 13 20 92 for assistance.

**100. Provision of Electricity Services**

Submission of a compliance certificate from the relevant provider confirming satisfactory arrangements have been made for the provision of electricity services (including undergrounding of services where appropriate).

**101. Provision of Telecommunications Services**

The submission of a compliance certificate from the relevant telecommunications provider, authorised under the Telecommunications Act confirming satisfactory arrangements have been made for the provision of, or relocation of, telecommunication services including telecommunications cables and associated infrastructure. This includes undergrounding of aerial telecommunications lines and cables where required by the relevant telecommunications carrier.

**102. Access and Useability**

Prior to the issue of the Occupation Certificate, a report prepared by an Independent Assessor shall be submitted to Council or the Certifying Authority demonstrating the developments compliance with the provisions of relevant provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 on development standards concerning access and useability.

**THE USE OF THE SITE****103. Waste Storage and Collection – Commercial/Industrial**

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclables emanating from the premises must be stored in the designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste.

#### **104. Servicing of Bins**

Council contracted or private garbage/recycling collection vehicles servicing the development are not permitted to reverse in or out of the site. Collection vehicles must be travelling in a forward direction at all times to service bins.

#### **105. Lighting**

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 The Control of Obtrusive Effects of Outdoor Lighting*.

#### **106. Final Acoustic Report**

Within three months from the issue of an Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified person, in accordance with the EPA's (DECCW) - *Industrial Noise Policy* and submitted to Council for consideration.

This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that activity does not give rise to "offensive noise" as defined under the *Protection of the Environment Operation Act 1997*.

#### **107. Hours of Operation of the Loading Dock**

Delivery of goods shall be restricted to the following times;

Monday to Saturday – 7.00am to 8.00pm

Sunday and public holidays – 8.00am – 8.00pm

#### **108. Public Health Compliance**

The proprietor is to ensure that all activities are carried out in accordance with the Public Health Act 1991 and Public Health (General) Regulation 2002.

#### **109. Offensive Noise - Acoustic Report**

The proposed use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council an acoustic assessment is to be undertaken (by an appropriately qualified consultant), and an acoustic report is to be submitted to Council for review. Any noise attenuation recommendations recommended and approved by Council must be implemented.

#### **110. Grease Trap (Food Premises)**

The proprietor/owner shall contact the Trade Waste Office of Sydney Water so as to ensure that the sewerage pre-treatment system installed is appropriate for the proposed use of the premises.

#### **111. Number of Beds**

The residential care facility as approved in this consent shall have a maximum capacity of 232 beds. Any increase in the total number of beds shall be subject to a separate approval by the relevant consent authority.