

CONDITIONS OF CONSENT

1. Deferred Commencement

Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, this consent does not operate until the following information is submitted to Council:

- a. Documentary evidence must be provided that a licence has been granted under the *Water Industry Competition Act 2006 (WICA)* for the design, installation and operation of the proposed on-site sewage management system or, alternatively, evidence that a licence is not required by the NSW Independent Pricing and Regulatory Tribunal.
- b. Details of the on-site sewage management system (WICA approved, if applicable), including but not limited to:
 - i. Scaled site plan of the proposed system including all sewerage infrastructure.
 - ii. Capacity and design specifications of proposed septic and holding tanks.
 - iii. Details and specifications for pump out systems of lift pumps, pump-out lines and the pipe to be used to deliver 364 L/min of sullage at the outlets.
 - iv. Details of proposed locations of pump-out point/s and tanker standing location/s a minimum of 3 metres from the centre line of the road.
 - v. Details of proposed tanker pump out frequency and procedures for emergency pump out.
- c. Documentary evidence must be provided to the effect that licence has been granted under the *Water Industry Competition Act 2006* for the design, installation and operation of the proposed water supply system, or alternatively, evidence that a licence is not required by the NSW Independent Pricing and Regulatory Tribunal.
- d. Details and specifications of the water supply system.

Upon Council's written satisfaction of the above information, the following conditions of development consent will apply:

GENERAL CONDITIONS - APPLICABLE TO ALL STAGES OF THE DEVELOPMENT

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

Note: For the purpose of this consent, the term 'applicant' means any person who has the authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation, or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

2. Approved Plans and Supporting Documentation

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

Plan No.	Revision	Drawn by	Dated
Survey Plan	A	Hill and Blume Consulting Services	30.09.2009
Site Plan-DA01	B	Campbell Luscombe Architects	October 2011
Context Plan DA02	-	Campbell Luscombe Architects	August 2011
Arboricultural Plan-DA06	-	Campbell Luscombe Architects	August 2011
Site Elevations-DA07	-	Campbell Luscombe Architects	August 2011
Site Sections – DA08	B	Campbell Luscombe Architects	October 2011
Staging Plan-DA09	B	Campbell Luscombe Architects	October 2011
Apartment Plans 1 –DA10	B	Campbell Luscombe Architects	October 2011
Apartment Plans 2 –DA11	B	Campbell Luscombe Architects	October 2011
Apartment Plans –DA12	-	Campbell Luscombe Architects	August 2011
Basement Parking 1-DA13	-	Campbell Luscombe Architects	August 2011
Basement Parking 2-DA14	-	Campbell Luscombe Architects	August 2011
Apartment Elevations 1 –	B	Campbell Luscombe Architects	October 2011

DA15			
Apartment Elevations 2 – DA16	B	Campbell Luscombe Architects	October 2011
House Type 1 – DA17	-	Campbell Luscombe Architects	August 2011
House Type 2 – DA18	-	Campbell Luscombe Architects	August 2011
House Type 3 – DA19	B	Campbell Luscombe Architects	October 2011
House Type 4 – DA20	-	Campbell Luscombe Architects	August 2011
Community Centre-DA21	-	Campbell Luscombe Architects	August 2011
Landscape Plan-1	B	Michael Zinn	July 2011
Landscape Plan-2	B	Michael Zinn	December 2010
Landscape Plan 3	B	Michael Zinn	December 2010
Cover Sheet, Notes and Legend – C100	C	Acor Consultants	19.09.2011
Pavement Plan-C201	E	Acor Consultants	25.10.2011
Sheet Layout and Site plan-C201	E	Acor Consultants	25.10.2011
Grading and Drainage Plan Sheet 1-C202	E	Acor Consultants	25.10.2011
Grading and Drainage Plan Sheet 2-C203	E	Acor Consultants	25.10.2011
Grading and Drainage Plan Sheet 3-C204	C	Acor Consultants	14.09.2011
Grading and Drainage Plan Sheet 4-C205	B	Acor Consultants	15.07.2011
Road Long Sections – Sheet 1 – C301	B	Acor Consultants	15.07.2011
Road Long Sections – Sheet 2 – C302	B	Acor Consultants	15.07.2011
Road Cross Sections – Sheet 1 – C401	B	Acor Consultants	15.07.2011
Road Cross Sections – Sheet 2 – C402	B	Acor Consultants	15.07.2011
Intersection Plan and Details Sheet 1-C501	B	Acor Consultants	15.07.2011

Intersection Plan and Details Sheet 2-C502	B	Acor Consultants	15.07.2011
Onsite Detention Plan and details-C601	C	Acor Consultants	14.09.2011
Details Sheet 1-C801	B	Acor Consultants	15.07.2011
Details Sheet 2-C802	B	Acor Consultants	15.07.2011
Soil Erosion and Sediment Control Plan-C901	E	Acor Consultants	25.10.2011
Soil Erosion and Sediment Control Notes and Details-C902	B	Acor Consultants	15.07.2011
Catchment Plan – C1001	E	Acor Consultants	25.10.2011

<i>Document No.</i>	<i>Prepared by</i>	<i>Dated</i>
Location Facilities Plan – DA03	Campbell Luscombe Architects	August 2011
Site Analysis Plan-DA05	Campbell Luscombe Architects	August 2011
Indicative External Colours – Da22	Campbell Luscombe Architects	August 2011
Shadow Diagram 1 – DA23	Campbell Luscombe Architects	August 2011
Shadow Diagram 2 – DA24	Campbell Luscombe Architects	August 2011
Shadow Diagram 3 – DA25	Campbell Luscombe Architects	August 2011
Solar Access Chart	Campbell Luscombe Architects	November 2011
Waste Management Plan-DA26	Campbell Luscombe Architects	October 2011
Waste Management Plan Document	Acor Consultants	25.10.2011
Hydraulic Services Site Plan Sanitary Drainage Layout – H101 Issue E	Campbell Luscombe Architects	15.07.2011
Draft Services Agreement	-	Received by Council on 23.01.2011
Draft Letter from Catholic Healthcare	Catholic Healthcare	26.10.2011
Bus Routes and Details	Campbell Luscombe Architects	Received by Council on 4.11.2011
Statement of Environmental Effects	Innovation Planning	August 2011
Addendum to Statement of Environmental Effects	Innovation Planning	Received by Council on 4.11.2011
Sydney Water Feasibility	Sydney Water	9.10.2010

Letter		
Contamination Assessment - 71406.01	Douglas Partners Pty Ltd	March 2010
Acoustic Report Version A - 11084	Wilkinson Murray Pty Ltd	May 2011
Sustainable Design Report	Acor Consultants	20.07.2011
Preliminary Arboricultural Audit	Tree Wise Men	June 2010
Flood Study	Acor Consultants	22.07.2011
Assessment of Traffic and Parking Implications	Transport and Traffic Planning Associates	November 2010
Draft Support Services Statement	Innovation Planning	August 2011
Energy Australia Advice	Energy Australia	18.01.2008
Basix Certificate	Department of Planning	August 2011
Access Report	Campbell Luscombe Architects	Received by Council on 15.08.2011

3. Removal of Existing Trees

This development consent only permits the removal of trees plotted, numbered and identified for removal on Landscape Plan No.3B prepared by Michael Zinn dated December 2010. The removal of any other trees requires separate approval under Council's Tree Preservation Order.

4. Project Arborist

A Project Arborist is to be appointed prior to the commencement of Stage 1 of the development in accordance with AS 4970-2009 (1.4.4) to provide monitoring and certification throughout the development process for all stages.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – APPLICABLE FOR ALL STAGES

5. Building Code of Australia

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

6. Contract of Insurance (Residential Building Work)

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

Note: This condition does not apply to the extent to which an exemption is in force under Section 187 or 188 of the Act, subject to the terms of any condition or requirement referred to in Section 187(6) or 188(4) of the Act, or to the erection of a temporary building.

7. Notification of Home Building Act 1989 Requirements

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 Council) has given Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor.
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder.
 - ii. If the owner-builder is required to hold an owner-builder's permit under that Act, the number of the owner-builder's permit.

Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified 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 Council) has given Council written notification of the updated information.

8. Water/Electricity Utility Services

The applicant must submit written evidence of the following service provider requirements:

- a. *Energy Australia* – a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b. *Sydney Water* – the submission of a 'Notice of Requirements' under s73 of the *Sydney Water Act 1994*.

Note: Sydney Water requires that s73 applications are to be made through an authorised Sydney Water Servicing Coordinator. Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

9. Acoustic Details

The Construction Certificate plans for each stage of the development must demonstrate compliance with the recommendations in the Noise Assessment Report prepared by Wilkinson Murray dated May 2011.

Note: The habitable rooms should satisfy the requirements of Clause 102(3) of the State Environmental Planning Policy (Infrastructure) 2007. The road traffic noise from Galston Road should be suitably mitigated by the use of durable materials.

10. Access and Mobility

The Construction Certificate drawings for each stage of the development must demonstrate compliance with the standards concerning accessibility and useability for self contained dwellings (serviced self care housing) in Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and the Access report prepared by Campbell Luscombe Architects received by Council on 15 August 2011.

11. Retaining walls

A plan of all retaining walls and earthworks must be prepared by a chartered geotechnical and structural Engineer for each stage of the development.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS – APPLICABLE TO ALL STAGES

12. Erection of Construction Sign

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:

- a. Showing the name, address and telephone number of the principal certifying authority for the work,
- b. Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours, and
- c. Stating that unauthorised entry to the work site is prohibited.

Note: 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.

13. Protection of Adjoining Areas

A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- a. Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic.
- b. Could cause damage to adjoining lands by falling objects.
- c. Involve the enclosure of a public place or part of a public place.

Note: Notwithstanding the above, Council's separate written approval is required prior to the erection of any structure or other obstruction on public land.

14. Toilet Facilities

Toilet facilities must be available or provided at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site. Each toilet must:

- a. be a temporary chemical closet approved under the *Local Government Act 1993*; or
- b. have an on-site effluent disposal system approved under the *Local Government Act 1993*

15. Erosion and Sediment Control

Erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual '*Soils and Construction 2004 (Bluebook)*', the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties up to \$1,500 may be issued for any non-compliance with this requirement without any further notification or warning.

16. Tree Protection Barriers

Site perimeter fencing must be erected prior to the placement of Tree protection fencing.

Tree Protection Zones (TPZ) are to be fenced in accordance with AS 4970-2009 (Section 4) at the distances as listed in the table below and the fencing must be constructed of 1.8 metre 'cyclone chainmesh fence'

TREES	TPZ
T3	6m
T49	8.4m
T51, T52	10.8m

T53	9.6m
Tree Group B as identified in Landscape Plan No.1 prepared by Michael Zinn dated December 2010.	7.2m

A certificate from the project Arborist (AQF 5) is to be submitted to the Principal Certifying Authority stating that all tree protection measures are in accordance with the above table and AS 4970-2009 (Section 4) prior to commencement of works for any stage of the development.

REQUIREMENTS DURING CONSTRUCTION – APPLICABLE FOR ALL STAGES

17. Construction Work Hours

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday.

No work is to be undertaken on Sundays or public holidays.

18. Right-of-access

Right-of-access to DP 601822 at the rear must be maintained at all times.

19. Presence of asbestos

Should the presence of asbestos or soil contamination, not recognised during the application process be identified during works, the applicant must immediately notify the principal certifying authority and Council.

20. Construction Noise Management

The construction works must be undertaken in accordance with the “Interim Construction Noise Guidelines – 2009” published by DECCW.

21. Council Property

During construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath. The public reserve is to be kept in a clean, tidy and safe condition at all times.

22. Environmental Management

The site must be managed in accordance with the publication *Managing Urban Stormwater – Landcom (March 2004)* and the *Protection of the Environment Operations Act 1997* by way of implementing appropriate measures to prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction of the development.

23. Street Sweeping

Street sweeping must be undertaken following sediment tracking from the site along Galston Road during works for all stages of the development and until the site is established for that stage.

24. Works near Trees

All required tree protection measures are to be maintained in accordance with AS 4373-2009 (Section.4) for the duration of the construction period for all stages of the development.

All construction works within the Tree Protection Zones (TPZ) of trees T51, T52, T53 & Tree Group B must be conducted under the supervision of the Project Arborist.

The construction work area within a TPZ must not exceed 20% of the TPZ, and an area equivalent to the encroachment area must be compensated for elsewhere and be contiguous with the TPZ for the duration of the construction period.

25. Disturbance of Existing Site

During construction works, the existing ground levels of open space areas and natural landscape features, (including natural rock-outcrops, vegetation, soil and watercourses) must not be altered unless otherwise nominated on the approved plans.

26. Landfill

Landfill must be constructed in accordance with Council's '*Construction Specification, 2005*' and the following requirements:

- a. All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material approved under the *Department of Environment and Climate Change*'s general resource recovery exemption.
- b. A certificate must be submitted by a suitably qualified chartered geotechnical engineer certifying all fill has been compacted in accordance with Council's Design and Construction Specification 2005

27. Excavated Material

All excavated material removed from the site must be classified in accordance with the *NSW Environment Protection Authority's Environmental Guidelines – Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal to an approved waste management facility and reported to the principal certifying authority.

28. Waste Management Plan

- a. Demolition work and construction of the development must be carried out in accordance with the Waste Management Plan, dated 15 July 11 (unless amended by other conditions of this development consent) and in accordance with Council's Waste Minimisation & Management Development Control Plan and Guide for the Demolition Stage (Section One) and the Construction Stage (Section Three) of the development.
- b. Written records of the following items must be maintained during the removal of any waste from the site and such information submitted to the Principal Certifying Authority within fourteen days of the date of completion of the works for each stage:
 - The identity of the person removing the waste;
 - The waste carrier vehicle registration;
 - A description of the waste (type of waste and estimated quantity);
 - The site to which the waste is to be taken;
 - The corresponding tip docket/receipt from the site to which the waste was transferred (noting date and time of delivery, description (type and quantity) of waste);
 - Whether the waste is expected to be reused, recycled or go to landfill.

Note: In accordance with the Protection of the Environment Operations Act 1997, the definition of waste includes any unwanted substance/material, regardless of whether it is reused, recycled or disposed to landfill.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE –APPLICABLE TO ALL STAGES

Note: For the purpose of this consent, a reference to 'occupation certificate' shall not be taken to mean an 'interim occupation certificate' unless otherwise stated.

29. Fulfilment of BASIX Commitments

The applicant must demonstrate the fulfilment of BASIX commitments pertaining to the development works in each stage of the development.

30. Sydney Water – s73 Certificate

A s73 Certificate must be obtained from *Sydney Water*.

31. Damage to Council Assets

Any damage caused to Council's assets as a result of the construction of the development must be rectified in accordance with Council's written requirements and at the sole cost of the applicant.

32. Access and mobility compliance

A suitably qualified access consultant must certify compliance with the Access and Mobility requirements as required in Condition 10 for each Stage.

33. Internal Driveway/Vehicular Areas

The driveways and parking areas on site relevant to each stage of the development must be designed in accordance with *Australian Standards 2890.1, 2890.2, 3727* and the following requirements:

- a. Design levels at the front boundary be obtained from Council.
- b. The driveways be rigid pavements.
- c. The driveway grades must not exceed 15 percent and changes in grade, as well as provision for three-point turn truck turning areas must be capable of accommodating Council's standard garbage vehicle.
- d. The pavement have a kerb to one side and a one-way cross fall with a minimum gradient of 2 percent and a kerb inlet pits provided on grade and in low points.
- e. Retaining walls required supporting the carriageway and the compaction of all fill batters to be in accordance with the requirements of a chartered structural engineer.
- f. The provision of safety rails where there is a level difference more than 0.3 metres and a 1:4 batter can not be achieved.
- g. To permit adequate manoeuvring for vehicles, non-through road driveways may incorporate roll top kerbs and kerb inlet drainage control.
- h. Conduit for utility services including electricity, water, gas and telephone be provided.

Note: A construction certificate is required to be obtained prior to commencement of works.

34. Compliance with the Waste Management Plan

A report(s) must be prepared by the principal contractor and submitted to the principal certifying authority after the completion of each stage, including the following:

- a. A comparison of the estimated quantities of each waste type against the actual quantities of each waste type has been made;
- b. Any deviations from the Waste Management Plan (including, but not limited to, types of waste, quantities of waste, destinations of waste, reuse and recycling achieved) have been explained;
- c. Certifying that all waste was taken to site(s) that were lawfully permitted to accept that waste;
- d. Certifying that at least 60 % waste generated was reused or recycled;

Note: If the 60% diversion from landfill was not achieved in the Demolition Stage and/or Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed in the demolition and construction stages to implement the Waste Management Plan.

The Report(s) is to be prepared on the basis of documentary evidence (i.e. tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures, Licence and/or development consent of site(s) receiving waste, etc) which should be attached to the Report.

35. Waste Management Details

The following waste management requirements must be complied with for each stage of the development:

- a. The bins for the individual dwellings and the Community centre must be screened from public view.
- b. Each dwelling/kitchen must be provided with an indoor waste/recycling cupboard for the interim storage of a minimum one day's waste generation with separate containers for general waste and recyclable materials.
- c. Space must be provided for either individual compost containers for each unit or a communal compost container;

Note: The location of the compost containers should have regard for potential amenity impacts.

- d. The bin carting route must be devoid of any steps.
- e. No parking signs must be erected to prohibit parking in the waste collection vehicle turning areas.

- f. The communal bin storage rooms must include water/hose for cleansing, graded floors with drainage to sewer, robust door(s), sealed/impervious surfaces, adequate lighting and ventilation.
- g. A site caretaker must be employed and be responsible for moving bins to and from the bin storage area(s) and the waste collection point, washing bins and maintaining storage areas, managing the communal composting area, arranging the prompt removal of dumped rubbish, and ensuring all residents are informed of the waste management system.

36. Garbage Collection Easement

For the purpose of waste collection, an easement entitling Council, its servants and agents and persons authorised by it to enter upon the subject land and to operate thereon, vehicles and other equipment for the purposes of waste collection must be granted to Council by the owner of the land after the completion of each stage of the development.

Note: The easement must be in a form prescribed by Council and must include covenants to the effect that parties will not be liable for any damage caused to the subject land or any part thereof or to any property located therein or thereon by reason of the operation thereon of any vehicle or other equipment used in connection with the collection of waste and to the effect that the owner for the time being of the subject land shall indemnify the Council, its servants, agents and persons authorised by it to collect waste against liability in respect of any such claims made by any person whomsoever.

37. Completion of Landscaping

A certificate must be provided by a practicing landscape architect, horticulturalist or person with similar qualifications and experience after each stage of the development certifying that all required landscaping works have been satisfactorily completed in accordance with the approved landscape plans.

38. Maintain Canopy Cover

To maintain canopy cover, trees are to be planted in accordance with the Landscape Plans No.1 and 2 prepared by Michael Zinn dated December 2010 in the relevant stages of the development.

The planting locations must not be within 4 metres of the foundation walls of a dwelling or in-ground pool. The trees must be maintained until they reach the height of 3 metres.

39. Final Certification

The project arborist must assess the condition of the retained trees and their growing environment and make recommendations for, and if necessary carry

out remedial actions after the completion of each stage of the development and prior to the issue of the occupation certificate,

Following the final inspection and the completion of all remedial works, the Project Arborist must certify completed works have been carried out in compliance with the approved plans, conditions of consent and AS 4970-2009.

40. Installation of Air Conditioner

To protect the amenity of adjacent properties, the condenser unit for the air conditioner must be sited a minimum of 3 metres from the property boundary of any adjoining residential premises unless a certificate has been prepared by a suitably qualified person confirming that the unit has been tested for heating and cooling on the highest settings and that the noise levels generated do not exceed 5 dB(A) above background noise levels when tested at the property boundary between 8 pm and 10 pm.

41. s94 Infrastructure Contributions

The payment to Council of a contribution of the following amounts for ninety five additional dwellings towards the cost of infrastructure identified in Council's *Development Contributions Plan 2007-2011*:

Stage 1 – \$ 109,586.95 for thirteen self contained dwellings

Stage 2 – \$ 140,324.65 for fourteen self contained dwellings

Stage 3 – None

Stage 4 – \$ 110,255.25 for eleven self contained dwellings

Stage 5 - \$ 300,695.35 for thirty units

Stage 6 - \$ 280, 649.35 for twenty-eight units

The above payments must be made prior to the issue of the Occupation Certificate for that stage of the development.

Note: The contribution is calculated at the rate of \$10,023.30 x 96 Seniors Housing dwellings and includes a credit of \$20,000 for the existing dwelling-house as calculated at the 24 January 2012. The contribution will be adjusted from this date in accordance with the underlying consumer price index for subsequent financial quarters.

**It is recommended that you contact Council to confirm the value of the contribution prior to payment*

OPERATIONAL CONDITIONS –APPLICABLE TO ALL STAGES OF THE DEVELOPMENT
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42. Site Security

Site security measures implemented on the property, including electronic gates, must not prevent access to the bin collection points by waste removal services.

43. Car Parking and Deliveries

All car parking must be constructed and operated in accordance with *Australian Standard AS 2890.1 – 2004 – Off Street Car Parking* and *Australian Standard 2890.2 - 2002 – Off Street Commercial* and the following requirement:

- a. All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted.
- b. Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- c. All vehicular entry on to the site and egress from the site shall be made in a forward direction.

44. Commercial Waste

The Community Centre tenants must keep written evidence on site of a valid contract with a licensed waste contractors for the regular collection and disposal of the waste and recyclables that are generated at the Community Centre.

45. Landscape Establishment and Maintenance - ongoing

The landscape works must be maintained into the future to ensure the establishment and successful growth of plant material to meet the intent of the landscape design. This shall include but not be limited to watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.

46. Fire Safety Statement - Annual

On at least one occasion in every 12 month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' to each essential service installed in the building.

ADDITIONAL CONDITIONS TO BE FULFILLED IN STAGE 1 OF THE DEVELOPMENT

REQUIREMENTS DURING CONSTRUCTION

47. Dam water

Discharge of water from the dam is to be undertaken in accordance with the publication *'Soils and Construction 2004 (Bluebook)'* and the *Protection of the Environment Operations Act 1997* by way of implementing appropriate measures to prevent sediment run-off and/or turbid water entering the creek. Flow rates are to be restricted so that no bank scouring or erosion occurs due to the discharge.

48. Demolition

All demolition work must be carried out in accordance with *Australian Standard 2601-2001 – The Demolition of Structures* and the following requirements:

- a. Demolition material is to be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan.
- b. Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *Work Cover NSW* in accordance with Chapter 10 of the *Occupational Health and Safety Regulation 2001* and Clause 29 of the *Protection of the Environment Operations (Waste) Regulation 2005*.
- c. On construction sites where buildings contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm must be erected in a prominent position visible from the street.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Note: For the purpose of this consent, a reference to 'occupation certificate' shall not be taken to mean an 'interim occupation certificate' unless otherwise stated.

49. Services to be provided by retirement village operator

The applicant must demonstrate that there are contracts in place which require the retirement village operator to provide on-site services to all stages of the development prior to first occupation as follows:

- (a) The operator of the retirement village must provide on-site meals, cleaning services, personal care and nursing care to residents of the development.
- (b) The operator of the retirement village must implement a Management Plan for the provision of on-site services that details the following:
 - (i) The name and contact details of the service provider and the person to be contacted concerning the provision of the service.
 - (ii) The extent and range of the services to be provided and the cost for the provision of those services.
 - (iii) The details of accreditation for the service providers and the contract period for the service delivery.
 - (iv) The method of delivery, hours for the provision of the service and the expected timeframes for service provision.
 - (v) The details of service provision for 24 hour emergency contact.
- (c) A copy of the Management Plan is to be made available to all residents of the development and is to be kept updated by the operator of the retirement village for any change to the Plan.
- (d) An on-site caretaker is to be contracted for the ongoing maintenance and operation of the development including the waste water management system and the water supply system, as part of the Management Plan.

50. Community Centre

The temporary community centre to be used for Stages 1 and 2 as approved under this development consent must be completed and be operational from first occupation.

51. Site Contamination

The applicant must provide documentation from a suitably qualified environmental consultant verifying that the site has been remediated in accordance with the NSW Environment Protection Authority's Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites, the Contaminated Sites- Sampling Design Guidelines Contaminated Sites – Guidelines for the NSW Site Auditor Scheme and the recommendations of the “Contamination Assessment” prepared by Douglas Partners Pty Ltd document number 71406.01 dated March 2010.

52. On-site sewerage disposal facility

An on-site sewage management system, separately approved under the *Local Government Act 1993*, must be installed, commissioned and certified by a licensed plumber in accordance with *Australian Standard 1547 – Onsite Domestic Wastewater Management (2000)* and *Environment & Health Protection Guidelines – Onsite Sewage Management for Single Households (1998)* - *On-site domestic wastewater management and Management of Private Recycled Water Schemes*.

All construction works including the road works relating to the approved on-site sewerage management facility must be completed and be operational.

53. Bus service

A dedicated shuttle bus service for the use of the residents of the development must be provided in accordance with the Statement of Environmental Effects. This bus is to be capable of carrying at least 10 passengers.

54. Stormwater Drainage

The stormwater drainage system for impervious areas within the site must be designed and constructed for an average recurrence interval of at least 20 years and be gravity drained in accordance with the following requirements:

- a. Impervious areas to be connected to the existing internal drainage system and the proposed on-site detention system, draining to the natural watercourse drainage system.
- b. In order to avoid nuisance flooding, upstream flows are to be captured by a swale drainage system capable of draining the 100 year average recurrence interval (ARI) upstream storm flow and conveyed overland to a Council-controlled drainage system.
- c. All pits are to be benched off to their outlet inverts. Sumps are not required anywhere in the drainage system.
- d. All pits are to be cast in-situ, with integral extended kerb inlets designed and constructed on grade and at sag points.
- e. A pit and pipe drainage system is to be constructed within the widened Galston Road road reserve. Council's standard extended kerb inlet pits and pipes are to be designed for an alignment determined by edge of seal or kerb and guttering resulting from design of right turn treatments, medians and access road works.

Note 1: A construction certificate is required to be obtained for the above works

Note 2: The design of the relevant road works and all other related works are to be endorsed by Roads and Marine Services of NSW prior to the issue of the Construction Certificate.

55. On Site Stormwater Detention

Provision must be made for design and construction of on-site stormwater detention system by a chartered civil engineer and constructed in accordance with the following requirements:

- a. Have a capacity of not less than 750 cubic metres, and a maximum discharge (when full) of 700 litres per second.

- b. High Early Discharge pits are not used.
- c. Have a surcharge/inspection grate located directly above the outlet. Emergency overflow weir systems shall be designed and constructed for excesses of the 100 year ARI and disposed of to the downstream drainage system.
- d. Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved drainage system.

Note: A construction certificate is to be obtained prior to commencement of such works.

56. Road Works

All road works approved under this consent must be constructed in accordance with Council's *Civil Works Design and Construction Specification, 2005* and the following requirements:

- a. All centre medians, pedestrian refuges, bus stops and shelters with accessible pavements, deceleration/merge lane, channelised right turn treatment, road pavement and resealing work, and associated shoulder pavement and sealing works as applicable to be constructed generally in accordance with conditions of this development consent and RMS-endorsed construction certificate plans.
- b. To provide adequate pedestrian access, Council's standard 80mm thick concrete footpaths is to be reconstructed within the road reserve across the frontage of the site, to connect the site's internal pathway system with Council's paved footpath network.
- c. For safety, the Galston Road frontage of the site must be adequately illuminated with Council's standard luminaries in accordance with AS1158 lighting Category V3.
- d. The submission of a compaction certificate from a geotechnical engineer for any fill within road reserves, and all road sub-grade and road pavement materials.

Note 1: A construction certificate is to be obtained for the above works

Note 2: Pursuant to the Roads Act 1993, the roads works plans must be submitted to NSW RMS's Traffic Project Section, Parramatta Branch, for consideration and approval prior to release of any Construction Certificate. Lodgement of construction plans with RMS may incur additional fees for inspections, processing costs and performance bonds.

Note 3: Signage, linemarking and services relocation must be shown on the construction plans.

57. Road Widening

All structures and truck standing areas are to be located clear of the lot area required to widen Galston Road.

58. Vehicular Crossings

A separate application under the *Local Government Act 1993* and the *Roads Act 1993* must be submitted to Council for the installation of the new concrete vehicular access crossings and gutter laybacks and the removal of any redundant crossing. The vehicular crossing must be constructed in accordance with Council's *Civil Works Design, 2005* and the following requirements:

- a. Any redundant crossings to be removed and matched to finished ground levels.
- b. Crossings shall be designed and constructed as standard concrete crossing slabs and laybacks to ensure continuity of footpath grade without use of pram ramps.
- c. The footway area to be restored by turfing.
- d. Council's standard road shoulder to be constructed adjacent to the crossings to match the channelised carriageway.

Note: An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors (or be the subject of a Construction Certificate application to Council as Roads Authority). You are advised to contact Council on 02 9847 6940 to obtain a list of contractors.

Note 2: A construction certificate is to be obtained for such works.

59. Creation of Easements

The following matters must be nominated on the title of the subject property under s88B of the *Conveyancing Act 1919*:

- a. The creation of an appropriate "*Positive Covenant*" and "*Restriction as to User*" over the constructed on-site detention/retention systems and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title.
- b. To register the OSD easement, the restriction on the use of land "*works-as-executed*" details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The

details must show the invert levels of the on site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the “works-as-executed” plan and supported by calculations.

Note: Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant.

- c. The creation of a positive covenant over requiring the footings of any structures on land that has been filled more than 300mm must be designed by a chartered structural engineer.

60. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road assets, refuges, medians, pavements, kerb & gutter, public drainage systems, driveways, internal drainage works, catch drains and on-site detention systems relevant to each stage of the

61. Restriction on Occupation – Housing for Seniors or People with a Disability

A restriction as to user must be created under s88B of the *Conveyancing Act 1919* and registered, requiring the dwellings approved under this consent to be solely used for the accommodation of:

- a. Seniors (55+ age) or people with a disability.
- b. People who live within the same household as seniors or people with a disability.
- c. Staff employed to assist the administration and provision of services to housing provided under *SEPP (Housing for Seniors or People with a Disability) 2004*.

Note: The restriction must nominate Council as the authority to release, vary or modify the restriction.

OPERATIONAL CONDITIONS

62. Noise – plant and Machinery

All noise generated by the proposed development must be attenuated to prevent levels of noise being emitted to adjacent premises which possess tonal, beating and similar characteristics or which exceeds background noise levels by more than 5dB(A).

An acoustic assessment is to be undertaken by a suitably qualified environmental consultant within 60 days of occupying the site in accordance with the *Environment NSW Industrial Noise Policy (2000)*, *Council's Policy*

and *Guidelines for Noise and Vibration Generating Development (Acoustic Guidelines V.5, 2000)* and the *DECC's Noise Guide for Local Government (2004)*. The assessment must be submitted to Council for review. Should the assessment find that noise from the premise exceeds 5dB(A) appropriate measures must be employed to rectify excessive noise.

ADDITIONAL CONDITION FOR STAGE 3

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Note: For the purpose of this consent, a reference to 'occupation certificate' shall not be taken to mean an 'interim occupation certificate' unless otherwise stated.

63. Food Premises

The fit out and operation of that part of the building to be used for the manufacture, preparation or storage of food for sale, must be in accordance with *Australian Standard 4674-2004 – Design and fit out of food premises*, the *Food Act 2003*, and the *Food Regulation 2004*.

Note: Reference should also be made to the Food Safety Standards and the 'Safe Food Australia - A guide to the Food Safety Standards 2nd Edition January 2001'.

64. Grease Trap Installation

A permanent grease trap must be installed for all kitchen wastewater in accordance with the requirements of *Australian Standard 3500 1998, National Plumbing Code*. A licensed plumber must submit a Certificate of Compliance to the principal certifying authority certifying that all plumbing and drainage works have been carried out in accordance with the prescribed standards.

65. Kitchen Exhaust Installation

A kitchen exhaust system must be designed and installed to effectively prevent air pollution in accordance with the *Protection of the Environment Operations Act 1997*.

66. Community Centre completion

The approved community centre for the retirement village must be completed and operational.

CONDITIONS OF CONCURRENCE – NSW ROADS & MARITIME SERVICES (RMS)

The following conditions of consent are from the nominated State Agency pursuant to Section 79B of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

67. Works within Galston Road and RMS reserve

- a. A Channelised Right Turn (CHR) must be provided on Galston Road, at its intersection with the proposed access to the subject site to maintain traffic efficiency and road safety. The CHR facility is to be constructed and be operational prior to the issue of the Occupation Certificate for Stage 1 of the proposed development.

The abovementioned works must be designed in accordance with RMS's Road Design guidelines and Australian Codes of Practice. The plans must be submitted prior to the release of the Construction Certificate for Stage 1 and be endorsed by a suitably qualified person. The certified copies of the civil works plans must be submitted to RMS for consideration and approval prior to the commencement of any road works associated with the development.

Note 1: The proposed CHR would require local widening of Galston Road.

Note 2: The RMS fees for administration, plan checking, civil works inspection and project management is to be paid by the applicant prior to the commencement of any road works.

Note 3: The applicant may be required to enter into a Work Authorisation Deed (WAD) for the abovementioned works on the classified road system. The WAD is required to be executed to RMS's satisfaction.

Note 4: The developer is responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

- b. No works are permitted within the restricted development area along the Galston Road frontage of the site and subject to Road widening.
- c. The design and construction of a vehicular crossing fronting Galston Road Australian Standards specifications and RMS's guidelines.

Note: Please contact Project Service Manager, Traffic Projects Section, Parramatta on 88492144 for details of design requirements.

- d. The construction and demolition vehicles must be contained wholly within the site as a work zone permit is not approved on Galston Road.
- e. No “Zebra Crossings” are permitted at the entrance to the site on Galston Road or within the site.

68. Works within the site

A 2.5 metre wide median is to be provided at the entrance to the site in lieu of the Zebra Crossing, to improve the safety of pedestrians and cyclists travelling along Galston Road.

69. Excavation works

- a. Details drawings and geotechnical reports relating all excavation works in the relevant stages of the development must be submitted to RMS for assessment, prior to the release of the construction certificate for that stage. The report(s) must include the following key issues:
 - The impact of excavation/rock anchors on the stability of Galston Road and detailing how the carriageway would be monitored for settlement.
 - The impact of excavation on the structural stability of Galston Road
 - Any other relevant issue that needs to be addressed, being particular to the site.

Note1: The applicant/developer is to meet the full cost of assessment by the RMS.

Note 2: Please contact RMS's Project Engineer, External Works on 88492114 (Fax: 88492766) for information in this matter.

- b. Should it be necessary to excavate below the level of the footing of the adjoining roadway, the person acting on this development consent must provide a notice of intention to commence works below the base of the footings, to the owner of the roadway, at least seven days prior to the commencement of such works.

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Environmental Planning and Assessment Act 1979 Requirements

- The Environmental Planning and Assessment Act 1979 requires:
- The issue of a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Services Branch on 9847 6760.
- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.
- An occupation certificate to be issued before occupying any building or commencing the use of the land.

Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, a 'Long Service Levy' must be paid to the *Long Service Payments Corporation* or *Hornsby Council*.

Note: The rate of the Long Service Levy is 0.35% of the total cost of the work.

Note: Hornsby Council requires the payment of the Long Service Levy prior to the issue of a construction certificate.

Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, it is an offence to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside 3 metres of the approved building envelope without the prior written consent from Council.

Note: A tree is defined as a single or multi-trunked wood perennial plant having a height of not less than three (3) metres, and which develops many branches, usually from a distance of not less than one (1) metre from the ground, but excluding any plant which, in its particular location, is a noxious plant declared as such pursuant to the Noxious Weeds Act 1993. This definition of 'tree' includes any and all types of Palm trees.

All distances are determined under Australian Standard AS4970-2009 "Protection of Trees on Development Sites".

Fines may be imposed for non-compliance with Council's *Tree Preservation Order*.

Disability Discrimination Act 1992

The applicant's attention is drawn to the existence of the *Disability Discrimination Act 1992*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the *Building Code of Australia*, however, the development may not comply with the requirements of the *Disability Discrimination Act*. This is the sole responsibility of the applicant.

Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this consent. Applicants must rely on their own enquiries as to whether or not the building breaches any such covenant.

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au for free information on potential underground pipes and cables within the vicinity of the development site.

Asbestos Notification

Should asbestos or asbestos products be encountered during demolition or construction works you are advised to seek advice and information should be prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by *WorkCover NSW*) be engaged to manage the proper handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

Alternatively, telephone the *Work Cover* Asbestos and Demolition Team on 8260 5885.

House Numbering

House numbering can only be authorised by Council. Before proceeding to number each premises in the development, the allocation of numbers is required to be obtained from Council's Planning Division. The authorised numbers are required to be displayed in a clear manner at or near the main entrance to each premise.

Council Notification – Food Premises

Prior to the commencement of the business, the operator is requested to contact Council's Environmental Health Team to arrange an inspection for compliance against the relevant legislation and guidelines outlined in this approval.

Note: Council's Environmental Health Officer can be contacted on 02 9847 6745.

No cost to RMS

All works and regulatory signage are to be at no cost to RMS.