



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION Environmental Planning and Assessment Act, 1979 (Section 81)

Applicant: ANGLICAN RETIREMENT
VILLAGES - DIOCESE OF SYDNEY
PO BOX 284
CASTLE HILL 1765

Determination Number: 14-1437

Property Description: LOT 8891 DP1128072, MUSCOVY DRIVE, THE PONDS
LOT 8892 DP1128072, STANHOPE PARKWAY, THE PONDS

Development: Residential Aged Care Facility containing 104 beds and associated landscaping and car parking.

Determination: *Pursuant to Section 81 of the Act Council advises that the Development Application has been determined by:*

- GRANTING OF DEVELOPMENT CONSENT SUBJECT TO THE CONDITIONS ON THE FOLLOWING PAGES

BY SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Right of Appeal

Section 97 of the Act confers on an applicant who is dissatisfied with the determination of the consent authority a right of appeal to the Land and Environment Court. Section 97 does not apply to State significant development or development that has been subject to a Commission of Inquiry.

Review of Determination

Section 82A of the Act provides that an applicant may request the Council to review the determination. Section 82A does not apply to complying development, designated development, integrated development, or a determination made by Council under Division 4 of the act in respect of Crown applications

Note: This Consent is generally valid for a period of five years effective from the date of this Notice, unless specified otherwise by Sections 83 and 95 of the Act, or by conditions of this Consent.

Kerry Robinson
GENERAL MANAGER

Per 

Date 15 December 2014

1 ADVISORY NOTES

1.1 Terminology

1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.

1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 109C of the Environmental Planning and Assessment Act 1979.

1.2 Scope of Consent

1.2.1 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

1.3 Other Approvals

1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.

1.3.2 The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary development not approved by this consent, including:

- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
- (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
- (c) the installation of a vehicular footway crossing servicing the development, and
- (d) the erection/display of any advertising sign or business identification sign not being exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

1.3.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

1.4 Services

1.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Endeavour Energy
- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

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regarding any requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

All approved building construction plans attached to the Construction Certificate should be submitted to and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

1.4.2 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

1.4.3 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

1.5 Identification Survey

1.5.1 The applicant is advised to obtain an identification survey from a registered surveyor to ascertain the correct location of the property boundaries, and to ensure the development does not encroach upon adjoining properties.

1.6 Other Matters.

1.6.1 This land which is the subject of this development consent is subject to the provisions of the Second Ponds Creek Planning Agreement. The applicant is reminded of the obligations under the Planning Agreement with regard to the delivery of certain services and infrastructure to Council's satisfaction as part of the development of The Ponds Estate. In this regard, all works approved by this consent shall be carried out in accordance with the requirements of the Second

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Ponds Creek Planning Agreement.

- 1.6.2 No works are to be undertaken on adjoining properties without the written consent of the adjoining landowner.

2 GENERAL

2.1 Scope of Consent

- 2.1.1 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

| Drawing No. | Dated | Council's File Enclosure No. |
|--|----------|------------------------------|
| Site Plan** Drawing No. 02 Issue A | 9/7/14 | 1I |
| Floor Plan Drawing No. 04 Issue A | 9/7/14 | 1G |
| Roof Plan Drawing No. 05 Issue A | 9/7/14 | 1F |
| Elevations Drawing No. 06 Issue B | 25/09/14 | 28C |
| Sections Drawing No. 07 Issue B | 25/09/14 | 28D |
| Landscape Site Plan** Drawing No. LP-1.00 Rev. C | 17/09/14 | , 25B |
| Landscape Section/Elevations Courtyard Drawing No. LP-2.00 Rev. C | 17/09/14 | 25C |
| Landscape Section/Elevations Rehab and DSU Courtyards Drawing No. LP-2.01 Rev. B | 4/7/14 | 1S |
| Landscape Section/Elevations Rehab and DSU Courtyards Drawing No. LP-2.01 Rev. B | 4/7/14 | 1S |
| Landscape Section/Elevations Rehab and DSU Courtyards Drawing No. LP-2.02 Rev. B | 4/7/14 | 1T |

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|--|----------|-----|
| Landscape Section/Elevations Drawing No. LP-2.03 Rev. C | 17/09/14 | 25A |
| Fence details Drawing No. LP-3.00 Rev. B | 4/7/14 | 1V |
| Landscape details Drawing No. LP-3.01 Rev. B | 4/7/14 | 1W |
| External Works Plan Drawing No. A004 Issue P8 | 11/12/14 | 34B |

*Unless modified by any condition(s) of this consent.

** Car parking is to be consistent with the approved external works plan

2.2 Suburb Name

- 2.2.1 The land the subject of this consent is known to be located in the following suburb. This suburb name shall be used for all correspondence and property transactions:

Suburb: THE PONDS

2.3 Engineering Matters

2.3.1 Definitions

- 2.3.1.1 Any Construction Certificate issued in relation to this consent shall incorporate and address the design of those works required by Scope of Engineering Works and other sections of this consent which do not require separate Roads Act 1993 or Local Government Act 1993 approval and any ancillary works necessary to make the construction effective. All works on existing public roads require separate engineering approval pursuant to the Roads Act 1993.

2.3.2 Design and Works Specification

- 2.3.2.1 All engineering works required by Scope of Engineering Works and other sections of this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

(a) Blacktown City Council's Works Specification - Civil (Current Version)

(b) Blacktown City Council's Engineering Guide for Development (Current Version)

(c) Blacktown City Council Development Control Plan (Current Version)

(d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)

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Design plans, calculations and other supporting documentations prepared in accordance with the above requirements MUST be submitted to Council with any application for Construction Certificate, Road Act 1993 or Local Government Act 1993 Approval.

Any Construction Certificates issued by Private Certifiers must also be accompanied by the above documentations.

NOTE: Any variations from these design requirements must be separately approved by Council.

2.3.3 Other Necessary Approvals

- 2.3.3.1 A separate application or details (as necessary) shall be submitted for the separate approval of Council under the provisions of the Local Government Act 1993 and/or the Roads Act 1993 for any of the following (a) The installation of a vehicular footway crossing servicing the development as required by "Scope of Engineering Works and other sections of this consent" (b) Works on or occupation of existing public roads - that are not covered by a Roads Act Approval - which may require a Road Occupancy Licence or Work Zone Permit.

2.4 Other Matters

- 2.4.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.
- 2.4.2 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves. Any proposal to locate a proposed substation or other utility installation on Council land shall be negotiated with and fully endorsed by the relevant Council Directorates.
- 2.4.3 In relation to matters concerning Aboriginal archaeology, should any archaeological material be uncovered during construction activities on any location within the proposed development, then all works are to cease immediately and representatives of the Department of Environment and Climate Change (National Parks and Wildlife Service) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

- 3.1.1 A Construction Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.

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3.2 Road Deposit/Bond

3.2.1 The following current fee and bond (which is subject to periodic review and may vary at time of payment) shall be lodged with Council:

- (a) Road inspection fee of \$164.00;
- (b) Road maintenance bond of \$5000.00; and
- (c) Road maintenance bond administration fee of \$97.00.

The bond is required to cover the cost of any damage to Council's public assets (eg: road, guttering, footpaths, drainage systems) arising from development works. The bond (less an administration fee) will be refunded upon the completion of the development should there be no damage to Council's assets as a result of the development works.

The road inspection fee covers Council's costs to inspect public assets adjacent to the development site before and after development work.

3.3 Services/Utilities

3.3.1 The following documentary evidence shall accompany any Construction Certificate:

- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.
- (b) A "Notification of Arrangement" Certificate from Endeavour Energy, or any other recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development.
- (c) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

3.4 Saline sites

3.4.1 The subject site has been identified as a saline site. The recommendations of

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Geotechnical Investigation and Salinity Assessment prepared by SMEC Testing Services Pty Ltd dated March 2012 (Project No. 17918/1236C Report No. 12/0205) are to be implemented.

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Necessary Plan Amendments

4.1.1 The following plan amendments shall be included on or addressed by any Construction Certificate relating to the approved development:

- (a) A 1.8m high solid timber lapped and capped fence with 15mm panels is to be provided along the common property boundary with the south-eastern adjoining Lot 40. The fence is to be erected on top of any retaining walls.

4.2 Aesthetics and Landscaping

4.2.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent.

4.2.2 Any bathroom, w.c. or laundry window in the external wall of the building shall be fitted with translucent glazing.

4.2.3 The external colours and finishes are to be generally in accordance with the details submitted for the building being External finishes schedule, (dated 9/7/2014 Rev A held at Enclosure 2C on Council File JRPP-14-1437.

4.2.4 All boundary retaining walls throughout the site are to be constructed of masonry (i.e. no timber retaining walls).

4.2.5 Fencing details are to be in accordance with the details submitted on the approved fencing plans. Boundary fencing is to be in accordance with the *Dividing Fences Act 1991*.

4.2.6 All fencing is to be erected on top of any retaining walls at full cost to the developer.

4.3 Access/Parking

4.3.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.

4.3.2 51 car parking spaces are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Uncovered Car Space: 2.5m x 5.4m

4.3.3 All internal driveways and other paved areas shall be designed to provide

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continuous surface drainage flow paths to approved points of discharge.

- 4.3.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.
- 4.3.5 Layout of the proposed car parking area including circulation aisles/ramps, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, parking bay dimensions, headroom clearance are to be in accordance with AS 2890.1 -2004 and AS 2890.2 -2002 for heavy vehicle

5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

5.1 Building Code of Australia Compliance

- 5.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by :

- (a) Complying with the deemed to satisfy provisions, or
- (b) Formulating an alternative solution which :
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
 - (iii) A combination of (a) and (b).

5.2 Site Works and Drainage

- 5.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works shall accompany the Construction Certificate.

- 5.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:

- (a) be in accordance with Australian Standard 3500.3, and
- (b) provide for drainage discharge to an existing Council drainage system, and
- (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.

- 5.2.3 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.

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6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

6.1 Scope of Engineering Works

The following scope of works shall be included in the design documentation accompanying the Construction Certificate for engineering works:

6.1.1 Road and Drainage works

- 6.1.1.1 Drainage from the site must be connected into Council's existing drainage system via the drainage system approved under JRPP-12-740.

6.1.2 Vehicular Crossings

- 6.1.2.1 Construction of Council's standard commercial and industrial vehicular footway crossing in accordance with Council plan A(BS)103S. The layout of the crossing must comply with this standard which may require minor alterations to the proposed internal driveway location.

6.1.3 Footpaths

- 6.1.3.1 The footway area in View St adjacent the RACF site being fully turfed in an appropriate manner to be free draining to the street and of neat appearance.

6.1.4 Finished Boundary Levels

- 6.1.4.1 Finished levels of all internal works at the road boundary of the property must be 4% above the top of the kerb.

7 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

7.1 Construction Environmental Management Plan

- 7.1.1 Prior to the commencement of works, an appropriately qualified person is to submit an Construction Environmental Management Plan (EMP) for review and approval. The plan must include, but not limited to:
- o dust (air quality) management strategy
 - o community response and management procedure outlining the course of action to be undertaken following receipt of a complaint
 - o proposed means of controlling of any activity that could potentially cause a *pollution incident* as defined by the *Protection of the Environmental Operations Act 1997*.

7.2 Other matters

- 7.2.1 Plans and specifications of the hair salon that demonstrate compliance with the requirements of:

- (a) Public Health Regulation 2012

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- (b) NSW Health Departments publication Skin Penetration – Code of Best Practice and Skin Penetration Guidelines.

7.2.2 The applicant will need to submit plans and specifications that demonstrate compliance with the requirements of:

- (a) *Food Act 2003* (NSW) and Regulations there under; and
- (b) Australia New Zealand Food Standards Code
- (c) Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.
- (d) Australian Standard 1668.2-2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*.

7.2.3 Where any air handling, evaporative-cooling hot water, humidifying, warm water or water cooling system is installed; the design must comply with the provisions of:

- (a) *Public Health Act 2010* and Regulations thereunder
- (b) NSW Health “*Code of Practice for the Control of Legionnaires Disease*” (2004)
- (c) AS/NZS 3666 (Parts 1 to 4) *Air-handling and water systems of buildings - Microbial control*.

8 PRIOR TO DEVELOPMENT WORKS

8.1 Safety/Health/Amenity

8.1.1 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.

Each toilet provided shall be:

- (a) a standard flushing toilet, or
- (b) a temporary on-site toilet which is regularly maintained and the waste disposed to an approved sewerage management facility.

8.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

- (a) the name, address and telephone number of the principal certifying authority for the work, and
- (b) the name of the principal contractor (if any) for the 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.

This condition does not apply to:

- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

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8.1.3 Should the development work:

- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) involve the enclosure of a public place,

a hoarding or protective barrier shall be erected between the work site and the public place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to any person in the public place.

8.1.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.

8.1.5 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.

8.1.6 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.

8.2 Notification to Council

8.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

8.3 Sydney Water Authorisation

8.3.1 Sydney Water Corporation's approval, in the form of appropriately stamped Construction Certificate plans, shall be obtained and furnished to the Principal Certifying Authority to verify that the development meets the Corporation's requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

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OR

The approved plans are to be submitted to a Sydney Water Customer Centre or Quick Check Agent, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For Quick Check Agent details, please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance.

9 DURING CONSTRUCTION (BUILDING)

9.1 Safety/Health/Amenity

9.1.1 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

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

9.1.2 Should the development work:

- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) involves the enclosure of a public place,

the required hoarding, awning or protective barrier shall be maintained between the land and the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to persons in the public place.

9.1.3 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.

9.1.4 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to

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the land shall be provided.

- 9.1.5 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.

- 9.1.6 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

9.2 Building Code of Australia Compliance

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

9.3 Surveys

- 9.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.

9.4 Nuisance Control

- 9.4.1 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

9.5 Stormwater Drainage

- 9.5.1 Stormwater, surface water and sub-surface seepage (other than natural flows) shall be prevented from entering the building or being diverted onto any adjoining land (as applicable) by:

- (a) the floor level being a minimum 225mm above the adjoining finished ground level, and/or
- (b) being drained to an effective drainage system.

9.6 Waste Control

- 9.6.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.


9.7 Construction Inspections

- 9.7.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical

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stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

- (a) After excavation for, and prior to placement of, any footings; and
- (b) Prior to pouring any in-situ reinforced concrete building element; and
- (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
- (d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and
- (e) Prior to covering any stormwater drainage connections; and
- (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The critical stage inspection "(f)" must be carried out by the Principal Certifying Authority.

Any inspection conducted by an accredited other than the nominated PCA for the project must be verified by way of a Compliance Certificate issued for the relevant works.

Note: Failure to ensure the relevant inspections are conducted will preclude the issue of an Occupation Certificate.

9.8 Saline sites

- 9.8.1 The subject site has been identified as a saline site. The recommendations of Geotechnical Investigation and Salinity Assessment prepared by SMEC Testing Services Pty Ltd dated March 2012 (Project No. 17918/1236C Report No. 12/0205) are to be implemented.

9.9 Other Matters

- 9.9.1 The approved development shall be constructed in accordance with the approved external building materials, finishes and colours shown on the approved plans and schedule. The external building materials, finishes and colours shall not be altered without separate approval.
- 9.9.2 All landscaping, fencing, retaining walls and driveways are to be provided in accordance with the approved plans, and the details submitted and approved as part of the Construction Certificate.

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10 DURING CONSTRUCTION (ENGINEERING)

10.1 Filling of Land & Compaction

- 10.1.1 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.

10.2 Public Safety

- 10.2.1 The applicant is advised that all works undertaken in a public place are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.

11 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

11.1 Other Matters

- 11.1.1 The beauty therapy salon shall be constructed in accordance with the requirements of:

- *Public Health Regulation 2012*
- *Local Government (General) Regulation 2005 – Schedule 2*
- NSW Health's "*Skin Penetration Code of Best Practice*" (March 2001).

- 11.1.2 Ground areas where garbage containers hold putrescibles material and containers must be:

- provided with a hose and water supply
- paved with impervious material
- graded and drained to a Sydney Water approved sewage point.
- adequately contains the volume and type of garbage and recyclable matter on the food premises
- encloses the garbage or recyclable matter to deter the congregation of pests and animals
- is designed and constructed to be easily and effectively cleaned.

- 11.1.3 Bunding must be installed in any areas where any hazardous chemical or liquids are stored. The bunding must maintained in accordance with:

- NSW DECC (2007) - *Storing and Handling Liquids: Environmental Protection - Participants Manual*
- NSW DECC (2005) - *Environmental Compliance Report: Liquid Chemical Storage, Handling and Spill Management - Part B Review of Best Practice and Regulation.*

12 PRIOR TO OCCUPATION CERTIFICATE

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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12.1 Road Damage

- 12.1.1 The cost of repairing any damage caused to Council's assets in the vicinity of the land as a result of the development works shall be met in full by the applicant/developer.

Note: Should the cost of damage repair work not exceed the road maintenance bond Council will automatically call up the bond to recover its costs. Should the repair costs exceed the bond amount a separate invoice will be issued.

12.2 Compliance with Conditions

- 12.2.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 12.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

12.3 Service Authorities

- 12.3.1 The following documentary evidence shall accompany any Occupation Certificate:
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.
- 12.3.2 A final written clearance shall be obtained from Sydney Water Corporation, Endeavour Energy and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc) has not previously been issued.

12.4 Temporary Facilities Removal

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 12.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 12.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 12.4.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 12.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.
- 12.4.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

12.5 Food Premises

- 12.5.1 The premises shall be registered with Council's Environmental Health Unit. The attached application form shall be used for registration purposes.
- 12.5.2 The installation of any grease arrestor shall comply with the requirements of the Sydney Water Corporation. A copy of the Corporation's Trade Waste Agreement, shall be submitted to Council.

12.6 Landscaping/Car Parking

- 12.6.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 12.6.2 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 12.6.3 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 12.6.4 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.6.
- 12.6.5 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

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12.7 Fee Payment

- 12.7.1 Any fee payable to Council as part of a Construction, Compliance or Occupation Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.

12.8 Engineering Matters

12.8.1 Relationship with other Approvals

- 12.8.1.1 Compliance with any relevant engineering requirements of the following nominated approvals:

A. Development Consent No.JRPP-12-740 dated 3/12/12 issued by the Joint Regional Planning Panel

B. Section 96 Application No.14-1439 dated 20/10/14 issued by Blacktown City Council

C. Construction Certificate No:132104 dated 5/4/13 issued by Darren Bugg C/- City Plan Services (Council Reference CC-13-413)

D. Relevant requirement of any other development consent, Construction Certificate issued under the Environmental Planning and Assessment Act, 1979 or Building Approval issued under The Local Government Act, 1993.

The conditions contained within the above approvals relating to the disposal of stormwater, road reconstruction, or any other matters relevant to the RACF construction, shall be fully complied with in order to obtain release of the Occupation Certificate.

The authorised person signing the Occupation Certificate shall ascertain whether any Compliance Certificate(s) for the developments, are required to be issued in relation to any element, component or system incorporated in the development. A copy of each required Compliance certificate shall be lodged with Council.

12.9 Food Premises

- 12.9.1 Prior to the issue of an Occupation Certificate, documentation shall be submitted to Certifying Authority certifying that the ventilation system has been installed and is operating in accordance with Australian Standard 1668.2:2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*.

12.9.2 Easements/Restrictions/Positive Covenants

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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12.9.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:

(a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).

(b) The standard format for easements and restrictions as accepted by the Lands Property Information Office.

12.9.2.2 Restrictions and positive covenants must be registered with Land Property Information over the Stormwater Quality Control devices and outlet works. Submission of all relevant stormwater quality documentation is required by the conditions of consent and shall be in accordance with Council's standards and requirements.

12.9.2.3 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

12.9.3 All Section 88B easements, restrictions and covenants created as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

12.9.4 A restriction as to user shall be registered against the title of the property, in accordance with section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to the following only:-

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

In accordance with the definitions of *Seniors* under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

12.10 Environmental Health

12.9.5 The hair dressing premises shall be registered with Council's Environmental Health Unit. The attached application form shall be used for registration purposes.

12.9.6 Where any air handling, evaporative-cooling hot water, humidifying, warm water or water cooling system is installed; a Compliance Certificate shall be obtained certifying that the system has been installed in accordance with the provisions of:

- o *Public Health Act 2010* and Regulations thereunder

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- NSW Health "Code of Practice for the Control of Legionnaires Disease" (2004)
- AS/NZS 3666 (Parts 1 to 4) *Air-handling and water systems of buildings - Microbial control.*

12.9.7 Prior to the issue of an occupation certificate, an acoustic statement or report prepared by a suitably qualified person is to be submitted to Council for separate approval. The acoustic statement or report must assess the noise associated with the development, including the operation of plant and equipment, confirming that any impact upon surrounding receivers will be within criteria imposed by the NSW Environment Protection Authority's SW Industrial Noise Policy.

Any recommendations of the statement or report are to be implemented.

12.10 Waste Management

12.10.1 Appropriate signage shall be provided in the bin storage enclosures advising residents where waste and recycling materials are to be placed and outlining appropriate materials to be placed in the recycling bins.

12.10.2 Evidence shall be submitted to the PCA (e.g. in the form of receipts) to confirm that waste and recycled materials have been managed and disposed of in accordance with the approved waste management plan, prior to the issue of any Occupation Certificate. In this regard, a Private Waste Contractor is to be contracted to service the site.

12 OPERATIONAL (PLANNING)

12.11 Access/Parking

12.11.1 All required off-street car parking spaces and internal driveways shall be maintained to a standard suitable for the intended purpose. In this regard, 51 car parking spaces are to be made available at all times being a minimum 13 spaces for employees and 11 spaces for visitors. 1 ambulance space must be provided on site at all times.

12.11.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.

12.11.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

12.12 General

12.12.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.

12.12.2 If artificial lighting is proposed full details are to be submitted indicating the manner

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in which adjoining properties are to be protected.

12.12.3 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

12.12.4 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.

12.13 Landscaping

12.13.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.

12.14 Other Matters

12.14.1 Any graffiti visible from a public place or road is to be removed as soon as practicable.

12.14.2 All common areas throughout the village are to be maintained.

12.14.3 Arrangements are to be made for the commercial collection of waste.

13 OPERATIONAL (ENVIRONMENTAL HEALTH)

13.1 Environmental Management

13.1.1 All chemicals and materials associated with the use of the site, including empty containers, shall be stored within the building.

13.1.2 The approved Waste Management Plan shall be implemented.

13.1.3 All entrances and exits to the building are to be bunded.

13.1.4 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

13.2 Laundry

13.2.1 The facility must have documented policies on the collection, transport, and storage of linen.

13.2.2 If the facility processes or launders linen, there must be a documented operating policy in place consistent with AS/NZS 4146 Laundry Practice.

13.3 Waste Management

These conditions are imposed for the following reasons:

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- 13.3.1 The waste collection point must be bunded to store liquid waste such as oils, fuels and contaminated liquids.
- 13.3.2 Food service waste must be collected daily or refrigerated whilst stored awaiting collection.
- 13.3.3 Waste oil, including cooking oil, shall be stored in a covered, bunded area and removed off-site by a contractor licensed with the NSW Environmental Protection Authority. The bunded storage area shall be maintained in such condition as to ensure that all spillage and leakage is retained within the bund.

13.4 Doctors Office and Hair Dressing Premises

- 13.4.1 Should the applicant wish to use any items in connection with the activities at the premises that are not considered to be single-use, a bench top autoclave which complies with:
- o AS/NZS 4815:2006 *Office-based health care facilities - Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment*
 - o AS 2182-1998 *Sterilizers—Steam—Bench-top*
 - o Steriliser must also be registered on the Australian Register of Therapeutic Goods (ARTG) maintained by the Therapeutic Goods Administration (TGA).
- 13.4.2 The proprietor and/or operator is to ensure that the premises is maintained, and all activities are carried out so as to comply with the requirements of:
- o Public Health Act 2010 (NSW)
 - o Public Health Regulation 2012 (NSW)
 - o NSW Health's "Skin Penetration Code of Best Practice" (March 2001)
- 13.4.3 The premises in which skin penetration procedures are conducted must:
- o be clean and hygienic
 - o have a waste disposal bin
 - o have a hand wash basin supplied with clean, warm, potable water
 - o have a separate sink supplied with clean, warm water for the purpose of cleaning equipment (if equipment used in skin penetration procedures at the premises is cleaned at the premises)
 - o have available for use by persons carrying out skin penetration procedures at the premises:
 - liquid soap (or an alcohol-based hand cleaner)
 - single-use towels or an automatic hand dryer
 - disposable gloves, clean linen and gowns or aprons that are appropriate for the skin procedures carried out at the premises.
 - o Any equipment at premises where skin penetration procedures are carried out must be maintained in good working order.

13.5 Food Service

- 13.5.1 The proprietor is to ensure that all food handling complies with the requirements of the *Food Act 2003* and Regulations there under.

These conditions are imposed for the following reasons:

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- 13.5.2 Upon commencement of trading, details of the food activity are to be submitted to the NSW Food Authority.
- 13.5.3 The installation of any grease arrestor shall comply with the requirements of the Sydney Water Corporation Ltd prior to the commencement of use.

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