

10.2015.198.1

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION**

Issued under the Environmental Planning and Assessment Act 1979 Section 81 (1) (a)

Kiama Municipal Council  
PO Box 75  
KIAMA NSW 2533

**Development Description:** DEMOLITION OF ALL EXISTING BUILDINGS ON SITE EXCEPT BARROUL HOUSE, DEVELOPMENT OF THE KIAMA AGED CARE CENTRE OF EXCELLENCE INCLUDING A 134 BED RESIDENTIAL AGED CARE FACILITY, 51 INDEPENDENT LIVING UNITS, 16 ASSISTED LIVING UNITS, A COMMUNITY SERVICES AND ACTIVITIES CENTRE, THE RESTORATION OF BARROUL HOUSE AND THE PROVISION OF ASSOCIATED INFRASTRUCTURE

**Development Application Number:** 10.2015.198.1

**Premises:** LOT: 1 DP: 596755, 14A Bonaira Street KIAMA

**Determination:** Consent granted subject to conditions described below

**Date of Determination:** 03/12/2015

**Consent Granted to Operate From:** 03/12/2015

**Consent to Lapse On:** 03/12/2018

**Other Approvals:**

List Local Government Act 1993 approvals granted under Section 78A (5)

NONE APPLICABLE

**General terms of other approvals integrated as part of the consent:**

(list approvals)

Rural Fire Service (Section 100B Rural Fires Act 1997)

1. A 50 metre minimum APZ shall be provided to the South and extending to 60 metres in the South West corner of the site. The APZ shall be managed as an inner protection area (IPA) as outlined within Appendices 2 & 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
2. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

3. Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006' and shall have a minimum carriageway width of 6.5 metres.
4. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
5. New construction, excluding Independent Living Unit A and Barroul House, shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
6. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

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**Conditions of Development Consent:**

1. The development must be carried out in accordance with the approved plans and specifications as follows:

DRAWING NO.	DESCRIPTION:	PREPARED BY	ISSUE	DATE
1509/DA00	Cover Sheet, Drawing List	BRG	A	19.8.15
1509/DA01	Location Plan & Site Analysis Plan	BRG	B	7.12.15
1509/DA02	As Existing & Demolition Plan	BRG	A	19.8.15
1509/DA03	Overall Site Plan	BRG	B	7.12.15
1509/DA04	Setbacks Plan	BGR	B	7.12.15
1509/DA05	RACF & Community Administration – Lower Ground Floor Plan	BRG	A	19.8.15
1509/DA06	RACF & Community Hall – Ground Floor Plan	BRG	B	7.12.15
1509/DA07	RACF & Assisted Living Units (ALU) – First Floor Plan	BRG	B	7.12.15
1509/DA08	Assisted Living Units (ALU) – Second Floor Plan	BRG	B	7.12.15
1509/DA09	RACF & Community/ALU Building – Roof Plan	BRG	B	7.12.15
1509/DA10	ILU Buildings – Basement Floor Plan	BRG	B	7.12.15
1509/DA11	ILU Buildings – Lower Ground Floor Plans	BRG	B	7.12.15
1509/DA12	ILU Buildings – Ground Floor Plans	BRG	A	19.8.15
1509/DA13	ILU Buildings – First Floor Plans		A	19.8.15
1509/DA14	ILU Buildings – Roof Plan	BRG	A	19.8.15
1509/DA15	Elevations Sheet 1 of 3 (North	BRG	A	19.8.15
1509/DA16	Elevations Sheet 2 of 3 (South & West)	BRG	B	7.12.15
1509/DA17	Elevations Sheet 3 of 3 (East)	BRG	B	7.12.15
1509/DA18	Sections Sheet 1 of 4	BRG	A	19.8.15
1509/DA19	Sections Sheet 2 of 4	BRG	A	19.8.15
1509/DA20	Sections Sheet 3 of 4	BRG	A	19.8.15
1509/DA21	Sections Sheet 4 of 4	BRG	A	19.8.15
1509/DA22	Section Diagrams – Neighbouring Dwelling – Sheet 1 of 2	BRG	A	19.8.15

1509/DA23	Section Diagrams – Neighbouring Dwelling – Sheet 2 of 2	BRG	A	19.8.15
1509/DA24	Residential Subdivision Comparison Sections	BRG	A	19.8.15
1509/DA25	Shadow Diagrams – Winter Solstice ( June 21)	BRG	A	19.8.15
1509/DA26	Shadow Diagrams – Equinox	BRG	A	19.8.15
1509/DA27	Shadow Diagrams – Summer Solstice (December 21)	BRG	A	19.8.15
1509/DA28	ILU Building A Solar Access Study	BRG	A	27.10.15
1509/DA29	ILU Building B Solar Access Study	BRG	A	27.10.15
1509/DA30	ILU Building C Solar Access Study	BRG	A	27.10.15
1509/DA31	RACF Solar Access Study	BRG	A	9.11.15
1509/DA32	Part Site Plan/Sections – RACF & Dwellings	BRG	A	28.10.15
1509/DA33	FSR Diagram Sheet 1	BRG	A	9.11.15
1509/DA34	FSR Diagram Sheet 2	BRG	A	9.11.15
1509/DA35	FSR Diagram Sheet 3	BRG	A	9.11.15
1509/DA36	FSR Diagram Sheet 4	BRG	A	9.11.15
1509/DA37	Setbacks Site Plan	BRG	A	9.11.15
1509/DA38	Setbacks Site Plan	BRG	A	9.11.15
1509/DA38	Setbacks Site Plan	BRG	A	9.11.15
1509/DA40	Setbacks Site Plan	BRG	A	9.11.15
1509/DA41	Part Site Plan & Section	BRG	A	9.11.15
15-030W/LC01	Landscape Concept Plan	TaylorBrammer	A	9.11.15
15-030W/LC01	Landscape Cross Sections	TaylorBrammer	A	9.11.15
15-030W/LC03/01	Landscape Concept Plan – Proposed trees to be planted	TaylorBrammer	A	9.11.15
15-030W/LC03/02	Landscape Concept Plan – Proposed trees to be removed	TaylorBrammer	A	9.11.15
150263/C01	Civil Design Notes Sheet	Jones Nicholson	P2	17.08.15
150263/C02	Civil Design Site Plan	Jones Nicholson	P2	17.08.15
150263/C03	Civil Design Stormwater Drainage Plan Sheet 1	Jones Nicholson	P2	17.08.15
150263/C04	Civil Design Stormwater Drainage Plan Sheet 2	Jones Nicholson	P2	17.08.15
150263/C05	Civil Design Stormwater Drainage Plan Sheet 3	Jones Nicholson	P2	17.08.15
150263/C06	Civil Design Stormwater Drainage Plan Sheet 4	Jones Nicholson	P2	17.08.15
150263/C07	Civil Design Stormwater Details Sheet	Jones Nicholson	P2	17.08.15
150263/C10	Civil Design Cut and Fill Depth Range Plan	Jones Nicholson	1	05.11.15
26667/-1	Plan Showing Contours & Detail Over Lot 1 - Sheet 1 of 2	Scarratt & Associates	-	19.02.14
26667/-2	Plan Showing Contours & Detail Over Lot 1 - Sheet 2 of 2	Scarratt & Associates	-	19.02.14
27080	Plan Showing Levels & Detail over various Lots adjoining Lot 1	Scarratt & Associates	-	4.6.15
BF17-001	Existing Floor Plan	V-Mark Survey	A	15.06.15
BF17-002	Existing Elevations	V-Mark Survey	A	15.06.15
BF17-003	Existing Internal Elevations	V-Mark Survey	A	15.06.15

DOCUMENT TITLE	PREPARED BY	DATE
Statement of Environmental Effects	Cardno	19/8/15
Design Statement	BRG	August 2015
SEPP 65 Statement and Report	BRG	August 2015
Landscape Statement	Taylor Brammer	13/08/15
WSUD	Jones Nicholson Consulting Engineers	10/06/15
Traffic	Colston Budd Hunt and Kafes Pty Ltd	August 2015
Heritage Assessment	Premier Consulting Australia Pty Ltd	18/08/15
Geotechnical Assessment	Southern Geotechnics	30/03/15
Bushfire	ABPP	August 2015
Acoustic	Renzo Tonin & Associates	18/08/15
Contamination	coffey	17/06/15
Arborist	David Potts, Consultant Arborist	August 2015
BCA	Blackett Maguire + Goldsmith	12/08/15
Access	MGAC	17/08/15
ESD (including BASIX Certificate)	JHA	18/08/15
Class 2 Schedule and Stamped Plans	ABSA	18/08/15
Waste Management	UFD	24/07/15
Social Impact Statement	Nick Guggisberg BSW	July 2015
Operational Report	Clare Rogers, Kiama Council	July 2015
QS Report	Taylor and Partners Quantity Surveying (Aust) PtyLtd	12/08/15
BRG Supplementary Information and Drawings	BRG Note: Removal of car parking spaces near Barroul House in drawings 1509/DA37, 1509/DA38, 1509/DA39, 1509/DA40.	10/11/15

- The development shall be implemented generally in accordance with the details set out on the above plans/drawings and supporting documents endorsed by Council as 10.2015.198.1 dated 3/12/2015 except as amended by the following conditions.
- The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of the Development Consent are satisfied.

#### **Bonds and Contributions**

- A contribution pursuant to Section 94A of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94A (Indirect Contributions) Plan shall be paid to Council prior to the issuing of any Occupation Certificate. The total contribution required for the development is **\$602,520.00**

The amount of the contribution shown on the development consent will be indexed to the time of payment in the following manner:

$$\text{Contribution (at time of payment)} = \frac{C \times \text{CPI}_P}{\text{CPI}_C}$$

Where:

C = The original contribution amount as shown in the development consent.

CPIP = The *Consumer Price Index: All Groups Index for Sydney* as published by the Australian Bureau of Statistics and which applied at the time of payment.

CPIc = The *Consumer Price Index: All Groups Index for Sydney* as published by the Australian Bureau of Statistics and which applied at the time of issue of the development consent.

5. The developer shall lodge with Council a bond of **\$20,000.00**, in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as a security for new and remedial work associated with the development proposal and covering all work within the public roads administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction.

The developer shall submit a dilapidation survey prior to commencement of any work within the road reserve.

The bond shall be refunded in full subject to the following:-

- a There being no damage to the infrastructure within the road reserve.
- b Twelve (12) months has elapsed from the date of issue of the occupation certificate and/or subdivision certificate.
- c The submission and approval by Council of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council.

## Privacy

6. Horizontal fixed louvre with 100mm wide blades and at 100mm spacing, fixed at 25 degrees to the horizontal to be provided to Units 6 and 12 at ILUs A, B and C. Details to be provided as part of construction certificate.

## Waste

7. A site/caretaker manager shall be appointed to manage waste management processes on site for the Residential Aged Care Facility, Assisted Living Units and Independent Living Units including any specific requirements contained in the Waste Service Agreement with Kiama Council Waste Services.
8. The bin wash bay shall be connected via a trade waste system and an approval and license be obtained from Sydney Water Corporation.
9. An overall waste management plan must be signed off by the Waste Management Officer prior to issue of a construction certificate.
10. It is proposed that Kiama Councils' Waste Business Unit will be responsible for the collection and disposal of all garbage, recyclables and food organics from the Kiama Aged Care of Excellence.

## Acoustic

11. Noise from the premises and equipment must not exceed 5dB(A) above the background noise level when measured at all boundaries of the development site

12. Noise from the premises must comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control Regulations) 2000. This includes compliance with specific time restrictions and noise levels for equipment (such as air conditioners, refrigeration units and power tools) and musical instruments and sound equipment.
13. Deliveries and the use of the loading dock and provision of waste collections services shall not occur before 7am and after 6pm Monday to Saturday and not before 8 am and after 6pm on Sundays and Public Holidays

#### **Environment**

14. Emissions from this activity (e.g. dusts, solvents or odours) must comply with those outlined in the Protection of the Environment Operations Act 1997 and Regulations.

#### **Heritage**

15. The proposed conservation works to Barroul House as noted in 6.3.2 of the HIA are to be adopted by Kiama Council and form the basis of a detailed Schedule of Work to be submitted at Construction Certificate stage for consideration and approval by Council, along with Heritage Specification Clauses, internal and external colour schemes and drawings.
16. A Heritage Architect with demonstrated experience in working on historic buildings is to be engaged for the design development and construction stages of the works.
17. The site is to be subject to archival recording prior to the commencement of work as recommended in section 6.3.2 of the SHI.
18. The site is to be subject to interpretation in accordance with recommendations in 6.3.2 of the SHI.
19. A pest inspection of Barroul House is to be carried out and a report prepared. Any active vermin or termites identified in the report are to be treated.
20. Any new wiring or pipework proposed for Barroul House which impacts original or early fabric is to surface mounted and not chased to the approval of the Heritage Architect.
21. All new fitout proposed for Barroul House which impacts original or early fabric such as skirtings, architraves and cornices etc. is to be scribed around same to the approval of the Heritage Architect.
22. New mechanical services and communication services proposed for Barroul House are to be designed to be as intrusive as possible and to the approval of the Heritage Architect.
23. A program of salvage and reuse of original and early fabric is to be implemented in the conservation of Barroul House. Any significant fabric which is approved by the Heritage Architect to be removed is to be stored on site.
24. Conservation work to Barroul House is to be undertaken by experienced tradespeople with demonstrated experience in working on historic buildings.

#### **Public Health**

25. All warm-water systems (including thermostatic mixing valves) and any proposed cooling towers to be installed, operated and maintained in accordance with the NSW Code of Practice for the Control of Legionnaires' Disease June 2004 and to comply with the Public Health Act 2010 and Public Health Regulations 2012.

## **B Prior to Issue of Construction Certificate**

### **Landscape**

26. A detailed landscape plan shall be approved by Council prior to release of the Construction Certificate. The plan shall be prepared in accordance with Chapter 8 of Kiama Development Control Plan 2012 and shall be consistent with the landscape concept plan. The plan shall show Lot 1 greyed out as it is not part of this development. The plan shall not show trees to be removed on Lot 1.
27. Trees on the embankment at the rear of the property numbered 145, 146, 147, 148, 151, 163, 164, 165, 166 and 167 shall be marked for removal and suitable new landscaping included. The two large Radiata pine trees numbered 94 and 95 shall be marked for removal and suitable replacement trees included in the plan. The gum tree number 36 and Lagunaria number 64 shall be removed and suitable landscaping included. The Honey Bracelet myrtle trees numbered 43, 44 and 45 shall be removed for grading of the transition from property to footpath.
28. An updated landscape plan to be provided to the satisfaction of Council's Landscape Officer, which demonstrates integration of the APZ area in the south west portion of the site with Bonaria Reserve to the south through pathways and seating.

### **Civil Engineering**

29. The developer shall submit details of all civil engineering works on engineering drawings to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- The drawings shall include, but shall not be limited to, the following detailed information:
- (a) The hydrologic modelling and hydraulic treatment detail including detailed calculations, drainage network layout, environmental controls (including the post-development first flush mechanism, water quality and sedimentation controls), all stormwater drainage structures and, where required, the proposed method of accessing the existing public stormwater drainage system. All drainage calculations are to be carried out in accordance with Australian Rainfall and Runoff published by Engineers Australia, and are to include a contoured catchment diagram and delineation of flow paths for storms of 1% Average Exceedance Probability (AEP);
  - (b) Plan, longitudinal and cross sectional detail shall be provided for the proposed access driveways, ramps and parking areas;
  - (c) The proposed pavement treatment to the access driveways, ramps and parking areas;
  - (d) The location and reduced level of all services under the control of public utilities or agencies;
  - (e) A Construction Environmental Management Plan (CEMP) shall be prepared in accordance with Australian Standard AS/NZS ISO 14001: 2004 for all civil engineering work associated with the development.
30. Common Areas

- a. Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common facilities associated with the development.
- b. 100% of all dwellings must have wheelchair access by a continuous path of travel to an adjoining public road

All reduced levels shall relate to Australian Height Datum (AHD).

- 31. The developer shall submit to the Certifying Authority for approval prior to the issue of the Construction Certificate, a detailed Soil and Water Management Plan designed in accordance with the requirements of Managing Urban Stormwater: Soils and Construction Volume 1 (Landcom 2004) and Managing Urban Stormwater: Soils and Construction Volume 2 (Department of Environment and Climate Change 2007).
- 32. The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of "Section D5 Stormwater Drainage" of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.
- 33. The developer shall provide on-site detention storage for stormwater runoff in conjunction with the proposed development drainage network. An on-site detention system shall be designed to ensure that post development flow rates from the site are no greater than pre-developed site runoff at each discharge point for all rainfall events up to 1% Annual Exceedance Probability. The applicant shall provide full hydrological and hydraulic computer modelling of the stormwater drainage system and provide this to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- 34. The developer shall comply with the design requirements of Council's "Water Sensitive Urban Design" policy in association with the design requirements of "Section D5 Stormwater Drainage" of the Kiama Development Code as appended to Kiama Development Control Plan 2012. Details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- 35. The developer shall treat all concentrated discharges with scour protection in accordance with the "Managing Urban Stormwater: Soils and Construction" Volume 1 (Landcom 2004). Details of the treatment must be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- 36. The car parking and manoeuvring area shall be line marked and signposted in compliance with the requirements of the Australian Standards AS 1742.2, AS 1743, AS 1744, AS/NZS 1906.1, AS 1906.2, AS 1906.3 and AS 4049.1. Details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- 37. Car parking and manoeuvring shall comply with the requirements of the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking. Details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- 38. Access and manoeuvring into the proposed loading area/service bay/docking area for all commercial vehicles shall comply with the requirements of the Standards Australia AS 2890.2 – Off-street Parking Part 2: Commercial Vehicle Facilities. Details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.



39. Additional space shall be required outside the Community Facility to accommodate three motorised scooters of residents within the facility.

## **Acoustic**

40. Prior to the issuing of the Construction Certificate details are to be submitted to Council for the proposed noise barrier to be constructed along car parking area and the eastern access driveway and at the rear of the proposed Independent Living Units;  
Details shall include but not limited to:
- Technical data that specifies the expected noise reduction level to be achieved from the installation of the acoustic noise barrier/fence or other measures.
  - A site plan identifying the location of the noise barrier including a survey levels of the existing ground levels and the proposed finished height level of the barrier and the identified distance of the noise barrier from any adjoining property boundaries.
  - Design elevation plans and specifications of materials to be used and colour scheme.
  - Structural engineers details of the footings of the proposed noise barrier structure.
41. Prior to the issuing of the Construction Certificate the following information is to be submitted to Council:
- (a) An acoustic assessment of the projected noise emissions from all mechanical exhaust, air conditioning and refrigeration equipment The acoustic assessment and design specifications shall take comply with the recommendations as outlined in Section 3.5.1 of Mechanical Plant - Kiama Aged Centre of Excellence DA Acoustic Assessment Renzo Tonin & Associates dated 18 August 2015.
  - (b) Construction and design specification of any proposed acoustic treatment to ensure that either singularly or in total the emit noise levels does not exceed 5dB(A) above the background noise levels when taken at all boundaries of the development site.
42. Prior to the issuing of the Construction Certificate a Demolition and Construction Noise and Vibration Management Plan is to be prepared and submitted to Council. The Construction Noise and Vibration Management Plan should take into consideration the NSW EPA Interim Construction Noise Guidelines 2009 and as a minimum include:
- (a) A quantitative assessment that predicts noise levels for all construction activities including delivery of construction materials.
  - (b) Identification of all airborne noise sensitive receivers outside the development site
  - (c) Any proposed noise and vibration attenuation measures and operational controls to be implemented during the demolition and construction phases of the development.
  - (d) On and off site noise and vibration monitoring proposed.
  - (e) A communication plan to inform and update residents of properties adjoining the development site of the likely noise and vibration impacts.

## **Contamination**

43. Prior to the issuing of a Construction Certificate for any stages of the development, where contamination of land has been identified, the following is to be submitted to and approved by Council and or the NSW EPA:

- (a) A Site Remediation Action Plan prepared by a duly qualified person in accordance with the NSW EPA guidelines and applicable legislation. The plan shall incorporate requirements for the treatment/disposal of contaminated soil and the decommissioning of the underground fuel storage tank.
- (b) A site audit statement is to be provided, in accordance with the Contamination Land Management Act, after the Site Remediation Action Plan has been implemented.

#### **Food Safety**

44. Prior to the issuing of the Construction Certificate detailed construction design plans and specifications (including plumbing and drainage plans) shall be submitted and approved by Council for all food preparation and food storage areas.(excluding any kitchens located in the independent living units). This includes the kiosk and staff eating facilities. The design plans and specifications shall be prepared and comply with:

- AS4674-2004 Construction and Fit out of Food Premises
- Food Act 2003
- Food Standards Code (Food Premises and Equipment)
- Food Regulations 2015
- AS1668.2-2002 Mechanical Ventilation- Exhaust System
- Kiama Development Control Plan 2012 Chapter 16 – Food Premises (refer to Appendix 1 Development Application Requirements)
- Sydney Water Corporation Trade Waste requirements
- Building Code of Australia- National Construction Code
- National Construction Code (Plumbing Code of Australia)

#### **Public Health**

45. Prior to the issuing of the Construction Certificate for each stage of the development mechanical ventilation engineers design details are to be submitted to Council for any mechanical ventilation, air conditioning and water cooling systems to be installed as part of the development.

#### **Waste**

46. Prior to the issue of the Construction Certificate for the Independent Living Units the following information shall be submitted to Council for approval:

- a) construction design plans and specifications for the bin storage area. The design plans are to be prepared in accordance with Chapter 11 of Kiama Council's Development Control Plan 2012 and identify the bin collection point which is to be located on the southern wall of the loading manoeuvring bay. The bin storage area needs to be of an adequate size to cater for:
  - 13 x 240L red lid garbage bins serviced twice a week as a minimum
  - 2 x 240L green lid food organics bins serviced twice a week as a minimum
  - 2 x 1100L yellow lid recycling bins serviced twice a week as a minimum

47. Prior to the issue of the Construction Certificate for the Residential Aged Care Facility and Assisted Living Units the following information shall be submitted to Council for approval:

- a) construction design plans and specifications for the bin storage area. The design plans are to be prepared in accordance with Chapter 11 of Kiama

Council's Development Control Plan 2012 and should identify the bin collection point. The bin storage area needs to be of an adequate size to cater for:

- 13 x 240L red lid garbage bins serviced three a week as a minimum
- 4 x 240L green lid food organics bins serviced twice a week as a minimum
- 2 x 1100L yellow lid recycling bins serviced twice a week as a minimum

## Demolition and Construction

48. Prior to the issuing of the Construction Certificate for each stage of the development an Environmental Management Plan shall be prepared and submitted to Council outlining all potential environmental impacts associated with all demolition and construction work (including but not limited to dust, odours, siltation, runoff) and the controls, management practices and monitoring to be implemented.

## **BASIX**

- 48-49. -The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the release of the Construction Certificate.

## C. Prior to Construction

### Landscape

- 49-50. Protection fencing shall be erected around the trees to be retained on site so as to prevent damage to the tree and roots. The fencing shall be erected prior to the commencement of works. The fencing shall consist of 1.8 metre high cyclone wire supported on galvanised steel posts at a minimum 3.0 metre centres. The fencing shall be maintained and shall remain in situ until all building works are completed. No machinery, builder's materials and/or waste shall be located inside the fencing. Placing of the fencing shall be directed by the Arborist Consultant.

- 50-51. The trees on site marked for removal on the approved landscape plan shall be correctly identified and clearly marked by the Arborist Consultant prior to the removal of any trees. Note : the list of trees to be removed in the report of Arborist Consultant David Potts Section 4.2.2 have changed. Trees numbered 244, 250, 251, 252, 255, 257, 258, 260, 261 and 271 should be deleted from the list as they are on adjacent property. Trees added for removal are 36, 43, 44, 45, 64, 94, 95, 145, 146, 147, 148, 151, 163, 164, 165, 166 and 167.. This shall be shown on the approved landscape plan.

### Civil Engineering

- 54-52. 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 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.

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- ~~52-53.~~ The developer shall provide a traffic control management plan complying with the design requirements of the Roads and Maritime Services (RMS) "Traffic Control at Work Sites" manual. The traffic control management plan must be designed by an RMS accredited designer and must be provided to Council prior to the work commencing.
- ~~53-54.~~ Prior to works commencing, the developer shall under Section 138 of the Roads Act 1993 make application to the Road Authority for permission to access the public road reserve, Bonaira Street and William Street for the purpose of carrying out activities associated with the development.

#### **Demolition**

- ~~54-55.~~ Prior to the commencement of any work on site, an Asbestos and Hazardous Materials Assessment audit shall be undertaken and the report provided to Council identifying any asbestos/hazardous materials contained in existing building and structures that are to be demolished. The report shall contain quantities and types of materials and proposed method of removal and disposal at a licensed facility.

#### **D. During Construction**

##### **Landscape**

- ~~55-56.~~ No trees shall have the backfill placed around its root zone or have the original ground level altered.
- ~~56-57.~~ No vehicular access shall be permitted to the property from Council's reserve adjacent to the proposed development site.
- ~~57-58.~~ During construction should a tree retained on site be adversely impacted then the Arborist Consultant shall be called to inspect the tree and proposed construction work and issue work orders including pruning or total removal of any tree.

##### **Civil Engineering**

- ~~58-59.~~ Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;  
Monday to Friday      7.00 am to 6.00 pm  
Saturdays              8.00 am to 1.00 pm  
No construction work is to take place on Sundays or Public Holidays
- ~~59-60.~~ All works on the site must be in accordance with the approved Soil and Water Management Plan for the full duration of construction works.
- ~~60-61.~~ The developer shall ensure that all construction work associated with the development is carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and any variations to that Plan approved by the Certifying Authority. A copy of the approved CEMP shall be kept on site at all times.
- ~~61-62.~~ The developer shall undertake civil engineering construction works in accordance with the requirements of Section C101 General – Development Construction Specification of the Kiama Development Code, as appended to Kiama Development Control Plan 2012, and civil engineering drawings approved by the Certifying Authority.

~~62-63.~~ The developer shall undertake engineering inspections, sampling, testing and recording of results of all constructed civil engineering works in accordance with the requirements of the Kiama Development Code Section CQC Quality Control Requirements – Development Construction Specification, as appended to Kiama Development Control Plan 2012 and civil engineering drawings approved by the Certifying Authority.

#### **Acoustic**

~~63-64.~~ No building construction work or the use of power tools, plant and other equipment and delivery of materials shall occur before 7am or after 6pm Monday to Friday and before 8am or after 1pm on Saturdays. No construction work is to be undertaken on Sundays or on public holidays.

~~64-65.~~ All demolition and construction work shall be undertaken in accordance with the Demolition and Construction Noise and Vibration Management Plan and the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control Regulations) 2000

#### **Demolition**

~~65-66.~~ All demolition and construction work undertaken on the development must comply with the requirements of Protection of the Environment Operations Act 1997 and Regulations and all other specific environmental legislation.

### **E. Prior to Issue of Occupation Certificate**

#### **Landscape**

~~66-67.~~ Prior to the release of the Occupation Certificate the developer shall provide a Compliance Certificate from Taylor Brammer Landscape Architects stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent.

~~67-68.~~ The landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of the Occupation Certificate.

~~68-69.~~ At the end of the 26 week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plan and the conditions of this development consent.

#### **Civil Engineering**

~~69-70.~~ A compliance certificate from a suitably qualified civil engineer stating that all civil engineering works have been carried out in accordance with the approved Construction Certificate drawings shall be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

#### **Acoustic**

~~70-71.~~ Prior to the issuing of the Occupation Certificate an acoustic and noise assessment verification report is to be submitted to Council. This report is to verify that all mechanical plant and equipment installed as part of the development when commissioned and operating does not create offensive noise, complies with the

applicable codes, standards and legislation including the Protection of the Environment Operation Act 1997. The report is also to certify that any noise barriers or other measures that have been installed to reduce traffic noise from the uses of both access roads and car parking areas have met the required design standards and has effectively reduced any adverse noise impacts on the properties adjoining the development site

### Food Safety

~~74-72.~~ Prior to the issuing of the Occupation Certificate the Accredited Certifying Authority shall be submit to Council written certification that:

- (a) The kitchen mechanical exhaust system has been designed and installed to comply with AS1668.2-2002 Mechanical Ventilation- Exhaust System and other legislation
- (b) The kitchen food preparation and storage areas (excluding any kitchens located in the independent living units) and associated equipment, fixtures and fittings have been constructed and installed in accordance and compliance with the Food Act 2003 and Food Standards Code (Food Premises and Equipment), Building Code of Australia- National Construction Code, National Construction Code (Plumbing Code of Australia).
- (c) A trade waste system, connected to the sewer system, has been approved, installed and licensed in accordance with the requirements of Sydney Water Corporation.

~~72-73.~~ Prior to the issuing of the Occupation Certificate and the use of the Aged Care Facility, a documented food safety management program shall be prepared, and a license application be submitted and approved by the NSW Food Authority.

### Public Health

~~73-74.~~ Prior to the issuing of the Occupation Certificate a works as executed plumbing diagram shall be submitted to Council that identifies the location of all thermostatic mixing valves installed as part of the aged care facility.

### Waste

~~74-75.~~ Prior to the issue of the Occupation Certificate for the Independent Living Units the following information shall be submitted to Council for approval:

- a) copy of the Waste Service Agreement with Kiama Council Waste Services for the onsite collection of garbage, recycling, food and garden organics including any indemnity and operational requirements.
- b) A copy of the Waste Service Agreement with the appointed contactor the collection of household bulky waste.

~~75-76.~~ Prior to the issue of the Occupation Certificate for the Residential Aged Care Facility and Assisted Living Units the following information shall be submitted to Council for approval:

- a) A copy of the Waste Service Agreement with Kiama Council Waste Services for the onsite collection of garbage, recycling, food and garden organics.
- ~~b)~~ A copy of the Waste Service Agreement with the licensed waste contractor for the collection of hazardous waste, liquid waste and medical waste.
- ~~b)~~

### BASIX

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77. -The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed.

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## **F. Prior to Operation**

### **Environmental Health**

- ~~76.~~78. Prior to opening the proprietor must contact Council's Environmental Health Officer to organize a final inspection.
  - ~~77.~~79. Applicant must contact Sydney Water to gain advice as to whether a trade waste approval is required. If such an approval is required the applicant must submit a copy of the trade waste approval and it must be submitted to Kiama Municipal Council prior to the operation of the shop. If a grease trap is deemed not required by Sydney Water information detailing such is to be forward to Council prior to operation.
  - ~~78.~~80. Must provide Council with a Section 73 Sydney Water Compliance Certificate.
  - ~~79.~~81. The retail food premises will require that notification be made to Council via the completion of Kiama Councils "Food Premises Registration" Form.
  - ~~80.~~82. Any kitchen providing meals to vulnerable persons in the context of a nursing home must be licensed by the Food Authority. Prior to operation contact the Food Authority to determine if a Food Authority Licence is required for the on-site kitchen.
  - ~~81.~~83. Prior to operating notify the Council of the food premises Food Safety Supervisor.
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