

ATTACHMENT 1 – DRAFT CONDITIONS OF CONSENT – Revised 20.8.15

JRPP-15-482 - Assessment of a Residential Aged Care Facility (RACF)

12-16 Florence Street, Oakhurst

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 separate appropriate 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 (including the importation of fill material), advertising structure or other development not being exempt development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or Blacktown Local Environmental Plan 1988, and
- (c) the installation of vehicular footway crossings servicing the development.

1.4 Services

1.4.1 The applicant is advised to consult with:

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

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).

- 1.4.2 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.
- 1.4.3 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.

1.5 **Telecommunications Act 1997 (Commonwealth)**

- 1.5.1 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.

1.6 **Identification Survey**

- 1.6.1 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.

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 Ref.	Dated
DA 0100-C Site Analysis & FSR diagrams	26.05.2015
DA 0102-F Roof & Basement Floor Plan	26.05.2015
DA 1100-G Ground Floor Plan	10.06.2015
DA 1001-F First Floor Plan	10.06.2015
DA 2000-D Elevations	26.05.2015
DA 2001-D Elevations	26.05.2015
DA 2002-D Perspectives	23.02.2015
DA 3000-B Sections	23.02.2015
DA 3001-B Perspective & Materials	27.02.2015
DA 9300-A Privacy Diagrams	23.03.2015
DA 9301-A Adjacency Study East Boundary	26.05.2015
DA 9302-A Eastern Egress Stair Detail	18.06.2015
- Shading Device Plans	17.04.2015

-	Landscaping & Fence Diagram	17.04.2015
LP01-A	Landscape Plan Ground Floor	13.02.2015
LP02-A	Landscape Plan 1 st Floor	13.02.2015

The plans are held at Council's File Enclosure: **49 A-P**

2.2 Inconsistency between documents

- 2.2.1 If there is any inconsistency between the plans and documentation referred to in the consent, the most recent document or plan will prevail to the extent of the inconsistency. However, conditions of the consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved sections and plans, the plans prevail.

2.3 Services

- 2.3.1 Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.

2.4 Suburb Name

- 2.4.1 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: Oakhurst

- 2.4.2 Any advertising of land sales in association with the approved development shall clearly indicate that the development is located in the following suburb. No other estate names shall be used in any advertisements or other promotional information:

Suburb: Oakhurst

2.5 Planning

- 2.5.1 One (1) Business Identification Sign is approved with this DA, being the signage detailed on the Elevations Plan, DA 2000, Issue D, reading 'Oakhurst Gardens Aged Care,' the address and contact number. Entrance/exit points are to be clearly signposted and visible from the street. Any other signage requires separate consent from Council, unless it is permitted pursuant to SEPP (Exempt and Complying Development Codes (2008).
- 2.5.2 The method of ventilating the basement car park is not permitted to be located within the vicinity of the side setback areas adjoining residential properties. The ventilation / exhaust from the basement car park and the garbage storage room are not to adversely impact on the amenity of the neighbouring properties with regard to acoustic and odour impacts.
- 2.5.3 The development is to be carried out generally in accordance with the Waste Management Plan V.2 submitted with this development application.

2.6 Engineering Matters

2.6.1 Definitions

- 2.6.1.1 Where this consent requires both engineering and building works to be undertaken, a separate Construction Certificate may be issued for each category of works i.e. a separate Construction Certificate for the Engineering works nominated in "Prior to Construction Certificate (Engineering)" and a separate Construction Certificate (for all building works relating to the erection and fit-out of a structure). This excludes all works on existing public roads significant enough to warrant separate engineering approval pursuant to the Road Act 1993. In relation to this consent, an engineering approval pursuant to the Road Act, 1993 or Section 68 of the Local Government Act must be issued for Cassar Place and Florence Street, Oakhurst prior to the issue of the Construction Certificate.

In lieu of issuing a separate Construction Certificate, the above-mentioned engineering works can be included on an overall Construction Certificate provided that SPECIFIC REFERENCE is made to the relevant Engineering works. In such instances, the certifier shall provide evidence that they are accredited to do so. This is not applicable where Roads Act or Local Government Act Approvals are required.

Council does not permit the private certification of works on existing public roads or reserves, or any land under the care and control of Council. In this regard Council will not accept a Construction or Compliance Certificate from a Private Certifier for any works on Cassar Place and Florence Street, Oakhurst.

- 2.6.1.2 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.
- 2.6.1.3 The Construction Certificate for Engineering works may be issued by Council or by an appropriately qualified certifier. For Council to issue the Construction Certificate a separate application must be made on the prescribed form complete with detailed plans and specifications. You are further advised that Council does not permit the private certification of works on existing public roads or reserves Council property or any property under the care and control of Council. In this regard Council will not accept a Construction or Compliance Certificate from a Private Certifier for any works on Cassar Place and Florence Street, Oakhurst.

2.6.2 **Design and Works Specification**

- 2.6.2.1 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) including Part R – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)

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.

2.6.3 Payment of Engineering Fees

- 2.6.3.1 If it is the applicant's intention to engage Council to undertake the checking of the engineering design plans and the issue of the Construction Certificate for the engineering works nominated in the "Prior to Construction Certificate (Engineering)" section, it will be necessary to submit the relevant engineering plans to obtain a quote for this service.

A verbal quote will be provided within 48 hours based upon Council's Goods and Services Pricing Schedule. This will also be confirmed in writing.

- 2.6.3.2 If it is the applicant's intention to engage Council to undertake Construction inspections and the issue of the Compliance Certificate for engineering works, it will be necessary to contact Council's Development Services Engineer for a quote.

A verbal quote will be provided within 48 hours based upon Council's Goods and Services Pricing Schedule. This will also be confirmed in writing.

2.6.4 Other Fee and Bond/Securities

- 2.6.4.1 The payment of the following fee to Council's Maintenance Section pursuant to Sections 608 and 609 of the Local Government Act 1993. The fee is subject to periodic review and may vary at actual time of payment.

(a) Vehicular Crossing Application and Inspection Fee: \$260.

NOTE: This amount is valid until the 30th June 2015 after which time it will be reviewed in accordance with Council's Goods and Services Pricing Schedule.

NOTE: Council may grant a reduction in the above fee dependent upon the timing of the placement of the footpath crossings.

2.7 Other Matters - Stormwater

- 2.7.1 Each year by the first business day on or after 1 September the registered proprietor/lessee is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices in accordance with the approved maintenance schedule and details of all non-potable water used. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.

- 2.7.2 The development must at all times maintain the water quality system to achieve the

following pollutant removal targets of Part R of DCP 2006 for the entire site in perpetuity:

Required percentage reductions in post development average annual load of pollutants:

Pollutant	% Post Development Pollutant Reduction Targets
Gross pollutants	90
Total suspended solids	85
Total phosphorous	63
Total nitrogen	45
Total hydrocarbons	90

3 PRIOR TO CONSTRUCTION CERTIFICATE

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.

3.2 Environmental Health

- 3.2.1 Prior to the release of a Construction Certificate, an appropriately qualified person is to prepare a comprehensive Environmental Management Plan (EMP) review and approval. The final, approved EMP shall be submitted to Council for its records.

The operational measures should include but not be limited to:

- Dust (air quality) management strategy.
 - Community response and management procedure outlining the course of action to be undertaken following receipt of a complaint.
 - 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*.
- 3.2.2 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:
- *Public Health Act 2010* and Regulations thereunder.
 - 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*.
- 3.2.3 The applicant shall provide Council with a statement or report that assesses the noise associated with the proposed 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 *Industrial Noise Policy*.

3.3 Landscaping

- 3.3.1 The Landscape Plans are to be amended and resubmitted to Council for review prior to issue of CC. The revised Plans are to increase the use of locally indigenous species within the plant schedule. The use of indigenous species grown from local seed is preferred to provide a link to the remnant vegetation community of the locality and subject site. These local species are adapted to the local climate and soil conditions and provide natural resources for the local wildlife while performing an 'accent' function within the planting plan. For example, the use of *Melaleuca decora* in place of *Elaeocarpus* species, and the use of characteristic Cumberland Plain Woodland shrub and groundcover species is required.

The selected species to be located within the side setback areas are to be suited to this location for screening purposes, are not to overhang the property boundary, and are not to adversely impact the amenity of the neighbouring properties.

All boundary retaining walls throughout the site are to be constructed of masonry (suitable materials include brick, stone, hebel block and/or concrete) (i.e. no timber retaining walls).

3.4 Services / Utilities

- 3.4.1 The following documentary evidence shall accompany any Construction Certificate:

(a) A "Notification of Arrangement" from an energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development.

(b) 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.

(c) 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 and a Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

3.5 Other Matters

- 3.5.1 The plans which accompany the Construction Certificate are to be amended to reflect the eastern egress stairs as detailed on the 'Eastern egress stair detail' plan reference 9302, Issue A, dated 18 June 2015.

- 3.5.2 Details of outdoor lighting shall be submitted with the Construction Certificate. The vehicular access points, car parking areas and communal areas shall be appropriately illuminate for safety of residents and visitors and to assist in crime prevention. The lighting shall not cause nuisance or excessive light spill for the general public and neighbouring properties.

- 3.5.3 The reflectivity index of glass used in the external façade of the building is not to

exceed 20 percent.

3.6 **Section 94 Contributions**

- 3.6.1 The following monetary contributions pursuant to Section 94 of the Environmental Planning & Assessment Act 1979 must be paid. The amounts below are BASE contributions which WILL BE INDEXED from the nominated base date to the date of payment. Payment of the indexed amounts must be made (BY BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. NOTE Council DOES NOT accept payment of S.94 Contributions by credit card or EFTPOS) prior to the issue of a Construction Certificate (for building works) either by Council or any accredited certifier.

Contribution Item	Base Amount	Relevant C.P.	Base Date
(i) Trunk Drainage – Bells Creek	\$25,095	1	June 2010
(ii) Major Roads - Plumpton	\$13,262	1	June 2010
(iii) Overbridges	\$2,122	1	June 2010
(iv) Local Roads	\$35,551	2	June 2010

The contribution(s) will be indexed according to the Australian Bureau of Statistics' Implicit Price Deflator for Gross Fixed Capital Expenditure (Private Dwellings) and the Consumer Price Index (Sydney Dwellings).

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Development Services Unit:

CP No. 1 1980s Release Area
CP No. 2 Local Roadworks

The Section 94 Contribution(s) have been based on the total developable area, the site's road frontage and/or the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 94 Contribution(s) will be adjusted accordingly.

Developable Area: 0.4885 hectares
Metres of Road Frontage: 39.945m (Florence Street only)

4 **PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)**

4.1 **Building Code of Australia Compliance**

- 4.1.1 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).

- 4.1.2 A BCA / Accessibility Compliance Statement is to be prepared which verifies that the proposed development satisfies the access requirements of the relevant Australian Standards and the provisions of the BCA.

4.2 Site Works and Drainage

- 4.2.1 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.

4.3 Fire Services

- 4.3.1 Where any external on-site fire hydrant or hydrant booster assembly is to be located within any building setback from a boundary, the hydrant or booster assembly shall be located or protected in accordance with the requirements of AS 2419.1.

5 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

5.1 Compliance with Conditions

- 5.1.1 All conditions in the "Prior to Construction Certificate (Engineering)" Section and the relevant conditions in the "General" Section of this consent, must be complied with prior to the issue of any Construction certificates.
- 5.1.2 All fees for Construction and Compliance Certificates, Roads Act 1993 and Local government Act 1993 approvals must be paid to Council prior to the issue of any of the above certificates or approvals.

5.2 Drainage

- 5.2.1 Council requires that any lot created not draining directly to a public road be serviced by an inter-allotment drainage line and appropriate easement. Designs including longitudinal sections of the inter-allotment drainage lines are to be included with any Construction Certificate for engineering works.
- 5.2.2 Where the internal driveway cannot be drained to an internal pit a grated drain shall be provided at the property boundary.

5.3 Erosion and Sediment Control

- 5.3.1 Soil erosion and sediment control measures for road, drainage, On Site Stormwater Detention and earth works shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development. Details are to be included with the plans and specifications to accompany any Construction Certificate.

5.4 Asset Management

- 5.4.1 A detailed estimate of the cost of civil engineering work must be submitted to Council prior to the issue of the Construction Certificate for engineering works. If engineering works are of a value greater than \$25,000; documentary proof of payment of the levy required by the Building and Construction Industry Long Service Payments Act must be provided to Council prior to any approval of engineering plans either by Council or an appropriately accredited certifier.

5.5 Stormwater Quality Control

5.5.1 Amended drainage plans from Demlakian Engineering are to be provided to meet the requirements under Councils DCP Part R 2006 and Councils Engineering Guide for Development 2005. The amended plans must address the following:

- i. All the drainage plans are to have a revised title of 12-16 Florence Street Oakhurst in lieu of 11 Florence Street.
- ii. The north point on each plan is currently incorrect and faces west. These need to be revised.
- iii. Provide a trench grate at the front boundary of the eastern pedestrian access path discharging to pit SWP 11.
- iv. Provide a kerb or raised planter bed along the front boundary to direct surface flows to pit SWP 9 west of the access path near Unit A1.13.
- v. Provide a minimum 150 mm kerb along the western boundary to direct surface flow to the inlet pits.
- vi. Plan SW01(A) is to be revised to show levels necessary to provide a minimum 1% fall to the inlet pits within the basement carpark.
- vii. On Plan SW01(A) the three 150 mm pipes draining to the pump pit are to be initially directed to a new 600 x 600 pit with an Enviropod, with the flow discharging through the Enviropod before entering the pump pit.
- viii. All Enviropods are to be clearly notated as "200 micron Enviropods".
- ix. Detail 1 on plan SW05(B) is to be amended to ensure Enviropods treating upstream pipe flows provide a minimum clear depth of 500 mm from the invert of the upstream pipes to be treated, to the obvert of the outlet pipe. Dimension accordingly.
- x. On plan SW05(B) Stormwater Filter Plan there are insufficient access points for the below ground Stormfilter tank. Access points to the below ground detention tank must be a minimum 900 mm by 900 mm and are positioned such that the maximum distance from any point in the tank to the nearest grate is not greater than 3 m in accordance with the requirements of Council's Engineering Guide for Development 2005.
- xi. Where grates are provided into the Stormfilter Chamber install mosquito proof mesh under the access grate(s).
- xii. Provide childproof locks on all grates.
- xiii. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the Stormfilter Chamber and pump pit in accordance with Council's Engineering Guide for Development 2005.
- xiv. On plan SW05(B) Stormwater Filter Plan show the correct size and location of all inlets (including the pump riser) to and outlets from the tank as per plan SW02(B). Provide energy dissipation on all inlets.
- xv. On plan SW05(B) Stormwater Filter Elevation show the Stormfilter cartridge size and dimension the top of the overflow weir (riser) 540 mm above the false floor. The Stormfilter weir is to have a minimum length of 1.83 m.
- xvi. On plan SW05(B) Stormwater Filter Elevation provide a sealed impermeable baffle, or hood set 250 mm upstream of the Stormfilter weir to contain floatables including oil. Extend the baffle from 300 mm above the top of the weir to 300 mm below the top of the weir for the 460 mm Stormfilter cartridge.
- xvii. Provide a minimum 40 kL Rainwater Tank or Tanks that overflow(s) by gravity to the Stormfilter chamber. Where multiple tanks are used they are to be the same size and level and interconnect with a level equalising pipe set 100 mm off the base. The rainwater tank(s) are to collect roof runoff only from a minimum roof area of 2400 m² and used for non-potable uses. Provide pre-

treatment. All veranda, surface and subsoil flows are to be collected in a separate system.

- 5.5.2 Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- i. 4 star dual-flush toilets;
 - ii. 3 star showerheads;
 - iii. 4 star taps (for all taps other than bath outlets and garden taps);
 - iv. 3 star urinals; and
 - v. Water efficient washing machines and dishwashers are to be specified.
- 5.5.3 An experienced hydraulic engineer is to prepare and certify a detailed Rainwater Reuse Supply, Pipe and Fixture Plan for non-potable water uses, including all toilet flushing for the ground floor and basement levels (but excluding the first floor) and all landscape watering on the site. Provide a non-potable tap for each of the courtyards and garden areas. The plan is to show the rainwater pipe arrangement including first flush or pre-treatment system, pump, mains water direct tank top up, isolation valves, flow meters for all mains water inflows, solenoid controlled mains water bypass and non-potable usage outflows, a timer for landscape watering (where required), an inline automatic backwash filter and certify that all Sydney Water requirements have been satisfied. A solenoid controlled mains water bypass is required for toilet flushing, but landscape watering must only use pump water and be on a separate reuse line, independent to the toilets and their solenoid backup. Provide a warning light to indicate pump failure. All rainwater reuse pipes are to be coloured purple. Rainwater warning signs are to be fitted to all external taps where rainwater is used as a source.
- 5.5.4 Details are to be provided for permanent interpretive signage minimum A2 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail is to be approved by Council.
- 5.5.5 Maintenance requirements are to be provided for each of the proposed Stormwater Quality Improvement Devices. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.

5.6 Scope of Engineering Works

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

5.6.1 Vehicular Crossings

- 5.6.1.1 Construction of Council's standard commercial and industrial vehicular footway crossing(s), with the following nominated width(s) at the property boundary in accordance with Council plan A(BS)103S.

Nominated Widths: Cassar Place - Min 1 x 6 meters and Florence Street - Min 1 x 6 meters, Oakhurst

5.6.2 **Footpaths**

5.6.2.1 The footway area being fully turfed in an appropriate manner to be free draining to the street and of neat appearance.

5.6.2.2 The construction of path paving is to be provided to the following nominated street(s)/road(s):

Name	Side	Paving Width	Length
Cassar Place	Northern Side	1.2 meters	Approx 45 m
Florence Street	Southern Side	2.5 meters	Approx 42 m

The land required for road widening and footpath construction in connection with Lots 10 & 11 DP5893 (Cassar Place) is to be dedicated at no cost to Council.

The footpath along the Florence Street frontage is to be continued to the west of the site to meet the existing footpath along Rooty Hill Road North, as required by the provisions of clause 26 Location and access to facilities pursuant to SEPP (Housing for Seniors or People with a Disability) 2004.

5.6.3 **Finished Boundary Levels**

5.6.3.1 Finished levels of all internal works at the road boundary of the property must be:

(a) 4% above the top of the kerb.

6 **PRIOR TO DEVELOPMENT WORKS**

6.1 **Safety/Health/Amenity**

6.1.1 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.

6.1.2 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.

6.1.3 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.

6.1.4 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.

6.1.5 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.

6.1.6 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.

6.1.7 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

- (a) shall be preserved and protected from damage, and
- (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
- (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

6.2 Notification to Council

6.2.1 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.

6.3 Tree Protection

- 6.3.1 Any tree not indicated on the approved Development Application plans as being removed shall be effectively protected against damage.

6.4 Sydney Water Authorisation

- 6.4.1 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.

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.

7 DURING CONSTRUCTION (BUILDING)

7.1 Safety/Health/Amenity

- 7.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

- 7.1.2 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:

- (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.

- 7.1.3 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) 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.

- 7.1.4 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.
- 7.1.5 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 the land shall be provided.
- 7.1.6 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.
- 7.1.7 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
 - (a) shall be preserved and protected from damage, and
 - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.
- 7.1.8 Building and construction materials, plant, equipment and the like shall not be placed or stored at any time on Council's footpath, roadway or any public place.
- 7.2 **Building Code of Australia Compliance**
- 7.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.
- 7.3 **Surveys**
- 7.3.1 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.
- 7.3.2 A registered surveyor's report confirming the approved design ground and/or floor levels, shall be lodged with the Principal Certifying Authority prior to work proceeding above floor level.
- 7.4 **Nuisance Control**
- 7.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- 7.4.2 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.

7.5 Construction Inspections

7.5.1 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 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.

8 DURING CONSTRUCTION

8.1 ENVIRONMENTAL HEALTH MATTERS

8.1.1 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.

8.1.2 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.*

8.2 **Aboriginal Archaeology**

- 8.2.1 If any Aboriginal objects are found during the works, works are to stop. The Office of Environment and Heritage (OEH) is to be notified and the site and objects assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of OEH.

If human remains are found during the works, NSW Police as well as the OEH are to be informed immediately. All works must cease and the site must be secured.

The applicant should advise all relevant personnel and contractors involved in the design and construction of the project of the potential for Aboriginal objects, and the relevant legislative requirements and recommendations of the Due Diligence report in relation to aboriginal heritage management requirements.

8.3 **Salinity and Aggressive Soil Management**

- 8.3.1 The salinity management measures provided in the Phase 1 Contamination, Salinity and Geotechnical Investigation prepared by GeoEnviro Consultancy Pty Ltd (Ref. JC14204A, dated October 2014) shall be implemented during construction.
- 8.3.2 The environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works. In this regard, Council will require a post earthworks salinity investigation demonstrating that the salinity management measures provided in the Salinity Management Plan have been implemented and that the site is suitable for residential development. Any lots identified as containing saline or aggressive soils shall provide suitable Section 88B restrictions/ covenants on title for building construction measures to mitigate the effects of aggressive soils and salinity.

8.4 **Site Contamination**

- 8.4.1 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, a Remediation Action Plan (RAP) is to be submitted to Council for further consideration and all potentially contaminated material is to be tested, removed or undergo remediation. In this regard, the environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.
- 8.4.2 The recommendations provided in the Phase 1 Contamination, Salinity and Geotechnical Investigation prepared by GeoEnviro Consultancy Pty Ltd (Ref. C14204A, dated October 2014) shall be implemented in the event that contaminated material is uncovered during construction.
- 8.4.3 The recommendations provided in the Remediation and Validation Report prepared by GeoEnviro Consultancy Pty Ltd (Ref. JC14204A-r2, dated 4 March 2015) shall be implemented as follows:
- i. If bonded asbestos is encountered during site preparation for the proposed development, all works should be ceased and the Unexpected Asbestos Finds Protocol should be implemented. *(The protocol is provided at Appendix D of this report titled "Important Information about Your Environmental Site Assessment.")*

8.5 **Trees and Flora and Fauna**

- 8.5.1 The works are to be carried out in accordance with the recommendations within the Arboricultural Assessment Report prepared by Jacksons Nature Works dated 12 February 2015, and the environmental protection measures within the Flora and Fauna Assessment prepared by Fraser Ecological Consulting dated 15 February 2015.

9 DURING CONSTRUCTION (ENGINEERING)

9.1 Notice of work Commencement

- 9.1.1 At least 5 full working days written notice shall be given of the commencement of engineering works. Such notice shall be accompanied by evidence of the contractor's Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum of \$20,000,000.
- 9.1.2 A minimum of 5 working days written notice is to be provided to all occupiers of properties adjacent to any works approved by this consent and which is to be carried out on Council controlled lands such as roads, drainage reserves and parks. The written notice must contain details of the proposed works, a contact name and phone number and the proposed start and finish dates of the work. A copy of the notice is to also be provided to Councils Development Services Engineers.

9.2 Service Authority Approvals

- 9.2.1 Prior to commencement of construction of footway crossings a clearance shall be obtained from the relevant telecommunications carriers and Integral Energy that all necessary ducts have been provided under the proposed crossing.

9.3 Maintenance of Soil Erosion Measures

- 9.3.1 Soil erosion and sediment control measures shall be implemented in accordance with Council's Soil Erosion and Sediment Control Policy.
- 9.3.2 Re-vegetation must be applied to disturbed areas as soon as practical after completion of earthworks and must be established prior to release of the maintenance security. All open drains must be turfed.
- 9.3.3 All required soil erosion and sediment control measures are to be maintained during the entire construction period until disturbed areas are restored by turfing paving or revegetation. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is inadequate.

9.4 Inspection of Works

- 9.4.1 Inspection Compliance Certificates issued by a Registered Engineer (NPER) or Registered Surveyor or Compliance Certificates issued by an accredited certifier, under Part A of Environmental Planning and Assessment Act 1979 as amended, are to be issued for works covered by the Construction Certificate for engineering works at the completion of the following mandatory inspection stages: -

(i) Soil Erosion and Sediment Control

(a) Implementation of erosion and sediment control

(b) Revegetation of disturbed areas

- (c) Construction of major controls (i.e gabions mattresses shotcreting etc)
- (d) Removal of sediment basins/ fencing etc.
- (e) Internal sediment/ pollution control devices
- (f) Final Inspection

(ii) Traffic Control

- (a) Implementation of traffic control
- (b) Maintenance of traffic control during works
- (c) Removal of traffic control

(iii) Construction of Drainage works (including inter-allotment)

- (a) Pipes before backfilling including trench excavation and bedding
- (b) Sand Backfilling
- (c) Final pipe inspection
- (d) Pit bases and headwall aprons
- (e) Pit Walls/ wingwalls/ headwalls
- (f) Concrete pit tops
- (g) Connection to existing system
- (h) Tailout works
- (i) Final Inspection

(iv) Provision of Street Furniture

- (a) Street Furniture (including street signs guideposts guardrail etc)
- (b) Erection of fencing adjoining public/ drainage reserves

(v) Footpath Works

- (a) Footpath Trimming and/or turfing (to ensure 4% fall)
- (b) Pathway construction (cycle/ link pathways)
- (c) Path-paving construction
- (d) Service Adjustments
- (e) Final Inspection

(vi) Stormwater Quality Control

- (a) Installation of Stormwater Quality Control devices
- (b) Final Inspection

(vii) Traffic Control

- (a) Implementation of traffic control
- (b) Maintenance of traffic control during works

(ix) CCTV Inspection of Drainage Structures (pipelines and pits)

- (a) All road drainage

(x) Final overall Inspections

- (a) Preliminary overall final inspection
- (b) Overall final inspection

ALTERNATIVELY, one comprehensive Inspection Certificate or Compliance certificate may be issued to include all of the above-mentioned stages of construction.

Where Council is appointed as the Principal Certifying Authority for the development (e.g. all Torrens Title subdivisions), only Compliance Certificates issued by accredited certifiers will be accepted at the completion of the above-mentioned stages. Any Compliance Certificate must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction certificate.

- 9.4.2 Inspection of the works required pursuant to the engineering approval issued under the Roads Act 1993 must be made by Council's Development Overseers who can be contacted on 9839 6586 between 7am - 8am and 12.30pm - 1.30pm. A site inspection is required prior to commencement of work. A minimum twenty-four (24) hours notice must be given prior to any required inspection. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

9.5 **Public Safety**

- 9.5.1 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.

9.6 **Site Security**

- 9.6.1 Chain wire gates and security fencing must be provided around the site in order to prevent unauthorised access and dumping of rubbish.

9.7 **Drainage Matters**

- 9.7.1 The five (5) 200 micron Enviropods and seventeen (17) 460mm high Stormfilter cartridges supplied by Stormwater 360 are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

10 **PRIOR TO OCCUPATION CERTIFICATE**

10.1 **Road Damage**

- 10.1.1 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.

10.2 **Compliance with Conditions**

- 10.2.1 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.

- 10.2.2 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.

10.3 Temporary Facilities Removal

- 10.3.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 10.3.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 10.3.3 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.
- 10.3.4 Any temporary builder’s sign or other site information sign shall be removed from the land.
- 10.3.5 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.

10.4 Fire Safety Certificate

- 10.4.1 A final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).

10.5 Landscaping / Fencing / Car Parking

- 10.5.1 All landscaping shall be completed in accordance with approved landscaping design plan. Should retaining walls be required in the vicinity of the existing boundary fencing, these are not to abut the existing fencing and are not to result in raised levels within the development site. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 10.5.2 The new fencing along the western boundary, as detailed on the Landscaping & Fence Diagram prepared by Integrated Design Group and dated 25 June 2015, is to be erected, at full cost to the developer.
- 10.5.3 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 10.5.4 All common open space areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.

- 10.5.5 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 10.5.6 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 10.5.7 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose. The driveway and manoeuvring area accessed via Cassar Place is to be appropriately treated to provide a finish and/or colour which is aesthetically pleasing.
- 10.6 **Fee Payment**
- 10.6.1 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.
- 10.7 **Engineering Matters**
- 10.7.1 **Surveys/Certificates/Works As Executed plans**
- 10.7.1.1 A Work-As-Executed plan (to a standard suitable for scanning) signed by a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works are completed. Council requires the Work-As-Executed plans to be submitted in both hardcopy and electronically on a CD (in PDF and DWG format). All engineering Work-As-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works. The works as executed plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Upper Parramatta River Catchment Trust or Council.
- 10.7.1.2 A certificate from a Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part R – Water Sensitive Urban Design and Integrated Water Cycle Management.
- 10.7.2 **Easements/Restrictions/Positive Covenants**
- 10.7.2.1 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 Title Office.
- 10.7.3 **Dedications**

- 10.7.3.1 The land required for road widening and footpath construction in connection with Lots 10 & 11 DP5893 (Cassar Place) is to be dedicated at no cost to Council.
- 10.7.4 **Inspections**
- 10.7.4.1 Any **additional** Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.
- 10.8 **Service Authorities**
- 10.8.1 A final written clearance shall be obtained from Sydney Water Corporation, an energy provider 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.
- 10.9 **Drainage Matters**
- 10.9.1 A Civil Engineer registered with NPER, is to certify that:
- i. all the requirements of the approved drainage plan have been undertaken
 - ii. all the rainwater tank(s) are a minimum of 40 kL;
 - iii. where multiple rainwater tanks have been provided that these are all the same size and interconnected with a level pipe set a 100 mm above the base;
 - iv. a minimum of 2400 m² of roof area only drains to the rainwater tanks;
 - v. all the signage and warning notices have been installed
 - vi. any proprietary water quality devices have been installed for the site as per the manufacturer's recommendations. A copy of the certification and the works-as-executed drainage plan is to be provided to Council.
- 10.9.2 A Restriction to User and Positive Covenant is to be provided over the Stormwater Quality Improvement Devices and Rainwater Tanks in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment and non-potable water usage by the first business day on or after 1 September each year. The Restriction to User and Positive Covenant must be registered with Land & Property Information prior to the final occupation certificate.
- 10.9.3 Written evidence is to be provided that the registered owner/ lessee has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the Stormfilter cartridges and Enviropods. A copy of the signed and endorsed contract(s) and maintenance contractor(s) details are to be forwarded to Council's WSUD Compliance Officer.
- 10.9.4 Stormwater 360 is to certify that the installation of the five (5) 200 micron Enviropods and Stormfilters:
- i. Is in accordance with the standard operational guidelines and production drawings;
 - ii. Includes a baffle 300 mm below and 300 mm above the Stormfilter weir and set 250 mm upstream from the weir to retain floatables including oils for the 460 mm cartridges;

- iii. The weir length is a minimum of 1.83 m;
 - iv. That the Stormfilters have a minimum flow rate of 18 l/s;
 - v. That mosquito proof screens have been provided under all grated accesses into the Stormfilter tank; and
 - vi. Energy dissipaters have been provided on all the inlets to the Stormfilter chamber.
- 10.9.5 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- i. 4 star dual-flush toilets;
 - ii. 3 star showerheads;
 - iii. 4 star taps (for all taps other than bath outlets and garden taps);
 - iv. 3 star urinals; and
 - v. Water efficient washing machines and dishwashers have been used.
- 10.9.6 A plumber, licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that all the non-potable water uses are being supplied by rainwater and that all the requirements of the detailed Rainwater Supply, Pipe and Fixture Plan have been installed and are working correctly. A copy of the certification and a signed, works-as-executed Rainwater Supply, Pipe and Fixture Plan is to be provided to Council.
- 10.10 ENVIRONMENTAL HEALTH MATTERS**
- 10.10.1 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
 - o NSW Health “*Code of Practice for the Control of Legionnaires Disease*” (2004)
 - o AS/NZS 3666 (Parts 1 to 4) *Air-handling and water systems of buildings - Microbial control*.
- 10.10.2 Prior to the issue of an Occupation Certificate, documentation shall be submitted to Council 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*.
- 10.10.3 Prior to the issue of an Occupation Certificate, an Acoustic Verification Report is to be submitted to Council for review which confirms that all of the plant and equipment satisfy the relevant noise emission criteria in accordance with the NSW Environment Protection Authority’s *Industrial Noise Policy*. This report is to be prepared by a suitably qualified acoustic consultant and is to test all plant and equipment while running at full capacity during the day, evening and night periods. The measurements are to be taken from the surrounding sensitive residential noise receivers. Any recommendations from this acoustic verification report are to be implemented.
- 10.11 WASTE MANAGEMENT MATTERS**
- 10.11.1 The operator of the facility is responsible for the maintenance of the garbage collection system and bin cleaning, and is to ensure that the waste collection points

are clear and unobstructed prior to collection times.

10.12 PLANNING MATTERS

10.12.1 Restriction as to User

As required by clause 18 'Restrictions on occupation of seniors housing allowed under this Chapter,' pursuant to SEPP (Housing for Seniors or People with a Disability) 2004, a restriction as to user shall be registered against the title of the property(s) in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of kinds of people referred to in subclause (1) as follows:

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

10.12.2 Fire Sprinklers

As required by clause 22 'Fire sprinklers in residential care facilities for seniors,' pursuant to SEPP (Housing for Seniors or People with a Disability) 2004, a fire sprinkler system is to be installed in accordance with the relevant BCA requirements.

10.12.3 Privacy Screening

The privacy screening measures as detailed on the approved plans are to be erected. These measures are to ensure that if persons are sitting or standing within the rooms or on the outdoor terraces of the first floor, any line of sight looking into the habitable rooms or common open space areas of the neighbouring residential properties are shielded from view.

11 OPERATIONAL (GENERAL)

11.1 Access / Parking

- 11.1.1 All required off-street car parking spaces and access driveways shall be maintained to a standard suitable for the intended purpose. In this regard, 39 parking spaces, the ambulance bay and the delivery / loading area (accessed via Cassar Place) are to be made available at all times.
- 11.1.2 All loading and unloading activities shall take place at all times wholly within the subject site.
- 11.1.3 All activities related to waste collection and loading / unloading activities which utilise the driveway and manoeuvring area via Cassar Place are only permitted to be carried out between 7.00am to 6.00pm Monday to Friday, 8.00am to 6.00pm Saturday, with no collection permitted on Sundays and public holidays. Should a public holiday occur on a Saturday, waste collection is permitted to occur on that day between 9.00am to 2.00pm.
- 11.1.4 Access and parking for people with disabilities shall be maintained in accordance with the relevant Australian Standards.

11.1.5 All vehicles, including waste and recycling collection vehicles, must enter and exit the site in a forward direction.

11.1.6 The staircases within the side setback areas are not permitted to be used for general access, and are to be used for emergency purposes only.

11.2 Landscaping

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

11.2.2 The landscape screening plants located within the eastern setback area are to be maintained to a maximum height of 400mm above the height of the boundary fence.

The 8 feature trees (identified on the plans as 'Blueberry Ash' trees) located within the eastern setback area are to be maintained at a maximum height of 5 metres.

12 OPERATIONAL (ENVIRONMENTAL HEALTH)

12.1 General

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

12.1.2 Following 3 months of operation of the facility, a Post Operation Acoustic Report is required to be prepared by a suitably qualified acoustic consultant and submitted to Council for approval. This report is to confirm that the operation of the facility is in accordance with the relevant criteria for noise emission in accordance with the relevant requirements of the NSW Environment Protection Agency's - *NSW Industrial Noise Policy*, with specific reference to the noise generated by the operation of the night time shift change and plant and equipment. Should the operation of the development fail to comply with the noise emission criterion during the night period (10pm to 7am), appropriate recommendations are to be provided and implemented to control the noise so as to meet the noise emission criterion during the night period (10pm to 7am).

12.1.3 Upon receipt of a justified noise complaint, an acoustic assessment is to be carried out in accordance with the NSW Environment Protection Agency's - *NSW Industrial Noise Policy*. A report shall be prepared by an appropriately qualified acoustic consultant: member of the Association of Australian Acoustic Consultants; with recommendations to mitigate the emission of offensive noise from the premises. The report is to be sent to Council for consideration.

12.1.4 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*.

12.1.5 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*.

12.2 Laundry

- 12.2.1 The facility must have documented policies on the collection, transport, and storage of linen.
- 12.2.2 If the facility processes or launders linen, there must be a documented operating policy in place consistent with AS/NZS 4146 Laundry Practice.
- 12.3 **Other Matters**
- 12.3.1 Any graffiti visible from a public place or road is to be removed as soon as practicable.
- 12.3.2 All common areas throughout the facility are to be maintained.
- 12.3.3 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 12.3.4 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.
- 12.3.5 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners / occupants.
- 12.3.6 The use of the land is not to interfere with the amenity of the residential area. In particular, the following is to be appropriately managed to minimise amenity impacts:
- i. Noise generated as a result of movement of staff and vehicles when a shift changeover occurs. Shift changeovers are to be scheduled for suitable times.
 - ii. The use of the outdoor terrace and communal open space areas.
 - iii. Any persons smoking within and around the site.
- 12.3.7 The privacy screening measures are to be maintained for the life of the development.
- 12.3.8 Any water features within the front setback area which are capable of being accessed by the public are to be appropriately maintained with safety and protection measures in place.