

Environmental & Planning Services Department

Our Reference: 2015/210
Contact: Mrs L Markham
Phone: 02 9840 9623

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
NOTICE OF DETERMINATION OF APPLICATION**

TBA

Allity Aged Care Pty Limited
C/- Smyth Planning
Suite 67, Level 4, 330 Wattle Street
ULTIMO NSW 2007

Dear Sir/Madam

Pursuant to Section 81 of the Act, Council has granted conditional approval to your Development Application described as follows:

PROPERTY: Lot 310, DP 1111685

STREET ADDRESS: 11 Pastoral Circuit, Pemulwuy

DEVELOPMENT CONSENT NO: 2015/210/1

DECISION: Joint Regional Planning Panel

DATE OF EXPIRY OF CONSENT: TBA

PROPOSED DEVELOPMENT: Construction of a 2 storey 130 bed residential aged care facility with part basement car park accommodating 38 carparking spaces

This Development Application is APPROVED in accordance with the Environmental Planning & Assessment Act 1979 and is subject to compliance with the requirements of Holroyd City Council, the Building Code of Australia, the Local Government Act 1993, and the following conditions as set out hereunder and/or endorsed upon the attached plans.

PRELIMINARY

1. This consent shall lapse if the above development is not physically commenced by the date of expiry shown on the front page of this Consent.
2. Development shall take place in accordance with the attached endorsed plans:
 - Architectural plans prepared by Calder Flower Architects, Project No. 14210, Phase SD, Drawing No. DA 03, Issue C, dated 23 July 2015; Drawing No. DA 04, Issue D, dated 5 August 2015; Drawing No. DA 05, Issue B, dated 27 July 2015 and Drawing Nos. DA 06 & DA 07, DA 09, DA 11 & DA 13, all Issue A, dated 15 May 2015;
 - Food service plans, prepared by Universal Foodservice Designs, Drawing Nos. 0215.2015-101, 0215.2015-102, 0215.2015-105, 0215.2015-106, 0215.2015-107 & 0215.2015-108, Issue 1, dated 4 May 2015;
 - Landscape plans prepared by Arterra Landscape Architects, Project No. 15.04, Drawing Nos. L-SD-00 to L-SD-08 (inclusive), Revision B, dated 6 August 2015 and Drawing Nos. L-SD-09 to L-SD-14 (inclusive), Revision A, dated 6 August 2015;
 - Arboricultural Impact Assessment Report, prepared by Arterra Consulting Arboriculture, Reference No. A1A-01, Revision A, dated 12 May 2015 and the associated Tree Removal and Protection Plan, prepared by Arterra Landscape Architects, Drawing No. T-02, Revision B, dated 6 August 2015;
 - Stormwater plans prepared by Taylor Thomson Whitting, Job No. 151079, Drawing Nos. C100, C106 & C107, Revision P3, dated 15 July 2015; Drawing No. C101, Revision P4, dated 6 August 2015; Drawing Nos. C102, C103 & C105, Revision P2, dated 11 May 2015; Drawing Nos. C104, Revision P5, dated 6 August 2015 and Drawing No. C110, Revision P1, dated 15 July 2015;
 - Waste Management Plan dated 12 May 2015;
 - Geotechnical Investigation, prepared by JK Geotechnics, Ref: 28119ZTrpt, dated 6 March 2015;
 - Preliminary Contamination & Salinity Assessment report prepared by Environmental Investigation Services (EIS), Ref No. E28119KBtpt, dated 16 March 2015 with Addendum Letter to EIS report, Ref No. E28119KBlet1, dated 17 July 2015;
 - Acoustic Report prepared by Acoustic Logic, Project No. 20150216.1, (Document Reference: 20150216.1 / 0904A / R3 / MF), Revision 3, dated 9 April 2015;
 - Site Specific Management Plan, prepared by Grindley Construction Pty Ltd, Project No. 6346, Version 05, dated 8 December 2012; and
 - NSW Police comments dated 22 June 2015.

a) As amended in red by Council. All above amendments are to be incorporated in the Construction Certificate plans.
3. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

Appointment of Council or a Private Certifier as the Principal Certifying Authority (PCA)

4. Either Council or a Private Certifier is to be appointed as the Principal Certifying Authority (PCA) for the development in accordance with Section 109E of the Act.

Accordingly, wherever reference is made to the Principal Certifying Authority in this Consent, it refers to Council or the Private Certifier as chosen by you.

Note: Once you have chosen either Council or a Private Certifier as the PCA, you cannot change from one to the other, or from one Private Certifier or another, without the approval of Department of Planning & Infrastructure.

5. The applicant shall consult with, as required:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) A local telecommunications carrierregarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).
6. Building materials, builders sheds, waste bins, site fencing, gates or any material of any description shall not be left or placed on any footway, road or nature strip. Footways and nature strips shall be maintained, including the cutting of vegetation, so as not to become unsightly or a hazard for pedestrians. Offenders will be prosecuted.

NOTE: FEES, BONDS & CONTRIBUTIONS INDICATED IN CONDITIONS OF THIS CONSENT MAY VARY IN ACCORDANCE WITH THOSE ADOPTED BY COUNCIL AT SUBSEQUENT ANNUAL REVIEWS OF ITS "FEES AND CHARGES" AND SUBSEQUENT CHANGES TO THE BUILDING PRICE INDEX. FEES CHARGED WILL BE THOSE CURRENT AT THE TIME OF PAYMENT.

PRIOR TO ISSUE/RELEASE OF CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the issue of a Construction Certificate. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:-

Payment of Bonds, Fees and Long Service Levy

7. The Principal Certifying Authority is to ensure and obtain written proof that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes all Long Service Levy payments to be made to the Long Service Payments Corporation.

Damage Deposit

8. A cash bond/bank guarantee of **\$5,545.80** must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for 'six (6) months after the completion of works' or six (6) months after the issue of 'Final Occupation Certificate' (whichever occurs last) to remedy any defects that may arise within this time.

Note: - The applicant/owner shall be held responsible for and may be required to pay the full reinstatement costs for damage caused to Council's property, unless the applicant/owner notifies Council in writing and provides photographic proof of any existing damage to Council's property. Such notification shall occur prior to works/demolition commencing. However, if in the opinion of Council, during the course of construction existing damage has worsened, Council may require full reinstatement. If damage does occur during the course of construction, prior to reinstating any damage to Council's property, the applicant/owner shall obtain design specifications of all proposed restoration works. Restoration/construction works within the road reserve shall be carried out by a licensed construction contractor at the applicant/owners expense and shall be inspected by Council prior to placement of concrete and/or asphalt.

Consistency with Endorsed Development Consent Plans

9. The Principal Certifying Authority must ensure that any certified plans forming part of the Construction Certificate, are in accordance with the Development Consent plans.

Street Trees and Timber Tree Guards

10. A cash bond/bank guarantee of **\$14,000** must be paid/lodged with Council to cover making good any damage caused to/or removal of the Council street trees and associated timber tree guards listed below, by any works associated with the development. This bond will be held for a period of 12 months after the issue of the Occupation Certificate to remedy any defects including tree removal, tree damage, tree death, or damage to the tree guard that may arise during the construction and within the establishment period.

Tree Nos. 32, 33, 34, 35, 36, 37 & 38

Species: Melaleuca decora

Note:-

The builder/owner/applicant shall be held responsible for and may be required to pay the full reinstatement costs for damage or removal of the Council street tree and timber tree guard. If damage or removal occurs during construction, prior to any reinstating of the tree and/or tree guard within Council's property, the builder/owner/applicant shall obtain design specifications from Council's Landscape & Tree Management Unit. All works shall be carried out by licensed contractors at the builder/owner/applicant's expense.

If a replacement tree is required an inspection must be carried out by Council prior to the backfilling of the planting hole.

Landscape Inspection Fee

11. Payment of a **\$600** fee for the inspection by Council of landscape works and/or trees to be retained at the key stages, where Council is the Principal Certifying Authority.

Engineering Fees and Bonds

12. Payment of a **\$821.70** fee for the design, specifications and inspection by Council of the vehicular crossing/s prior to placement of concrete.
13. Payment of a **\$336** fee for the inspection by Council of the stormwater drainage and Pollution Control Device/s at the key stages, where Council is the Principal Certifying Authority.
14. The applicant shall lodge with Council a **\$2,000** cash bond or bank guarantee to cover the removal of redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
15. The applicant shall lodge with Council a **\$6,000** cash bond to cover the registration of a Positive Covenant and Restriction as to User over the stormwater drainage and Pollution Control Device/s. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the Land and Property Information NSW.
16. The applicant shall lodge with Council a **\$1,500** cash bond or bank guarantee to cover the satisfactory construction and/or reconstruction of Council's gully pit/s and associated works along all areas of the site. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.

Road Works

17. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves, or where construction activity impacts on traffic flow or pedestrian access, in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council a **\$482.70** fee for the assessment of the Traffic Management Plan by Council, prior to commencing works within the road reserves. A copy of the approved Traffic Management Plan shall be kept on site during the course of construction for reference and compliance.

Required Submissions to Certifying Authority

18. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agent details – see Building and Development then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and Developing then Building and Renovation

or telephone 13 20 92.

19. If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.
20. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.
21. Retaining walls greater than 1.0m above finished ground level or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with any Construction Certificate application.
22. Structural engineer's details (in duplicate) prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.
23. To maintain sight distance to pedestrians, all fencing and landscaping within 2.0m of a driveway shall have a maximum height of 1m and 50% transparent above a height of 0.5m. All solid posts higher than 0.5m (but lower than 1m) shall have a maximum width 350mm and a minimum spacing of 1.2m. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.
24. All recommendations contained within the 'Preliminary Contamination & Salinity Assessment report prepared by Environmental Investigation Services (EIS), Ref No. E28119KBrpt, dated 16 March 2015 with Addendum Letter to EIS report, Ref No. E28119KBlet1, dated 17 July 2015 shall be implemented as part of the Construction Certificate plans/documents, prior to the issue/release of the Construction Certificate.

Fire Safety Upgrading & Essential Services

25. The Construction Certificate is to include a schedule specifying all of the essential fire or other safety measures that are required for the building or premises to ensure the safety of persons in the building in the event of fire

26. As required under Clause 55 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP)* the proposed residential care facility must include a fire sprinkler system. Details shall be included on the Construction Certificate plans demonstrating compliance with Clause 55 of the SEPP, prior to the issue of the Construction Certificate.

Site Audit Statement

27. A Site Audit Statement (SAS) is to be submitted to Council clearly demonstrating that the site is suitable for the intended use.

Acoustic Measures

28. Plans and/or specifications indicating how compliance with Option 1 as per the Acoustic Report prepared by Acoustic Logic, Project No. 20150216.1, (Document Reference: 20150216.1 / 0904A / R3 / MF), Revision 3, dated 9 April 2015 recommendations will be achieved are to be submitted to the Principal Certifying Authority. The Acoustic report must also include reference to the proposed decorative fencing to Greystanes Road (as required in the Fencing condition below), to ensure this fence will meet the required noise criteria, prior to the issue/release of the Construction Certificate.
29. Prior to the issuing of the Construction Certificate details of the mechanical plant are required to be submitted to Council for assessment and comment. The acoustic report will need to make reference to the acoustic assessment prepared by Acoustic Logic, Project No. 20150216.1, (Document Reference: 20150216.1 / 0904A / R3 / MF), Revision 3, dated 9 April 2015.

Fencing

30. The fencing along the Greystanes Road frontage is required to be a 1.8m high Acoustic fence, as per the Acoustic report detailed above. However due to the prominent location of the fence, this shall be a 1.8m high decorative acoustic fence consisting of rendered, bagged or face brickwork piers and base, with timber lapped and capped infill panels. Details shall be submitted to the Principal Certifying Authority for approval, prior to the issue/release of the Construction Certificate.

Residential Waste Storage Area

31. The waste storage area shall be provided with:-
- Openings, 5% of the floor area and recessed into the walls, positioned to provide cross floor ventilation OR mechanical ventilation to Council's satisfaction;
 - An adequate water supply provided by a hose cock and hose (hot water for commercial premises)
 - The floor shall be made of an impervious surface, drained to sewer in accordance with Sydney Water requirements and include a dry arrestor pit with a removable basket.

Plans and specifications for the storage room shall be submitted with the application for the Construction Certificate.

Salinity - Pemulwuy

32. Pemulwuy has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction methods are to be incorporated for all

dwellings/buildings in accordance with Council's Development Control Plan (DCP) 2013, Part P, Section 11.5. Salinity.

Details of proposed methods of construction are to be detailed in the engineering plans and submitted to the Principal Certifying Authority.

Note: Further information for building in a saline environment is available in the following documents:

- "Building in Saline Environment" prepared by DIPNR 2003.
- Water Sensitive Urban Design in the Sydney Regions "Practice Note 12: Urban Salinity"
- Wagga Wagga City Council's "Urban Salinity Action" October 1999
- "Guide to Residential Slabs and Footings in Saline Environments" prepared by Cement Concrete and Aggregates Australia, May 2005

PRIOR TO WORKS COMMENCING

The following conditions are to be complied with prior to any works commencing on the site:

Appointment of Principal Certifying Authority and Notification of Commencement of Work

33. The person having the benefit of the development consent, not the principal contractor (builder), must: -
- a) Appoint a Principal Certifying Authority in accordance with Section 81A(2)(b) of the Act.
 - b) Have the Principal Certifying Authority complete the 'Accredited Certifier Details' on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.
 - c) Notify Council of the appointment of the Principal Certifying Authority and of the intention to commence building work, such notification is to be given to Council at least two (2) working days prior to the proposed commencement date, and be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

If nominated, Council can provide this service for you and act as the Principal Certifying Authority.

N.B. The Principal Certifying Authority must also notify the person having the benefit of the Development Consent of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work such notification must comply with Clause 103A of the Regulations.

Notification of Principal Contractor (Builder)/Owner-Builder

34. The person having the benefit of the Development Consent must:-
- (a) Notify the Principal Certifying Authority that the person will carry out the work as an owner-builder, if that is the case;
- OR
- (b) Appoint a Principal Contractor for the building work (who must be the holder of a contractor licence if any residential building work is involved), and notify the Principal Contractor of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work.
 - (c) Notify the Principal Certifying Authority of any such appointment.

Where Council is the Principal Certifying Authority, such notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

Required Submissions to Council or the Principal Certifying Authority

35. To facilitate a complete assessment and enable the Certifying Authority to check compliance on site, truss validation and design, details certified by a qualified practicing structural engineer shall be submitted to Council or the Principal Certifying Authority for examination and approval. Details shall include:
- a) job address and builder's name
 - b) design wind velocity
 - c) terrain category
 - d) truss spacing
 - e) roof pitch
 - f) material of roof
 - g) roof batten/purlin spacing
 - h) material of ceiling
 - i) job number

Photographic Record of Council Property – Damage Deposit

36. The applicant shall submit to Council, for the purposes of the damage deposit bond lodged to cover making good any damage caused to the property of Council, a full and satisfactory photographic record of the condition of Council's property (i.e., road pavement, kerb and guttering, footway, stormwater drainage, etc.) adjacent to the subject site. The purpose of the photographic record is to establish any pre-existing damage to Council's property to ensure that you are not liable for any re-instatement works associated with that damage. However, if in the opinion of Council, the existing damage has worsened or any new damage is caused during the course of construction, the Council may require either part or full re-instatement.

Note: Failure to provide a full and satisfactory photographic record described above, is likely to render the applicant liable to rectify all damages unless satisfactory proof can be provided that the damage was pre-existing.

Notification to Relevant Public Authority – Pemulwuy

37. The applicant shall ensure that relevant public utility authorities are made aware of the salinity problems that have been identified within the Greystanes Estate by the Department of Land and Water Conservation, such that their services are designed to take into consideration the effects the saline soils may have on their installations.

Fencing of Sites

38. Fencing of sites is required to prevent public access when the site is unoccupied and building works are not in progress. In this regard the MINIMUM acceptable standard of fencing to the site is properly constructed chain wire fencing 1.8m high, clad internally with Hessian or Geotextile fabric. All openings are to be provided with gates, such gates are not at any time to swing out from the site or obstruct the footpath or roadway.

Signs to be Erected on Sites

39. 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, and
- (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 at any time for business purposes**, and
- (c) stating that unauthorised entry to the work site is prohibited.

The sign must be rigid and durable and be read easily by anyone in any public road or other public place adjacent to the site.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Note: Principal Certifying Authorities and Principal Contractors must also ensure that signs required by this clause are erected and maintained (clause 227A of the Regulations currently imposes a maximum penalty of \$1,100).

Prohibited Signage

- 40. Advertising, Real Estate Agents, Architects, Designers, site suppliers and any other signage not mentioned in the conditions, is not to be placed or displayed on the site, such that the signage is visible from any public place. Offenders may be prosecuted.

Protection of Public Places

- 41. A hoarding or fence must be erected between the work site and any public place, if the work involved in the erection or demolition of the building; is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place.

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

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Site Control Measures

- 42. Suitable erosion and sediment control measures shall be provided at all vehicular entry/exit points and all other measures required with and/or shown on plans accompanying the Construction Certificate, to control soil erosion and sedimentation, are to be in place prior to the commencement of construction works. Such controls are to be provided in accordance with Holroyd City Council's "Erosion & Sediment Control Policy."

Note: On-the-spot fines may be issued by council where measures are absent or inadequate.

Tree Protection Conditions

43. An Arborist qualified to at least Australian Qualifications Framework (AQF) Certificate Level 4 shall be retained throughout all construction work to ensure the proper protection and management of the trees required to be retained and that any necessary pruning work within 1m of the building/s approved, is carried out in accordance with Australian Standard 4373-1996 "Pruning of Amenity Trees". This includes on site supervision of the erection of tree protection measures and, where necessary, any works that are required within tree protection zones.
44. The trees identified on the endorsed plans as being retained shall be protected prior to and throughout the construction process in accordance with the Arboricultural Impact Assessment Report, prepared by Arterra Consulting Arboriculture, Reference No. A1A-01, Revision A, dated 12 May 2015 and the associated Tree Removal and Protection Plan, Drawing No. T-02, Revision B, dated 6 August 2015, the attached Guidelines for the Protection of Trees On and Adjacent To Demolition/Building sites, and relevant conditions of this Consent. All trees not authorised to be removed by this Consent must be retained. Prior to any work commencing, certification of the installation and inspection of the required tree protection works is to be provided to the Principal Certifying Authority by a suitably qualified person or the Arborist (as appropriate) engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted. A copy of the Certificate is to be issued to Council within seven (7) days of the inspection and prior to any works commencing. Additionally, trees identified for removal are to be retained until immediately prior to works commencing, to assist with soil management and erosion control.
45. Protective fencing is to be installed around the tree/s to be retained in line with the outer edge of the canopy. This fencing is to be constructed of chainwire mesh 1.8m high, which is supported by steel stakes or piping and braced to resist impacts. Where appropriate the trunks of the trees on the site and any street trees (which are not to be fenced other than as mentioned above), shall also be protected by vertical timber boards, installed by or under the supervision of a suitably qualified person or the arborist (as appropriate) engaged to ensure the proper protection and management of the trees required to be retained/transplanted to accepted horticultural and TAFE standards.

Note: Removal of the protective fencing or timber boards during construction work, will affect the Bonds and may result in legal proceedings being instigated by Council against the applicant and builder.
46. The fenced zones surrounding the trees to be retained shall be mulched with 100mm of composted leaf mulch.

Footpaving, Kerbing and Guttering

47. Protection must be provided for Council footpaving, kerbing and guttering. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.
48. Finished street levels shall not be assumed. The owner or builder must make application to Council's Engineering Services Department for street levels.

Support for Neighbouring Buildings

49. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land (including a public road and any other public place), the person causing the excavation to be made:-
- must preserve and protect the building from damage, and
 - if necessary, must underpin and support the building in an approved manner, and
 - must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the building being erected or demolished.
- The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (In this clause, *allotment of land* includes a public road and any other public place).
50. A dilapidation report of adjoining properties/allotments and details of the proposed excavation works in excess of 2m or within the zone of influence of neighbouring building foundations and required underpinning and supportive measures shall be submitted to the Principal Certifying Authority. Any required underpinning and supportive measures shall be designed by a practising structural engineer and details shall be submitted to the Principal Certifying Authority for approval prior to construction works commencing.

Toilet Facilities

51. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- Each toilet provided:
- Must be a standard flushing toilet, and
 - Must be connected:
 - To a public sewer,
 - If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - If connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
 - The position of the toilet on the site shall be determined by Council's Building Surveyor and/or Sydney Water.

Residential Building Work - Insurance

52. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Holroyd City Council) has given Holroyd City Council written notice of the following information:-
- in the case of work for which a Principal Contractor is required to be appointed:
 - the name and licence number of the Principal Contractor, and

- (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Holroyd City Council) has given Holroyd City Council written notice of the updated information.

The notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

Roadworks

- 53. The applicant is to submit to Council an application for a road opening permit when the drainage connection into Council's system is within the road reserve. In this regard the applicant shall pay Council a **\$159.20** fee prior to the commencement of works. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve.
- 54. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.

Works Within Council's Reserve

- 55. All works within the Council reserve shall be completed within three (3) weeks of the date of commencement. Council's Development Engineer shall be advised prior to the commencement of works.
- 56. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.
- 57. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of \$10,000,000 is to be submitted prior to commencement of works. Holroyd City Council shall be named on the Certificate of Currency as an interested party.

Property/Street Number

- 58. Council is the authority responsible for the allocation of all official property addresses. For ease of identification of your new development it is important that the allocated property numbers are used and displayed prominently. It is requested that you contact Council as soon as possible before construction is commenced to discuss proposed addressing for your development.

Please email your site plan to hcc@holroyd.nsw.gov.au or contact Council's Rates Section by phone on 9840 9767. Council's 'Allocation of Property Numbers' policy is available on Council's website www.holroyd.nsw.gov.au.

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DURING CONSTRUCTION

The following conditions are applicable during construction:-

Endorsed Plans & Specifications

59. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and approved Traffic Management Plan are to be retained on site at all times.

Hours of Work & Display of Council Supplied Sign

60. For the purpose of preserving the amenity of neighbouring occupations building work including the delivery of materials to and from the site is to be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited.

The yellow "Hours of Building Work" sign (supplied by Council with the approval), is to be displayed in a prominent position at the front of the site for the duration of the work.

Site Control

61. All soil erosion measures required in accordance with the approved sediment and erosion control plan and any other relevant conditions of this Consent are to be put in place prior to commencement of construction works and are to be maintained during the entire construction period until disturbed areas are restored by turfing, paving or revegetation. This includes the provision of turf laid on the nature strip adjacent to the kerb.
62. Builder's refuse disposal and storage facilities are to be provided on the development site for the duration of construction works and all rubbish shall be removed from the site upon completion of the project.
63. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

Waste Management Plan

64. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.

Compliance with Critical Stage Inspections and other Inspections nominated by the Principal Certifying Authority

65. Section 109E(3)(d) of the Act requires certain specific inspections (prescribed by clause 162A of the Regulations) and known as 'Critical Stage Inspections' to be carried out for building work. Prior to permitting commencement of the work your Principal Certifying Authority is required to give notice of these inspections pursuant to clause 103A of the Regulations.

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

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

Construction

66. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has been supplied with a check survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels (FFL)s and setbacks to boundary/ies. **The slab shall not be poured, nor works continue, until the Principal Certifying Authority has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.**

In the event that Council is not the Principal Certifying Authority, a copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the Principal Certifying Authority has issued a Certificate stating that the Condition of approval has been complied with and that the slab has been poured at the approved levels.

Salinity – Pemulwuy

67. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has confirmed that all required construction measures addressing salinity, as required by this Consent and its accompanying Construction Certificate have been carried out.

Contamination and Salinity

68. All recommendations contained in the Preliminary Contamination & Salinity Assessment report prepared by Environmental Investigation Services (EIS), Ref No. E28119KBprt, dated 16 March 2015 with Addendum Letter to EIS report, Ref No. E28119KBlet1, dated 17 July 2015 are to be implemented.

Landscaping/Site Works

69. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
70. New 1.8m high lapped and capped timber paling or colourbond fences (colour to be sympathetic with the development) determined in consultation with adjoining property owner(s), are to be erected along and within all side and rear boundaries and between courtyards at full cost to the developer, such fencing to be constructed on or within the property boundary. A Statutory Declaration or other documentary evidence of such consultation is to be submitted to the Principal Certifying Authority.

71. Fences are to taper from the front building line to be not more than 900mm high at the front boundary.
72. The fencing along the Greystanes Road boundary is to be constructed in accordance with the fence detail as required under Condition 30.

Tree Protection

73. The trees identified on the endorsed plans as being retained shall be protected against damage throughout the construction process in accordance with Arboricultural Impact Assessment Report, prepared by Arterra Consulting Arboriculture, Reference No. A1A-01, Revision A, dated 12 May 2015 and the associated Tree Removal and Protection Plan, Drawing No. T-02, Revision B, dated 6 August 2015, the attached Guidelines for the Protection of Trees On and Adjacent to Demolition/Building Sites and relevant conditions of this Consent.
74. The applicant shall accept all responsibility for the accuracy of the information provided to Council for assessment. If any tree/s are not shown on the endorsed plan or are required to be retained/transplanted and protected but are threatened by construction work through unforeseen construction requirements or plan inaccuracy, all site and building works so affected are to cease until the matter is resolved to the satisfaction of Council. Council's Environmental and Planning Services Department is to be notified immediately upon such a problem being encountered.
75. No works are to occur within the fenced tree protection zone. All authorised works/activities within the fenced tree protection zone/s are to be undertaken by hand held equipment under the supervision of the consulting Arborist. No roots over 50mm in diameter are to be cut within the tree protection zone without prior consultation with Council officers or the consulting Arborist.

All roots over 50mm in diameter which are encountered outside the fenced tree protection zone/s are to be cleanly cut and not ripped.

Inspection of Pollution Control Device/s

76. The stormwater drainage and/or pollution control devices shall be inspected during construction, by the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
 - (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the pollution control device/s.
 - (b) After completion of storage but prior to installation of fittings (e.g. screens, etc.)
 - (c) Final Inspection.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

Road Works and Footpaving

77. Pedestrian access, including disabled and pram access, is to be maintained as per Australian Standard AS1742.3 “Part 3 – Traffic Control Devices for Works on Roads”.
78. All advisory and regulatory sign posting (for example parking restriction signage, pedestrian crossing signs, warning signs) are to remain in place during construction.

Food Shop

79. The premises are to be constructed and fitted out strictly in accordance with the Australian/New Zealand Food Safety Standards Code 3.2.3 ‘Food Premises and Equipment’ and Australian Standard 4674.2004 Design, Construction & Fit Out of Food Premises.

Underground Cabling

80. All communications cabling shall be installed underground as per relevant authority requirements (including broadband and Category 5).

Underground Power Connection

81. Where electricity reticulation cannot be obtained directly from the street, power connection is to be underground. No intermediate power pole is permitted.

Alarms

82. With regard to the basement level pump out system, a suitable audible alarm with flashing light system shall be positioned at the lower ground floor staff area within the building and a flashing light only shall be positioned at each staff entrance to the car parking area to provide a flood warning in the case of pump failure. The alarm system shall be to the satisfaction of Council’s Engineer.

Basement Parking

83. A convex mirror is to be provided so that drivers can see up the driveway from within the basement.
84. An intercom device is to be located on the driver’s side wall near the security shutter to the basement carpark, so that staff can access the staff carparking spaces.
85. NSW Police Service require a security shutter be provided to the staff basement car park to decrease opportunities for criminal behaviour to occur.

Vehicle Cleansing

86. Concrete trucks and trucks used for the transportation of building materials shall not traffic soil, cement or similar materials onto the road. Hosing down of vehicle tyres shall be conducted in a suitable off-street area where wash water is prevented from entering the stormwater system or adjoining property.

Importation of Fill

87. All imported fill shall be validated in accordance with Council's Contaminated Land Policy to ensure that it is suitable for the proposed land use from a contamination perspective.

Additional Information during Remediation/Construction

88. Any new information which comes to light during remediation or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council immediately.

Line Marking

89. Directional arrows for internal circulation shall be prominently displayed on the pavement on approaches to, and within, the carpark area.

FOOD PREMISES

Ceiling

90. A rigid smooth faced impervious ceiling shall be provided over the food preparation, cooking and serving areas. The surface finish shall be free of open joints, cracks, crevices or openings with the intersection of the walls and ceiling being tight jointed, sealed and dustproof.
91. The ceiling shall be painted with a light coloured washable paint.

Lighting

92. All fluorescent light fittings shall be fitted with a smooth faced diffuser. The light fitting shall be either:-
- recessed so that the diffuser is flush with the ceiling, or
 - designed to ensure that no horizontal surface exists which would allow dust and grease to accumulate

Floor

93. The floor is to be constructed of concrete or other material impervious to moisture, finished to a smooth steel trowelled finish, coved at the intersections with the walls and graded and drained to approved sewerage connections.
94. Coving is to be provided between all walls and the floor and between the floor and all fittings. This can be achieved by coving tiles, cement render, or by turning vinyl flooring up the walls. In this case a fillet or backing piece is required to support the cove.
95. The floor shall be constructed of a material which is impervious to water, non slip and graded and drained to the floor waste.

Walls

96. The walls in the food preparation areas to be constructed of cement rendered bricks, blocks or concrete finished to a smooth, steel trowelled surface, coved to the floor, and where not tiled, painted with a light coloured gloss paint. Unrendered brick or block work is not permitted.
97. The walls of food preparation areas to be tiled with close-jointed, glazed tiles of a light colour to a height of 2 metres.
98. The walls of the food preparation areas to be tiled with close-jointed, glazed tiles of a light colour to a height of 450mm above all sinks, tubs, draining boards, wash hand basins and preparation benches.
99. The walls of the food preparation areas to be tiled with close-jointed, glazed tiles of a light colour from the floor to the underside of the exhaust hood.
100. All walls where not tiled shall be cement rendered to a smooth even surface and painted with a light coloured washable paint.

Fitting Out Installation of Refrigeration Counters Cupboards

101. Refrigeration, frozen food cabinets, cooking appliances, equipment, fittings, cupboards, and cabinets are to be supported on one of the following systems:-
 - Wheels or casters which allow the fully loaded fitting to be easily moved
 - Legs which provide a minimum 150mm clearance from the floor to the underside of the fitting.
102. All shelving being installed on approved metal brackets and kept at least 25mm clear of wall.
103. Food preparation benches shall be constructed of stainless steel.
104. The top and exposed edges of all benches, counters and shelving shall be finished in a smooth and non absorbent material free of joints.
105. All service pipes and electrical conduits shall be concealed within the floors, plinths, walls or ceilings.
106. All service pipes and electrical conduits which are not capable of being concealed within the walls shall be mounted on brackets so as to provide at least 25mm clearance between the pipe and adjacent (wall) vertical surface and 100mm between the pipe and adjacent (floor) horizontal surface.

Plumbing and Drainage Fittings

107. A freestanding hand wash basin is to be provided in an approved position in the kitchen/food preparation area, which provides a supply of warm water (minimum 40°C) through a single spout. The hand wash basin shall facilitate hands free operation (should a mixer tap be used for this purpose it shall have an extended handle of not less than 250mm in length), and shall be provided with a mounted liquid soap and paper towel dispenser adjacent to the basin.

Windows/Doors

108. All openings in the walls, floors and ceiling and all external doors and windows must be vermin proof.
109. All windows and doors to the external air are to be provided with fly screens.
110. All external doors to the food preparation areas to be provided with approved door closers and kept closed when not in use for ingress or egress.
111. A self closing and close fitting flyproof door to be provided to the food preparation areas.
112. All doors be rendered vermin proof by installing a metal strip 150mm wide at the bottom of the door on both sides of the door.

Coolroom

113. The coolroom shall be constructed with a concrete floor finished to a smooth even surface and graded to drain to the door. A sanitary floor waste shall be located outside the coolroom.
114. All internal intersections and external intersections of the floor with walls of the coolroom shall be coved.
115. The coolroom shall be fitted with an alarm device located outside the coolroom but controllable only from within the chamber.
116. The coolroom must be fitted with a door that is capable of being opened by hand from inside without a key.
117. The coolroom must be fitted with internal lighting controlled by a switch, which is located adjacent to the entrance doorway inside the coolroom.
118. The coolroom must be fitted with an indicator lamp positioned outside the coolroom which is illuminated when the interior light is switched on.
119. All metal work in the coolroom shall be pre-treated to resist corrosion.
120. Storage racks of the coolroom shall be constructed of galvanised steel or other approved material all of which shall be treated to prevent corrosion. Racks may be fixed or free standing, the lowest shelf shall be at least 150mm clear of the floor.
121. The top of the coolroom shall be covered with an approved vermin proof material.

Mechanical Ventilation

122. A system of filtered mechanical exhaust ventilation being provided to the kitchen with hoods over all cooking and heating appliances having an effective capture velocity at any position over the face area of the hoods of not less (0.3 / 0.4 / 0.6 m/s) and designed to discharge the effluent air above roof level in the position approved by the Principal Certifying Authority where no nuisance will be created.

123. A kitchen exhaust hood is to be provided above all appliances of heating capacity greater than 8KW in accordance with AS 1668 Part 2. A test certificate shall be submitted to the Principal Certifying Authority with application for an Occupation Certificate.
124. The external ductwork system to have a finish similar to that of the building.
125. A system of filtered mechanical exhaust ventilation being provided to the kitchen with hoods over all cooking and heating appliances.
126. The mechanical exhaust ventilation serving the kitchen is to extend to the dishwashing machine.
127. The hood being designed to extend not less than 150mm beyond the perimeter of all fittings to be ventilated.
128. Approved grease tight cleanout panels being provided in the horizontal exhaust ductwork every 3m and at each change of direction.

PRIOR TO ISSUE OF A FINAL OCCUPATION CERTIFICATE

The following conditions are to be complied with prior to the issue of a final occupation certificate:-

Certificates/Documentary Evidence

129. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
130. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water servicing Coordinator or telephone 13 20 92.

131. A Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the Principal Certifying Authority and shall state that all foundation works/reinforced concrete/structural members have been carried out/erected in accordance with the Engineer's requirements and the relevant SAA Codes.

Note: Any such certificate is to set forth the extent to which the engineer has relied on relevant specifications, rules, codes of practice or publications in respect of the construction.

Landscaping/Tree Protection

132. Certification is to be provided to the Principal Certifying Authority (PCA), from the designer of the landscape proposal, that all tree planting/landscape works have been carried out in accordance with the endorsed plan. If Council is the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council is **not** the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.
133. Certification is to be provided to the Principal Certifying Authority (PCA) from a suitably qualified and licensed contractor that the specified planter boxes have been waterproofed and drained in accordance with the requirements of the current relevant Australian Standards, any relevant authority regulations and current best work practices. If Council is not the PCA a copy of the certification is to be provided to Council with the Occupation Certificate.
134. The Arborist engaged to ensure the proper protection and management of the trees required to be retained is to provide a report to Council concerning the health and condition of the trees and if necessary any remedial works required. The report should also provide documentary evidence that the tree protection conditions were complied with throughout the construction phases, in the form of site notes and photographs. Should the trees require remedial works which are not exempt under Council's Tree Management Order, an application for General Tree Works will be required to be submitted and approved before the works are carried out and certified by the Arborist. Remedial works which are exempt under Council's Tree Management Order will also be required to be completed and certified.

135. Certification is to be provided to the Principal Certifying Authority from a suitably qualified and licensed contractor that the specified fully automated commercial grade irrigation system has been designed and installed to all common planted areas in accordance with the requirements of the current relevant Australian Standards, any relevant authority regulations and current best work practices. If Council is not the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.
136. Boundary and courtyard fences must be erected and finished in a professional manner.

Parking/Driveway

137. The driveway shall be signposted indicating availability of visitor off-street parking. Spaces reserved for this purpose shall be marked as such.
138. The vehicle crossings between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.

Fire Safety

139. Submission to Council of a Final Fire Safety Certificate pursuant to Clause 170 of the Environmental Planning and Assessment Regulation 2000 in respect of each essential fire or other safety measure listed on the Fire Safety Schedule attached to the Construction Certificate.

NOTE:

1. Such Certificate shall state, pursuant to Clause 80E in relation to each essential fire safety measure mentioned in the certificate:—
 - that the service has been assessed by a properly qualified person (chosen by the owner of the building); and
 - that the service was found to be, when assessed, capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.
2. The person who carries out the assessment must inspect and verify the performance of each fire safety measure being assessed, and must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedules for the building.
3. The assessment must have been carried out within the three (3) months prior to the date on which the final fire safety certificate is issued.

Stormwater Quality, Certification and Covenant

140. A copy of the as approved stormwater drainage and pollution control device plan showing work as executed details shall be submitted to Council. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.
141. A certificate of compliance in accordance with Council's standards and specifications for stormwater drainage and pollution control device shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer.

142. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed stormwater drainage and Pollution Control Device system shall be submitted to the authority benefited for approval prior to lodging with the Land and Property Information NSW. The wording of the terms of the Positive Covenant and Restriction On Use shall be in accordance with Council's standards and specifications for stormwater drainage and Pollution Control Devices. The documents shall be approved by the benefiting authority for registration with Land and Property Information NSW.

Note: Prior to release of the documents creating the Restriction on Use and Positive Covenant, the benefiting authority shall be satisfied that the as-constructed Pollution Control Device is in accordance with the approved drawings and Council requirements.

The Positive Covenant and Restriction on Use documents shall be registered with the Land and Property Information NSW within six (6) months from the date of release by the benefiting authority.

Road Works

143. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
144. A full width heavy duty vehicular crossing shall be provided opposite to the vehicular entrance servicing the loading dock, with a maximum width of **8 metres** and a minimum width of **6 metres** at the boundary line. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.
145. A full width **medium** duty vehicular crossing shall be provided opposite to the vehicular entrance and exit servicing the visitor's carpark, with a maximum width of **4 metres** and a minimum width of **3 metres** at the boundary line. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.
146. The reconstruction of Council's gully pit/s and associated works along all areas of the site fronting Pastoral Circuit. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD-8010.
147. Removal of all redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing number SD-8100.
148. A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering and roadworks shall be obtained from Council and be submitted to the Principal Certifying Authority.

Easement to Permit Existing Structure to Remain

149. The existing concrete footpath structure along Pastoral Circuit currently encroaches within the lot on the western boundary. In this regard, an 'easement to permit the existing structure to remain' is to be created in favour of Council and burdening Lot 310, DP 1111685 of the development in accordance with Part 13, Schedule 8 of the Conveyancing Act 1919. Documents relevant to the creation of the

easement shall be lodged with the Land and Property Information NSW for Registration. All costs associated with the creation of easements are to borne by the applicant.

Food Shop

150. A certificate shall be submitted to Council for the air conditioning system, together with a copy of the test report done at completion of installation and balancing in accordance with the minimum requirements of AS.1668, Part 1 and 2.
151. Food Business registration shall be obtained from Council, **PRIOR** to commencement of business operations, in accordance with Council's adopted policy.
152. To ensure compliance with the Australia/New Zealand Food Safety Standards Code, Food Safety Standards 3.2.3 "Food Premises and Equipment" and Australian Standard 4674.2004 Design, Construction & Fit Out of Food Premises", Council is to be given forty eight (48) hours notice prior of intention to occupy the premises and commence trade.
153. Certification that the mechanical ventilation system has been tested and found to comply with the approved plans and specification together with a copy of the final test figures shall be submitted to the Principal Certifying Authority.
154. Food Business Notification shall be obtained from the NSW Food Authority, **PRIOR** to commencement of business operations and a copy of the notification submitted to Council. Notification can be done for free on the NSW Food Authority's web site www.foodnotify.nsw.gov.au.

Thermometers

155. All equipment (including pie warmers, hot food display units, bain maries etc.) used for the display or storage of hot food shall be capable of maintaining the food temperature in the food storage area at a temperature of not less than 60°C.
156. All equipment (sandwich bars, delicatessen display cabinets, cold food display units etc.) used for the display or storage of cold food shall be capable of maintaining the food temperature in the food storage area at a temperature of not more than 5°C.

House/Street Number

157. A house/street number must be displayed on all newly developed properties in accordance with Council's "Policy on the Display of House Numbers" available from the Customer Services Counter or Council's website, www.holroyd.nsw.gov.au.

Noise Compliance Report

158. A noise compliance report shall be submitted to Council prior to the issuing of the Occupation Certificate. The report shall state that the noise reduction measures detailed in Option 1 as per the Acoustic Report prepared by Acoustic Logic, Project No. 20150216.1, (Document Reference: 20150216.1 / 0904A / R3 / MF), Revision 3, dated 9 April 2015 have been implemented, and confirm that the noise emissions from the premises complies with Council's noise criteria specified in this consent.

Mechanical Ventilation

159. The mechanical exhaust ventilation system effectively capturing and conveying all heat, fumes and other aerosols to the hood exhaust openings, but in a case the capture velocity at any position over the face area of the hood, serving the cooking facilities, being not less than requirement under AS 1668 Parts 1 & 2.

Restriction as to User

160. In accordance with Clause 18(2)(b) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 a restriction as to user must be registered prior to the issue of the Occupation Certificate against the title of the subject property, in accordance with Section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which this application relates to the kind of people (as defined under the SEPP) referred to as follows:-
- Seniors or people who have a disability,
 - People who live within the same household with seniors or people who have a disability,
 - Staff employed to assist in the administration of and provision of services within this facility.

General

161. Documentary evidence and/or certificate of compliance must be submitted to Council to show that all works have been completed in accordance with this Development Consent and its accompanying Construction Certificate.

CONDITIONS RELATING TO USE

The following conditions are applicable to the use of the development:-

Safety & Amenity

162. No signs or goods are to be displayed or trading of any description is to be carried out on the public road, public footpath, utility service land, customer and/or employee parking area, the driveways or pedestrian walkways outside or in the immediate vicinity of the premises.
163. Business is to be conducted and patrons are to be controlled at all times so that no interference occurs to the amenity of the adjoining occupations.
164. The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.

Mechanical Ventilation System – Car Park

165. Noise and vibration from the use of the (mechanical exhaust ventilation) system shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10.00pm and 7.00am on weekdays and 10.00pm and 8.00am on weekends and public holidays.

Staffing

166. A maximum of 35 persons employed in connection with the development are permitted to be on duty at any one time. This includes all staff from nurses, doctors, cleaners, cooks, kitchen staff, receptionists, administration staff, doctors, service staff (such as hairdressers, physiotherapists, massage therapists, etc.), managers, outdoor staff, maintenance workers, activity coordinators and the like.

Parking

167. The car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
168. At least 38 car parking spaces numbered and linemarked in accordance with the endorsed plan, are to be made available at all times for employees and visitors' vehicles only in conjunction with the occupation of the building/premises.
169. All vehicles shall enter and exit the site in a forward direction.

Emergency Procedures

170. The owner of a building to which an essential fire safety measure is applicable must not fail to maintain each essential fire safety measure in the building premises to a standard not less than that specified in the Fire Safety Schedule.

Air Emissions

171. In the event of Council receiving complaints regarding excessive odour from the garbage bay area, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour emanating from the garbage bay area.

General Noise Condition

172. The operation of all plant and equipment shall not give rise to an equivalent continuous (LA_{eq}) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background L_{A90} level (in the absence of the noise under consideration).
173. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises.
174. Noise and vibration from the use of the air conditioning system (if any installed) shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10:00pm and 7:00am on weekdays and 10:00pm and 8:00am on weekends and public holidays.

Lighting

175. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with *AS4282-1997 Control of the obtrusive effects of outdoor lighting*.

Thermometers

176. The premises shall be provided with a hand held digital probe thermometer capable of measuring the temperature of hot and cold foods to within 1 degree Celsius. The thermometer shall have a minimum effective range of minus 50 degrees Celsius to 100 degrees Celsius.
177. The thermometer shall be able to be easily read from outside the appliance.

Coolroom

178. Fresh meat shall be stored in a separate area of the coolroom/refrigerator from other foods.

Storage

179. Provision shall be made for the storage of cleaning chemicals, equipment and staff personal belongings.

Waste Storage

180. All putrescible waste must be stored in approved, lidded, flyproof containers. Proper arrangements such as waste paper bales and stands are to be provided for any waste paper or cardboard.
181. A sufficient number of approved garbage receptacles must be provided on the premises for the storage of garbage and trade waste. Such receptacles are to be fitted with close fitting and flyproof lids.

Mechanical Ventilation

182. Any discharge to the atmosphere from the subject development shall not result in any odour or other air impurity being detected outside the boundaries of the property.

General Conditions – Food Shops

183. No alterations to the shop or any fittings therein (including the installation of new items of equipment) are to be made without the prior approval of the Principal Certifying Authority.

Limited Use of Premises

184. In accordance with Clause 18(2)(a) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 the accommodation subject to of this consent is only available for the use of people (as defined under the SEPP) referred to as follows:-
 - Seniors or people who have a disability,
 - People who live within the same household with seniors or people who have a disability,
 - Staff employed to assist in the administration of and provision of services within this facility.

ADVISORY NOTES

Other Necessary Approvals

- A. The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
- (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans. Council's Tree Preservation Order protects trees by definition taller than 3.5m or having a trunk circumference exceeding 500mm measured one metre above ground level. If in doubt contact Council's Tree Management Officer.
 - (b) Any fencing located forward of the proposed building and exceeding the limitations specified in Local Environmental Plan 2013, Part 3 "*Exempt and Complying Development*".
 - (c) The erection of any advertising sign, not being exempt from the need to obtain approval.
 - (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.

NOTE: * If you carry out building work as an owner builder and sell your home within seven (7) years from the date of completion (date of final occupation certificate), then a Certificate of Insurance must be attached to your Contract of Sale.

- B. Section 97 of the Act provides that an applicant who is dissatisfied with the Council's determination of the Development Application may appeal to the Land and Environment Court within 6 months of the date of determination, or as otherwise prescribed.
- C. Section 82A of the Act provides that an applicant may request, within 6 months of the date of determination of the Development Application, that the Council review its determination (this does not apply to integrated or designated development). A fee is required for this review.

It should also be noted that an application under Section 82A of the Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 82A Application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.

- D. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.
- E. A Construction Certificate shall be obtained in accordance with Section 81A (2) (a) of the Act, prior to the commencement of any work on site. Council can provide this service for you.
- F. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.
- G. TREES

The trees indicated on the endorsed plans to be retained and protected are to be considered with any future development of the subject allotments. In this regard no works are to occur within the driplines of trees to be retained.

H. BANK GUARANTEES

Bank guarantees will be accepted from list of banks which have at least an “A” rating from Standard and Poors and at least an “A2” or “Prime-1” standard from Moodys Investor Services.

To enable the bank guarantee to be enforceable during an entire project with consideration for delays, **the guarantee must not contain a facility expiry date.**

To get to Standard and Poors www.standardpoors.com then from Ratings Action choose Ratings Lists. Then click on Financial Institutions followed by clicking on Financial Institutions Counterparty Ratings List. Go to “**Banks**” and download to Australian Banks.

To get to Moodys www.moodys.com then looks up Ratings and then Banking and then Bank Ratings list. It will take you to Bank Credit Research page. Look at the table of contents and choose Global Bank Ratings by Country. Look up Australian Banks.

I. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

An administration fee per certificate is payable to Council on lodgement of Construction and Occupation Certificates from Principal Certifying Authorities in accordance with Council’s Adopted Fees and Charges.

J. GLAZING CERTIFICATION

A certificate shall be submitted to the Principal Certifying Authority stating that safety glazing has been used in the building in accordance with AS1288 - “Glass in Buildings - Selection and Installation”.

K. DIAL BEFORE YOU DIG

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

L. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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 1800810443.

M. DIVIDING FENCES

Please be advised that arrangements concerning existing or proposed fences between properties are a civil matter determined by the involved parties under the [Dividing Fences Act](#). You are therefore required to consult with the owners of neighbouring properties if fences are to be removed or constructed.

The Dividing Fences Act is administered by the [Department of Lands](#) who can act as a mediator in disputes. For further information please refer to the following information on Council's website: www.holroyd.nsw.gov.au/building_and_development/local_plans_and_policies/dividing_fences.

Yours faithfully

Merv Ismay
GENERAL MANAGER

Per:
MANAGER DEVELOPMENT