

DATE OF DETERMINATION	17 June 2020
PANEL MEMBERS	Alison McCabe (Chair), Juliet Grant, Susan Budd, Peter Garnham, Sally Halliday
APOLOGIES	None
DECLARATIONS OF INTEREST	Sandra Hutton declared a conflict of interest as she has a historical involvement with the current applicant on this site. Ms Hutton is not currently engaged by the applicant in relation to this site or proposed development, but did not participate in this decision to avoid a perceived conflict.

Public meeting held via teleconference on 17 June 2020, opened at 10:40 am and closed at 12:30 pm.

MATTER DETERMINED

PPS-2019HCC003 – Maitland – DA 2018/2086 at 367 Morpeth Road, Morpeth – residential care facility (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The panel understood that the permissibility of the application relied on clause 5.10 MLEP 2011. The assessment of the proposed development against the provisions of SEPP (HSPD) 2004 was undertaken to test the broader merits of the proposal.

The panel understands that the heritage outcomes have the support of the Heritage Council in the issue of General Terms of Approval. The site is subject to a Heritage Agreement under the *Heritage Act 1977* and some works have previously been carried out to Closebourne House with approval under the *Heritage Act 1977*.

The panel had the benefit of a further supplementary memo arising from queries regarding the provisions of clause 7 of SEPP 55 (Remediation of Land) and accessibility generally. Based on this additional information and the conditions of consent the panel can be satisfied that the proposed site can be made suitable for the proposed use.

The panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the revised conditions attached at Schedule 2.

The decision was unanimous.

REASONS FOR THE DECISION

- The proposed development provides much needed high care aged facilities.
- The heritage and landscape outcomes arising from the development are compatible and consistent with the heritage significance of the buildings, and site, to the local community, region and state.
- The conservation of the heritage item is facilitated by the approval and requires the necessary works to be carried out and are in accordance with the Conservation Management Plan.

- The proposal will not have a significant impact on the amenity of the surrounding area.
- The site is suitable for the proposed use.
- The development is a sympathetic alteration and addition to the significant buildings on the site.

CONDITIONS

The development application was approved subject to the conditions in Schedule 2. The conditions were amended from those contained in the assessment report. Changes related to:

- Document references – Conditions 1 and 9
- Services – Conditions 11, 59A and 59B
- Remediation – Conditions 18, 19 and 19A
- Timing of conservation works and finalisation – Condition 34A and 34B
- Detailed landscape plan – Condition 49
- Restrictions as to use on Lot 7 to ensure landscape outcomes – Condition 49

CONSIDERATION OF COMMUNITY VIEWS






In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Impact on heritage item, and specifically Closebourne House
- Inconsistency between s60 approvals and the Heritage Agreement
- Removal of trees
- Bulk and scale of development

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The panel was addressed on specific concerns regarding changes to the verandah elements of Closebourne House and some inconsistencies between what was understood to be required under the Heritage Agreement and the actual works.

The panel was advised that the work referred to have the relevant approvals under the *Heritage Act 1977* and note the matters required for consideration under Section 62 and Section 65A of the *Heritage Act 1977*.

Additional conditions have been imposed to address the timing of conservation works and landscaping on adjoining sites to ensure the visual impacts of the proposal are mitigated and minimised.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Juliet Grant
 Susan Budd	 Peter Garnham
 Sally Halliday	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPS-2019HCC003 – Maitland – DA 2018/2086
2	PROPOSED DEVELOPMENT	Residential care facility – 108 bed (36 bed dementia specific care units and 72 bed high care units) with associated services and facilities, car parking and landscaping. The proposal also includes the adaptive reuse of Closebourne House, the former Laundry, Gym/Chapel buildings and Arkell House (also known as The Registry)
3	STREET ADDRESS	367 Morpeth Road, Morpeth
4	APPLICANT OWNER	Catholic Healthcare Limited C/- Lendlease Retirement Living Holding Pty Ltd. LLRL Management Services Pty Ltd as trustee for LLRL Management Services Trust as agent for Lendlease Retirement Living Holding Pty Ltd as trustee of Lendlease Retirement Living Trust.
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Heritage Act 1977 • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy No 64 – Advertising & Signage ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Maitland Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Maitland Development Control Plan 2011 ○ Maitland City Wide Development Contributions Plan • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 2 June 2020 • Submission of elected Council: 10 June 2020 • Supplementary memo regarding SEPP 55: 17 June 2020 • Written submissions during public exhibition: 25 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Heather Berry on behalf of Morpeth Heritage Conservation Group ○ On behalf of the applicant – Michael Lockwood, Karen Armstrong, Mark Fenwick, Numa Miller • Supplementary memo: 22 June 2020

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 3 June 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Susan Budd, Peter Garnham, and Sally Halliday ○ <u>Council assessment staff</u>: Leanne Harris, Belinda Martin, Vanessa Fishlock and Elizabeth James • Site inspections: <ul style="list-style-type: none"> ○ <u>Panel members</u>: <ul style="list-style-type: none"> ▪ Alison McCabe (Chair): 1 April 2020 ▪ Juliet Grant: 29 March 2020 ▪ Sally Halliday: 6 June 2020 • Final briefing to discuss council's recommendation, 17 June 2020, 9:30 am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Susan Budd, Peter Garnham, and Sally Halliday ○ <u>Council assessment staff</u>: Leanne Harris, Belinda Martin
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

SCHEDULE 2

SCHEDULE OF CONDITIONS – DA 18-2086 – RESIDENTIAL CARE FACILITY – CLOSEBOURNE SITE

APPROVED PLANS AND DOCUMENTATION

1. The development shall be carried out in accordance with the stamped approved plans and documentation as detailed in the following schedule **except as modified by the conditions of consent and/or arising through amendments as shown in red colour on the plans:**

Plan Ref No.	Sheet No.	Revn No.	Revn Date	Prepared by: (consultant)
Hunter Water Plan/Survey Plan (stamped)				For the purposes of Hunter Water Requirements only
Hunter Water Notice of Formal Requirements dated 25 May 2020				Hunter Water Corporation
Architectural Plans				
Cover Sheet	000-00	6	13.2.20	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO-A)
Locality Plan	000-01	3	19.9.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO-A)
Site Plan	000-03	6	12.12.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO-A)
Demolition Plan (sheet 1)	100-00	4	12.12.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO-A)
Demolition Plan (sheet 2)	100-01	5	12.12.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO-A)
Perspective (Not to be stamped)	100-10	2	19.09.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO-A)
Floor Plan – Lower Ground level	200-00	5	12.12.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO-A)
Floor Plan – Ground level	201-00	5	12.12.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO-A)

Floor Plan – First level	301-00	3	19.19.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO-A)
Floor Plan – Roof level	303-00	3	19.19.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO-A)
Elevations (with trees) sheet 1	400-00	4	12.12.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO-A)
Elevations (with trees) sheet 2	400-01	3	19.9.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO-A)
Elevations (without trees) sheet 1	400-10	3	13.2.2020	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO-A)
Elevations (without trees) sheet 2	400-11	1	1.11.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO-A)
Elevations (with trees) sheet 3	400-12	1	13.2.2020	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO-A)
Sections Sheet 1	500-00	3	19.9.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO-A)
Perspective (Not to be stamped)	900-10	2	19.9.2019	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO-A)
Area Plans FSR/Landscaping	900-31	2	7.2.2020	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO-A)
8M Building Height plane	900-54	2	7.2.2020	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO-A)
Heritage Fabric Drawings				
Cover Sheet	ASK 000-00	8	6.11.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO)
Door Schedule	ASK 000-50	2	1.11.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO)
Floor Plan – Ground level Closebourne	ASK 200-00	8	6.11.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO)

Floor Plan Ground Level Laundry	ASK 200-01	6	19.9.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO)
Floor Plan First level Closebourne	ASK 301-00	7	19.9.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO)
Roof Plan Closebourne – Sheet 1	ASK 302-00	7	19.9.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO)
Roof Plan Laundry – Sheet 2	ASK 302-01	5	19.9.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO)
Elevation 1 – Sheet 1	ASK 400-00	6	19.9.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO)
Elevation 2 – Sheet 2	ASK 400-01	6	19.9.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO)
Elevation 3 – Sheet 3	ASK 400-02	5	19.9.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO)
Elevations 4 – Sheet 4	ASK 400-03	5	19.9.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO)
Sections Sheet 1	ASK 500-00	6	6.11.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO)
Sections Sheet 2	ASK 500-01	6	6.11.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO)
Sections Sheet 3	ASK 500-02	6	6.11.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO)
Section Detail – Sheet 1	ASK 550-00	7	6.11.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO)
Section Detail – Sheet 2	ASK 550-01	7	6.1.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO)
Section Detail – Sheet 3	ASK 550-02	6	19.9.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO)

Section Detail – Sheet 4	ASK 550-03	1	6.11.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO)
Section Detail – Sheet 5	ASK 550-04	1	6.11.19	Jackson Teece – Aged Care Morpeth (Project No: 253824-MO)
View Analysis				
View Analysis Plans including location plan, views 1-13, View along Brushbox Avenue towards St James Church, View plan from southern car park towards the east, View from the east (St James Church/Brushbox Avenue) back towards the development, View Along Tank street north towards Morpeth Road.				Lendlease on behalf of Catholic Healthcare Initial view analysis updated 19.12.19 and further revisions prepared February 2020.
Landscape Design Report and plans				Note: these plans are a later version to those approved by NSW Heritage (conditions are imposed for final plans to NSW Heritage)
Cover sheet				Aspect Studios on behalf of Lendlease (Job ref 253824)
Drawing List	000-02	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Existing trees to be retained/removed	000-03	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Existing Tree summary	000-04	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Conservation Management Design Response – Vegetation	000-05	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Conservation Management Design Response – Visual curtilage and vistas	000-06	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Conservation Management Design Response – Landscape setting	000-07	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Landscape Concept Plan Ground Floor	200-01	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Fencing Plan	200-02	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)

Tree Type Plan	200-03	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Landscape Character Images	000-08	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Landscape Elements Memorial Garden	000-09	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Landscape Elements Shelter	000-10	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Landscape Elements Furniture	000-11	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Landscape Elements Materials Palette (Surfaces, Walls and Edging)	000-12	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Plant Palette General Areas (Trees, shrubs, low cover)	000-13	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Plant Palette General Areas (Climbers, Edible herb garden)	000-14	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Native Perimeter Palette (Trees and shrubs)	000-15	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Native Perimeter Palette (Lower cover/grass and climbers)	000-16	10	21.2.10	Aspect Studios on behalf of Lendlease (Job ref 253824)
Planting Schedule	000-17	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Specifications	000-18	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Plan showing section lines	000-19	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Landscape Southern Elevation	000-20	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Landscape Boundary Section 1	000-21	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Landscape Boundary Sectional Elevation 2	000-22	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Landscape Boundary Section 3	000-23	10	21.2.20	Aspect Studios on behalf of Lendlease (Job ref 253824)
Plans submitted by Lendlease to Heritage Committee & NSW Heritage 25.3.2020 (as marked up) together with cover table responding to Heritage Council Advisory Committee comments and supplementary letter from				Lendlease on behalf of Catholic Healthcare

AMAC Archaeology dated 19 March 2020)				
Engineering Plans/Documents				
Stormwater Report with attachment from Lindsay Dynan (below)			19.12.29	Wood & Grieve Engineers (Project 30916-4-SYD-C)
Lindsay Dynan Drainage Analysis marked up			11.10.18	Lindsay Dynan (Project 12607)
Lendlease Civil Engineering Works Plans – cover sheet		A	Undated	Wood & Grieve Engineers (Project 253824-MO)
General Arrangement Plan – Sheet 1	CD 060-001	C	13.2.20	Wood & Grieve Engineers (Project 253824-MO)
General Arrangement Plan – Sheet 2 with typical grass lined swale section	CD 060-002	D	13.2.20	Wood & Grieve Engineers (Project 253824-MO)
Sediment & Erosion Control – Sheet 1 of 2	CD 070-001	B	19.12.19	Wood & Grieve Engineers (Project 253824-MO)
Sediment & Erosion Control – Sheet 2 of 2	CD 070-002	C	19.12.19	Wood & Grieve Engineers (Project 253824-MO)
Bulk Earthworks Plan	CD 100-01	C	19.12.19	Wood & Grieve Engineers (Project 253824-MO)
General Arrangement Plan with Council mark up	DA-2203	A	6.2.20	Lindsay Dynan (Project 12607)
Site Stormwater Plan	DA-2204	A	6.2.20	Lindsay Dynan (Project 12607)
Stormwater Details	DA-2205	A	6.2.20	Lindsay Dynan (Project 12607)
Aged Care Facility Access Plan – Pavement Plan	DA-2206	A	7.2.20	Lindsay Dynan (Project 12607)
Longitudinal sections	DA-2207	A	6.2.20	Lindsay Dynan (Project 12607)
Traffic Report (with mark up) and addendum dated 19 June 2020			10.12.19	Seca Solution (PO773 Morpeth Residential Aged Care)
Documents				
Statement of Heritage Impact			19.12.19	Placemark Consultants (Mark Fenwick Consulting Pty Ltd) – Issue G

Fabric Analysis			3.9.19	Placemark Consultants (Mark Fenwick Consulting Pty Ltd) – Issue B
Baseline Archaeological Assessment – Closebourne house SHR00375			Nov 19	AMAC Archaeological
Terras Tree Assessment report			Dec 19	Terras Landscape Architects – Morpeth Residential Aged Care
Hazardous Materials Survey reports x 2			Sept 16	Douglas Partners
Acoustic report			17.12.18	Wood & Grieve Engineers – Morpeth Aged Care
Structural Report			18.12.18	Wood & Grieve Engineers – Closebourne House Morpeth
BCA & Accessibility Compliance Statement			4.2.20	Blackett, Maguire & Goldsmith – Morpeth Aged Care
Fire Engineering letter			4.2.20	ARUP (Morpeth Aged Care Fire Engineering)
Geotechnical and Waste Classification report (April 16) & Addendum letter (23.12.19) and supplementary report dated 19 June 2020			April 16 & 23.12.19	Douglas Partners – Morpeth Aged Care Facility
Operational, Demolition and Construction Waste Management Plan			July 18	Waste Audit and Consultancy Services – Report - 367 Morpeth Road Morpeth

CERTIFICATES

- The applicant shall submit to Council a “Notice of Commencement” form at least two (2) days **prior to the commencement of construction works.**
- Prior to the commencement of works** an application for a Construction Certificate shall be submitted to, and be approved by, the Accredited Certifier.
- Prior to the issue of an Occupation Certificate** all conditions of development consent shall be complied with.
- Prior to occupation of the building an Occupation Certificate** shall be issued by the Principal Certifying Authority.
- The applicant shall submit to Council, “*Notice of Appointment of the Principal Certifying Authority*” at least two (2) days **prior to the commencement of construction works.**

7. The applicant shall submit to Council a "Notice of Commencement" form at least two (2) days **prior to the commencement of construction works**.
8. The Applicant is to comply with the requirements of Hunter Water Corporation regarding the connection of water supply and sewerage charges, including the payment of any cash contribution towards the necessary amplification of service mains in the locality as a result of the increased intensity of the land use proposed.

Prior to issue of the relevant Construction Certificate, a Compliance Certificate under Section 50 of the Hunter Water Act 1991 for this development, shall be submitted to the Accredited Certifier.

UTILITY SERVICES/FIRE HYDRANTS

9. Any necessary alterations to public utility installations are at the developer's expense. Relocation of the substation away from Closebourne House and Household A should occur in consultation with Ausgrid and to final requirements of Ausgrid and in accordance with the letter dated 16 June 2020 a copy of which is attached to this consent. Any necessary alterations to public utility installations being at the developer's expense and to the requirements of both council and the relevant authority.

INTERNAL LINK ROAD CONSTRUCTION

10. **Prior to the issue of an Occupation Certificate** all works and certification associated with requirements of the internal link road (to be staged) and approved under DA 19-575 shall be completed.

DESIGN/COMPLIANCE/LAND TITLE

11. **The Development shall** generally **comply with the provisions of** State Environmental Planning Policy (Housing for Seniors or People With a Disability) 2004.

Occupation of the Residential Care Facility shall be limited to '*seniors*' being people aged 55 years or more, or '*people with a disability*' being people of any age who, as a result of an intellectual, physical, psychiatric or sensory impairment, either permanently or for an extended period, have substantially limited opportunities to enjoy a full or active life and people who live in the same household with *seniors* or *people with a disability*.

12. **Prior to occupation of the development**, a restriction as to user must be registered against the title of the property in accordance with section 88E of the Conveyancing Act 1919 limiting the use of any accommodation on the property as a Residential Care Facility as defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

A copy of the draft instrument shall be provided to the Council for review and approval prior to its registration.

GENERAL TERMS OF APPROVAL - NSW DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT (formerly the Office of Environment & Heritage)

13. The development shall comply with the General Terms of Approval issued by the Office of Environment & Heritage (NSW Division) dated 6 April 2020. A copy of the General Terms of Approval for part of this Determination and a copy is **attached** to this schedule of conditions.

PRIOR TO COMMENCEMENT OF WORKS

14. **Prior to commencement of any works on the site**, all workers on the site shall be informed of the Heritage Significance of the site and the possibility for archaeological relics to be located on the land. Contractors should be inducted with an overview of the Heritage significance of the site. A notation should be clearly indicated on all the construction drawings submitted as part of the **Construction Certificate process** to protect the significance of the site during excavation, construction and for the full extent of the works on the site.
15. **Prior to the commencement of works (including demolition)** all relevant approvals from NSW Heritage are to be in place.
16. **Prior to the commencement of works (including demolition)** on the land, a dilapidation survey report prepared by a suitably qualified practising engineer, of properties and existing public infrastructure potentially affected by the proposed development shall be lodged with Council and submitted to the Principal Certifying Authority. The dilapidation survey report shall locate the area within which the damage may be potentially caused to nearby and neighbouring properties as a result of the carrying out of demolition or construction works pursuant to this consent. The report is to include a description of the location and nature of any existing observable defects to the properties and existing public infrastructure, including a photographic record.
17. A final Dilapidation Survey report shall be prepared by a suitably qualified practising engineer at the completion of works to ascertain if any structural or cosmetic damage has occurred to the properties specified in the earlier report. A copy of the report shall be submitted to Council, the Principal Certifying Authority and owners of the potentially affected properties and public infrastructure **prior to the issue of the Occupation Certificate**.

CONTAMINATION/ DEMOLITION/ASBESTOS

18. **Prior to the issue of a Construction Certificate** a Remedial Action Plan is to be prepared that addresses the contamination identified in the previous reports of Douglas Partners relating to the site and this proposal and submitted to Council.
 - (i) The process must be carried out in accordance with:
 - Council's Contaminated Land Policy;
 - Managing Land Contaminated Planning Guidelines (1998);
 - Relevant EPA Guidelines, in particular, NSW OEH (2011) Guidelines for Consultants reporting on Contaminated Sites, and;
 - National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013).
 - (ii) (The RAP must identify that the site can be made suitable for the proposed land use as a Residential Care Facility.
 - (iii) The RAP must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant, certified by one of the schemes identified in Section 3 of the Maitland City Council, Contaminated Land Policy – Land Use Planning (adopted 28 November 2017). The front cover of the report must include the details of the consultant's certification.
 - (iv) The final RAP must be submitted to Council **prior to the commencement of works**.

- (v) The RAP provided to Council must be accompanied by a report summary, presenting (as a minimum) project background, scope, objectives, key issues, investigation findings, conclusions and recommendations.
- (vi) All contaminated site reports provided to Council must exempt Council from any claim for copyright that may restrict Council's ability to provide information to the public in accordance with the *Government Information (Public Access) Act 2009*.
- (vii) If the Duty to Report contamination to the NSW Environment Protection Authority under Section 60 of the *Contaminated Land Management Act 1997* is triggered, Council must be notified within 14 days of the notification to the NSW Environment Protection Authority.
- (viii) The RAP must identify if the remediation works are considered Category 1 or Category 2 Remediation in accordance with the State Environmental Planning Policy No 55 – Remediation of Land, and Council's Contaminated Land Policy.

NOTE:

Council advises that a baseline archaeology assessment is being undertaken on the site prior to the issue of a Construction Certificate. Details of this report and findings should be reviewed in preparation of the RAP to ensure that any identified items or relics are not harmed.

In addition, the recommendations of the Geotechnical report of Douglas Partners dated 23 December 2019 (addendum to earlier report dated April 2016) in regard to contamination testing and inspection are to be undertaken in tandem with the archaeological investigations being undertaken on the site and any other identified recommendations of the RAP report.

The Archaeology assessment and testing is to be undertaken on the site **prior to the issue of the relevant s.60 application or the relevant Construction Certificate**, pursuant to the General Terms of Approval above. The Geotechnical Engineer is required to work with NSW Heritage appointed Archaeologist in regards to when the contamination testing can occur.

Where the Geotechnical report requires inspections, a geotechnical engineer shall inspect the works at the stages specified in the report.

- 19. In the event of an undisclosed or unidentified contamination being found on-site not identified in the RAP or any potentially contaminating infrastructure (e.g. underground storage tanks) or soils (e.g. staining, odours, asbestos) being identified during works, a qualified and experienced consultant must inspect, review and advise on remediation or mitigation prior to further construction proceeding. Council must be notified if this occurs and must be provided with any resulting reports and recommendations.
- 19A. **Prior to the first Occupation Certificate** the Applicant must submit a detailed Validation Report to Council and the Certifying Authority.
 - (a) The Validation Report must be prepared in accordance with:
 - (i) Council's Contaminated Land Policy;
 - (ii) NSW Contaminated Land Planning Guidelines (1998);
 - (iii) Relevant EPA Guidelines, noting in particular the NSW OEH (2011) Guidelines for Consultants Reporting on Contaminated Sites;

- (iv) National Environmental Protection (Assessment of Site Contamination Measure 1999 (as amended 2013).
 - (b) The Validation Report must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant, certified by one of the schemes identified in Section 3 of the Maitland City Council, Contaminated Land Policy – Land Use Planning (adopted 28 November 2017). The front cover of the report must include the details of the consultant's certification.
 - (c) The Validation Report must verify that the land is suitable for the proposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the Remedial Action Plan Name, Author, date and reference.
 - (d) The contaminated site report(s) provided to Council must be accompanied by a report summary, presenting (as a minimum) project background, scope, objectives, key issues, investigation findings, conclusions and recommendations.
 - (e) All contaminated site reports provided to Council must exempt Council from any claim for copyright that may restrict Council's ability to provide information to the public in accordance with the *Government Information (Public Access) Act 2009*.
20. All demolition works are to be carried out in accordance with Australian Standard AS 2601-2001. Demolition materials shall be recycled as far as practicable and any demolition waste shall be disposed of to a Licensed Landfill Authority.
- Demolition works are not to commence until all relevant NSW Heritage approvals are in place. In addition, no trees shall be removed from the site unless they are shown for removal on the approved plans, or separately approved by Council.
21. Targeted removal of any building materials suspected to contain asbestos or other contaminants (eg lead paint etc, as part of demolition works) must ensure the necessary removal, storage and disposal is undertaken to a Licensed Landfill Authority and managed in accordance with the provisions of the NSW Work Cover Authority.
22. All waste material that arises as a result of the works shall be classified according to NSW EPA Guidelines prior to removal from the site. All waste material must be disposed of at a Licensed Landfill Facility approved for that purpose. Note: *if contaminated soil or other waste is transported to a site unlawfully, the owner of the waste, the transporter and the owner of the land receiving the waste are guilty of an offence.*

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

23. A Construction Environmental Management Plan is required to be implemented **prior to the issue of the relevant Construction Certificate**, in order to appropriately manage the on site and off site disposal of soil, sediment and water.

EARTHWORKS/EROSION AND SEDIMENT CONTROLS/DUST MANAGEMENT

24. Filling material shall be limited to the following:
- (a) Virgin excavated natural material (VENM);
 - (b) Excavated natural material (ENM) certified as such in accordance with the *Protection of the Environment Operations (Waste) Regulations 2005*;
 - (c) Material subject to a Waste exemption under Clause 51 and 51A Protection of the

Environment Operations (Waste) Regulations 2005 and recognised by the NSW Environment Protection Authority as being 'fit for the purpose' with respect to the development, the subject of this application.

Note: under no circumstances shall contaminated fill material including, but not limited to putrescible wastes, (such as timber, paper, green waste, food etc), oil products (including petrol, bitumen, asphaltic concrete etc), plastic, and the like, be deposited on the land unless expressly authorised by this development consent.

25. Where ENM, or material the subject of a waste recovery exemption is used, the applicant shall ensure that detailed records are kept identifying the source of the material and its composition. Such records are to be provided to Council upon completion of the filling. A copy of the current development consent for the site to which the material is proposed to be distributed must be provided to the Principal Certifying Authority.
26. During the extraction, removal and transportation of material associated with the work the person having the benefit of the consent shall ensure that airborne dust is contained within the work site or transport vehicles, and does not impact on the amenity of the surrounding environment. Dust control measures (eg., fine water spraying) shall be employed during excavation and construction works to prevent the emission of dust and other impurities into the surrounding environment. Dust control measures shall be approved by Council prior to the issue of the relevant Construction Certificate.

EROSION CONTROL AND BULK EARTHWORKS

27. **Prior to the issue of the relevant Construction Certificate** a Bulk Earthworks Management Plan (BEMP) is required to be submitted to the PCA for approval. The BEMP must include a report from a suitably qualified engineer that examines and determines:
 - a) the extent of bulk earthworks required for the construction
 - b) how stockpiles will be managed during construction
 - c) where stockpiles will be located and what requirements are necessary to manage the locations
 - d) stock pile dimensions and stabilisation measures
 - e) site haulage routes and movement
 - f) how fill will be managed during construction
 - g) any specific requirements relating to the management of Acid Sulfate Soils.
28. The property shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind or "vehicle tracking" by the application of adequate controls. These measures must also be regularly checked and maintained throughout the construction period, to ensure that soil material does not leave the construction site and enter drainage lines and waterways. Details in accordance with Council's Manual of Engineering Standards and the manual, "Managing Urban Stormwater" shall be submitted as part of the relevant **Construction Certificate application**.
29. The exposed earthworks shall be immediately top dressed and seeded with a Council approved seed mix and hydromulch upon its completion. Fill material shall not obstruct any local watercourse, flow path or drain, that is within or that enters the site, without provision for conveyance, within the site, of stormwater flows through or around the proposed fill area, including adequate protection against erosion.
30. In the event that fill is imported onto the site, within 30 days of completion of filling the

Applicant shall submit to Council a Validation report prepared in accordance with EPA requirements by a qualified geotechnical engineer confirming that the completed filling works (addressing both material type, compaction and stabilisation) has been undertaken in accordance with the approved development application documentation and associated consent conditions.

31. A Works-As-Executed (WAE) Plan showing the final location, batter slopes, retaining walls and finished ground levels for the earthworks (fill) shall be prepared by a Registered surveyor **and submitted to Council within sixty (60) days of completion of the earthworks.**

ACOUSTIC CONTROLS

32. The use and occupation of the premises, including all plant and equipment installed, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997 (NSW)*. In this regard:
- Mechanical plant and equipment (eg., air conditioning etc) shall be designed and located to minimise noise and nuisance; and
 - The owner of the site in conjunction with the operator of the site shall take all necessary steps to ensure the operation of the facility does not create an environmental nuisance.
33. The development shall be undertaken in accordance with the requirements and recommendations of the Acoustic report by Wood and Grieve Engineers dated 17 December 2018 (Project No: 30916-4) except as modified by these conditions of consent. Demonstrated compliance with Acoustic measures is to be certified by an Accredited Acoustic Consultant and provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

HERITAGE

34. **Prior to the issue of the relevant Construction Certificate**, the Architects for the Project must provide final sign off on all specifications included for the Construction Certificate to ensure all material design elements and selections shall retain their integrity. In addition, there shall be no alteration (painting or rendering) to the new face brickwork and no changes to colours and finishes. A copy of this information must also be provided to Council for its records after approval of the final colours, finishes and profiles by NSW Heritage as part of the s.60 process.
- 34A. Prior to the issue of the final Occupation Certificate written confirmation is to be provided to Council from NSW Heritage that all necessary conservation works to Closebourne House under the Heritage Agreement dated 23 March 2010 with NSW Heritage have been completed.
- 34B. All conservation works required by this consent are to be completed prior to the issue of any Occupation Certificate.
35. There shall be no alteration (painting or rendering) to the final approved colours, materials and finishes as approved under the relevant s.60 by NSW Heritage.
36. Guttering shall be quad profile and round downpipes shall be used throughout.

37. Services and new technologies incorporated as part of the new works should not be visible from Morpeth Road or from the prominent view corridors on the site (including plant and equipment).
38. Prior to the issue of an Occupation Certificate, a register of all removed furniture and related items and its storage location shall be provided to Council and NSW Heritage, Department of Premier and Cabinet. All removed furniture and related items shall be appropriately marked, recorded and safely stored to avoid damage to fabric.
39. The Archaeological Research and Design Methodology shall nominate a suitable repository for all relics. This should occur in liaison with the nominated Archaeologist for the site and details provided to Council. The details of the repository for relics on the site is to be declared and provided to Council prior to the issue of the relevant Construction Certificate. Final detail as to how the relics have been stored and dealt with on the site are to be provided to Council prior to the issue of an Occupation Certificate.

ENVIRONMENTAL HEALTH

40. The development will be required to comply with the requirements of *The Food Act 2003*, *The Food Regulation 2015*, *the Food Standards Code* and *Australian Standard 4674 for the Design, Construction and Fit out of Food Premises* and related standards and guidelines.
41. The Aged Care kitchen will be required to be registered with the relevant Regulatory Authority (NSW Food Authority) **prior to the commencement of operations**.

Inspection may be conducted by NSW Food Authority **prior to the commencement of the kitchen within the Facility**.

42. The café will be required to be registered with Council and inspection will be incorporated into Council's yearly inspections program. A fee will be charged by Council in this regard.
43. Installation of any mechanical ventilation system(s) shall comply with the provisions of Part 3 of Australian Standard AS 1668.
44. Any bucket traps, grease traps and associated sewer connections shall be installed in accordance with the requirements of Hunter Water Corporation.
45. If Council is nominated as the Principal Certifying Authority, details of compliance are to be included in the plans and specifications of the construction Certificate. Councils Environmental Health Officer is to be given **48 hours notice to inspect the premises prior to the commencement of the café business**.

Where Council is not nominated as the Principal Certifying Authority a Certificate from an appropriately qualified person confirming compliance with the above legislation and guidelines is to be provided before the **issue of the Occupation Certificate**.

Prior to occupation and commencement of trade the business is to be registered with Council.

46. To ensure compliance with the Local Government (General) Regulation 2005, the construction and operation of the premises are to be carried out in accordance with the standards set out in Schedule 2, Part 2 of the Regulation, Standards for Hairdressers. Fit out and operation should also take place in accordance with:

Guidelines for Construction & Operation of Hairdressing, Beauty & Skin Penetration Premises;
NSW Health Skin Penetration Guidelines; and

47. Any contaminated medical or pathological wastes stored on the premises shall be secured in approved containers and disposed of by a registered contractor, in accordance with the requirements of the NSW Department of Health and the NSW Office of Environment & Heritage (DPIE) on a regular basis as detailed in the Waste Management report.
48. Storage of chemicals and substances in bulk form shall be stored in a bunded location in accordance with the NSW Office of Environment and Heritage (DPIE) requirements for bunding and spill management below and the WHS & Safety (General) Regulation 2001:
 - *Storing and Handling Liquids: Environment Protection – Participants Manual; and*
 - *Environmental Compliance Report: Liquid Chemical Storage, Handling and Spill Management – Part B review of Best Practice Regulation.*

LANDSCAPING/TREE PROTECTION

49. The amended Landscape Plan to be provided to NSW Heritage as required by Condition 3(x) of the NSW Heritage Office GTAs is to include additional planting on Lot 7, DP 270740 to the south of the southern boundary of Lot 3, DP 270740 to ensure the rural landscape curtilage and visual curtilage is maintained. This landscaping is to be covered by an easement over the agreed landscaping strip on Lot 7, DP 270740 and a positive covenant under Section 88B is to be registered over Lot 7 to ensure the plantings are maintained in perpetuity along this southern boundary.

Further plantings should be included along the eastern elevation to soften the appearance of the land when viewed from the eastern elevation. The exposed aggregate material proposed between Arkell House and Closebourne (within the courtyard space) should be reconsidered for a softer landscape outcome such as turf. This detail shall be submitted to NSW Heritage as part of the revised landscaping plan required to be approved by NSW Heritage under the **General Terms of Approval attached to this Determination**.

All landscaping shall be implemented and installed **prior to the issue of an Occupation Certificate**. Mature heights will be consistent with the approved plans and all vegetation should be planted at a minimum height of 0.5m at the time of planting (other than any small shrubs/plants not reaching this maximum height). In addition, all landscaping shall be covered with a minimum 75mm mulch to aid plant establishment.

All landscaped areas of the development shall be maintained for the life of the development in accordance with the final approved landscape plan (to be approved by NSW Heritage). The landscaped areas shall be kept free of parked vehicles, stored goods, garbage or waste material and the like.

Landscape works shall be maintained to a high standard at all times to achieve continuous healthy growth which will assist in improving amenity and aesthetics within this significant heritage site. Note: particular care and attention is to be undertaken with all planting of vegetation as well as the significant trees on the site to ensure their protection and health at all times (this also includes the trees in Brushbox Avenue).

50. All reasonable measures shall be undertaken to protect existing vegetation (not approved for removal under this consent) to ensure it is not damaged prior to or during construction works. Such measures shall include but not be limited to:

- (a) installing exclusion fencing around vegetation that adjoins the construction area to minimise damage to vegetation that is to be retained. Such fencing should be installed prior to works commencing on the site.
- (b) prohibiting compaction and placement of fill in close proximity to trees to be retained.
- (c) keeping all vehicles, construction materials and refuse within areas approved for buildings, structures, access ways and car parks.
- (d) salvaging useable trees and shrubs which are felled for re-use, either in log form or as woodchip mulch for erosion control and/or site rehabilitation.
- (e) notifying all contractors, sub-contractors, and personnel of the vegetation protection requirements of this condition.

LIGHTING

51. All lighting should meet the minimum Australian and New Zealand standards and the requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Low intensity security and sensor lighting shall be provided to all shared pedestrian paths, parking areas and/or entries in accordance with AS 1158 – Public Lighting Code for streets, car park areas and pedestrian areas. A well lit line of sight shall assist to ensure that there are no entrapment areas on the site and should be maintained by the Operator at all times.

The lighting should be designed, positioned and installed, to include appropriate shielding and orientation of the light fixture, so as not to give rise to obtrusive light, interfere with traffic safety or detract from the amenity of the surrounding area in accordance with Australian Standard 4282:1997 – Control of the obtrusive effects of outdoor lighting. The lights should be low glare, vandal resistant and free from obstructions and should ensure that there is no light spill or glare beyond the property boundary.

ADVERTISING

52. Any advertisement shall relate to the approved development or premises situated on that land and comply with Section C6 – Outdoor Advertising in Council's Development Control Plan 2011 and State Environmental Planning Policy No 64 and any additional requirements imposed by NSW Heritage. Proposed illumination of this signage shall be of a low halo type illumination only and comply with the requirements of Australian Standard 4282:1997 – Control of the obtrusive effects of outdoor lighting and the advertisement/signage must be maintained in a presentable and satisfactory state of repair at all times. (See also General Terms of Approval in this regard).
53. Internal directional signage for the Aged Care Facility is to be installed at the entrance to Edward Close Boulevarde within the site boundaries **prior to the operation of the facility**.
Note: Any internal directional signage requires approval from Council and plans will be required to be submitted in satisfaction of this requirement.

CARPARKING

54. Car parking for the development shall be provided in accordance with the approved plans, with a minimum allocation for the development of 32 car parking spaces including one accessible car parking space, plus one drop off/pick up space and one ambulance bay.

- 55. All driveways, parking areas and vehicles turning areas shall be designed in accordance with AS2890 and constructed with a bitumen sealed granular pavement, segmental pavers, or as reinforced concrete.
- 56. All parking bays shall be delineated with line-marking.

TRAFFIC MANAGEMENT AND SAFETY

- 57. A Construction Traffic Management Plan for the entire construction process is to be submitted to the Principal Certifying Authority for approval **prior to the issue of the relevant Construction Certificate to minimise impacts of construction vehicles on traffic efficiency and road safety.**

Details must include how the Management Plan will relate to each stage of the development and must ensure that deliveries to the site during the demolition and construction periods will not impact the significant landscape qualities on the site and the heritage significance of the site.

The Plan should also detail appropriate arrangements for car parking for tradesmen in a location that will not impact the significant landscape qualities on the site and the heritage significance of the site.

VEHICLE ACCESS

- 58. **Prior to the issue of an Occupation Certificate**, the driveways, parking areas and vehicle turning areas shall be constructed in accordance with the approved design and Council's Manual of Engineering Standards.
- 59. No vehicle access is approved along the gravel road entry from Morpeth road to Closebourne House other than for emergency vehicles only (if required). This access is not to include bollards but a chain access restriction (so as not to impact the significance of Closebourne House) and details of this are to be provided to the applicable emergency services, including Fire, Ambulance and Police. The existing signage internal to the site in the vicinity of the gravel access and Morpeth Road should be upgraded to ensure reference to use by emergency vehicles only. Any such upgrade of this signage requires approval from Council and plans will be required to be submitted in satisfaction of this requirement.

TRANSPORT SERVICES/HIGH CARE FUNCTIONS

- 59A. Provide a mini bus service to residents on a regular basis for organised events and activities.
- 59B. Services and facilities are to be provided including, but not limited to:
 - (a) Meals and nutrition management;
 - (b) Home help (laundry, meals, housework, shopping);
 - (c) Personal hygiene management;
 - (d) Nursing services;
 - (e) Mobility assistance (including transfers);
 - (f) Rehabilitation programs;
 - (g) Podiatry; and
 - (h) Emergency alert and response (24 hours a day, 7 days per week by on-site staff).

STORMWATER DRAINAGE

60. A drainage design shall be prepared by a suitably qualified and experienced drainage engineer, in accordance with Council's Manual of Engineering Standards. The major system requirements shall include, but not limited to, the following:
- a) In accordance with the approved stormwater plan by Lindsay Dynan – Project Ref: 12607, Drawing No's DA-2204, DA2205 & DA-2207 Revision A, dated 06.2.20
 - b) A major stormwater drainage system catering for discharge from contributing catchment areas in their ultimate developed state.
 - c) A stormwater detention system to reduce post-developed discharges to predeveloped discharges, for the critical storm up to and including the 1% AEP ("1 00 year") event. This shall include meeting pre-development flows at the discharge points for the development site.
 - d) A stormwater water quality system to collect gross pollutants and nutrients generated from the contributing catchment areas in their ultimate developed state.

CIVIL WORKS

61. **Prior to issue of the relevant Construction Certificate** for the internal roads and drainage works, an engineering design shall be prepared and plans submitted, for approval by the Accredited Private Certifying Authority.
62. **Prior to issue of the relevant Occupation Certificate** all works and certification associated with the Construction Certificate shall be completed.

WASTE MANAGEMENT (OPERATIONAL)

63. Waste bins are to be stored in the area depicted on the approved plans at all times, other than, a reasonable time prior to and after the weekly bin collection occurs, to ensure there is limited interference with the operation of the roadway and carpark area.
- The owner of the site in conjunction with the site operator is to ensure that this bin collection occurs on a minimum weekly basis increasing to twice weekly (if required), to ensure management of any potential odour from the waste storage area. The bins should also be regularly cleaned to ensure a high standard of cleanliness and to ensure odour from bins is minimised.

BUILDING CONSTRUCTION/ACCESSIBILITY

64. All building work shall be carried out in accordance with the performance provisions of the Building Code of Australia.
65. Independent verification from an accredited access consultant shall be submitted to the Principal Certifying Authority certifying that the development has been constructed in accordance with the SEPP, **prior to the issue of an Occupation Certificate.**

CONSTRUCTION/SITE VIBRATION

66. Vibration on the site and surrounding land from construction site operations shall comply with the Office of Environment & Heritage (DPIE) publication 'Assessing Vibration: A technical guideline' – February 2006.

SITE CONSIDERATIONS

67. All excavations and backfilling shall be executed safely, in accordance with appropriate professional standards and shall be properly guarded and protected to prevent the works from being dangerous to life or property.

68. Only retaining walls indicated on the approved plans shall be constructed under this consent.

No additional excavation/fill is to occur outside the area as shown on the approved plans. No fill or retaining walls shall be located within any drainage easement located upon the subject property.

Note: A Construction Certificate is required for all retaining walls which exceed 900mm in height. Construction detail for retaining walls is to be included with Construction Certificate application.

69. Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:

a. 7.00am to 6.00pm Monday to Friday

b. 7.00am to 5.00pm Saturday

Any work performed on Sunday's or Public Holidays that may cause offensive noise, as defined under the Protection of the Environment Operations Act, is prohibited. Minor works (such as hand sanding, painting, digging and the like) is permitted between the hours of 9.00am to 5.00pm. Power operated tools are not permitted to be used.

70. Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.

71. All building materials, plant and equipment shall be contained wholly within the development site.

72. A sign must be erected in a prominent position on the work:

i) stating that unauthorised entry to work site is prohibited, and

ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted during work hours.

Any such sign is to be removed when the work has been completed.

Note: This condition does not apply to:

i) building work carried out inside an existing building, or

ii) 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.

73. Approved toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. The provision of toilet facilities in accordance with this Clause must be completed before any other work is commenced.

74. The site is to be cleared of all building refuse and spoil immediately after completion of the building/structure to a Licensed Landfill Authority.

75. No building materials, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath.
76. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.

ADVICES

The following advice is limited in scope and should not be understood to encompass all areas of responsibility of the consent holder, relating to the development.

- A You are advised that where underground works within the road reserve are required for necessary for supply of services (such as water, sewer, electricity, gas), further consent for a "Road Opening" must be obtained from Council.
- Refer to Council's form: "*Application for Registration to Open Roads/Footpaths*".
- B You are advised that there may be design matters in relation to the drainage *concept* plan that warrant further attention prior to the issue of the Construction Certificate.
- C You (or the owner) are advised to notify Council in writing, of any existing damage to the street infrastructure (including landscaping) along the frontage of the property, prior to commencement of construction. The absence of such notification signifies that no damage exists. Where necessary repairs are carried out by Council, the owner of the property shall be held liable for the cost of those repairs.
- D You are advised that, prior to pouring of internal concrete driveways and kerbs, which act as surface depression storage for the stormwater detention, (and/or surfaces which divert runoff to those storage areas), levels should be confirmed, by survey, on formwork and control marks.
- E You are advised that the issue of this development consent does not amount to a release, variation or modification by Council of any covenant or easement applicable to this property and that Council will not be held responsible when action on this consent results in any loss or damage by way of breach of matters relating to title of the property.
- G You are advised that compliance with the requirements of the Disability Discrimination Act, (DDA) applies to works on this site. It should be noted that compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA.
- H The developer is responsible for the full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by the proposal. Such utilities include water, sewerage, drainage, power, communications, footways, kerb and gutter and other associated infrastructure.