Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

**Reasons for approval**

The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being;

Singleton Local Environmental Plan 2013 (SLEP), State Environmental Planning Policy (Resilience and Hazards) 2021, and State Environmental Planning Policy (Building Sustainability Index) 2022. State Environmental Planning Policy (Primary Production) 2021, State Environmental Planning Policy (Industry and Employment) 2021, State Environmental Planning Policy (Planning Systems) 2021.

The proposed development, subject to the recommended conditions, is consistent with the objectives of the Singleton Development Control Plan 2014 (SDCP).

Subject to the recommended conditions the proposed development will be provided with adequate essential services required under the SLEP.

The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.

The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.

The proposed development is a suitable and planned use of the site and its approval is within the public interest.

Council has given due consideration to community views when making the decision to determine the application.

**Right of appeal / review of determination**

If you are dissatisfied with this determination:

**Request a review**

You may request a review of the consent authority’s decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

**Rights to appeal**

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

**Terms and Reasons for Conditions**

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

**CONDITIONS OF CONSENT**

**General Conditions**

1. **Approved Plans and Documentation**

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

1. Approved Plans

|  |  |  |  |
| --- | --- | --- | --- |
| **Location Plan** | **Drawing Number** | **Issue** | **Date** |
| Location Plan | DA100 | A | 27/10/2023 |
| Site Analysis Plan | DA101 | A | 27/10/2023 |
| Proposed – Overall Site Plan and Council Setbacks | DA102 | B | 10/05/2024 |
| Existing & Demolition – Overall Site Plan | DA103 | A | 27/10/2023 |
| Proposed – Overall Site Plan 1:500 | DA104 | B | 10/05/2024 |
| Proposed – Overall Site Plan with Site Constraints Overlay | DA105 | A | 27/10/2023 |
| Proposed – Overall Site Plan with Approved Roads and Carpark Overlay | DA106 | A | 27/10/2023 |
| Proposed – Overall GFA | DA107 | A | 27/10/2023 |
| Proposed – Riparian Vegetation Removal and Offsets | DA108 | B | 10/05/2024 |
| Existing, Approved & Proposed Restaurant 3D Diagram | DA200 | A | 27/10/2023 |
| Existing & Demolition – Restaurant Plan | DA201 | A | 27/10/2023 |
| Existing & Demolition – Restaurant Roof Plan | DA202 | A | 27/10/2023 |
| Proposed – Restaurant Site Plan | DA203 | A | 27/10/2023 |
| Proposed – Restaurant Plan | DA204 | A | 27/10/2023 |
| Proposed – Restaurant Roof Plan | DA205 | A | 27/10/2023 |
| Proposed/Existing & Demolition – Restaurant Elevations | DA206 | A | 27/10/2023 |
| Proposed/Existing & Demolition – Restaurant Elevations | DA207 | A | 27/10/2023 |
| Proposed/Existing & Demolition – Restaurant Elevations | DA208 | A | 27/10/2023 |
| Proposed/Existing & Demolition – Restaurant Elevations | DA209 | A | 27/10/2023 |
| Proposed/Existing & Demolition – Restaurant Sections | DA210 | A | 27/10/2023 |
| Proposed – Restaurant Section | DA211 | A | 27/10/2023 |
| Proposed - Restaurant GFA | DA212 | A | 27/10/2023 |
| Proposed – Restaurant Material Schedule | DA213 | A | 27/10/2023 |
| Proposed – Restaurant 3D Visualisation | DA214 | A | 27/10/2023 |
| Existing & Demolition – Guesthouse Themed Suites Plan | DA300 | A | 27/10/2023 |
| Existing & Demolition – Guesthouse Themed Suites Roof Plan | DA301 | A | 27/10/2023 |
| Proposed – Guesthouse Themed Suites Plan | DA302 | A | 27/10/2023 |
| Proposed – Guesthouse Themed Suites Roof Plan | DA303 | A | 27/10/2023 |
| Proposed/Existing & Demolition – Guesthouse Themed Suites Elevations | DA304 | A | 27/10/2023 |
| Proposed/Existing & Demolition – Guesthouse Themed Suites Elevations | DA305 | A | 27/10/2023 |
| Proposed/Existing & Demolition – Guesthouse Themed Suites Elevations | DA306 | A | 27/10/2023 |
| Proposed/Existing & Demolition – Guesthouse Themed Suites Elevations | DA307 | A | 27/10/2023 |
| Proposed– Guesthouse Themed Suites Sections | DA308 | A | 27/10/2023 |
| Proposed– Guesthouse Themed Suites GFA | DA309 | A | 27/10/2023 |
| Proposed– Guesthouse Themed Suites Material Schedule | DA310 | A | 27/10/2023 |
| Proposed– Guesthouse Themed Suites 3D Visualisation | DA311 | A | 27/10/2023 |
| Existing & Demolition – Casuarina Manor Plan | DA400 | A | 27/10/2023 |
| Proposed – Casuarina Manor Plan – Change of Use to Storage | DA401 | A | 27/10/2023 |
| Proposed – Casuarina Manor Roof Plan | DA402 | A | 27/10/2023 |
| Proposed – Casuarina Manor Elevations | DA403 | A | 27/10/2023 |
| Proposed – Casuarina Manor Elevations | DA404 | A | 27/10/2023 |
| Proposed – Casuarina Manor Sections | DA405 | A | 27/10/2023 |
| Proposed – Casuarina Manor GFA | DA406 | A | 27/10/2023 |
| Proposed – Casuarina Manor Material Schedule | DA407 | A | 27/10/2023 |
| Proposed New Entry Gate and Signage Plan & Elevation | DA500 | A | 27/10/2023 |
| Proposed New Entry Gate and Signage Material Schedule | DA501 | A | 27/10/2023 |
| Proposed New Entry Gate and Signage 3D Visualisations | DA502 | A | 27/10/2023 |
| Proposed – New Casuarina Manor Plan | DA600 | A | 27/10/2023 |
| Proposed – New Casuarina Manor Roof Plan | DA601 | A | 27/10/2023 |
| Proposed – New Casuarina Manor Elevations | DA602 | A | 27/10/2023 |
| Proposed – New Casuarina Manor Elevations | DA603 | A | 27/10/2023 |
| Proposed – New Casuarina Manor Sections | DA604 | A | 27/10/2023 |
| Proposed – New Casuarina Manor GFA | DA605 | A | 27/10/2023 |
| Proposed – New Casuarina Manor Material Schedule | DA606 | A | 27/10/2023 |
| Proposed – New La Petite Maison and Hampton Loft Ground Floor Plan | DA700 | A | 27/10/2023 |
| Proposed – New La Petite Maison and Hampton Loft First Floor Plan | DA701 | A | 27/10/2023 |
| Proposed – New La Petite Maison and Hampton Loft Second Floor Plan | DA702 | A | 27/10/2023 |
| Proposed – New La Petite Maison and Hampton Loft Roof Plan | DA703 | A | 27/10/2023 |
| Proposed – New La Petite Maison and Hampton Loft Elevations | DA704 | A | 27/10/2023 |
| Proposed – New La Petite Maison and Hampton Loft Elevations | DA705 | A | 27/10/2023 |
| Proposed – New La Petite Maison and Hampton Loft Sections | DA706 | A | 27/10/2023 |
| Proposed – New La Petite Maison and Hampton Loft GFA | DA707 | A | 27/10/2023 |
| Proposed – New La Petite Maison and Hampton Loft Material Schedule | DA708 | A | 27/10/2023 |
| Proposed – New Guesthouse Turn Key Suites Ground Floor Plan | DA800 | A | 27/10/2023 |
| Proposed – New Guesthouse Turn Key Suites First Floor Plan | DA801 | A | 27/10/2023 |
| Proposed – New Guesthouse Turn Key Suites Roof Plan | DA802 | A | 27/10/2023 |
| Proposed – New Guesthouse Turn Key Suites Elevations | DA803 | A | 27/10/2023 |
| Proposed – New Guesthouse Turn Key Suites Elevations | DA804 | A | 27/10/2023 |
| Proposed – New Guesthouse Turn Key Suites Sections | DA805 | A | 27/10/2023 |
| Proposed – New Guesthouse Turn Key Suites GFA | DA806 | A | 27/10/2023 |
| Proposed – New Guesthouse Turn Key Suites Material Schedule | DA807 | A | 27/10/2023 |
| Proposed – New Cellar Door Plan | DA900 | A | 27/10/2023 |
| Proposed – New Cellar Door Roof Plan | DA901 | A | 27/10/2023 |
| Proposed – New Cellar Door Elevations | DA902 | A | 27/10/2023 |
| Proposed – New Cellar Door Elevations | DA903 | A | 27/10/2023 |
| Proposed – New Cellar Door Sections | DA904 | A | 27/10/2023 |
| Proposed – New Cellar Door GFA | DA905 | A | 27/10/2023 |
| Proposed – New Cellar Door Material Schedule | DA906 | A | 27/10/2023 |
| Proposed – New Outdoor Pool and Pool House Plan | DA1000 | A | 27/10/2023 |
| Proposed – New Outdoor Pool and Pool House Roof Plan | DA1001 | A | 27/10/2023 |
| Proposed – New Outdoor Pool and Pool House Elevations | DA1002 | A | 27/10/2023 |
| Proposed – New Outdoor Pool and Pool House Elevations | DA1003 | A | 27/10/2023 |
| Proposed – New Outdoor Pool and Pool House Sections | DA1004 | A | 27/10/2023 |
| Proposed – New Outdoor Pool and Pool House GFA | DA1005 | A | 27/10/2023 |
| Proposed – New Outdoor Pool and Pool House Material Schedule | DA1006 | A | 27/10/2023 |
| Proposed – New Single Dwelling Ground Floor Plan | DA1100 | A | 27/10/2023 |
| Proposed – New Single Dwelling First Floor Plan | DA1101 | A | 27/10/2023 |
| Proposed – New Single Dwelling Roof Plan | DA1102 | A | 27/10/2023 |
| Proposed – New Single Dwelling Elevations | DA1103 | A | 27/10/2023 |
| Proposed – New Single Dwelling Elevations | DA1104 | A | 27/10/2023 |
| Proposed – New Single Dwelling Sections | DA1105 | A | 27/10/2023 |
| Proposed – New Single Dwelling GFA | DA1106 | A | 27/10/2023 |
| Proposed – New Single Dwelling Material Schedule | DA1107 | A | 27/10/2023 |
| Door and Window Schedule for BASIX and Section J Assessment | DA1200 | A | 27/10/2023 |
| EROSION AND SEDIMENTATION CONTROL PLAN | C03.01 | E | 12/10/2023 |
| EROSION AND SEDIMENTATION CONTROL DETAILS | C03.02 | E | 12/10/2023 |
| OVERALL SITE PLAN | C04.01 | E | 12/10/2023 |
| CIVIL SITE PLAN (1 OF 2) | C04.02 | E | 12/10/2023 |
| CIVIL SITE PLAN (2 OF 2) | C04.03 | E | 12/10/2023 |
| STORMWATER MANAGEMENT PLAN (1 OF 2) | C05.01 | E | 12/10/2023 |
| STORMWATER MANAGEMENT PLAN (2 OF 2) | C05.02 | E | 12/10/2023 |
| TYPICAL SECTION & DETAILS | C06.01 | E | 12/10/2023 |
| RAINWATER TANK DETAILS | C05.02 | E | 12/10/2023 |

1. Approved Documents

|  |  |  |  |
| --- | --- | --- | --- |
| **Document**  | **Reference** | **Author** | **Date** |
| Casuarina Estate Pokolbin Amending Development Application (Landscaping) | E | Arcadia | 30/10/2023 |
| Letter - Development Application 8.2023.559.1 - 1023 Hermitage Road, Pokolbin NSW 2320 | IDAS1153240 | Water NSW | 31/01/2024 |
| Bushfire Protection Assessment prepared by Eco Logical | 22SYD4439, version 2 | Eco Logical | 11/10/2023 |
| Prescribed Ecological Actions Report (PEAR) | AE23-PEAR-2556-ISS-2 | Abel Ecology | 23/10/2023 |
| Response to Council Request for Further Information 8.2023.559.1. - Prescribed Ecological Actions Report(PEAR) for 1023 Hermitage Road, Pokolbin NSW 2320 | 2556-RFI-01 | Abel Ecology | 17/05/2023 |
| Visual Impact Assessment | E230974 VIA – V2 | EEM | 29/09/2023 |
| Traffic Impact Assessment | E230074 RP1 – V3 | EEM | 13/10/2023 |
| WASTE MANAGEMENT PLAN | Unreferenced | DICKENS SOLUTIONS | September 2023 |
| Wastewater Management Report – Casuarina Estate | R.0570.002.01 | De Centralised Water Australia | 16/10/2023 |

In the event of any inconsistency between the approved plans and documents, the approved Plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: *To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.*

1. **General Terms of Approval**

The following approval bodies have given general terms of approval in relation to the development:

1. [Rural Fire Service reference number DA20231221005814-Original-1, dated 2/2/24

A copy of the General Terms of Approval is attached to this notice of determination. The development shall be undertaken in accordance with conditions specified by the approval body.

*Reason: To provide the relevant General Terms of Approval*

1. **Construction Certificate, Principal Certifier & Notice of Commencement**

In accordance with the provisions of Section 6.6 of the Environmental Planning and Assessment Act 1979 construction works approved by this consent must not commence until:

* 1. A Construction Certificate has been issued by the consent authority, Council or an registered certifier; and
	2. A Principal Certifier has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the EP&A Act 1979; and;
	3. If Council is not the Principal Certifier, notify Council no later than two (2) days before building work commences as to who is the appointed Principal Certifier; and;
	4. d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

*Reason: To ensure a Construction Certificate is approved before building work commences*

1. **Energy Efficiency - Class 3, 5,6, 7, 8 and 9 Buildings**

The proposed building(s) must be constructed in accordance with the current requirements for efficient energy use. The Principal Certifier is to be satisfied that the proposed building(s) will comply with Section J and NSW Subsection J(B) of the Building Code of Australia.

*Reason: To ensure the buildings satisfy the relevant energy efficiency requirement.*

1. **Swimming Pools and Spas**

"The approved swimming pool/spa must comply with the Swimming Pools Act 1992, Swimming Pools Regulation 2018, Australian Standard 1926 Parts 1,2 and 3 and Part H7D2 of the National Construction Code.

Attention is drawn to the requirements of AS 1926.3 and Part 3.10.1 of the BCA 2019 that contains the requirements for swimming pool recirculation systems."

*Reason To ensure the approved swimming pool/spa complies with the relevant safety regulations.*

1. **Pool Fence Installation**

The swimming pool and safety fences and gates shall be installed in accordance with the approved plans and specifications, the Swimming Pools Act, 1992, AS 1926.1 - 2012 and AS1926.2 – 2007

*Reason: To ensure the pool fence is erected as per the regulation for safety purposes*

1. **Noise from Pool Plant**

Pool plant (i.e. filter) is to be sited so as not to cause a nuisance to adjoining neighbours. Provisions of the Protection of the Environment Operations Act 1997, include restrictions relating to noise levels.

*Reason: To ensure the pool plant does not negatively affect the amenity of the surrounding area*

1. **Child Resistant Barrier**

The swimming pool shall at all times be surrounded by a child resistant barrier that separates the swimming pool from any building situated on the premises and from any place (whether public or private) adjoining the premises. It is to be designed, constructed, installed and maintained in accordance with the standards prescribed by the Swimming Pools Act, 1992, the Swimming Pools Regulation 2018 and AS 1926.1 –- 2012 and AS1926.2 – 2007.

*Reason: To ensure the approved pool is surrounded by a child resistant barrier for safety reasons.*

1. **Restricted Access**

Access to the swimming pool from any building situated on the premises shall at all times be restricted in accordance with the standards prescribed by Clause 5 of the Swimming Pools Regulation 2018. These standards are detailed in AS 1926.1 – 2012 Safety Barriers for Swimming Pools.

*Reason: To ensure access to the swimming pool is restrcited as per the regulation for swimming pool safety reasons.*

1. **Self- Closing Gates**

Access gates are to be self- closing and self- latching and shall open outwards only, away from the pool area. The closing device shall be capable of returning the gate to the closed position with the gate in any position from resting on the latching mechanism to fully open*.*

*Reason: To ensure a gate is self closing for safety reasons*

1. **Height of Gates and Fences**

Fences and gates to the swimming pool shall have an effective height of at least 1200mm except for boundary fences which must be not less than 1800mm in height.

Effective height must include a continuous non-climbable zone. In this zone the distance between hand and foothold must not be less than 900mm.

*Reason: To ensure the gate is not of a climbable height for safety reasons*

1. **Child Resistant Openable Portion of a Window**

Where a window opens directly into the pool area and the height from the sill of the lowest opening panel of the window to the finished ground level in the pool area is less than 1800 mm, the openable portion of the window shall comply with one of the following;

1. Be totally covered by bars or a metal screen that are fixed to the building with fasteners that can only be removed by the use of a tool. The opening between bars and the horizontal dimension of openings in a metal screen shall not be greater than 100 mm
2. Be fixed to the building with fasteners that can only be removed by the use of a tool so that it will remain closed or will open to a maximum of 100 mm.
3. Note: b) is not acceptable where the window opening is required for Building Code of Australia natural ventilation requirements.

*Reason: To ensure windows that open to a pool area are restricted for safety reasons.*

1. **Types of Pool Fence**

The type of fence and the location of the pool within the fenced area must permit viewing through or over the fence.

NOTE: Solid fences may not comply with the above requirement.

*Reason: To ensure the pool fence can allow surveillance for safety reasons*

1. **Proximity of Fence to Pool**

The innermost edge of the swimming pool shall not be situated closer than 1.0 metre from any swimming pool safety barrier.

*Reason: To ensure the area between the pool and the safety barrier allows room to pull a person from the pool and position them on the side of the pool in the event of a rescue.*

1. **Warning Notices**

The occupier of any premises in or on which a swimming pool is situated must ensure that there is at all times a sign prominently displayed and permanently fixed in the vicinity of the swimming pool, which contains the words:

1. “Young children should be actively supervised when using this swimming pool”, and
2. “Pool gates must be kept closed at all times”, and
3. “Keep articles, objects and structures clear of the pool at all times”.

Together with details of resuscitation techniques, in accordance with the Cardiopulmonary Resuscitation Guidelines.

*Reason: To ensure a warning notice is appropriately positioned for safety reasons*

1. **Pool Signage**

The occupier of any premises in or on which a swimming pool (not including a spa pool) is being constructed must ensure that a sign is erected and maintained that:

1. bears a notice containing the words “This swimming pool is not to be occupied or used”, and
2. is located in a prominent position in the immediate vicinity of that swimming pool, and
3. continues to be erected and maintained until a relevant occupation certificate or a certificate of compliance has been issued for that swimming pool.

*Reason: To ensure a safety sign is appropriately positioned.*

1. **Pool Surrounds**

Swimming Pool surrounds and/or paving shall be constructed so as to ensure water from the pool overflow or surge does not discharge onto neighbouring property.

*Reason: To ensure swimming pool water does not impact adjoining properties.*

1. **Wastewater – Unsewered Areas**

The swimming pool wastewater is to be discharged to a 450mm wide x 900mm deep x 4.5metre long tunnel trench. Alternatively, swimming pool wastewater is to be conveyed to a 450mm wide x 900mm deep x 6m long rubble trench.

The discharge of pool wastewater is to be clear of on-site sewage management systems and not cause a nuisance to adjoining owners.

*Reason: To ensure wastewater does not create a nuisance for surrounding properties.*

1. **Decommissioning of Existing On-Site Sewage Management System**

The existing on-site sewage management system is to be decommissioned in accordance with the requirements of NSW Health Advisory Note 3 May 2017 - Destruction, Removal or Reuse of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems and other Sewage Management Facility Vessels.

*Reason: To ensure the existing on-site sewage management system is decommissioned in a safe manner.*

1. **Appointment of Principal Certifier and issue of Construction Certificate**

Work shall not commence in connection with this Development Consent until:

1. A Construction Certificate for the building work has been issued by:
2. the Consent Authority (Singleton Council); or
3. a Principal Certifier (PC); and
4. The person having the benefit of the development consent has:
5. i) appointed a Principal Certifier (PC) for the building work, and
6. notified the Principal Certifier that the person will carry out the work as an owner-builder, if that is the case; and
7. The PC has, no later than 2 days before the building work commences:
8. notified the Council of their appointment, and
9. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work; and
10. The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has
11. appointed a Principal Contractor for the building work who must be the holder of a contractor license if any residential building work is involved, and
12. notified the Principal Certifier of such an appointment, and
13. unless that person is the Principal Contractor, notified the principal

contractor of any critical stage inspections and other inspections that

are to be carried out in respect of the building work, and

1. The person having the benefit of the development consent has given at least two (2) days notice to the Council of the person’s intention to commence the erection of the building.

Note: If Council is appointed as the PC, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates. Completion of a contract for appointment of Council as the PC is required to be submitted to Council prior to commencement of any works.

*Reason: To ensure the development complies with the requirement to appoint a Principal Certifier and gain a Construction Certificate.*

1. **Potable Water Supply at Food Premises**

The premises shall have an adequate supply of potable water for the use in any activity involved in food preparation, personal hygiene, cleaning and sanitising.

*Reason: To ensure the water supply is potable*

1. **Quality Assurance Program**

Food premises that use water from a private water supply must submit a Quality Assurance Program to NSW Health to meet the requirements of the Public Health Act 2010 and Public Health Regulation 2022.

*Reason: To ensure the water quality is regulated*

1. **Notification of Public Swimming Pool**

All public swimming pools and spa pools must be notified to council on NSW Health “Notification of Public Swimming Pool or Spa Pool” form to meet requirements section 35(2) of Public Health Act 2010 and section 30 Public Health Regulation 2022.

*Reason: To ensure the public swimming pool can be monitored in accordance with the legislative requirements*

1. **Public Swimming Pool Disinfection System**

The public swimming pool disinfection system is required to be delivered by an automatically or continuously metered dose with either chlorine or bromine to meet the requirements of the Public Health Act 2010 and Public Health Regulation 2022.

*Reason: To ensure the swimming pool water quality*

1. **Section 138 Approval**

Any work within a public road must be inspected and approved by Council under the

*Roads Act 1993* as the Roads Authority. The applicant is to submit an application in order

to obtain a permit with conditions prior to starting any works on the Council Road Reserve.

***Reason:*** *To ensure the work complies with the Roads Act 1993*

1. **Service Relocations**

The registered proprietor of the land shall be responsible for all costs incurred in the

necessary relocation of any services affected by the required works. Council

and other service authorities should be contacted for specific requirements prior to

commencement of any works.

***Reason:*** *To ensure the relocation of services are not adversely impacted.*

**Before Issue of Construction Certificate**

1. **Sediment and Erosion Control**

The control of erosion and the prevention of silt discharge into drainage systems and

waterways will be necessary in accordance with Council’s Development Engineering

Specifications, Landcom’s ‘Soil and Construction – Managing Urban Stormwater –

Current edition. Sediment and erosion control measures are to be implemented prior to

the commencement of any earthworks and shall be maintained until satisfactory

completion and restoration of site earthworks, including revegetation of all exposed areas.

***Reason:*** *To ensure sediment and erosion control measures are appropriately put in place.*

1. **Drainage Design**

Before the issue of a construction certificate the applicant shall submit details of stormwater disposal with supporting calculations for the development to the Principal Certifier for approval.

*Reason: To ensure stormwater is disposed of appropriately.*

1. **Parking and Vehicle Movements**

Before the issue of a Construction Certificate, the applicant is to supply scaled drawings of parking and vehicle movements for the development to the Principle Certifying Authority for approval.

*Reason: To ensure parking and vehicle movements can be accommodated as required for the development.*

1. **Access for people with disabilities**

Before the issue of the Construction Certificate, the Principal Certifier shall be satisfied that access for people with disabilities from the public domain and all car parking areas on site to all tenancies within the building is provided. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifier prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act 1992 and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS1735.12.

*Reason: To ensure the plans comply with the requirements for access for people with disabilities.*

1. **Accessible toilet facilities**

Before the issue of the Construction Certificate plans and details of the accessible toilet(s) complying with the relevant Australian Standards, the Building Code of Australia (National Construction Code) and with regard to the Disability Discrimination Act 1992, shall be provided to and approved by the Principal Certifier.

*Reason: To ensure the plans comply with the requirements for access for accessible toilet facilities.*

1. **Accessibility design audit**

Prior to the issue of the Construction Certificate an accessibility design audit which has been certified by an accredited access consultant shall be submitted, certifying the development’s compliance with the Building Code of Australia and the Disability Discrimination Act 1992 in relation to the provision of equity in access for people with a disability.

*Reason: To ensure the plans comply with the requirements for access for people with disabilities.*

1. **Section 68 Approval**

The application shall be accompanied by the required documentation, as specified under Clause 26 of the Local Government (General) Regulation 2005. The design of the onsite

sewage management system shall be in accordance with the Environmental Health Protection Guidelines and AS/NZS 1547-2012 (The application form and further information is available on Council’s website)

The Section 68 application shall be considered and approved by Council before the release of a Construction Certificate for the development.

*Reason: To ensure a Section 68 Approval is issued where required.*

1. **Details pool fence required**

The application for a Construction Certificate is to include plans and specifications that indicate the details of the fence around the swimming pool in accordance with the Swimming Pools Act 1992 and AS1926.1.

The plans and specifications must be approved as part of the Construction Certificate."]

*Reason: To ensure details of pool fencing are required as required.*

1. **Building Waste**

Prior to any construction work commencing, containment of building waste materials shall be provided within the boundaries of the building site, above natural or excavated ground level, by a screened area of silt stop fabric or shade cloth, having minimum dimensions of 2.4 x 2.4 x 1.2 metres high OR equivalent size waste disposal bin.

The enclosure or bin shall be regularly cleaned to ensure proper containment of the building wastes generated on the site.

Appropriate provision is to be made to prevent wind-blown rubbish escaping from the containment.

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.

*Reason: To ensure building waste is appropriately contained*

1. **Food Premises – Detailed Plans**

Detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the *Australia New Zealand Food Standards Code – 3.2.3* *– Food Premises and Equipment* under the *Food Act 2003* and *AS 4674 - Design, Construction and Fit-out of Food Premises*. A copy of these plans must be submitted to and approved by the Principal Certifier as compliant with the required standards before the issue of the Construction Certificate.

*Reason: To ensure the food premises fit out complies with relevant food safety legislation and standards*

1. **Mechanical Ventilation – Certification of Compliance**

Details of any mechanical ventilation and/or air handling system must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the National Construction Code 2019, to the satisfaction of the Principal Certifier before the issue of a Construction Certificate. The system must be certified as complying with AS1668.1 and 2 – 2012 The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings, the National Construction Code and relevant Australian Standards.

*Reason: To ensure adequate mechanical ventilation is provided*

1. **Compliance with Acoustic Report**

Before the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with any requirements and recommendations of the approved acoustic report prepared by PKA Acoustic Consulting dated 9 October 2023 reference 12542 R01v2.

Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

*Reason: To ensure appropriate noise attenuation measures are used*

1. **Vegetation Management Plan**

Prior to the issue of any Construction Certificate the applicant must prepare and submit to, and obtain approval from Council for a Vegetation Management Plan (VMP) for the area of retained vegetation on the lot. The area of the VMP is to be as shown clearly on a plan to be endorsed by Council.

The VMP is to be prepared by a suitably qualified and experienced Ecologist. The objectives of the VMP are to ensure the site's ecological values are maintained, enhanced and protected through weed management, protection of existing native vegetation, regeneration of native vegetation, and if necessary replanting. Implementation of the VMP must commence immediately following issue of any Construction Certificate. In preparing and implementing the VMP the following criteria must be addressed:

a) A suitably qualified and experienced professional bush regeneration contractor is to be engaged to carry out any revegetation planting, restoration and maintenance weed control specified in the VMP. The minimum qualifications and experience required for the bush regeneration contractor are a TAFE Certificate IV in Conservation and Land Management (or equivalent) and three years demonstrated experience (for site supervisor) and a TAFE Certificate 2 in Conservation and Land Management and one year demonstrated experience (for other personnel).

b) A site plan must be prepared at an appropriate scale, clearly showing the area to which the VMP applies, existing vegetation, locations of any threatened species on site and extent of any dominant weed infestations.

c) A description of existing native vegetation, assessment of ability to regenerate and rehabilitation methods must be provided.

d) The plants used for planting are to be only locally native species grown by a specialist native plant nursery to enhance foraging opportunities for native fauna. Native species are to be characteristic of the Endangered Ecological Community (EEC) The Central Hunter Ironbark-Spotted Gum-Grey Box Forest in the NSW North Coast and Sydney Basin Bioregions.

e) A schedule of works must be prepared detailing the sequence and duration of works necessary for the regeneration, any revegetation and maintenance works. All primary weed control must be undertaken in the first year following commencement of the VMP, with secondary weed control undertaken in the second year following commencement of the VMP.

f) If natural regeneration has not occurred within one (1) year of implementation of the VMP to achieve a cover of at least 1 shrub or small tree per 4 m2 then replanting must occur within two (2) years of implementation of the VMP. The density of planting is to achieve a cover of at least 1 shrub or small tree per 4m2.

g) A minimum of 90% survival rate of plantings is required, with replacement planting to occur if required to achieve this.

h) The location and type of fencing or other suitable method of restricting access into the area to which the VMP applies must be identified.

i) Photo monitoring points, details of plant survival and occurrence of natural regeneration are to be used as part of the monitoring of the area and included in each monitoring report.

j) Works timing schedule.

The VMP is to be reviewed by council with written approval provided to the project manager prior to on ground construction works commencing. Monitoring reports on the progress of the VMP are to be submitted to and approved by Council’s Ecologist once every twelve (12) months for the duration of the VMP."

*Reason: Vegetation management*

1. **Weed Management and hygiene**

Before the issue of a Construction Certificate, all areas of the site where priority weeds under the Biosecurity Act 2015 occur must be identified on A Site Plan and appropriate management measures are to be identified, including:

• details of vehicle and machinery hygiene protocols;

• priority weed control methods as identified through the NSW Weedwise Guide and as per consultation with the Local Land Services;

• frequency of management control methods.

Details of priority weed management, including actions proposed in consultation with the Local Land Services and areas designated for weed management are to be reviewed and approved by the consent authority before issue of a Construction Certificate.

*Reason: Management of habitat removal*

1. **Section 7.11 Contributions**

A monetary contribution pursuant to the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979 and Councils S7.11 Contributions Plan 2008 (1.2 Rural - Non - Residential Development Contributions Rate): towards to provision of the following services before the issue of a Construction Certificate

|  |
| --- |
| **Turnkey Units** |
| Facility Type | Method | Contribution Rate | Item | Total |
| Bushfire services | For every $200,000 of capital cost | $4,048 | 49 | $198,352 |
| Rural Roads | Per Equivalent Dwelling or Lot serviced by a sealed Council road | $2,857 | 11 | $31,427 |
| Preparing and Administering Plans | per dwelling or lot | $195 | 11 | $2,145 |
|   |   |   | **Total** | **$231,924** |

|  |
| --- |
| **Cellar Door** |
| Facility Type | Method | Contribution Rate | Item | Total |
| Bushfire services | For every $200,000 of capital cost | $4,048 | 11 | $44,528 |
| Rural Roads | Per Equivalent Dwelling or Lot serviced by a sealed Council road | $2,857 | 7 | $19,999 |
| Preparing and Administering Plans | per dwelling or lot | $195 | 7 | $1,365 |
|   |   |   | **Total** | **$65,892** |

A copy of the Contributions Plan may be inspected at Council’s Customer Service Section, Administrative Building, Cnr Queen and Civic Avenue, Singleton or can be accessed on Council’s Website www.singleton.nsw.gov.au

The amount of contribution payable under this condition has been calculated on 21 May 2024. This amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index (CPI) as published by the Australian Bureau of Statistics.

*Reason: To ensure development contribution fees are paid accordingly*

**Before Building Work Commences**

1. **Sediment and Erosion Control**

The control of erosion and the prevention of silt discharge into drainage systems and waterways will be necessary in accordance with Council’s Development Engineering Specifications, Landcom’s ‘Soil and Construction – Managing Urban Stormwater - Current edition. Sediment and erosion control measures are to be implemented before the commencement of any earthworks and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

*Reason: To ensure sediment and erosion control measures are appropriately put in place.*

1. **Sight distance**

Sight distance at all connections to the current road reserve needs to be assessed against the requirements of Austroads AGRD04A - Part4A - Unsignalised and Signalised Intersections and Australian Standards AS2890.1 or AS2890.2 as appropriate.

Confirmation of this is to be provided to the Principal Certifier before any work commences.

*Reason: To ensure safe sight distances at the development are achieved.*

1. **Decommissioning of Existing On-Site Sewage Management System**

The existing on-site sewage management system is to be decommissioned by a licensed service provider. A tanker is to remove the contents of the tank in accordance with the requirements of NSW Health Advisory Note 3 May 2017 - Destruction, Removal or Reuse Of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems and other Sewage Management Facility Vessels. In addition, the following methods should be employed:

a) The sides, lid, baffle (if fitted) and square junctions of the tank should be hosed down as the waste is being removed.

b) The tank is to be disinfected by broadcasting Builders’ (Hydrated) Lime over the exposed surfaces.

c) Several holes should be punched into the base of the tank. The lid and those parts of the walls, baffle and square junctions above the ground should be demolished and collapsed into the tank and the tank filled with clean soil or rubble and topped with clean soil.

*Reason: To ensure the existing On-Site Sewage Management System is decommissioned in a safe and appropriate manner.*

1. **Construction Certificate**

Before the commencement of any Subdivision construction work, a Construction Certificate shall be obtained from a Principle Certifying Authority.

Note: If the Construction Certificate is issued by a Principal Certifier that is not Council it will be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval.

*Reason: To ensure a construction certificate is submitted as required.*

1. **Notice of commencement**

At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a notice of commencement of building or subdivision work form and appointment of the Principal Certifier form shall be submitted to Council.

*Reason: To ensure notice of commencement received before work commences.*

1. **Principal Certifier Signage and Contact Details**

Prior to the commencement of works, a sign must be erected in a prominent position on the site on which the proposal is being carried out. The sign must state:

a) Unauthorised entry to the work site is prohibited;

b) The name of the principal contractor (or person in charge of the site) and a telephone number on which that person may be contacted at any time for business purposes and including outside working hours; and

c) The name, address and telephone number of the Principal Certifier for the work.

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

*Reason: To ensure Principal Certifier contact details are displayed as required.*

1. **Notice of builder's details**

Before to the commencement of any development or excavation works, the Principal Certifier shall be notified in writing of the name and contractor license number of the owner/builder intending to carry out the approved works.

*Reason; To ensure the Principal Certifier receives the builder's contact details.*

1. **Critical stage inspections**

Critical stage inspections must be called for by the Principal Contractor or Owner Builder as required by the Principal Certifier (PC), and PC Service Agreement, and the Act and Regulation.

Work must not proceed beyond each critical stage until the PC is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the Act. Critical stage inspections, means the inspection prescribed by the Regulations for the purpose of section 6.5 of the Act or as by the PC and PC Service Agreement."

*Reason: To ensure critical stage inspections are undertaken as required.*

1. **Temporary Closet Requirements**

A temporary closet shall be provided on site from the commencement of building work. No inspections will be made until the closet is installed.

A temporary closet shall be:-

a) A water closet connected to the sewerage system to Council approval; or

b) A water closet connected to an approved septic tank; or

c) A chemical closet supplied by a contractor approved by Council.

*Reason: To ensure temporary closets are provided as required.*

1. **National Construction Code**

To ensure that the proposed building, when constructed will comply with the National Construction Code, relevant Australian Standards, the approved plans and specifications and to enable progress inspections as required, the following details will need to be provided to the Principal Certifier at least two (2) working days before the relevant inspection.

*Reason: To ensure the development is compliant with the National Construction Code.*

**During Building Work**

1. **Inspection Requirements for Sanitary Drainage**

The applicant shall ensure that Council, being the Plumbing Regulator under delegation by NSW Fair Trading, has been requested to and carried out inspection of the works at the following stages of construction:

a) Internal drainage lines before the floor is laid, or concrete placed.

b) Stackwork before being covered.

c) External drainage lines before backfilling of the trenches.

d) Final - on completion of all sanitary plumbing to drainage work.

Requests for inspections may be made either by telephone (02) 65 787 290 or in person at one of Councils Customer Service Counters.

Inspection requests are subject to the following:-

a) Applicants are required to nominate the relevant Notice of Work and address prior to the inspection request being granted.

b) Customer Service staff, only, will receive all requests for inspections.

c) Where work is not prepared, ready for inspection, applicants will be required to re-book inspections through a Customer Service Centre for the next available day and a re- inspection fee may be charged.

d) Inspections must be received before 3.30 pm on the working day prior to when the inspection is required.

e) Inspections will be carried out in accordance with the inspection details indicated on Council’s website – search Building/Plumbing Inspections.

*Reason: To ensure inspections for sanitary drainage are undertaken as required.*

1. **Swimming Pools**

The swimming pool and safety fences and gates shall be installed in accordance with the approved plans, specifications, the Swimming Pools Act 1992 (as amended) and the National Construction Code. The swimming pool shall at all times be surrounded by a child resistant barrier:

a) that separates the swimming pool from any residential building situated on the premises, and from any place (whether public or private) adjoining the premises; and

b) that is designed, constructed, installed and maintained in accordance with the standards prescribed by the Swimming Pools Regulation 2008 and AS1926.1 “Safety barriers for swimming pools”.

Waste water from the pool shall be disposed of, so as not to create a nuisance to surrounding properties, or to pollute the environment. Where the sewer is available, wastewater shall be drained or pumped to the sewer.

All requirements of the Singleton Council or Hunter Water Corporation, where applicable, shall be observed in relation to waste water disposal.

Swimming pool surrounds and/or paving shall be constructed so as to ensure water from the pool overflow or surge does not discharge onto neighbouring property.

*Reason: To ensure the swimming pool is installed in a safe manner.*

1. **Dust Control**

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as directed by the Singleton Council should it fail to adequately control any dust nuisance.

*Reason: To prevent the movement of dust outside the boundaries of the site*

1. **Site Management**

All possible and practical steps shall be taken to prevent nuisance to the occupants of the surrounding neighbourhood from windblown dust, debris, noise and the like during the demolition, excavation and building works.

*Reason: Health and amenity*

1. **Compliance with Hazardous Materials Survey Report**

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report prepared prior to commencement of demolition works, must be complied with.

Prior to the Occupation Certificate being issued, a clearance certificate must be submitted to the Principal Certifier from a suitably qualified person (such as a certified Occupational Hygienist) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Report, and that the site is safe for future occupation in accordance with the approved use.

*Reason: To ensure controls are in place for hazardous materials*

1. **Classification of Waste**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified, transported, and disposed of in accordance with the Protection of the Environment Operations Act 1997 and NSW EPA requirements.

Reason: To ensure controls are in place for waste management

1. **Importation of Fill**

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

All fill imported onto the site must be validated by either one or both of the following methods:

(a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or

(b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

*Reason: To ensure controls are in place for contamination management*

1. **Notification of new contamination evidence**

(a) Any new information which comes to light during site preparation, remediation, demolition or construction works which has the potential to alter previous conclusions about site suitability and contamination must be notified to the Principal Certifier and Singleton Council.

(b) Council may require a NSW accredited site auditor to be engaged to review the contamination assessment and remediation/validation process (where applicable). If appropriate, Council may also require a new Remedial Action Plan (RAP) to be prepared and implemented to ensure the site can be made suitable for the approved use in light of the new information.

(c) Where a NSW accredited Site Auditor is engaged in compliance with part (b) above, an Occupation Certificate must not be issued until a Section A Site Audit Statement has been submitted to Singleton Council by the Auditor confirming the site is now suitable for the proposed use.

*Reason: To ensure controls are in place for contamination management*

1. **Noise – Construction Sites**

The operating noise level of construction site operations, including machinery, plant and equipment when measured at any affected premises, shall be evaluated and comply with the requirements of the NSW Office of Environment and Heritage publication “Interim Construction Noise Guideline” July 2009.

Approved Construction Times

The approved hours for construction of this development are:

 Monday to Friday - 7.00am to 6.00pm.

 Saturday – 8am to 1pm.

No construction work shall take place on Sundays or Public Holidays.

***Reason:*** *To ensure amenity of the area during works.*

1. **Earthworks**

All earthworks carried out as part of the development are to be constructed in accordance with Australian Standard 3798-2007, ‘Guidelines on Earthworks for Commercial and Residential Developments’.

Any alterations to existing surface levels on the site shall be undertaken in such a manner as to ensure that no additional surface water is drained onto or impounded on adjoining properties.

*Reason: To ensure earthworks are carried out in accordance with the appropriate standards*

1. **Aboriginal Heritage**

Should any Aboriginal relics be discovered then all excavations or disturbance to the area shall cease immediately and the NSW Office of Environment and Heritage, shall be informed in accordance with Section 89A of the National Parks and Wildlife Act 1974.

All necessary approvals from the NSW Office of Environment and Heritage shall be obtained and a copy provided to Council prior to works recommencing.

**Note:** It is recommended that an Archaeologist or Aboriginal knowledge holder observe the initial removal of the A horizon soils at the construction site to identify if there are Aboriginal objects at risk of harm.

*Reason: To ensure Aboriginal heritage is preserved*

1. **Retention of Trees and Native Vegetation**

All native vegetation on the site shall be retained and protected other than outlined in the approved plans and conditions, this includes tree root zones. All reasonable measures shall be undertaken to protect all other native vegetation on the site and on adjoining lands from damage during construction.

*Reason: To ensure that vegetation is retained*

**Before Issue of Occupation Certificate**

1. **Acoustic Verification Report**

Before the issue of the Occupation Certificate, a suitably qualified acoustic consultant\* must prepare an acoustic verification report to the satisfaction of the Principal Certifier that confirms the following:

(a) All recommendations contained in the DA acoustic report prepared by PKA Acoustic Consulting dated 9 October 2023 reference 12542 R01v2).

(b) The project specific noise criteria established in the DA acoustic report and any other noise and vibration criteria specified in this consent are being complied with.

\*Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

*Reason: To protect residential amenity*

1. **On-Site Sewage Management System**

Prior to any Occupation Certificate being issued, an Approval to Operate an On-site Sewage Management System (OSSM) under Section 68 of the Local Government Act 1993 must be obtained from Council.

*Reason: To ensure approval for the On- Site Sewage Management System is obtained.*

1. **Fire Safety Certificate**

A Final Fire Safety Certificate must be obtained in accordance with Part 11 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, before the issue of an Occupation Certificate for the building.

A copy of the Fire Safety Certificate and Fire Safety Schedule must be:

a) Forwarded to Singleton Council;

b) Forwarded to the Commissioner of NSW Fire and Rescue; and

c) Prominently displayed in the building

*Reason: To ensure a fire safety certificate is obtained prior to occupation.*

1. **Occupation Certificate – Principal Certifier**

Every building or part of a building shall not be occupied or used until an Occupation Certificate has been issued by the Principal Certifier.

Please be advised that Section 6.10 of the Environmental Planning and Assessment Act, 1979 prevents the Principal Certifier from issuing an Occupation Certificate until all conditions of Development Consent have been completed.

*Reason: To ensure the development is not occupied before an occupation certificate is obtained.*

1. **Issue of Occupation Certificate**

The Principal Certifier shall only issue an Occupation Certificate when the building has been constructed in accordance with the approved plans, specifications and conditions of consent. No occupational use is permitted until the Principal Certifier issues an Occupation Certificate.

Note: If an registered certifier approves occupation of a dwelling the certifier is to immediately notify Council in writing.

*Reason: To ensure the occupation certificate is only issues in accordance with the approved documentation.*

1. **Compliance with BASIX Certificate**

Before the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that all commitments listed in the current BASIX Certificate have been complied with.

*Reason: To ensure the development meets the approved BASIX requirements.*

1. **Swimming pool/ Spa**

Before to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that:

1. Access to the pool/spa shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992:

a. The pool shall not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed; and

b. The barrier is to conform to the requirements of AS1926-1 2007 Fences and Gates for Private Swimming Pools.

2. Any mechanical equipment associated with the swimming pool and/or spa pool shall be located in a sound-attenuating enclosure and positioned so that it is setback a minimum of 2 metre from the boundary of any adjoining premises.

The Principal Certifier shall be satisfied that the sound levels associated with the swimming pool/spa filtration system and associated mechanical equipment do not exceed 5dB(A) above the background noise level at the boundaries of the site.

3. The recirculation and filtration system complies with AS1926.3 – 2010.

*Reason: To ensure the swimming pool/spa complies with the relevant requirements.*

1. **Notification of Food Business**

Before the issue of any Occupation Certificate, the food business must notify Council of their food business details in accordance with the Food Act 2003 and The Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements, Clause 4. Registration forms are available on Council's website [www.singleton.nsw.gov.au](http://www.singleton.nsw.gov.au).

*Reason: Registration and notification to relevant authorities*

Waste Water Treatment Devices

All wastewater treatment devices (including drainage systems, sumps, traps and pumps) must be regularly maintained in good working order to ensure that they remain effective. A maintenance schedule shall be developed and incorporated into a Plan of Management which is kept on-site at all times for staff to comply with. All liquid and solid wastes collected from the treatment device must be disposed of in accordance with relevant environmental protection and waste control legislation.

Reason: To ensure waste water treatment devices are maintained for the life of the development.

Submission of Annual Fire Safety Statement

An annual Fire Safety Statement must be given to Council and the Fire and Rescue New South Wales commencing within twelve (12) months after the date on which the initial Interim / Final Fire Safety Certificate is issued. to ensure the fire safety statement is kept current on an annual basis.

Reason: to ensure the fire safety statement is kept current on an annual basis.

1. **Driveway Access – Rural Areas**

Prior to occupation, the driveway access to the property boundary shall include an all-weather suitably drained 2 coat bitumen sealed surface. The driveway access is to be designed and constructed in accordance with Council Development Engineering design and construction specifications.

**Note:** This work within the road reserve will required a section 138 application.

***Reason:*** *To ensure Driveway Access is appropriately provided.*

1. **Stormwater Disposal**

Stormwater shall be disposed of through a system designed to the satisfaction of the Principal

Certifier in accordance with Australian Standard 3500 and be conveyed to:

a) an existing approved stormwater system;

b) the street gutter or kerb inlet pit;

c) an existing easement to which the land has an entitlement to use; or

d) an inter-allotment drainage system to which the land has an entitlement to use.

Immediately after completion of any roof, a disposal system shall be installed which disposes of the stormwater without causing any adverse environmental impacts.

*Reason: To ensure stormwater from the development is disposed of appropriately.*

1. **Damage caused during construction**

Prior to occupation, the applicant will repair any damage to a public road or associated structures such as kerb and gutter, drains, footpath and utility services caused as a consequence of the development works. Any remediation work is to be completed to Council’s satisfaction.

***Reason:*** *To repair any damage caused by development works*.

1. **Landscaping**

Prior to the issue of the occupation certificate the landscaping shall be installed in accordance with the approved document Casuarina Estate Pokolbin Amending Development Application (Landscaping), revision E, prepared by Arcadia, dated 30/10/2023.

*Reason: To ensure landscaping is provided before occupation certificate*

1. **Section 50**

Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the Hunter Water Board (Corporation) Act 1991. Such evidence shall be submitted to Council prior to the issue of the Occupation Certificate.

*Reason: To ensure the requirements of Section 50 of* Hunter Water Board (Corporation) Act 1991 *are met*

1. **Parking Facilities**

Prior to issue of Occupation Certificate, Parking facilities are to be constructed in accordance with *AS-NZS 2890.1:2004 – Off-Street Parking Facilities and AS-NZS 2890.6:2009 – Off-Street Parking for People with Disabilities.*

*Reason: To ensure all carparks are built to the relevant standards*

1. **Operational Management Plan**

Prior to the issue of an Occupation Certificate, the proponent is to provide an Operational Management Plan for the use of the premises to Council for approval.

The owner (or appointed delegate) shall be responsible for ensuring all workers and contractors are aware of the potential operational issues which may arise under given conditions at the site and instruct those persons to adhere to the management controls as described in the Operational Management Plan.

The owner (or appointed delegate) must hold a copy of the Operational Management Plan on site at all times. All workers and contractors that are engaged to undertake works must receive or review a copy of the Operational Management Plan and sign their acknowledgement and understanding of the requirements prior to work commencing to enable determination of potential issues related to their proposed works.

***Reason:***  *To ensure operations are in line with an approved Operational Management Plan.*

**Occupation and Ongoing Use**

1. **Driveways to be Maintained**

All access crossings and driveways shall be maintained in good order for the life of the development.

*Reason: To ensure access crossings and driveways remain in safe order.*

1. **Vegetation Management Plan**

Implementation of the approved Vegetation Management Plan must commence immediately after receiving written approval from council. All works are to be carried out in accordance with the VMP approved schedule of works.

Monitoring reports on the progress of the VMP are to be submitted to and approved by Council’s Ecologist once every twelve (12) months for the duration of the VMP for 5 years starting from the date on ground works commence.

*Reason: Management of habitat removal and Vegetation management"*

1. **Approved Operating Hours**

The following premises are to operate in the hours specified below:

Cellar Door

Weekdays: 10:00am – 5:30pm

Saturday: 10:00am – 5:30pm

Sundays and Public Holidays: 10:00am – 5:30pm

Function Room and Restaurant

Monday – Thursdays: 7:00am – 11:00pm

Fridays and Saturdays: 7:00am – 12:00am

Sundays and Public Holidays: 7:00am – 11:00pm

*Reason: to ensure neighbourhood amenity*

1. **Loading Area, Car parking Spaces, Driveways and Footpaths**

At all times, the loading area, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.

*Reason: To ensure safe passage and prevent stockpiling of goods*

**Before Demolition Work Commences**

1. **Demolition - Asbestos**

Asbestos to be removed by a licensed asbestos removalist

All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current SafeWork NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the ""Code of Practice on how to safely remove asbestos"" published by SafeWork NSW.

No asbestos products are to be re-used on site.

No asbestos laden skips or bins are to be left in any public place without the approval of Council.

Note:

• Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal licence is permitted if the asbestos being removed is 10 m2 or less of non-friable asbestos (approximately the size of a small bathroom).

• Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.

• To find a licensed asbestos removalist please see www.SafeWork.nsw.gov.au

Compliance with applicable Legislation, Policies and Codes of Practice

Asbestos removal works are to be undertaken in accordance with the following:

• NSW Work Health and Safety Act 2011 and Regulation;

• Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace

• NSW Government SafeWork Code of Practice - How to Safely Remove Asbestos;

• NSW Government SafeWork Code of Practice - How to Manage and Control Asbestos in the Workplace.

*Reason: To ensure compliance with the relevant legislation and to ensure public and work safety*

1. **Asbestos Clearance Certificate**

Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

*Reason: To ensure compliance with the relevant legislation and to ensure public and work safety*

1. **Notification of Asbestos Removal Works**

At least five (5) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to the commencement of asbestos removal works. Notification is to include, at a minimum:

* The date and time when asbestos removal works will commence;
* The name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
* The full name and license number of the asbestos removalist/s; and
* The telephone number of SafeWork’s Hotline 13 10 50

Standard commercially manufactured signs containing the words ""DANGER ASBESTOS REMOVAL IN PROGRESS"" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works."

*Reason: To ensure compliance with the relevant legislation and to ensure public and work safety*

1. **Barricades for Asbestos Removal**

Appropriate barricades must be installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

*Reason: To ensure compliance with the relevant legislation and to ensure public and work safety*

1. **Demolition, Excavation, Construction Noise and Vibration Management Plan**

A site-specific Noise Management Plan shall be developed and submitted to Council prior to the commencement of any demolition, excavation and construction works on site.

The Plan must be prepared by a suitably qualified person who possesses the qualifications to be eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The Plan must include but not be limited to the following: -

(a) Identification of any noise sensitive receivers near to the site;

(b) A prediction as to the level of noise impact, including the proposed number of any high noise intrusive appliances, likely to affect the nearest noise sensitive receivers. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated in the NSW EPA Interim Construction Noise Guideline (2009). Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property;

(c) A representative background noise measurement (LA90, 15 minute) should be assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997;

(d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases;

(e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum;

(f) The type of action will be undertaken following receipt of a complaint concerning offensive noise including provision of a site contact;

(g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.

*Reason: Environmental and residential protection*

1. **Hazardous Materials Survey Required**

Prior to the commencement of any demolition works on site, a Hazardous Materials Survey Report must be prepared by a suitably qualified person (such as a certified Occupational Hygienist) and submitted to the satisfaction of the certifier, with a copy provided to Council. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to the safe management and/or removal to ensure the site is safe for demolition, construction and future use/occupation.

*Reason: To ensure controls are in place for hazardous materials*

1. **Sediment and Erosion Control measures**

Prior to the commencement of works, the following measures are to be implemented on the site to assist with sedimentation control during the construction phase of the project: -

a) A dish shaped diversion drain, or similar structure will be constructed above the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.

b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer’s specifications is to be placed in suitable locations below the construction area to reduce impacts on waterways.

c) Vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.

d) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.

e) A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.

f) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations, which could lead to the discharge of materials into the stormwater drainage system or waterways.

g) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway. Stockpiles shall be protected with adequate sediment controls.

h) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.

Such measures are to be maintained at all times to the satisfaction of Council and the Principal Certifier. Failure to do so may result in the issue of penalty notices.

*Reason: To minimise/prevent impacts on waterways by minimising soil erosion and sediment leaving the site*