

**NOTE: THESE ARE DRAFT ONLY**

**DA NO: 2023/244**

**DATE: 18/10/2023**

**PRESCRIBED CONDITIONS**

The development is to be undertaken in accordance with the prescribed conditions of Part 4 - Division 2 of the *Environmental Planning & Assessment Regulations* 2021.

**A – GENERAL MATTERS**

- (1) (A001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table, as stamped and returned with this consent, except where modified by any conditions of this consent.

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Statement of Environmental Effects and annexures	Ref 182 DRJ V5	GEM Planning Projects	12 September 2023
Architectural Plans	Project No 2006, Drawing No. DA01-5 to DA22-5, Rev 5	Paula Stone Architect	26 September 2023
Section 4.6		GEM Planning Projects	September 2023
Traffic Impact & Carparking Assessment	Revision 5	Streetwise Road Safety & Traffic Services	27 September 2023
Concept Strata Plan	Project No 2006, Drawing No. 06.1 to 6	Paula Stone Architect	1 August 2023
DA Acoustic Assessment	230137_66 William St 25 Church St Port Macq_DA Asessment_2.1d ocx	Pulse White Noise Acoustics (PWNA)	1 May 2023
BASIX	1384148S	Concept Designs Australia	6 April 2023
Landscape Plan	Project No 2006 Drawing No CD01-05	Landscape Document Services	1 April 2023
Survey	Job Ref 11036	Frank O'Rourke	September 2021
Geotechnical Assessment	Report No RGS21212.1-AD as amended by	Regional Geotechnical Solutions	24 January 2022 as amended 28

	RGS20975.1-AE		June 2023
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In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

- (2) (A002) No building work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
  - the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

- (3) (A003) The developer shall obtain the following certificates relevant to the development in accordance with Part 6 of the Environmental Planning and Assessment Act 1979:

- Construction Certificate;
- Occupation Certificate;
- Strata Certificate.

- (4) (A006) Approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council.

- (5) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.

- (6) (A009) The development site is to be managed for the entirety of work in the following manner:

1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
2. Appropriate dust control measures;
3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
4. Building waste is to be managed via appropriate receptacles into separate waste streams;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
  - Monday to Saturday from 7.00am to 6.00pm
  - No work to be carried out on Sunday or public holidays

The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.

- (7) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.

- (8) (A012) This consent does not provide for staging of the development. Any staging will require a separate consent or an amendment to this consent.
- (9) (A013) The general terms of approval from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
- **Water NSW** - The General Terms of Approval, Reference IDAS1149600 and dated 18 August 2023, are attached and form part of this consent.
- (10) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (11) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (12) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontages of the development. A 1.2m wide footpath (unless varied in writing by Council) is required with design details in accordance with AUSPEC and Council Standard drawings. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (13) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (14) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (15) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
  - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
  - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

Such security is to be provided to Council prior to the issue of the Subdivision Certificate/Construction Certificate or Section 138 of the Roads Act, 1993.

The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is 10% of the contracted works for Torrens Title subdivision development/the estimated cost plus 30% for building development of public works or \$5000, whichever is the greater of carrying out the development by way of:

- i. deposit with the Council, or
- ii. an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond

amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

- (16) (A041) A suitable "slop-sink" shall be provided as designated by Council for the disposal of bucket wastewater. Bucket waste floor wash water shall not be disposed of into kitchen sinks, basins or into the environment (gardens or drains).
- (17) (A059) Commercial food preparation activities which generate greasy/oily types of liquid trade waste are required to install an approved grease arrestor pit. Installation is to be performed by a licensed plumber and drainer, at Council's direction and to Council's satisfaction. Further advice or assistance can be given by Council's Trade Waste Officer.
- (18) (A062) The applicant shall submit to Port Macquarie-Hastings Council plans for the management of trade waste including pre treatment facilities to the sewerage authority for approval pursuant to Section 68 of the Local Government Act. Upon approval the proponent shall enter into a written "Trade Waste Agreement" with Council prior to discharging wastes.

A suitably sized plaster arrestor is to be installed if plaster casts are fitted or removed. If x-ray equipment is installed that generates silver bearing waste, the applicant has the option of having all silver bearing waste removed from site or discharging the waste to sewer via a 100 litre balancing pit and a silver recovery unit. Formal Trade Waste Approval will be required if either the plaster arrestor or silver recovery unit are to be discharged to sewer.

## **B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
  - Position and depth of the sewer (including junction)
  - Stormwater drainage termination point
  - Easements
  - Water main
  - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate, detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
  - 1. Road works along the frontage of the development.
  - 2. Earthworks, including filling of the land for flood protection.
  - 3. Public parking areas including;
    - a. Driveways, ramps, access aisles, parking bays & turning areas in accordance with AS2890.
  - 4. Sewerage reticulation.
  - 5. Water supply reticulation.

6. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
  7. Retaining walls.
  8. Stormwater systems.
  9. Erosion & Sedimentation controls.
  10. Location of all existing and proposed utility services including:
    - a. Conduits for electricity supply and communication services (including fibre optic cable).
    - b. Water supply
    - c. Sewerage
    - d. Stormwater
  11. Open space facilities, pathways, cycleways and associated facilities.
  12. Landscaping, including street trees (Note: any public landscaping or street trees selection will need to be agreed to by Council).
  13. Traffic management control plan.
  14. Erection of any hoardings and or temporary buildings in and/or over the public road space.
  15. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD 202, Port Macquarie-Hastings Council current version.
  16. Provision of a 1.2m wide concrete footpath paving across the full road frontages of the development site in accordance with AUSPEC requirements.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

- Civil works
- Traffic management
- Work zone areas
- Hoardings
- Concrete foot paving
- Footway and gutter crossing
- Functional vehicular access

- (4) (B011) Prior to the issue of Construction Certificate, a Compliance Certificate under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority.

Note1: Port Macquarie-Hastings Council is defined as a Water Supply Authority under section 64 of the Local Government Act 1993. As part of the Notice of Requirements of the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution is required, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to and included as part of this consent unless deferral of payment of contributions has been approved by Council. The contributions are

levied in accordance with either the provisions of the relevant Section 64 Development Servicing Plan or a Planning Agreement.

Note 2: A Section 307 Compliance Certificate issued by the Water Authority at the construction certificate stage only relates to the payment of contributions in accordance with the Development Servicing Plan or a Planning Agreement. A further Compliance Certificate may be required for other water management works prior to occupation or the issue of an Occupation or Subdivision Certificate relating to the development.

Note 3: The Water Authority will accept payment of the equivalent amount of contributions under Section 608 of the Local Government Act 1993.

- (5) (B090) Payment to Council, prior to the issue of a Construction Certificate of the Section 7.12 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:

- Port Macquarie-Hastings Council Section 94A Levy Contributions Plan 2007

The plan may be viewed on Council's website or during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plan. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.

- (6) (B034) Prior to release of the Construction Certificate, the submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:

- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
- Recommended load limits for haulage vehicles and;
- A procedure for monitoring the condition of the pavement during the haulage;
- Bond to guarantee public infrastructure is not damaged as a result of construction activity,

and;

Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.

- (7) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:

- i. earthworks that are more than 600mm above or below ground level (existing); and located within 1m of the property boundaries; or
- ii. earthworks that are more than 1m above or below ground level (existing) in any other location;

are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.

- (8) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (9) (B054) A driveway longitudinal section shall accompany the section 138 application pursuant to section 138 of the *Roads Act, 1993*. The section shall demonstrate compliance with Council's adopted AUSPEC Design and Construction Guidelines.
- (10) (B063) Prior to release of the Construction Certificate, submission of an updated and detailed landscape plan to the Principal Certifying Authority.
- (11) (B012) To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard 4674-2004 – "Design, Construction and Fit-Out of Food Premises", Food Act 2003, the provisions of the Food Safety Standards Code (Australia) and the conditions of development consent. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
- (12) (B061) Prior to release of the Construction Certificate submission of a Waste Management Plan, in accordance with Council's current requirements.
- (13) (B195) Prior to the issuing of the Construction Certificate, certification from a suitably qualified acoustic consultant shall be submitted to Council certifying that the cumulative mechanical plant noise and vibration levels will comply with the required internal and external noise levels and that the recommended mounting details have also been complied with. The details and locations of the mechanical plant included in the certification shall be included with the certification provided to Council.

The certification is also to confirm the glazing, insulation and slab construction complies with the conclusions of the approved Acoustic Assessment.

For more detail, refer to the PWNA DA Acoustic Assessment Report dated 1 May 2023.

- (14) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications, Australian Rainfall and Runoff 2019, the requirements of Relevant Australian Standards.
- (15) (B085) The location of electricity substations are to be clearly illustrated on the Construction Certificate plans. All substations are to remain on private property unless otherwise agreed to by Port Macquarie-Hastings Council.
- (16) (B202) Prior to issue of the Construction Certificate, evidence shall be provided to the Principal Certifying Authority that satisfactory arrangements can be put in place for collection of waste from the premises by a private waste contractor.

Bins being left on the kerb for collection will not be supported due to insufficient room.

- (17) (B204) Prior to release of the Construction Certificate, the number and type of street trees/landscaping proposed are to be signed off by Council and included on the plans.
- (18) (B205) Prior to release of the Construction Certificate, on structure garden bed designs are to be signed off by a structural engineer.
- (19) (B206) The use of any privacy screens are to be compliant with the transparency design requirements for privacy screens as defined in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Details of compliance are to be shown on the plans, prior to release of the Construction Certificate.
- (20) (B207) Prior to release of the Construction Certificate, evidence of DA2007 - 270 having lapsed or been surrendered is to be provided to the Principal Certifying Authority.
- (21) (B041) Prior to the issue of the Construction Certificate, a dilapidation report shall be prepared by a professional engineer for buildings on adjoining properties. Such report shall be furnished to the Principal Certifying Authority.
- (22) (B195) Prior to release of the Construction Certificate, details of a Flood Gate at the entry to the basement 2 is to be shown on the plans as per the Woolacotts report dated 5 April 2023. The top of the flood gate is to be at 13.3m AHD when operated.
- (23) (B196) Prior to release of the Construction Certificate, the plans are to show a sign at the vehicular access point within the property, indicating that visitor/customer parking is available on-site.

A further light/sign system is also to be shown on the plans (Church Street frontage), which will be used to show when the basement car parks are full or have vacancies.

The design and location of the signage and light system are to be approved by Council.

- (24) (B197) Prior to the issue of the Construction Certificate, written evidence of the following service provider requirements must be provided:
  - A response from Council as a Water Authority as to whether plans accompanying the application for Construction Certificate would affect any Water Authority infrastructure and whether any further requirements need to be met.

## **C – PRIOR TO ANY WORK COMMENCING ON SITE**

- (1) (C001) A minimum of one (1) weeks' notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C004) Prior to works commencing, an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (3) (C195) A controlled activity approval shall be obtained from the airport operator for any crane that may be used during the construction phase that would penetrate the Obstacle Limitation Surface (OLS). To avoid any doubt as



to whether an approval is required, applicants should check with the airport operator at the earliest possible stage.

## **D – DURING WORK**

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
  - a. at completion of installation of erosion control measures
  - b. at completion of installation of traffic management works
  - c. when the sub-grade is exposed and prior to placing of pavement materials;
  - d. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
  - e. at the completion of each pavement (sub base/base) layer;
  - f. before pouring of kerb and gutter;
  - g. prior to the pouring of concrete for sewerage works and/or works on public property;
  - h. on completion of road gravelling or pavement;
  - i. during construction of sewer infrastructure;
  - j. during construction of water infrastructure;
  - k. prior to sealing and laying of pavement surface course.

All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

- (2) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (3) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (4) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

Should asbestos be present, its removal shall be carried out in accordance with the National OH&S Committee – *Code of Practice for Safe Removal of Asbestos* and *Code of Practice for the Management and Control of Asbestos in Workplaces*.

For further information on asbestos handling and safe removal practices refer to the following links:

[Safely disposing of asbestos waste from your home](#)

[Fibro & Asbestos - A Renovator and Homeowner's Guide](#)

[Asbestos Awareness](#)

- (5) (D046) If archaeological deposits and/or State significant relics not identified in the supporting documents are discovered, work must cease in the affected area(s) and the Heritage Council of NSW notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
- (6) (D196) Where possible, common trenching of utilities and services should occur.

## **E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE**

- (1) (E004) Consolidation of the allotments comprising the site of the proposed development prior to issue of the Occupation Certificate.
- (2) (E034) Prior to occupation or the issuing of the Occupation Certificate, provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (3) (E036) Certification by a suitably qualified consultant is to be submitted to the Principal Certifying Authority (PCA) confirming that the car park and internal accesses have been constructed in accordance with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation or issue of the Occupation Certificate.
- (4) (E053) All works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation Certificate or release of the security bond, whichever is to occur first.
- (5) (E057) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any Occupation Certificate.
- (6) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
  - a) The relocation of underground services where required by civil works being carried out.
  - b) The relocation of above ground power and telephone services
  - c) The relocation of street lighting
  - d) The matching of new infrastructure into existing or future design infrastructure
- (7) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.

- (8) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate and being maintained at all times. Any landscaping that fails will need to be replaced.
- (9) (E007) The owner/applicant is responsible for ensuring that any imported fill is either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Prior to the issue of an Occupation Certificate, certification is to be provided to Council demonstrating that the fill is either VENM or ENM.
- (10) (E020) The provision of a suitable sign containing the details required by the current Swimming Pools Act and Regulations.
- (11) (E021) The swimming pool is to be fenced in accordance with the Swimming Pools Act, 1992.
- (12) (E024) Occupation or use of the food premises (kiosk) shall not occur until the food premises has been notified to Council.
- (13) (E025) Prior to occupation of the food premises or the issue of an Occupation Certificate, provide a certificate from the installer certifying that the mechanical ventilation system meets the requirements of AS 1668 Parts 1 & 2. The certificate must include:
  - a. Inspection, testing and commissioning details
  - b. Date of inspection, testing and commissioning
  - c. The name and address of the individual/company, who carried out the test
  - d. Statement that the service has been designed, installed and is capable of operating to AS 1668.
- (14) (E027) A final site inspection relating to the works carried out on the premises shall be arranged by the applicant and shall be undertaken by a Council Environmental Health Officer.
- (15) (E062) Prior to occupation or the issue of any Occupation Certificate, evidence must be provided to Council and the Principal Certifying Authority that satisfactory arrangements are in place for collection of general waste (rubbish), recycling, food and garden organics from the residential premises by a private waste contractor. All wastes are to be collected as separate waste streams.
- (16) (E195) If the spa pool is installed with a swim jet, the spa pool shall be fenced in accordance with the Swimming Pools Act, 1992 and shall not be fitted with a lockable cover.
- (17) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (18) (E010) Driveways, access aisles and parking areas shall be provided with an approved sealed surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (19) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (20) (E031) Prior to release of the Occupation Certificate or occupation, the approved visitor/customer parking onsite signage and the light/sign system to show when the basement car parks are full or have vacancies, are to be in place onsite.

- (21) (E039) An appropriately qualified and practising consultant is required to certify the following:
- a. all drainage lines have been located within the respective easements, and
  - b. any other drainage structures are located in accordance with the Construction Certificate.
  - c. all stormwater has been directed to a Council approved drainage system.
  - d. all conditions of consent/ construction certificate approval have been complied with.
  - e. any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (22) (E068) Prior to the issue of the Occupation Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the development.
- (23) (E196) Prior to release of the Occupation Certificate or occupation, the health of any public landscaping or street trees fronting the development site are to be checked and signed off by Council.
- (24) (E197) Prior to release of the Occupation Certificate or occupation, any fencing, screening (including noise barriers and landscape screening), translucent glass or other approved privacy measures, are to be completed onsite in accordance with the approved plans. The measures must then be always maintained onsite.
- (25) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:
- “This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow”.
- This plate is to be fixed into position prior to occupation or the issue of the Occupation Certificate.
- (26) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (27) (E200) Prior to release of the Occupation Certificate or occupation, the site and units are to be numbered and common aerials provided where possible.
- (28) (E049) A final Dilapidation Report including a photographic survey must be submitted after the completion of works. A copy must be submitted to Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate.
- Any damage identified in the Dilapidation Report must be fully rectified by the applicant or owner at no cost to the Council prior to the issue of an Occupation Certificate.

## **F – OCCUPATION OF THE SITE**

- (1) (F001) On site car parking, in accordance with the approved plans, is to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons. A total of 58 spaces (including 3 disabled spaces), is to be provided onsite.
- (2) (F195) At any one time, the following tenancies are not to exceed the consultant and staff numbers listed in the table below (Note: some consultant numbers are further restricted by the occupancy rate in the table):

<b>Tenancy</b>	<b>Consultants</b>	<b>Staff</b>	<b>Consultant occupancy rate (%) and revised maximum number of consultants allowed onsite at any one time</b>
Tenancy 2 (pathology)	2	2	100% - 2
Tenancy 4 (GP clinic)	10	6	70% - 7
Tenancy 5 (skin clinic)	2	2	60% - 1.2
Tenancy 6 (ancillary area only) staff	0	0	N/A
Tenancy 7 (pathology lab)	0	6	N/A
Tenancy 8 (GP specialist)	2	2	60% - 1.2
Tenancy 9 (physio)	4	2	70% - 3

It should also be noted that any nurses onsite are not to be available for one on one appointments and the Tenancy 9 (physio) will only be allowed to run group pilates classes, yoga classes, training classes or the like within the approved hours of operation and provided the tenancy is not being used for individual bookings/appointments at the time.

Any change to the above consultant numbers, staff numbers, occupancy rate etc will need to be approved by Council in writing and must not result in the total parking demand onsite exceeding 58 spaces using Council's DCP 2013 parking rates and factoring in any restricted consultant occupancy rate. Other approved uses onsite and not included in the above table/condition will also need to be factored into calculations.

The above (and any Council approved amended parking restrictions/occupancy rates) are to be maintained by the owner/strata and provided to any future owner/tenant.

- (3) (F003 All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (4) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.
- (5) (F025) Hours of operation of the development (includes kiosk and pharmacy) are restricted to the following hours:
  - 7:30am to 8:00pm Monday to Friday
  - 7:30am to 12:30noon Saturday
  - No work is to be carried out on Sundays and Public Holidays

Garbage collection, deliveries and waste services are restricted to 7am to 6pm Mondays to Fridays. No garbage, deliveries or waste collections shall be carried out on weekends.

- (6) (F027) The swimming pool filtration motor shall be operated between the following hours only:

Monday to Friday (other than a public holiday)

7.00 am – 8.00 pm

Saturday to Sunday and Public Holidays

8.00 am – 8.00 pm

The pool filtration motor shall be enclosed with an effective soundproof unit.

- (7) (F036) Any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site. Furthermore, any illumination of signage is restricted to within the approved hours of operation.
- (8) (F196) The spa pool shall be securely covered with a lockable cover when not in use (if it is not required to be fenced under the Swimming Pools Act, 1992).
- (9) (F197) The operation of the fireplace and the use of any outdoor cooking appliances such as a barbeque/oven, shall not generate excessive smoke and/or offensive odours.
- (10) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (11) (F016) Offensive odours shall not be generated by the development.
- (12) (F019) Clinical wastes and sharps shall be removed from the site by an approved contaminated waste contractor for disposal at an approved facility licenced to receive such waste.
- (13) (F198) No onsite dining/seating or use of the footpath for dining/seating is permitted by this consent. However, a maximum of four (4) patrons of the kiosk can sit on the concrete planter box seats, shown on the approved plans.
- (14) (F199) The kiosk and pharmacy are to operate ancillary, subordinate and subservient to the health services facility at all times.
- (15) (F200) The occupant(s) of the site must maintain any on-site stormwater detention facilities on the property. This includes the following:
- a. The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD").
  - b. The Proprietor shall have the OSD inspected annually by a competent person.
  - c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.

- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

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