

Our Ref: DA-2021/95
Contact: Michael Maloof 9562 1666

Monterey Equity Pty Ltd
C/-Mecone Pty Ltd
Level 12, 179 Elizabeth St
SYDNEY NSW 2000

NOTICE OF DETERMINATION

Issued in accordance with section 4.16 of the *Environmental Planning and Assessment Act, 1979*

Application Number:	DA-2021/95
Property:	119 Barton Street, MONTEREY (Lot 2 DP 857520)
Proposal:	Integrated Development - Demolition of existing structures and construction of a part 2 and part 3 storey residential aged care facility comprising of 113 rooms (116 beds), basement level parking, front fencing and signage
Authority:	Sydney Eastern City Planning Panel
Determination:	Approved
Date of determination:	
Date consent commences:	
Date consent lapses:	

Your Development Application has been approved under Section 4.16(3) of the Environmental Planning and Assessment Act, 1979 as a **Deferred Commencement** consent.

The consent shall not operate until you satisfy Council about the following matters:

- (1) The applicant shall engage a suitably qualified and experienced acoustic consultant (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants) to prepare an acoustic assessment report to enable a comprehensive assessment of the proposed application. The acoustic report shall consider all potential noise impacts (from residents, deliveries, waste collection, vehicle movements, outdoor activities, mechanical plant, exhaust & ventilation systems and so on) onto neighbouring residences from the aged care premises at relevant times and particularly during the night time period*. The acoustic assessment / report must include at least the following information:
(* Night time = 10pm to 7am)
 - (a) The name and qualifications or experience of the person(s) preparing the report,

- (b) The project description, including proposed or approved hours of operation, all mechanical ventilation systems, (residents, deliveries, vehicle movements, overnight, outdoor terrace, outdoor activities) air conditioner systems,
 - (c) Relevant guideline or policy that has been applied,
 - (d) Results of background and any other noise measurements taken from most noise affected location at the boundary line,
 - (e) Meteorological conditions and other relevant details at the time of the measurements,
 - (f) Details of instruments and methodology used for noise measurements (including reasons for settings and descriptors used, calibration details),
 - (g) A site map showing noise sources, measurement locations and potential noise receivers,
 - (h) Noise criteria applied to the project
 - (i) Noise predictions for the proposed activity
 - (j) A comparison of noise predictions against noise criteria
 - (k) A discussion of proposed mitigation measures, the noise reduction likely and the feasibility and reasonableness of these measures and
 - (l) How compliance can be determined practically.
- (2) Landscape Plans - Amended landscape plans at minimum scale 1:200 to address the below. The amended plans shall be generally in accordance with the submitted plans and shall address the following:
- (a) All proposed stormwater structures to be shown on the landscape plans, including retention tanks. Retention (absorption) tanks shall be relocated from setback areas to allow tree and landscape planting within setback areas that will minimise adverse impacts on adjoining properties.
 - (b) Any reference to proposed replacement of side / rear boundary fencing shall be deleted.
 - (c) Water Sensitive Urban Design (WSUD) - The stormwater proposal includes several infiltration trenches which are in conflict with the proposed planting. Review all infiltration trenches in relation to the proposed planting and ensure that the stormwater and landscape proposals do not create any conflict. Setback areas area to be maximise the canopy trees, any other tree or tree palm is not to be located within these setback areas, and shall be planted in adequate location to avoid any impact on the stormwater system. Infiltration trenches in setbacks where canopy trees are required are not to be included. A bio swale 2 meters away from the periphery boundaries is recommended in this site. Elements such as raingardens, bioswales and others are to be integrated with the landscape and the stormwater management proposals.
 - (d) Consistency shall be demonstrated between all submitted plans including landscape plans, architectural plans and civil / stormwater plans. A minimum landscape (deep soil) area of 25% of the site is required as per Rockdale DCP 2011 for medium density residential areas (i.e. minimum area of 1,805m²). Landscape areas are to be free of any structures below or above, and with a minimum width of 1 meter. The setback areas include an accessible circulation resulting in insufficient deep soil provision to include

screening shrubs or trees along the side setbacks. A three (3) meter setback is to be fully landscaped. The circulation layout is to be redesigned to allow for the required landscape setback and maximise the landscape area.

- (e) Front setback - Detailed plans for the front setback showing all fencing, substation, fire boosters and other services and landscape planting. The landscape proposal does not include adequate canopy trees in the front setback area (Note: palms are not considered canopy trees. Additionally these may be planted in the internal courtyards but not to provide screening and amenity towards the street and the neighbouring properties). The front setback includes several structures, including service structures which need to be redesign and/or relocated to ensure the front setback presents to the street with sufficient soft elements to balance the built form. The front fence in the landscape plan is depicted as a tall fence which is contrary to the RDCP 2011. The fence shall be reduced in height and complement and conserve the visual character of the street and neighbourhood as per RDCP 2011.
 - (f) Canopy Cover - The proposal shall include large canopy trees in scale with the proposed building to provide amenity and privacy to surrounding residents. A mix of native and indigenous canopy trees to be provided in the front setback and around the site in the interface with other residential sites. A minimum of six (6) canopy trees capable of reaching a minimum height of 12 metres in local conditions shall be provided. A tree pit of minimum 5 meter measurement shall be included in the proposal to accommodate each of the canopy trees. Other medium and small trees shall also be included with enough deep soil to allow their full development.
 - (g) Raised planter beds built on slabs in areas where privacy is to be addressed, shall be at least 1 meter wide, with at least 900mm soil depth, and planted with small leaves screening shrubs capable to reach at least 1 meter high in local conditions.
- (3) Stormwater Plans shall be amended to address the following:
- (a) Stormwater absorption tanks, other stormwater or architectural structures shall not be located within the boundary setbacks and shall be free any conflict with proposed and required planting. The amended stormwater plans shall be consistent with the landscape plans [refer to (2) above] and architectural plans.
 - (b) To comply with the geotechnical report the basement shall be fully tanked. Basement AGG lines are to be removed from the basement drainage plans due to the below ground structure is proposed below the natural groundwater table.
 - (c) The concept detailed drainage design plans for the management of stormwater including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.
 - (d) To ensure that proposed absorption system to comply with the recommendations - Nominal; Absorption Rate prepared by Douglas Partners Pty Ltd, Ref: Project 85348.00, R.001.Rev0, dated 4 March 20216.
- (4) Concept design and certificate plans and supporting documentation shall demonstrate compliance with the following:

- a) Compliance with AS2890 Car, Ambulance bay, Bicycle and Motorcycle Parking:
 - (a) An ambulance Bay - The required ambulance bay shall be 3.5m wide and shall be signposted and appropriately line- marked to state that this space shall be used as an ambulance bay, and
 - (b) The longitudinal profile(s) of the access driveway and any ramps within the parking facilities must comply with the Ground Clearance (including for an MRV), Gradient (%) and Length requirements of the 2890 Australian Standards Series. Bayside Council Flood control (physical protection via a crest) and gutter flow analysis shall be incorporated in the design of the driveway profile, and
 - (c) Compliance with AS2890.2 Commercial (Service) Vehicle Parking:
 - (i) Loading and unloading within the site shall be designed and be restricted to commercial vehicles not exceeding the size and mass description of the MRV from AS2890.2:2018. Commercial vehicles greater in size and mass than the MRV are not permitted to enter the site,
 - (ii) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS2890.2:2018 along the travel path of the service vehicles, and
 - (iii) All service vehicles shall enter the property front in front out, and
 - (iv) Demonstrate safe headroom clearance of 4.2 m is achieved along the along the entire travel path, parking and manoeuvring areas of the MRV within the development, and
 - (v) Swept path analysis shall be provided for manoeuvring of MRV commercial vehicles, depicting a forward entry and forward exit manoeuvre to/from the loading bay proposed within the development, and
 - (vi) The waste shall be collected by a private waste contractor.
 - (vii) The design of the entire car parking facility is to be certified by a civil engineer registered with the National Engineering Register (NER) as being strictly in accordance with the abovementioned requirements and the Australian Standard 2890 parking facilities series.
- (5) Architectural plans shall be amended to be consistent with the amended stormwater and landscape plans in accordance with Deferred Commencement Conditions (2), (3) and (4) above.

The period of the Deferred Commencement is **six (6) months** from the date of determination. It is important we hear from you about the outstanding matters above as soon as possible so as to avoid any other delay.

Upon receiving written notification from Council that the above requirements have been satisfied, your consent will become operable and will be subject to the following conditions.

General Conditions

The following conditions restrict the work to the detail provided in the Development Application and are to ensure that the development is complete.

1. The term of this consent is limited to a period of five (5) years from the date of the original approval. The consent will lapse if the development does not commence within this time.
2. The development must be implemented substantially in accordance with the plans listed below, the application form and on any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Plan/Dwg No.	Drawn by	Dated	Received by Council
Drawing Nos. 2014/DA03, DA04 to DA08, Site and Floor Plans, Revision C, (21/327344)	Boffa Robertson Group	08/11/2021	09/11/2021
Drawing No. 2014/DA03a to 2014/DA03c, Landscaping and Planning Considerations, Revision B, (21/327344)	Boffa Robertson Group	08/11/2021	09/11/2021
Drawing No. 2014/DA09 and 2014/DA10, Elevation Plans, Revision C, (21/327344)	Boffa Robertson Group	08/11/2021	09/11/2021
Drawing No. 2014/DA11 Section Plans, Revision C, (21/327344)	Boffa Robertson Group	08/11/2021	09/11/2021

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. Further alterations and/or additions to the subject building shall not be undertaken without first obtaining approval. This includes the fitting of any form of doors and/or walls.
6. The balconies shall not be enclosed at any future time without prior development consent.
7. The proposal does not include replacement of any side or rear boundary fencing, and this approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
8. Excavation, filling of the site (with the exception of the area immediately under the

building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.

9. The materials and façade details approved under condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction certificate stage without a prior S4.55 application and approval under the EP&A Act.

Development specific conditions

The following conditions are specific to the Development Application proposal.

10. Key Operational Requirements

The facility shall operate in accordance with the following key operational requirements:

- (a) The facility shall only be used as a Residential Care Facility as defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. No alternate use of the building is permitted without the prior consent of the Council.
- (b) The maximum number of beds within the facility is limited to 116 and the maximum number of rooms within the facility shall be limited to 113.
- (c) The cafe shall be available for use by residents, staff and their guests only. The cafe is not to be open to the general public.
- (d) Any signage must not use:
 - (i) flashing lights,
 - (ii) electronically changeable messages,
 - (iii) animated display, moving parts or simulated movement,
 - (iv) a method and level of illumination that distracts or dazzles;
- (e) The terrace at Level 2 shall not be used between the hours of 8pm to 9am the following day. The terrace shall be restricted to a maximum of 25 persons at any one time.
- (f) Deliveries and waste collection:
 - (i) shall be carried out wholly within the site;
 - (ii) shall be restricted to between the hours of 8:00am to 5:00pm Monday to Saturday, with no deliveries or waste collection on Sundays or public holidays.
 - (iii) Loading areas are to be used only for the loading and unloading of goods, materials, waste etc. and no other purpose.
 - (iv) shall be limited to a medium rigid vehicle (MRV) as defined in AS2890.

11. Plan of Management

- (a) Prior to commencement of operations, and before issue of any Occupation Certificate, an amended Plan of Management (PoM) must be submitted to, and approved by, Council's Director City Futures (or delegate). The amended PoM shall address all approved changes to the facility (e.g. reduced bed and room numbers), and include all relevant requirements contained within the conditions of this consent.
- (b) The amended PoM shall include the following, in addition to (a) above:
 - (a) Use of the cafe shall be for residents, staff and guests of the premises only and shall not be available for use by the general public.

- (b) Noise minimisation and management measures in accordance with the amended acoustic report submitted in accordance with Deferred Commencement Condition No.1.
- (c) The PoM shall be reviewed annually and a copy of any amended PoM must be submitted to Council within 14 days of changes being recorded. Any concerns addressed by Council on receipt of the PoM must be addressed in an amended PoM within 14 days. Any amended PoM may not conflict with requirements of any conditions of consent including approved plans and documentation.
- (d) The aged care facility shall operate in accordance with the Plan of Management approved in accordance with (a) and/or (b) above at all times.

12. Safer by Design

To maximise security in and around the development the following shall be incorporated into the development. Details for the following are to be approved by the Principal Certifying Authority prior to the issue of the Construction Certificate, implemented prior to issue of the Occupation Certificate, and maintained for the lifetime of the development:

- a) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development, garbage/storage areas and the footpath immediately adjacent to the premises. The system shall record continuously at all times, be in digital format with a minimum of ten frames per second (10 fps), specify the time and date of the recorded image and all publicly accessible areas within the premises (other than toilets). Recordings made by the CCTV must be kept for at least 30 days. A Closed-Circuit Television Plan shall be provided to Council and kept on the premises along with the Plan of Management for the site.
- b) A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels. Lighting must be installed in and around the property to increase visibility during the hours of darkness.
- c) Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.
- d) Graffiti resistant materials shall be used to ground level external surfaces.
- e) Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
- f) The front window of the ground floor tenancy must be kept free of shelves, and a maximum of 15% of the window display area may be covered with promotional materials to ensure passive surveillance is maintained to and from the tenancy.

13. All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property. Loading areas are to be used only for the loading and unloading of goods, materials etc. not for any other purpose.

14. Liquid waste generated on the site that is not subject to a trade waste agreement shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations Act 1997. Records shall be kept of all waste disposal from the site.

15. The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the Protection of the Environment Operations Act, 1997.
16. The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the Protection of the Environment Operations Act, 1997.
17. The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy – 2000.
18. The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy – 2000.
19. Residential air conditioners shall not cause ‘offensive noise’ as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.
20. Contaminated, clinical or pathological wastes shall be stored, handled, transported and disposed of in accordance with the requirements of the NSW Environment Protection Authority and the NSW Health Department.
21. The operation and maintenance of the aged care premise shall not give rise to the emission of offensive odours in contravention of the Protection of the Environment Operations Act 1997.
22. The visible light reflectivity from building materials used on the façade of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A statement demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.
23. Commercial vehicle facilities shall be designed strictly in accordance with AS2890.2:2002.
24. All existing and proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
25. Hot and cold water hose cocks shall be installed to the garbage room.
26. The proposed signs must not have / use:
 - flashing lights
 - electronically changeable messages
 - animated display, moving parts or simulated movement
 - a method and level of illumination that distracts or dazzles
27. Should a thermostatic mixing valve be installed in the premises, the following requirements shall be met:
 - i) The thermostatic mixing valves shall be set at a predetermined temperature of no lower than 37 °C and no higher than 43 °C. The “fail safe” mixing valves shall be installed.

- ii) A copy of the commissioning report for the thermostatic mixing valve shall be submitted to Council with an additional copy kept on the premises. The thermostatic mixing valves are to be serviced annually by a suitably qualified and registered plumber who has completed a TAFE course in mixing valves.
 - iii) The thermostatic mixing valve shall be registered with Council as a warm water system in accordance with the provisions of the Public Health Act 2010 and Public Health Regulation 2012.
28. The proposed development shall be designed, constructed and operated in compliance with the requirements of the Food Act 2003, Food Regulations 2004 and the Australian Standard AS 4674 – 2004 “Design, Construction and Fit out of Food Premises”.
 29. The (hair, beauty, skin penetration) salon shall comply with the requirements of the Local Government Act 1993, the Regulations there under, Public Health Act 2010 and Public Health Regulation 2012. (General)
 30. The proprietor of the premise shall provide Council with occupier’s details for Council’s Environmental Health Unit register by completing the Registration form available on request from the customer service centre.
 31. Trading shall not commence until a final inspection has been carried out by Councils Environmental Health Officer and all requirements have been complied with.
 32. Operational Waste Management
Operational Waste shall be managed in accordance with the submitted Operational Waste Management Plan (OWMP) prepared by Elephants Foot, Rev 2, dated 2/12/2020. In this regard:
 - (a) The plans submitted with the Construction Certificate must demonstrate compliance with the design recommendations and other relevant requirements contained in the OWMP.
 - (b) Waste shall be collected wholly within the site, being from within the loading bay.
 - (c) Waste collection is restricted to between 7:30am and 5:30pm Mondays to Saturdays, with no waste collection permitted on Sundays or Public Holidays.
 - (d) Waste shall be managed in accordance with the OWMP prepared by Elephants Foot, Rev 2, dated 2/12/2020.
 33. Acoustic Report
Adopt and implement all recommendations contained in the acoustic report prepared by ‘Acoustic Logic – , Document Reference 20200984.1/161A/R2/LL 119 Barton Street Monterey DA Acoustic Assessment’ dated the 16 November 2021. All relevant measures are to be shown on the construction certificate plans, adopted prior to issue of any Occupation Certificate and complied with during operations.

Prior to issue of the construction certificate

The following conditions must be completed prior to the issue of the Construction Certificate.

34. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
 - i. A Footpath Reserve Restoration Deposit of \$111,888.80. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing

or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.

- ii. An environmental enforcement fee of 0.25% of the cost of the works.
- iii. A Soil and Water Management Sign of \$19.00.

35. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
36. An application for Driveway Works (Public Domain Construction – Vehicle Entrance/Driveway Application) / Frontage Works (Public Domain Frontage Works Construction Application) shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary frontage works, egress paths, driveways and fences shall comply with the approval. A fee is payable to Council. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
37. A Section 7.11 contribution of **\$627,849.70** shall be paid to Council. The contribution is calculated according to the provisions contained within the Council's adopted Rockdale Section 94 Contributions Plan 2004 (Amendment 5). The amount to be paid is to be adjusted at the time of payment, in accordance with the review process contained Contributions Plan. The contribution is to be paid prior to the issue of any compliance certificate; subdivision certificate or construction certificate. The contributions will be used towards the provision or improvement of the amenities and services identified below. Copies of the Contribution Plan can be inspected at the Council's Customer Services Centre, Administration Building, 444-446 Princes Highway, Rockdale.

Regional Open Space Fund	\$ 68,613.50
City Wide Open Space Fund	\$ 108,527.86
Brighton-Le-Sands Local Open Space Fund	\$ 325,811.34
Brighton-Le-Sands Local Car Parking Fund	\$ -
City Wide Town Centre & Streetscape Fund	\$ 12,196.94
Brighton-Le-Sands Local Town Centre & Streetscape Fund	\$ 3,803.53
Pollution Control Contribution	\$ 62,776.08
Administration & Management Contribution	\$ 3,793.30
Child care services	\$ 2,556.05
Community services	\$ 2,739.67
Library Services	\$ 37,031.43
Total in 2021-22	\$ 627,849.70

Copies of Council's Section 94 (Section 7.11) Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 444-446 Princes Highway, Rockdale.

38. The proposed development shall be constructed in accordance with the access requirements outlined in the Access Report prepared by Accessible Building Solutions dated 1 December 2020. Details are to be submitted with the Construction Certificate.

39. The subsurface structure shall be designed with a waterproof retention system (ie tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and “flotation” (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.
40. A copy of Permission to Discharge Trade Waste Water shall be obtained from Sydney Water prior to the discharge of trade waste water to the sewer system. A copy shall be provided to Principal Certifying Authority (PCA) prior to issuing the Construction Certificate. A copy shall also be provided to Council if Council is not the PCA.
41. The garbage/recycling bin enclosure area shall be constructed of brick or other approved masonry material and shall be provided with sufficient screening of all bins contained therein. The storage area shall be constructed with a concrete floor, suitably graded to enable drainage of run-off into Council's stormwater drainage system and shall be at-grade with any proposed pedestrian accessway. The final design details of the proposed storage area shall be shown on the Construction Certificate plans.
42. A report, prepared by a consultant suitably qualified and experienced in odour control for commercial activities, shall be submitted to the Accredited Certifier (AC) prior to the issue of a Construction Certificate detailing:

- ☐ the assessed odour impact of the
- ☐ any mitigation measures required to achieve the relevant performance criteria
- ☐ the practical limit for odour control
- ☐ what monitoring, if any, will be required, after occupation of the premises

The report shall be prepared having regard to the NSW Environment Protection Authority's Policy for the Assessment and Management of Odour from Stationary Sources in NSW 2006. Where Council is not the PCA, a copy of the report shall be provided to Council.

43. The mechanical exhaust ventilation system shall be installed in the kitchen and food preparation areas where cooking and heat producing processes are conducted. All equipment producing heat or steam shall be placed wholly under the ventilation canopy. The ventilation system shall be designed and installed by an appropriate qualified person in accordance with Australian Standards AS1668.1-1998 & 1668.2-2002.
44. An extraction system shall be provided where there is any dishwasher and other washing and sanitising equipment that vents steam into the area to the extent that there is or is likely to be condensation collecting on the walls and ceiling.
45. All walls within the kitchen, food preparation, storage and display areas shall be of solid construction. Walls in food preparation areas shall be finished with one or a combination of glazed tiles, stainless steel, aluminium sheeting, laminated thermosetting plastic sheeting, polyvinyl sheeting with welded seams or similar impervious material which is adhered directly to the wall. The finishing materials of the wall surfaces shall provide a smooth even surface free from buckles, ledges,

fixing screws, picture rails, open joint spaces, cracks or crevices.

46. The intersection of walls and plinths with floors in the kitchen, food preparation, storage and display areas shall be coved with a minimal 25mm radius.
47. The floors within the (kitchen, food preparation, storage and display areas) shall be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent and impervious to moisture. Floors which drain to a floor waste shall be evenly graded (at least 1:100) so that water falls to the floor waste.
48. Plinths shall be of solid construction, at least 75 mm high, have an impervious finish, be rounded at all exposed edges, coved at the intersection of the floor and wall to a minimum radius of 25 mm.
49. There shall be no surfaces constructed which permit the accumulation of dirt, dust or grease or the harbourage of pests.
50. All openings in the walls, floors and ceilings through which service pipes and electrical conduits pass through shall be designed and constructed so as to prevent the access of vermin.
51. All shelving being provided for the storage of food, equipment and containers shall have the lowest shelf at least 150 mm above the floor level.
52. Where toilets are provided on food premises, toilet cubicles shall be separated from areas where open food is handled, displayed or stored by an intervening ventilated spaced fitted with self closing doors or provided with self closing doors and a mechanical exhaust system that operate when the sanitary compartment is in use and for at least 30 seconds after the cubicle is vacated.
53. All surfaces of counters, bars, food display units, window display, self –service displays and bain-maries shall be smooth, durable, impervious and free from cracks, crevices and cavities. The underside shall have an impervious finish. Window displays for wet foods shall be coved at all intersections and installed in accordance with AS/NZS 3500.2.- 2003.
54. Cupboards and cabinets shall be constructed on materials with a smooth, washable, impervious surface. No backing board shall be provided to cupboards which abut the wall, although the wall shall be finished with a smooth washable surface.
55. A temperature gauge shall be provided to each cool room, chiller, freezer, refrigeration unit, hot and cold food storage/display units. The temperature gauge shall be accurate to one (1) degree Celsius and be visible from the outside of such units.
56. A commercial kitchen shall be provided with a kitchen exhaust hood in compliance with Australian Standard AS1668 Parts 1 & 2 where any cooking apparatus having a total maximum electrical output exceeding 8 kW, or a total gas power input exceeding 29 MJ/h.
57. Cavities, false bottoms and similar hollow spaces capable of providing access and harbourage for vermin are not permitted to be formed in the construction of the food preparation or storage areas, or in the installation of fixtures, fittings and equipment.
58. Cleaning chemicals, cleaning equipment, pest control chemicals and equipment shall be located in a room designated for that use and enclosed in cupboards dedicated for that use which is located away from food preparation storage and display areas and not able to contaminate personal effects and clothing.
59. A floor waste fitted with a basket arrestor shall be located outside the cool room adjacent to the door.
60. A double bowl sink or two compartment tub which is of a size capable of fully immersing the largest piece of equipment shall be provided with hot and cold water

supplied through a single spout in the kitchen/food preparation area. Double bowl sink or tubs shall be supplied with water of at least 45 o C in one bowl for washing purposes; and 80 o C in the other bowl for sanitising purposes if hot water sanitising occurs at the sink.

61. Hand wash basins shall be located so that they are not obstructed, are at bench height either permanently fixed to a wall, supporting frame or sunk into the bench top, accessible and no further than 5 metres (excluding toilet hand basins) from any place where food handlers are handling open food, in the parts of the premises where open food is handled, in utensil/equipment washing areas, in staff entrance to areas where open food is handled and in toilet cubicles or immediately adjacent to toilets. Hand basins shall have a permanent supply of warm running potable water delivered through a single outlet and taps which operate hands free shall be provided at all hand basins with sufficient space between the spout and base of basin for the washing of hands and arms.
62. Dishwashers and glass washers used to sanitise food contact surfaces, eating and drinking utensils shall be designed to operate so that the temperature of water used in the sanitising rinse cycles, combined with the time that the utensils are rinsed in water at that temperature (or in combination) shall be sufficient to ensure that the utensils are sanitised.
63. All hand basins shall be provided with soap and a towel dispenser for dispensing single use towels or other means of drying hands and arms which prevents the transfer of pathogenic micro-organisms to the hands or arms (air dryers as the only means of drying hands shall not be permitted). A receptacle for used towels shall be provided at the hand wash basin.
64. Grease arrestors shall not be located in areas where food, equipment or packaging material are handled or stored. Access to grease arrestors for emptying shall not be through areas where open food is handled or stored or where food contact equipment and packaging materials are handled or stored.
65. Rooms and areas designated for the storage and washing of garbage receptacles shall be designed and constructed in accordance with the following requirements;
 - i) The floors and walls shall be constructed of a suitable material which is durable, smooth, resistant to corrosion, impervious to moisture and coved with a minimum radius of 25mm at the intersection of walls with floors
 - ii) The floor shall be graded and drained to a floor waste gully connected to the sewerage system and traps of the premises in accordance with all Sydney Water requirements
 - iii) Provide a hose tap connected to the water supply. Water used for cleaning garbage receptacles may be either potable or non potable water.
 - iv) The room shall be ventilated with either natural ventilation or alternatively mechanically ventilated in accordance with the requirements of Australian Standards AS 1668.
66. The Accredited Certifier shall not issue a Construction Certificate until all structural or equipment requirements for food premises specified in the conditions of development consent, the structural requirements of the Food Act 2003, Food Regulations 2004 and the Australian Standard AS 4674 – 2004 “Design, Construction and Fitout of Food Premises” have been incorporated in the plans and specifications for the Construction Certificate.

Prior to commencement of works

The following conditions must be completed prior to the commencement of works.

67. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) or Council prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.
68. A Soil and Water Management Plan shall be prepared. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.

Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction.

Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.

69. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.
70. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- i. stating that unauthorised entry to the work site is prohibited, and
 - ii. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours. Any such sign is to be removed when the work has been completed. This condition does not apply to:
 - iii. building work carried out inside an existing building or
 - iv. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
71. Where it is necessary to import landfill material onto the site to fill the land to levels shown on the plans forming part of the consent, a certificate, prepared by a suitably qualified and experienced Contaminated Land Consultant, shall be submitted to Council being the Regulatory Authority prior to the commencement of works, certifying that the imported fill is suitable for the land use.
72. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
73. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
- i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
 - ii) where the erection of gates or fences has restricted access to metering equipment.

During demolition / excavation / construction

The following conditions must be complied with during demolition, excavation and or construction.

74. A copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
75. Hours of construction shall be confined to between 7 am and 6.30 pm Mondays to Fridays, inclusive, and between 8 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays.
76. Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person on behalf of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
 - Sediment control measures
 - Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
 - Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.
77. Ground water shall only be pumped or drained to Council's stormwater system if the water is clean and unpolluted. The standard used to determine the acceptability of the quality of the water is the 'Australian and New Zealand Environment and Conservation Council - Australian Water Quality Guidelines for Fresh and Marine Waters 1992'.

Note: Prior treatment and/or filtration of the water may be necessary to achieve acceptable quality, including a non-filterable residue not exceeding 50 milligrams/litre or small quantities may be removed by the services of a Licenced Liquid Waste Transporter. It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to pollute the stormwater system.

78. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.
79. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
80. A Registered Surveyor's check survey certificate or compliance certificate shall be forwarded to the certifying authority detailing compliance with Council's approval at the following stage/s of construction:
 - i. After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, building and boundary setbacks.
 - ii. Prior to construction of each floor level showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved level.
 - iii. Prior to fixing of roof cladding verifying the eave, gutter setback is not less than that approved and that the building has been constructed at the approved levels.
 - iv. On completion of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.

- v. On completion of the drainage works (comprising the drainage pipeline, pits, overland flow paths, on-site detention or retention system, and other relevant works) verifying that the drainage has been constructed to the approved levels, accompanied by a plan showing sizes and reduced levels of the elements that comprise the works.
81. When soil conditions require it:
 - i. retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
 - ii. adequate provision shall be made for drainage.
82. All contractors shall comply with the following during all stages of demolition and construction:
 - A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
 - A current Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.
83. All demolition work shall be carried out in accordance with AS2601 – 2001: The Demolition of Structures and with the requirements of the WorkCover Authority of NSW.
84. The following conditions are necessary to ensure minimal impacts during construction:
 - i. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

- ii. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
- iii. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- iv. Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- v. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
- vi. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - a) spraying water in dry windy weather
 - b) cover stockpiles
 - c) fabric fences
- vii. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.

An all weather drive system or 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. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

In addition builders / demolishers are required to erect a 1.5m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifying Authority, prior to the demolition of the existing structures and commencement of building operations.

- viii. Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.

85. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction. A copy of the sign is available from Council.

86. Existing soil levels within the drip line of trees to be retained shall not be altered without reference to Council's Tree Management Officer.

Prior to issue of occupation certificate or commencement of use

The following conditions must be complied with prior to issue of the Occupation Certificate or Commencement of Use.

87. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
88. Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory, or wherever directional signage such as lifts or building directories or information is provided to those buildings where access and facilities for people with disabilities has been provided. Such signage shall have regard to the provisions of AS1428.1 and AS1428.2.
89. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
90. All excess excavated material, demolition material, vegetative matter and builder's rubbish shall be removed to the Waste Disposal Depot or the Regional Tip prior to final inspection.
Note: Burning on site is prohibited.
91. Ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place shall be removed forthwith.
92. Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
93. Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. Any obsolete vehicular entries are to be removed and reconstructed with kerb and gutter. This work may be done using either a Council quote or a private contractor. There are specific requirements for approval of private contractors.
94. A convex mirror is to be installed at the Barton Street property boundary to provide increased sight distance for vehicles.
95. Forty (40) off-street car spaces shall be provided in accordance with the submitted plan and shall be sealed and linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.
96. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.
97. A Landscape Architect shall provide a report to the certifying authority (with a copy provided to Council, if Council is not the principal certifying authority) stating that the landscape works have been carried out in accordance with the approved plans and documentation.
98. On completion of the installation of the mechanical ventilation systems and prior to the issue of the Occupation Certificate, a certificate of completion and performance from the design engineer shall be submitted to Council certifying that the system has been installed, inspected, commissioned, tested and performs in accordance with

Australian Standards AS1668.

99. Prior to occupation, a chartered professional engineer shall certify that the tanking and waterproofing has been constructed in accordance with the approved design and specification. A copy shall be provided to Council if council is not the Principal Certifying Authority.
100. Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Rockdale Technical Specification Stormwater Management. The certificate shall be in the form specified in Rockdale Technical Specification Stormwater Management and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
101. All absorption trenches must be inspected, and a compliance certificate under Part 6 of the EP&A Act issued prior to back filling and proceeding to subsequent stages of construction. Copies of the certificate are to be maintained by the principal certifying authority and be made available to Council officers upon request.
102. The premises shall be registered with the NSW Food Authority by the proprietor of the food business by completing the registration form available online at www.foodnotify.nsw.gov.au/nafsis/ and providing documentary evidence to the Principal Certifying Authority of the completion of this notification with the Food Authority.
103. A Plan of Management for the operation of the facility shall be prepared prior to occupation. The Plan is to address but not limited to the following:
 - i) On site parking to ensure staff, residents and visitors have access to the existing carparking areas within the development site.
 - ii) Ambulance access to the site, including access to the Porte Cochere by Bariatric ambulance.
 - iii) Use of proposed drop off area in Eddystone Road to avoid conflict and traffic impacts.
 - iv) Noise generated within the site,
 - v) Garbage collection,
 - vi) Deliveries to the facility.

A copy of the Plan is to be provided to Council.

Integrated development/external authorities

The following conditions have been imposed in accordance with Section 91A of the Environmental Planning and Assessment Act, 1979.

104.
 - i) Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas. Details to be provided prior to the issue of the Construction Certificate.
 - ii) A lighting maintenance policy shall be established for the development. Details to be provided prior to the issue of the Construction Certificate.

- iii) Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
- iv) Where applicable, security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.
- v) A street sign shall be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No 8.
- vi) Signage shall be erected at entry/exit points and throughout the development to assist users and warn intruders they may be prosecuted.
- vii) As malicious damage (graffiti) is often an offence committed at such developments, strong consideration is to be given to the use of graffiti resistant materials, particularly on fences and all ground floor areas. Details to be provided prior to the issue of the Construction Certificate.
- viii) More information is required on submission of development applications for the proposed uses regarding the placement of public amenities, other than the proposed public toilets. The location of ATMs, public telephones, garbage bins etc, can impact greatly on how the area will be occupied and the level of crime it will absorb.
- ix) Intercom facilities shall be installed into entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
- x) Monitored CCTV cameras shall be installed in and around the building to maximise surveillance opportunities. Digital or video technology should be used to record images from the cameras.

105. Water NSW

WaterNSW has issued General Terms of Approval (GTA) for the proposed development (refer below and to the letter from WaterNSW dated 15 September 2021).

The GTA's issued by WaterNSW do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to WaterNSW for a Water Supply Work approval after consent has been issued by Council and before the commencement of any work or activity.

A completed application form must be submitted to WaterNSW together with any required plans, documents, application fee, and proof of Council's development consent.

The General Terms of Approval (GTA) issued by WaterNSW below do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to WaterNSW for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

General Terms of Approval

Dewatering

GT0115-00001

Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering

that is required once construction is completed.

GT0116-00001

Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

GT0117-00001

A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.

GT0118-00001

If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.

GT0119-00001

All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.

GT0120-00001

The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any

water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.

GT0121-00001

Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.

GT0122-00001

Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)

GT0123-00001

(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW

website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website
www.waternsw.com.au/customer-service/water-licensing/dewatering

GT0151-00001

Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

GT0152-00001

This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

Roads Act

106. Construction related activities must not take place on the roadway without Council approval.

Short-term activities (including operating plant, materials delivery) that reduce parking spaces, affect access to a particular route or prevent or restrict the passage of vehicles along the road must not occur without a valid Temporary Roadside Closure Permit.

Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Works Zone signs by Council's Traffic and Road Safety Section.

Permit application forms should be lodged at Council's Customer Service Centre allowing sufficient time for evaluation. An information package is available on request.

107. All footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken by Council, or by a Private Licensed Contractor subject to the submission and approval of a Private Contractor Permit, together with payment of all inspection fees. An estimate of the cost to have these works constructed by Council may be obtained by contacting Council. The cost of conducting these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council upon completion of the work.
108. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (not kikuyu).

Development consent advice

- a. Some forms of signage require separate development consent. Please refer to relevant planning policies for more information.

- b. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- c. *Dial Before You Dig*

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

- d. If Council is appointed as the Principal Certifying Authority (PCA), a fee shall be paid before a Construction Certificate is issued. If the fee is paid after the end of the financial year, it will be adjusted in accordance with Council's adopted fees and charges. The fees charged encompass all matters related to ensuring that the proposed development is carried out in accordance with the approved plans and any post inspection issues that may arise.
- e. All asbestos fibre demolition material and asbestos dust shall be handled, stored and removed in accordance with the relevant legislation and guidelines including:
 - Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)]
 - Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]
 - Protection of the Environment Operations (Waste) Regulation 2005

All work procedures shall be devised to minimise the release of dust and fibres. A checklist of safety precautions when working with asbestos is available in Health & Safety Guidelines prepared by the WorkCover Authority of NSW. Collection, storage and transportation is subject to the Protection of the Environment Operations (Waste) Regulation 2005.

- f. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- g. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.

Additional Information

- To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the *Environmental Planning and Assessment Act, 1979*. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally consent lapses if the development is not commenced within five (5) years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own

enquiries.

- Under Division 8.3 of the Act, applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within the timeframe specified by Clause 8.10(1) of the Environmental Planning and Assessment Act 1979, from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.

Should you have any further queries please contact Michael Maloof on 9562 1666

Luis Melim
Manager - Development Services