**Without Prejudice Conditions of Consent – X/1436/2021**

Note – These draft deferred commencement matters and draft conditions of consent have been prepared on a without prejudice basis should the Panel disagree with the recommendation of Council staff.

**DEFERRED COMENCEMENT MATTERS (WITHOUT PREJUDICE)**

The below draft deferred commencement matters are subject to the Panel being satisfied that they fall within the scope of a deferred commencement condition as per s.4.16(3) of the Environmental Planning and Assessment Act.

|  |  |  |
| --- | --- | --- |
| Amended structural design and supporting information for historic 1892 and 1913 buildings | 1. | 1. The original structural floors and walls of the 1913 wings are to remain in place to support the building facades and roofs. An amended structural design is to be prepared demonstrating that the proposed excavation of the extended basement area under the 1913 wings will ensure the structural integrity of the historic 1892 and 1913 buildings. 2. The amended structural design is to be informed by a detailed investigation of existing buildings to identify original fabric and original structural components essential to retain heritage values as part of an adaptive reuse approach. 3. The amended structural design is to be informed by a geotechnical investigation for the site to confirm ground condition assumptions as identified within the submission prepared by Mott MacDonald - ‘The Ritz, Leura - Basement Construction/Facade Retention Study’ dated 24 May 2022. 4. Once the ground conditions are known, a construction management plan is to be provided demonstrating how the integrity of the historic 1892 and 1913 buildings will be protected during the construction process, including from damage from vibrations. The construction management plan is to be authored by a suitably qualified building consultant and authorised for submission to Council by the project heritage consultant.   The amended structural design, supporting geotechnical investigations and construction management plan are to be provided to Council’s Manager Development & Building Services for approval. |

|  |  |  |
| --- | --- | --- |
| Amended architectural plans and supporting information | 2. | 1. Amended plans are to be prepared demonstrating substantive retention, adaptive reuse and refurbishment of the historic 1892 and 1913 buildings. The amended design may include the alteration, penetration, and formation of openings (for example, to interconnect adjoining spaces with door openings) in some of the original internal and external structural walls dependant on their number, extent and location not impacting the heritage values of the structures.   The amended plans must demonstrate sympathetic adaptive reuse of the interiors as recommended in CMP Para 8.6.1 and 8.6.2 Policies A20 and 21 relating to the “Adaptation of exterior and interior spaces and features – The Ritz” (ref CMP p133-134).   1. The amended plans are to also demonstrate that the building heights of ‘New West Wing A’ and ‘New West Wing B’ comply with the 8m building height control and provide a building form, design, materials and finishes that are consistent or compatible with the scale, bulk and architectural character of existing houses in the Wascoe Street Period Housing Area. 2. Prepare a detailed *Schedule of Conservation Works* for the historic 1892 and 1913 wings, as well as the 1905 cottage and the 1936 bungalow to: 3. record the existing building exteriors and interiors in their current configuration, layout, construction and detail as a first step in preparing the required conservation documentation. 4. analyse and assess the respective significance levels of each element in developing a methodology to dismantle and dispose, dismantle and store/reuse on site, conserve in-situ or display and interpret within the development. 5. recommend appropriate conservation measures for storing, reusing or displaying any significant elements. 6. recommend appropriate conservation measures for conserving significant elements which will remain insitu, restored or will replace missing elements. This may predominantly relate to the building facades but could include other significant elements relating to the original floors, walls and or roofs. 7. prepare a specification for all proposed conservation works on a floor-by-floor, element-by-element basis to guide the proposed works, the builders and tradespersons. The Schedule will be in an A4 format and supplemented with illustrations, drawings and photographs to clearly identify the conservation work proposed. 8. ensure no further loss of original or early fabric in the historic 1892 and 1913 buildings and reinstatement of fabric where previously removed to recover and reinstate significantly altered internal spaces – consistent with CMP recommendations and policies regarding the Ritz – Significant Building, Spaces and Fabric (CMP policies A7 and A8 and the more detailed policy recommendations on individual spaces and related fabric in CMP policies A11, A12, A13, A16 and A17). 9. The revised design is to be accompanied by an updated BCA Compliance report and an updated report by a fire engineer outlining how an appropriate level of fire safety will be achieved while retaining the heritage values of the historic 1892 and 1913 buildings. 10. The revised design is to be accompanied by an accessibility report outlining how an appropriate level of accessibility will be achieved while retaining the heritage values of the historic 1892 and 1913 buildings. 11. The revised design is to be accompanied by a building services co-ordination drawing that illustrates the key principles that the new building services will follow including: 12. the horizontal grouping of services at each level and 13. the vertical services penetrations at each level.   The amended plans for the historic 1892 and 1913 buildings, the Schedule of Conservation Works, fire safety report, accessibility report and building services co-ordination drawing are to be provided to Council’s Manager Development & Building Services for approval. |

|  |  |  |
| --- | --- | --- |
| Additional scope for Conservation Management Plan – Landscape Conservation Works | 3. | 1. Prepare an Addendum to the CMP to address the conservation management objectives for soft landscaping with The Ritz grounds. The addendum must include: 2. an analysis of significance of the gardens and soft landscape elements throughout the grounds 3. a ranking of significance of all trees and soft landscape plantings 4. conservation policies to manage the landscape and 5. an implementation strategy. The Addendum must be prepared by a suitably qualified heritage garden consultant. 6. Prepare a Schedule of Landscape Conservation Works for all garden areas. The CMP must include a detailed analysis of the garden plantings throughout the property and shall follow the intent of CMP Policies A7 and A8 as relates to the gardens and their settings. The Schedule for the landscape ‘fabric’ should be set up in a similar way as the recommended schedule of conservation works for the built fabric. The schedule for the landscape works must be prepared by a heritage landscape architect working as part of the project team with the project arborist / horticulturist and be appointed to manage the works on site.   The CMP addendum and Schedule of Landscape Conservation Works are to be provided to Council’s Manager Development & Building Services for approval. |

|  |  |  |
| --- | --- | --- |
| North-western corner (area 10 on the Landscape Structure Plan and Zone 3 on the Planting Strategy Plan) | 4. | 1. Detailed engineering and landscape plans are to be prepared for area 10 as shown on the Landscape Structure Plan and Zone 3 as shown on the Planting Strategy Plan prepared by Brendan Moar. 2. The plans and specifications for this area are to be prepared in consultation with the environmental consultant and geotechnical engineer for the project and are to include the following:    1. whether remediation for Zone 3 is to be by removal of uncontrolled fill and replacement with VENM or excavated material from the basement, or whether the uncontrolled fill is to be encapsulated.    2. if encapsulated, confirmation that landscaping including tree planting can be undertaken over the area.    3. Methods for ensuring the protection and ongoing health of Tree 36 during remediation and all works within the north-western corner.    4. additional geotechnical assessment to determine slope composition and structural integrity.    5. the staging of works to ensure the maintenance of slope stability,    6. detailed specifications for weed control.    7. assessment of the current condition of any ironstone wall remaining on the slope.    8. the salvage of all ironstone fragments or wall components (over the whole of the site) for reuse in key areas.    9. construction details of any retaining structures to an engineer’s specifications.    10. management of any seepage.    11. landscape planting selection to ensure long term landscape outcomes.    12. landscape edging and other specifications for this particular area.    13. maintenance specifications.   The Detailed engineering and landscape plans for the north-western portion of the site are to be provided to Council’s Manager Development & Building Services for approval. |

|  |  |  |
| --- | --- | --- |
| Date to satisfy Deferred Commencement Matters | 5. | Under Clause 76 of the Environmental Planning and Assessment Regulations, the above Deferred Commencement matters are to be satisfied by (insert date). |

**DRAFT CONDITIONS OF CONSENT (WITHOUT PREJUDICE)**

**General**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Confirmation of relevant plans and documentation  *(to be updated following satisfaction of deferred commencement matters)* |  | To confirm and clarify the terms of consent, the development shall be carried out in accordance with the following plans and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent: | | | |
| **Document** | **Prepared by:** | | **Drawing No** | **Issue** | **Date** |
|  |  | |  |  |  |
| Demolition Plan 01 | PBD Architects | | DA 010 | D | 23.05.22 |
| Demolition plan 02 | PBD Architects | | DA011 | D | 23.05.22 |
| Proposed site plan | PBD Architects | | DA016 | D | 23.05.22 |
| Alts + ads - ground floor | PBD Architects | | DA025 | D | 23.05.22 |
| Alts + ads - level 1 | PBD Architects | | DA026 | D | 23.05.22 |
| Alts + ads - roof level | PBD Architects | | DA027 | D | 23.05.22 |
| Basement - 200 | PBD Architects | | DA101 | D | 23.05.22 |
| Lower ground floor plan - 200 | PBD Architects | | DA102 | D | 23.05.22 |
| Ground floor plan - 200 | PBD Architects | | DA103 | D | 23.05.22 |
| Level 1 plan - 200 | PBD Architects | | DA104 | D | 23.05.22 |
| Attic plan - 200 | PBD Architects | | DA105 | D | 23.05.22 |
| Roof plan – 200 | PBD Architects | | DA106 | D | 23.05.22 |
| Basement - 100 | PBD Architects | | DA111 | D | 23.05.22 |
| Lower ground floor plan – 100 | PBD Architects | | DA112 | D | 23.05.22 |
| Ground floor plan - 100 | PBD Architects | | DA113 | D | 23.05.22 |
| Level 1 plan - 100 | PBD Architects | | DA114 | D | 23.05.22 |
| Attic plan - 100 | PBD Architects | | DA115 | D | 23.05.22 |
| Roof plan – 100 | PBD Architects | | DA116 | D | 23.05.22 |
| Elevations 01 | PBD Architects | | DA200 | D | 23.05.22 |
| Elevations 02 | PBD Architects | | DA201 | D | 23.05.22 |
| Elevations 03 | PBD Architects | | DA202 | D | 23.05.22 |
| Sections 01 | PBD Architects | | DA300 | D | 23.05.22 |
| Sections 02 | PBD Architects | | DA301 | D | 23.05.22 |
| Material schedule 01 | PBD Architects | | DA400 | D | 23.05.22 |
| Material schedule 02 | PBD Architects | | DA401 | D | 23.05.22 |
| Material schedule 03 | PBD Architects | | DA402 | D | 23.05.22 |
| Building services co-location plan (to be provided) |  | |  |  |  |
| Arboricultural Impact Assessment | Bradshaw Consulting Aborists | | - | F | 8 December 2021 |
| Sitework plan | at&l | | B | 20-752-C101 | 02/06/22 |
| Proposed retaining walls and longitudinal sections | at&l | | B | 20-752-C119 | 02/06/22 |
| Site grading plan | at&l | | B | 20-752-C201 | 02/06/22 |
| Site grading cross sections sheet 1 | at&l | | B | 20-752-C201 | 02/06/22 |
| Stormwater drainage on-site detention tank a plan | at&l | | B | 20-752-C501 | 02/06/22 |
| Stormwater drainage on-site detention tank b plan | at&l | | B | 20-752-C502 | 02/06/22 |
| Stormwater drainage on-site detention tank sections & details | at&l | | B | 20-752-C503 | 02/06/22 |
| Sedimentation and erosion plan | at&l | | B | 20-752-C601 | 02/06/22 |
| Sedimentation and erosion details | at&l | | B | 20-752-C601 | 02/06/22 |
| Schedule of conservation works (to be provided) |  | |  |  |  |
| BCA compliance report (to be updated and provided) |  | |  |  |  |
| Fire safety statement (to be provided) |  | |  |  |  |
| Stormwater Management Report | At&l | |  |  | June 2022 |
| Overall plan, Drawing list &  Softworks Specification Noetes | Svalbe&Co | | F | L000 | 1/6/2022 |
| General Arrangement | Svalbe&Co | | F | L100 | 1/6/2022 |
| Existing Trees | Svalbe&Co | | F | L101 | 1/6/2022 |
| Planting + Schedule | Svalbe&Co | | F | L102 | 1/6/2022 |
| Levels | Svalbe&Co | | F | L103 | 1/6/2022 |
| Landscape Report | Svalbe&Co | | F | L000 | 1/6/2022 |
| Landscape Structure Plan (As Annotated by Council) | Svalbe&Co + Brendan Moar | | - | F | September 2022 |
| Cultural Landscape Study | John Oultram Heritage & Design | | - | - | August 2021 |
| Geotechnical Repoort | JK Geotechnics | | - | - | 13 January 2021 |
| Heritage Impact Statement | John Oultram Heritage & Design | |  |  | June 2022 |
| Noise Impact Assessment | Pulse White Noise Acoustics | | - | 2 | 13/08/2021 |
| Remedial Action Plan for 203-223 Leura Mall | Reditus Consulting Pty Ltd | |  | 3 | 9 August 2022 |
| Stage 1 Preliminary Site Investigation for 203-223 Leura Mall | JK Environments Pty Ltd | |  |  | 24 December 2020 |
| Stage 2 Detailed Site Investigation for 203-223 Leura Mall | JK Environments Pty Ltd | |  |  | 1 September 2021 |
| Stone Walls – Supplementary Report | John Oultram Heritage & Design | | - | - | August 2022 |
| Waste Management Plan – Construction Phase | - | | - | - | - |
| Waste Management Plan Details – Use of Premises Phase | - | | - | - | - |

|  |  |  |
| --- | --- | --- |
| Construction certificate |  | A construction certificate is required prior to the commencement of any building works. This certificate can be issued either by Council as a certifying authority or by an accredited certifier. |

|  |  |  |
| --- | --- | --- |
| Occupation certificate |  | Each area of new building works must not be used or occupied prior to the issue of any occupation certificate in accordance with sections 6.9 and 6.10 of the Environmental Planning and Assessment Act 1979. |

|  |  |  |
| --- | --- | --- |
| Building Code of Australia |  | All building work must be carried out in accordance with the provisions of the Building Code of Australia. |

|  |  |  |
| --- | --- | --- |
| City-wide Local Infrastructure Contribution |  | In accordance with the Blue Mountains City-wide Local Infrastructure Contributions Plan 2022 adopted 28 June 2022 (“the Contributions Plan”), a contribution of $ 407,766.37 shall be paid to Council.  This amount will be adjusted\* at the time of payment in accordance with Section 3.7 of the Contributions Plan.  The contribution shall be paid prior to the issue of a construction certificate, or commencement of the use of the land, whichever occurs sooner.  The Contributions Plan is available for inspection at Council’s offices or on Council’s website at www.bmcc.nsw.gov.au.  \*Using the All Groups Consumer Price Index (Sydney), as published by the Australian Bureau of Statistics. You are advised to check the current amount payable with Council prior to any payment. |

|  |  |  |
| --- | --- | --- |
| WaterNSW concurrence |  | The development shall comply with the conditions of the concurrence of Water NSW, reference 21142-a1 dated 28 October 2021, attached to and forming part of this consent. |

|  |  |  |
| --- | --- | --- |
| Transport for NSW concurrence |  | The development must comply with all concurrence requirements and conditions of Transport for NSW, dated 8 November 2021, attached to and forming part of this development consent. |

|  |  |  |
| --- | --- | --- |
| Roads Act 1993 |  | Before work commences in Council's roads, plans and specifications are to be submitted to and approved by the Council under the Roads Act 1993.  All works in Council's road are to be at no cost to Council. |

|  |  |  |
| --- | --- | --- |
| Works required in Council’s Roads |  | The following engineering works shall be constructed by the applicant at the applicant’s expense:   * The construction of a new layback or dish drain and apron crossing, in accordance with Councils standards for heavy duty vehicular crossings. * Any battering required to stabilise the embankment either side of the vehicular entrance and other structures at the Wascoe Street access to the site. * Removal of the layback at the corner of Megalong Street and Wascoe Street as required by Transport for NSW and replacement with kerb and gutter and kerb ramps for pedestrian access only. * Concrete footpath between the vehicular entrance on Wascoe Street and the existing footpath in Megalong Street, a suitable edge treatment to protect pedestrians from traffic (such as a kerb) and any retaining structures or batters required to stabilise the embankment (detailed design required). * Any components of the remediation of area 10 on the Landscape Structure Plan and Zone 3 on the Planting Strategy Plan which are outside the property boundary, such as excavation, placement and compaction of soil, formation of batters, retaining structures and landscaping.   Details are to be provided with the Roads Act application for approval. |

**Prior to commencement of works or issue of a Construction Certificate**

|  |  |  |
| --- | --- | --- |
| Contamination and remediation |  | The detail submitted with the Construction Certificate shall demonstrate compliance with the recommendations provided in:   1. *Stage 1 Preliminary Site Investigation for 203-223 Leura Mall, Leura* Prepared by JK Environments Pty Ltd Dated 24 December 2020 2. *Stage 2 Detailed Site Investigation for 203-223 Leura Mall, Leura* Prepared by JK Environments Pty Ltd Dated 1 September 2021 3. *Remedial Action Plan for 203-223 Leura Mall, Leura* Prepared by Reditus Consulting Pty Ltd Dated 15 December 2021   and shall be implemented in the proposed development. |

|  |  |  |
| --- | --- | --- |
| Hazardous materials survey |  | Submit to Council a Validation Report prepared by a suitably qualified environmental consultant confirming that the site has been appropriately remediated in accordance with the Remedial Action Plan. The validation report shall provide a clear statement of the sites suitability for the proposed residential development. |

|  |  |  |
| --- | --- | --- |
| Construction in Council’s roads |  | **Prior to the commencement of works** in the Council’s road reserve an onsite preconstruction meeting is to be arranged with Council’s Civil Works Officer.  The person or company carrying out the works are required to have workers compensation and public liability insurance to the value of at least $20 million. The policy shall indemnify the Council from all claims arising from the execution of the works. Proof of the policy is to be provided to the Council’s Supervising Engineer at the preconstruction meeting.  Inspections of the works will be required at specific stages, which will be advised at the pre-construction meeting. The applicant will be required to pay for the inspections in accordance with the Council’s Schedule of Fees and Charges.  A minimum 48 hours’ notice is required to book an inspection. Works are not to proceed further until that stage of the works has been approved in writing by the Council’s Supervising Engineer. |

|  |  |  |
| --- | --- | --- |
| Dilapidation report on surrounding Council assets |  | A dilapidation report on Council’s surrounding public roads and infrastructure is to be prepared by the applicant and submitted to Council at least 10 business days prior to the intended commencement of works. The dilapidation report is to include the route of trucks transporting excavated and demolition material from the development site to the Great Western Highway. |
| Dilapidation report on neighbouring properties |  | Prior to the commencement of any works on the site, dilapidation reports on structures within the adjoining properties 24 Wascoe Street and 225 Leura Mall are to be prepared by a suitably qualified person.  The reports are to be prepared in accordance with the recommendations in the geotechnical report and submitted to Council for record-keeping purposes only.  Council will retain these reports for reference only. Any issues arising from the works in this regard is a civil matter between the property owners. |

|  |  |  |
| --- | --- | --- |
| **Construction Pedestrian and Vehicle Traffic Management Plan** |  | A Demolition, Excavation and Construction Pedestrian and Traffic Management Plan (CTMP) prepared by a suitably qualified person shall be submitted for the Council’s consideration and approval prior to commencement of any works on site.  The CTMP is to be in the form of a report and is to address (but not be limited to) the following:   * Details of the average daily volume of truck movements to/from the site during the various stages of remediation, site works (eg demolition, excavation, construction). * Details of the proposed construction vehicle access routes. * Traffic Control Plans which outline how pedestrian/traffic movements around the site and access to adjacent properties are to be managed. * Traffic Control Plans detailing how construction vehicle movements entering and exiting the site are to be managed. * Materials storage and handling for works both internal and external to the site. * Deliveries and construction traffic for works both internal and external to the site. * Details of the proposed parking and access arrangements for workers and sub-contractors.   Safety devices such as signs, barricades, barriers, warning lights etc. shall be placed where works affect the Council roads and shall be in accordance with Australian Standard No. 1742—Manual of Uniform Traffic Control Devices and Roads and Traffic Authority Manual—Traffic Control at Work Sites 1998. Details are to be included in the Traffic Management Plan Report. |

|  |  |  |
| --- | --- | --- |
| **Archival record and interpretation plan** |  | * 1. Prepare an archival record of all historical buildings. The record is to include, but not limited to, the record prepared during the progress of the works and the samples of finishes prepared prior to the commencement as well as those recorded during the progress of the works. The format and methodology to follow the guidelines and recommendations prepared by Heritage NSW in their publications How to Prepare Archival Records of Heritage items and Photographic Recording of Heritage Items Using Film or Digital Capture.   2. Prepare an interpretation plan for the property prior to commencement. The format and methodology to follow the guidelines and recommendations prepared by Heritage NSW in their publications Interpreting Heritage Places and Items and Heritage Interpretation Policy.   The archival record and interpretation plan are to be provided to Council’s Manager Development & Building Services for approval. |

|  |  |  |
| --- | --- | --- |
| Acoustic report |  | Prior to the issue of a construction certificate an Acoustic report shall be submitted to Council demonstrating that all selected external mechanical plant including but not limited to air conditioners, kitchen exhaust fans and refrigeration condensers will meet the requirements of the project specific noise criteria identified in Table 4-3 of the report prepared by White Noise Acoustics Dated 13 August 2021. The acoustic report is to be prepared by an appropriately qualified acoustic consultant having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/or grade membership of the Australian Acoustical Society (MAAS). |

|  |  |  |
| --- | --- | --- |
| Fit out of premises |  | To ensure the premises are constructed so as to be suitable for the safe and hygienic preparation of food, the fitout of the premises is to comply with National Food Standard 3.2.3 *Food Premises and Equipment* and Australian Standard AS4674.2004 *Design, Construction and Fitout of Food Premises*. Fit out to be as set out in plans provided. Details are to be submitted to the Principal Certifying Authority as part of the Construction Certificate documentation. |

|  |  |  |
| --- | --- | --- |
| Floors, walls and ceilings |  | Floors, walls and ceilings shall comply with the requirements of Australian Standard 4674.2004 Design, Construction and Fit-Out of food premises and the Food Safety Standard 3.2.3. In particular parts 3.1, 3.2 and table 3.3 of Australian Standard 4674.2004 (which indicates suitable floor, walls and ceiling finishes). |

|  |  |  |
| --- | --- | --- |
| Adequate sinks |  | To prevent cross contamination, the premise shall be equipped with the following as a minimum requirement as set out in Section 4 of Australian Standard 4674-2004:   1. Washing sinks:  * Single bowl sink and dish washer of adequate size for cleaning and sanitising of all equipment. * Or double bowl sink * Or double bowl sink and dish washer where some equipment is too big to be wash in the dish washer. * Or triple bowl sink where each bowl can be designated for washing, rinsing and sanitising  1. If food business requires immersion of food in water – a designated food preparation sink is required away from washing area. 2. Cleaners sink to be installed away from open food production (if no floor waste drain provided in food prep area). 3. Sink/s should be of adequately sized, large enough for the correct cleaning and sanitising of all utensil/s and equipment. |

|  |  |  |
| --- | --- | --- |
| Support of appliances |  | So that equipment is easily moved for cleaning purposes, refrigerators, frozen food cabinets, cooking appliances, equipment, fittings, cupboards/cabinets etc., are to be supported on either:   * Wheels or castors capable of being easily moved when fully loaded. * Legs that provide at least 150mm clear space between the floor and the underside of the fitting. |

|  |  |  |
| --- | --- | --- |
| Dishwasher |  | So that utensils are properly sanitised between each use, the dishwasher is to have a supply of potable water at a minimum temperature of 60C and 71C for the wash cycle and at least 82C for the rinse cycle. The wash cycle must operate for a least 60 seconds and the rinse at least 10 seconds. A thermometer accurate to within 2C is required to ensure that the temperature of water in the wash and rinse tanks meets minimum temperature requirements. |

|  |  |  |
| --- | --- | --- |
| Ventilation |  | To ensure emissions from cooking processes are effectively removed and to avoid air pollution, the mechanical exhaust system is to be designed and constructed in accordance with *AS1668 ‘Mechanical Ventilation and Air Conditioning Code’*.   1. Plans and specifications showing details of the proposed mechanical exhaust system to the kitchen are required as part of the Construction Certificate documentation. 2. Noise from the mechanical exhaust system shall not exceed 5dB(A) above background noise levels at the adjacent residential properties. Full details are to be submitted from an acoustic engineer to ensure compliance with this condition. |

|  |  |  |
| --- | --- | --- |
| Lighting |  | Lighting to comply with AS 4674-2004 part 2.6, which includes all lights in open food areas to have either:   1. Shatter proof tubes, 2. Light covers or 3. Sleeves over tubes and 4. Be designed to prevent harbouring of dust, dirt, other matter. |

|  |  |  |
| --- | --- | --- |
| Garbage storage area |  | A designated area is to be provided for garbage and recyclable material in accordance with AS4674-2004.  The construction requirements of the garbage area under AS4674 require area paved with an impervious material with a tap and drained to sewer. (see section 2.4 Garbage and Recyclable Materials AS4674-2004).  Details including tap and drain to the reticulated sewer are to be submitted to the Principal Certifying Authority as part of the Construction Certificate Documentation. A copy of which is to be provided to the Environmental Health Officer at the final inspection for food safety. |

|  |  |  |
| --- | --- | --- |
| Hand Washing |  | Designated hand wash basin/s is required for the washing of hands, this must comply with AS4674-2004 part 4.4. The washbasin shall be:   1. Of an adequate size to wash hands, arms and face. 2. Permanently fixed at bench height 3. In locations that will not be obstructed 4. There shall be a permanent supply of warm running potable water delivered through a single outlet. 5. Basin to be drained to sewer 6. Taps to the washbasin must be hands free or elbow operated. 7. Spout to extend out over the basin adequately to ensure easy of hand washing.   Location of hand wash basin to be accessible and no further than 5 metres from any place where food handlers are handling open food. There may need to be more than one hand wash basin. |

|  |  |  |
| --- | --- | --- |
| Staff toilet |  | Staff toilet shall be provided with a hand wash basin with the same requirements as AS4674-2004.  Mechanical exhaust system to be installed in staff toilet which operates when the sanitary compartment is in use and for at least 30 seconds after the toilet is vacated.  Doors to toilet to have self closing devices added to keep doors closed. |

|  |  |  |
| --- | --- | --- |
| Waste water disposal |  | To ensure that waste water is disposed of to the satisfaction of Sydney Water and is of a suitable standard for the reticulated sewage system, you should contact Sydney Water Trade Waste on [tradewaste@sydneywater.com.au](mailto:tradewaste@sydneywater.com.au) and ensure you meet the requirements for trade waste disposal prior to operation of the food premises. |

|  |  |  |
| --- | --- | --- |
| Grease arrestors |  | Grease arrestors shall not be located in areas where food, equipment or packaging materials 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.  The owner / applicant is required to maintain a formal agreement with Sydney Water for the trade waste removal (grease arrestor waste). The Principal Certifying Authority must ensure that a Trade Waste Agreement is signed prior to occupation or use of the premises. |

|  |  |  |
| --- | --- | --- |
| Proofing against vermin |  | To prevent the harbourage of vermin,   1. cavities, false bottoms and similar hollow spaces capable of providing access to vermin shall not be formed in the construction of the premises, nor in the installation of fixtures, fittings and equipment unless adequate access to allow proper cleaning is provided. 2. the cavity bounded by the bottom of the cupboard, the wall, floor and kickboard is to be filled with an expanding foam so as to fill the space. |

|  |  |  |
| --- | --- | --- |
| **Appointment of supervising landscape specialist** |  | Prior to the commencement of site works, a suitably qualified landscape specialist with experience in large scale landscape project management, shall be appointed by the developer to oversee or otherwise manage all landscape aspects of the approved development.  The supervising landscape specialist has certain responsibilities prior to the commencement of site works, during construction as well as following completion of landscape works – see relevant ‘during works’ and ‘prior to issue of occupation certificate’ conditions. |

|  |  |  |
| --- | --- | --- |
| **Appointment of supervising consulting arborist** |  | To ensure the health, condition and future viability of all trees identified to be retained on and adjacent to the subject site, the person acting upon this consent is to engage a qualified arborist (minimum Australian Qualification Framework (AQF) Level 5) to implement or supervise tree retention and protection requirements.  All Tree Protection Measures are to be undertaken in accordance with **Part 5** of the approved Arboricultural report implemented and in a manner consistent with Australian Standard 4970-2009 *Protection of Trees on Development Sites*, except as varied by the supervising arborist.  **Prior to commencement of any works on site**, the arborist is to:   1. Develop Tree management protection plan, this plan must include a notation that soil battering is not occur beside trees 127-136. Sheet piling is preferred if soil stabilisation is required. 2. undertake or supervise the establishment of all required tree protection measures, 3. engage in consultation with the appointed landscape specialist to ensure that any potential conflict between proposed landscape works and the protection of retained trees is identified and resolved, and   **During site preparation and approved tree removal,** the arborist is to   1. ensure any machinery used during tree removal procedures or site preparation works is designed and operated in a manner which minimise soil disturbance and compaction within the TPZ of retained trees. 2. ensure any necessary dead wood removal and remedial pruning of retained trees necessitated by approved works is undertaken in accordance with *Australian Standard 4373-1996 Pruning of Amenity Trees,*   **During all aspects of the construction** the arborist is to:   1. ensure all necessary tree protection measures are maintained in functional condition 2. provide arboricultural advice to construction personnel and supervisors on tree related matters which may arise following commencement of approved excavation and construction works 3. provide arboricultural supervision and record (photographs + documented) any necessary and permitted excavation, trenching or other encroachment by construction works into any TPZ, 4. ensure all work within the TPZ utilises the least damaging techniques available (e.g. under boring rather than trenching), 5. provide advice on the preferred location of any new fencing so as to avoid immediate or future conflicts between retained trees and installed fencing 6. implement any additional protective or remedial works (if required) to ensure tree stability and longevity.   **Following the completion of construction** and **landscape** **works,** the arborist is to;   1. undertake an assessment of each retained tree to check for damage and disease, and oversee any remedial works required, and 2. provide advice to the person who benefits from this approval of ongoing maintenance so as to conserve the structural stability and life expectancy of each retained tree, and 3. recommend appropriate timing for an ongoing monitoring regime to assess the retained trees for decline and hazards. |

|  |  |  |
| --- | --- | --- |
| Amended Arboricultural Impact Assessment to be submitted |  | Prior to the appointment of any Principal Certifier and the issue of any construction certificate, an amended Arboricultural Impact Assessment is to be submitted to Council and approved by Council’s Landscape Officer.  The amended Arboricultural Impact Assessment is to specify management measures to preserve the health and integrity of tree 16 as identified within the Arboricultural Impact Assessment prepared by Bradshaw Consulting Arborists dated 8th December 2021. Management measures for tree 16 are to be provided in response to the chosen remediation option for the remediation for the north-western portion of the site as outlined in the Remedial Action Plan prepared by Reditus consulting dated 15 December 2021.  The amended Arboricultural Impact Assessment is to include an assessment of the proposed development on trees 137-144 and identified within the Arboricultural Impact Assessment prepared by Bradshaw Consulting Arborists dated 8th December 2021.  The amended plans are required to be consistent with the approved Species inventory, and all trees recognised as weed species (with the exception of Radiata Pine) are to be noted for removal. Any other intrusive landscape elements, including *Eucalyptus bicostata*, are also to be nominated for removal. |

|  |  |  |
| --- | --- | --- |
| **Detailed landscape plans to be submitted** |  | Prior to the issue of any construction certificate, amended and detailed construction stage landscape drawings, planting plans and specifications are to be submitted to Council and approved by Council’s Landscape Officer.  The landscaping plans are required to be consistent with the approved concept landscape plans, referred to in condition 1 of this consent and inclusive of all Council annotations and include the following details:  **Consistency with CMP and Schedule of Landscape Conservation Works**   1. All plans are to be consistent with the approved Schedule of Landscape Conservation Works prepared by (insert author) dated (insert date).   **Landscape detail in north-western portion of site**   1. The detailed landscape drawings are to identify which of the Remediation Action Plan options for site remediation in the north-western portion of the site are being adopted and specify the resulting landscape outcomes in this portion of the site.   **Planting Plans**   1. Planting plans of each management zone\* at a scale of 1:100 or 1:200 indicating the location of all proposed planting, including within containerised areas. Plant spacing and species are to be legible when printed at A3 scale.   *\* Management zones to be generally in accordance with the approved Landscape Structure Plan - Ritz Nursing Home, inclusive of all Council annotations*   1. Additional detail of existing shrubs and other vegetation to be retained in all landscaped areas,   *\* It is not considered appropriate for all areas to be subject to disturbance during any demolition or construction on site.*  **Plant schedule**   1. A planting schedule listing all plants by botanic & common names, plant numbers, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.   **Specifications**   1. Detailed, site specific and technical specifications for the proposed landscape works, including but not limited to all preliminary site preparation, weed control, necessary soil remediation and preparation, garden fixtures and structures, drainage, planting works and irrigation in sufficient detail to fully describe the proposed landscape works in each management zone during the construction stage. 2. Details of all areas to be provided with temporary barriers prior to and during all demolition and construction works to ensure the conservation of existing landscape elements to be retained, including existing trees and shrubs. 3. Additional elevations and sections through the site showing the existing and proposed ground lines, building elevations, and mature height of proposed planting. 4. Details in relation to the timing of inspections, hold points, compliance and certification. 5. Provide additional trees and plantings to effectively screen the proposed development in the south-western corner from the neighbouring heritage items and the Wascoe Street precinct without further impacting on the amenity for the adjacent residence to the south. The south-western corner must also include sufficient deep soil zones to sustain effective screen trees and plantings into the future.   The amended landscape drawings are to incorporate the recommendations contained within the supplementary report prepared by TylorBrammer and dated 16 September 2022. |

|  |  |  |
| --- | --- | --- |
| **Development of a Landscape Management Strategy** |  | Prior to release of the construction certificate, a landscape management strategy, to include comprehensive weed control, compensatory and suitable succession planting is to be developed and submitted prior to release of the construction certificate.  This is to be submitted to Councils Landscape Assessment Officer for consideration and approval. |

|  |  |  |
| --- | --- | --- |
| **Protection of retained trees** |  | Prior to the commencement of any work on site, in accordance with DCP 2015 Part E4.4 and under the direction of the supervising arborist, trees to be retained on and adjacent to the site are to be protected from accidental damage and other adverse impacts to their root system, trunk and branches during site preparation and approved construction and landscaping works.  Establishment of Tree Protection Zones (TPZ’s) - Tree Protection Measures are to be implemented in a manner consistent with Australian Standard 4970-2009 Protection of Trees on Development Sites, and in accordance with Part 5 of the approved Arboricultural Report, except as varied by the supervising arborist.  Restriction of activity - Within the TPZ, there shall be no storage of material, placement of structures, parking, operation or washing of equipment or vehicles or changes to soil level.  Inspection and maintenance - The TPZ is to be inspected and maintained to ensure its effective function for the duration of construction works. The supervising arborist is to undertake regular inspections of the barriers to ensure their continued effective operation. |

|  |  |  |
| --- | --- | --- |
| Final stormwater drainage plan |  | The water management system is to be generally in accordance with concept details prepared by AT&L, subject to the following:   1. The proposed perforated pipe is to be investigated by the arborist, geotechnical engineer and environmental consultant and either deleted or amended as required to ensure protection of trees to be retained, non-migration of contaminants and maintenance of the stability and integrity of the north-western slope area (this is area 10 on the Landscape Structure Plan and Zone 3 on the Planting Strategy Plan). 2. The surcharge pit at the end of the perforated pipe is to be either deleted or replaced with a sealed pit to ensure even surcharge along the length of the pipe (subject to the endorsement of the geotechnical engineer). 3. If the perforated pipe is to remain, it is to be level. 4. The ultimate discharge from OSD Tank A is to be to the kerb in Megalong Street by means of one or more rectangular hollow section(s). 5. The re-use of water stored in the rainwater tanks is to be clearly stated. Re-use for irrigation is to be the minimum. |

|  |  |  |
| --- | --- | --- |
| Internal pavement |  | Prior to the issue of the Construction Certificate, the Principal Certifier shall be satisfied that the internal driveway and parking areas have been designed in accordance with Australian Standards AS 2890.1/2004, AS2890.2/2002 and AS 2890.6/2009. |

|  |  |  |
| --- | --- | --- |
| Basement shoring system |  | Prior to the issue of the Construction Certificate, the Principal Certifier shall be satisfied that the structural design for the basement shoring system incorporates contiguous or secant piles from the surface along the southern wall. This shoring system is required to protect structures and trees on adjoining properties as recommended in the approved geotechnical report and the Arboricultural Impact Assessment Revision F dated 8 December 2021. |

|  |  |  |
| --- | --- | --- |
| Fencing details |  | Details of all fencing is to be provided to Council’s Manager Development & Building Services for approval.  Fencing along the Leura Mall, Megalong Street and Wascoe Street boundaries, if needed, is to be visually permeable and of a form, design and materiality which complements the site’s heritage and landscape values.  Fencing along the southern boundary adjoining residential properties is to be 1.8m high. |

|  |  |  |
| --- | --- | --- |
| Sediment & erosion plan |  | To preserve the unique environment of the Blue Mountains a soil and water management plan in accordance with principles outlined in the Managing Urban Stormwater Soils and Construction (Volume 1), dated March 2004 by Landcom NSW is to be submitted to and approved by the Principal Certifying Authority, prior to clearing of any site vegetation and the commencement of site works.  This plan is to include scaled drawings and detailed specifications that can be readily understood and applied on site by supervisory staff. Items to be shown on the plan are to include, where applicable:   1. Locality. 2. Contours (existing and final). 3. Existing vegetation. 4. Existing site drainage. 5. Limit of clearing, grading and filling (location of all earthworks including roads, areas of cut and fill and regrading). 6. Locations and design criteria of erosion and sediment control structures. 7. Site access. 8. Proposed vegetative buffer strips. 9. Location of critical areas (drainage lines, water bodies etc.). 10. Proposed techniques for stabilisation of disturbed ground. 11. Procedures for maintenance of erosion controls. 12. Details for staging works. 13. Techniques for dust control.   The approved sediment and erosion plan is to be implemented for the entire construction period until completion of the development and stabilisation of all surfaces. |

|  |  |  |
| --- | --- | --- |
| Fire safety upgrade |  | In accordance with the requirements of clause 94 of the Environmental Planning and Assessment Regulation 2000, the following fire safety upgrade works are to be carried out.  The plans accompanying the application for a construction certificate must demonstrate compliance with the following:  The building is to be upgraded in accordance with the BCA Assessment Report prepared by (insert report author) dated (insert date) and Fire Engineering Statement prepared by (insert report author) dated (insert date).  The fire safety upgrade works are to be completed prior to the issue of an occupation certificate for each area of new building work. |

|  |  |  |
| --- | --- | --- |
| Workers amenities |  | Before work starts, toilet facilities must be provided for construction personnel on the site. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. |

|  |  |  |
| --- | --- | --- |
| Sydney Water building plan approval |  | A building plan approval must be obtained from Sydney Water Tap inTM  to ensure that the approved development will not impact Sydney Water  infrastructure.  A copy of the building plan approval receipt from Sydney Water Tap inTM  must be submitted to the Principal Certifying Authority prior to works  commencing.  Please refer to the web site www.sydneywater.com.au - Plumbing,  building & developing - Sydney Water Tap inTM, or telephone 13 20 92. |

|  |  |  |
| --- | --- | --- |
| Endeavour Energy |  | Work must be carried out in accordance with the identified conditions  and advice in the *Development application and planning proposal review* and the *Standard Conditions for Development Applications and Planning Proposal* produced by Endeavour Energy and as attached to this consent. |

**During Construction**

|  |  |  |
| --- | --- | --- |
| Site management |  | To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:   1. Site and building works (including the delivery of materials to and from the property) shall be carried out Monday to Friday between 7am-6pm and on Saturdays between 8am-3pm, excluding public holidays. Alteration to these hours may be possible for safety reasons but only on the agreement of Council. 2. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site. 3. Building operations such as brickcutting, washing tools, concreting and bricklaying shall be undertaken on the building block, with pollutants contained on site. 4. Builders waste generated under this consent (including felled trees, tree stumps and other vegetation) must not be burnt or buried on site. 5. All waste must be contained and removed to an approved Waste Disposal Depot including any vegetation. |

|  |  |  |
| --- | --- | --- |
| Contamination – During Construction |  | 1. The recommendations provided in the report: Stage 1 Preliminary Site Investigation for 203-223 Leura Mall, Leura Prepared by JK Environments Pty Ltd Dated 24 December 2020 shall be implemented. 2. The recommendations provided in the report: Stage 2 Detailed Site Investigation for 203-223 Leura Mall, Leura Prepared by JK Environments Pty Ltd Dated 1 September 2021 shall be implemented. 3. The recommendations provided in the report: Remedial Action Plan for 203-223 Leura Mall, Leura Prepared by Reditus Consulting Pty Ltd Dated 15 December 2021 shall be implemented. |

|  |  |  |
| --- | --- | --- |
| Role of landscape specialist during site works and construction |  | Following approval of the detailed landscape plans, planting schedule and specifications and the commencement of works, the appointed landscape specialist is to be responsible for the following matters:   1. Engagement of professional weed control contractors to ensure the effective management of all priority weeds and other persistent invasive species prior to commencement of any landscape works. 2. Oversight of all specified amelioration activities to ensure all landscape areas are provided with soils which are fit for purpose. This includes:    1. excavation and grading,    2. subgrade preparation,    3. supply and installation of soils of appropriate depth, structure and biochemical composition for planting areas on grade, on slab, tree pits and pocket planting to ensure optimal growth conditions for installed plant material, and    4. oversight of any WSUD drainage and planting media installation according to the relevant approved plans and consent conditions. 3. Ensuring the appropriate staging of works in the preparation of all areas proposed for landscape planting both within the subject site and within the adjoining road reserve verge. This includes:    1. Completion of tree removal and weed control    2. review and approval of any site remediation    3. edging, paving, pathway construction,    4. irrigation and drainage installation,    5. retaining/rock wall construction or installation of other suitable soil stabilisation products. 4. Supervision of plant installation and any plant protection items; mulching and finalisation of the landscape implementation in accordance with the approved landscape plans, detailed specifications and these consent conditions. |

|  |  |  |
| --- | --- | --- |
| Weed control |  | Systematic and effective control of all invasive species\* is to be undertaken prior to or concurrently with the commencement of works.  Techniques used must be consistent with best practice and low impact techniques, and in accordance with any specifications noted in any approved BMCC weed management strategies or plans available at: <https://www.bmcc.nsw.gov.au/weeds> or as recommended within the Blue Mountains DCP 2015 Part C2.2.  Weed control is to undertaken on a regular basis in accordance with the approved Landscape Management Strategy to ensure eradication of mature weeds in all areas, the depletion of soil stored seed, and the successful establishment of the approved plantings.  \*As identified under the provisions of the Biosecurity Act 2015 and the Blue Mountains DCP 2015 Part C2.3. |

|  |  |  |
| --- | --- | --- |
| Landscape implementation |  | In order to provide for the retention and enhancement of a prominent and appropriate heritage landscape setting on the subject site, extensive and appropriate landscaping is to be provided as an integral component of the approved development.  These works are to be undertaken in accordance with the approved and detailed landscape planting plans and landscape specifications, inclusive of any Council annotations (in red) and as detailed by these conditions.  Landscape treatment is to be provided in all available pervious areas on site and where indicated in road reserve locations.   1. The installed landscape is to demonstrate at establishment: 2. effective control of all invasive species within landscaped area. 3. sensitive and appropriate integration of retained trees within an enhanced landscape setting, and 4. complexity of form and colour within a restored and appropriate landscape setting to the heritage item, 5. a broad array of reliable and non-invasive species selected from the planting schedule, 6. plantings which are suitably advanced, vigorous, structurally sound and correctly installed in accordance with the approved planting layout, 7. All planted areas demonstrate: 8. approved structural landscape elements including retaining walls, garden edging, fencing, paving, seating and lighting; and 9. adequate and bespoke protection of all new and established plantings from pedestrian and climatic impacts to ensure successful establishment and/or optimum longevity; and 10. an automatic irrigation system throughout to ensure satisfactory maintenance of the landscaping. The system shall provide full coverage to all the planted areas with no overspray onto driveways, pathways or common space areas. 11. proprietary root barriers installed in areas where the root system of adjacent trees may at maturity, compromise the functional integrity of any built feature or component; 12. At maturity, plant spacing, layout and characteristics will; 13. Reinstate an appropriate landscape setting to the heritage item 14. Achieve a balance between the built form and the landscape elements; 15. minimise the visual impact of the development from public areas and from adjoining properties; 16. contribute positively to the streetscape character of the locality and the visitor experience; 17. contribute to the effective management and treatment of stormwater; and 18. provide adequate opportunities for natural surveillance.   Given the importance of timely establishment of the landscape character of the site, all trees, screening and feature plants as shown must be in an advanced stage of growth at the time of planting.  Minimum container sizes are as follows:   1. 75 litre container for trees or equivalent if purchasing bare rooted specimens; Trees must not be less than 2 metres in height at planting, 2. 25 litre containers for all screening or slow growing shrubs, 3. 5 litre containers for all other shrub plantings, 4. mass planted areas and as otherwise indicated on the approved landscape plan. |

|  |  |  |
| --- | --- | --- |
| Maintenance of pedestrian and traffic controls |  | All pedestrian and traffic controls are to be maintained in accordance with the approved Demolition and Construction Pedestrian and Vehicle Traffic Management Plan for the duration of the works. |

|  |  |  |
| --- | --- | --- |
| Compliance with geotechnical engineer’s recommendations |  | During the course of the works, the recommendations in the approved geotechnical report are to be implemented, in particular:   1. Test pits to investigate the footings of the Ritz building, 2. Dilapidation survey of the heritage structures to be retained on the site, 3. Vibration monitoring and management in relation to the heritage structures on the subject site and structures on adjoining properties. |

|  |  |  |
| --- | --- | --- |
| Basement excavation |  | If any groundwater is encountered which exceeds seepage due to wet weather, then contact is to be made with WaterNSW to determine whether an aquifer interference approval is required. Works are to proceed in accordance with any requirements of WaterNSW. |

|  |  |  |
| --- | --- | --- |
| Signage |  | To ensure that the site is easily identifiable for deliveries and provides information on the person responsible for the site, a sign displaying the following information is to be erected in a prominent position on the site prior to building or demolition works commencing:   1. The name, address and telephone number of the principal certifying authority for the work, 2. The name of the principal contractor for any building work and a telephone number on which that person may be contracted outside working hours, and 3. The statement that “Unauthorised entry to the site is prohibited”. |

|  |  |  |
| --- | --- | --- |
| Demolition work (general) |  | Demolition work is to be supervised by a competent person with due regard to safe working practices and in accordance with the requirements of SafeWork NSW.  Such work is to be carried out in accordance with the Work Health and Safety Act 2011 and Regulations and AS 2601 The demolition of structures. |

|  |  |  |
| --- | --- | --- |
| Development involving bonded asbestos material and friable asbestos material |  | Work involving the removal of bonded asbestos removal (of an area of more than 10 square metres) or friable asbestos must be undertaken by a person licensed to undertake such work under clause 458 of the Work Health and Safety Regulation 2017. |

|  |  |  |
| --- | --- | --- |
| Notification to Council and adjoining residents of development involving asbestos |  | The applicant is to notify Council and adjoining residents, in writing, at least ten (10) working days prior to any works commencing involving asbestos, of their intention to commence such works. In the case of adjoining residents at 225 Leura Mall and 24 Wascoe Street, such notification is to be a clearly written note, on at least note pad size paper, giving the date works will commence and be placed in the letterbox. |

|  |  |  |
| --- | --- | --- |
| Disposal of asbestos |  | All asbestos material, including asbestos cement, is to be disposed of to an approved waste management facility licensed to receive asbestos. |

|  |  |  |
| --- | --- | --- |
| Display of signage |  | The developer will display appropriate asbestos/demolition signage prior to and during demolition works. |

|  |  |  |
| --- | --- | --- |
| Asbestos and other hazardous materials |  | if any asbestos or other hazardous material is discovered during site or demolition works, compliance with the following is required:  • Work Health and Safety Act 2011  • Work Health and Safety Regulation 2017  • AS 2601 The demolition of structures  • SafeWork NSW  • Protection of the Environment Operations (Waste) Regulation 2014  All asbestos or other hazardous material is to be disposed of to an approved waste management facility licensed to receive the waste. |

**Prior to issue of Occupation Certificate**

|  |  |  |
| --- | --- | --- |
| Landscape Implementation – Compliance |  | Prior to the issue of any Occupation Certificate, the Principal Certifier is to obtain a written certification statement from the Supervising Landscape Specialist that all landscaping and associated works have been implemented in accordance with the approved plans, landscape specifications and these consent conditions.  The person having the benefit of this consent must complete any remedial works directed by the Principal Certifier or Council to satisfactorily achieve the landscaping requirements of these development consent conditions prior to the issue of any Occupation Certificate. |

|  |  |  |
| --- | --- | --- |
| Tree Management -Compliance |  | Prior to the issue of any Occupation Certificate, the Principal Certifier is to obtain a written certification statement from the Supervising Arborist that all retained trees have been protected in accordance with the approved Tree Management Plan and these consent conditions. |

|  |  |  |
| --- | --- | --- |
| Repair of damage |  | The applicant shall repair or reconstruct all damages caused by construction activity relating to the development as required by the Council's Supervising Engineer prior to release of any Occupation Certificate. |

|  |  |  |
| --- | --- | --- |
| Certification by Council – Road reserve |  | Prior to the issue of the Occupation Certificate, a certificate shall be obtained from Council to verify that all works within the road reserve have been completed in accordance with the approved plans and to Council’s satisfaction. |

|  |  |  |
| --- | --- | --- |
| Internal pavement |  | Prior to the issue of the Occupation Certificate, the Principal Certifier shall be satisfied that the internal driveway and parking areas have been constructed and linemarked in accordance with Australian Standards AS 2890.1/2004, AS2890.2/2002 and AS 2890.6/2009 and the approved Construction Certificate plans. |

|  |  |  |
| --- | --- | --- |
| Certification – Site stormwater system including OSD ,Water Quality Treatment – Construction |  | The on-site stormwater detention, rainwater tank(s) and water quality treatment device/s must be completed to the satisfaction of the Principal Certifier prior to the issue of an Occupation Certificate.  The following documentation is to be submitted prior to the final inspection:   1. A works as executed plan prepared by a suitably qualified person. 2. Certification by the system designer, or other suitably qualified person that the system has been constructed in accordance with the approved plans and will function as intended, 3. Any variation to the approved design is to be noted together with any required remedial works to ensure the system will function as intended. |

|  |  |  |
| --- | --- | --- |
| **Onsite stormwater detention and water quality system**  **Positive covenant**  (maintenance) |  | To ensure the on-site stormwater detention, rainwater tank(s) and water quality treatment device/s are satisfactorily maintained, the Principal Certifier shall be satisfied that a covenant under Section 88E of the Conveyancing Act, 1919 has been registered over the property.  The terms of the 88E Instrument with positive covenant shall include, but not be limited to, the following:  a. The Proprietor of the property shall agree to be responsible for keeping clear and the maintenance of all tanks, pits, pipelines, trench barriers, cartridge systems and other structures.  b. The registered Proprietor shall indemnify the Council and any adjoining landowners against damage to their land arising from the failure of any component of the OSD or failure to clean, maintain and repair the OSD.  The 88E Instrument shall also contain a provision that it may not be extinguished or altered except by Blue Mountains City Council.  The 88E Instrument shall be submitted to Council for endorsement prior to lodgement at NSW Land and Property Information. |

|  |  |  |
| --- | --- | --- |
| **Final inspection – Environmental health** |  | Council must be contacted at least 48 hours prior to the opening of the premises to arrange for a final inspection by Council’s Environmental Health Officer. The Principal Certifying Authority must ensure the final inspection by the Environmental Health Officer pass all food safety requirements above prior to occupation or use of the premises. |

|  |  |  |
| --- | --- | --- |
| **Section 73 Certificate**  **Early contact is recommended** |  | A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation confirming reticulated water and gravity sewer systems are available to the development.   * + Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au/) then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.   + Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.   + The Section 73 Certificate must be submitted to the Principal Certifier prior to issue of an Occupation Certificate. |

|  |  |  |
| --- | --- | --- |
| Validation report |  | Submit to Council a Validation Report prepared by a suitably qualified environmental consultant confirming that the site has been appropriately remediated in accordance with the Remedial Action Plan. The validation report shall provide a clear statement of the sites suitability for the proposed residential development. |

|  |  |  |
| --- | --- | --- |
| Access and mobility - verification that completed development complies |  | In accordance with the recommendations of the Accessibility Report by (insert author) dated (insert date) and to ensure the completed development has been constructed to provide access and facilities for people with a disability or limited mobility in accordance with the principles of the Disability Discrimination Act 1992 and the Council’s planning instruments, written verification shall be provided by a suitably qualified Access and Mobility Specialist.  The document shall verify that the completed development is accessible to people with a disability in accordance with:   * The relevant part of the Council’s DCP and AS 1428.1 Design for access and mobility – General requirements for access – New building work and * The provisions of the Disability (Access to Premises – Buildings) Standards 2010. * This verification statement is to be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate.   Nothing is this condition alters any obligations imposed under the Disability Discrimination Act 1992. |

|  |  |  |
| --- | --- | --- |
| Final fire safety certificate  *(Prior to occupation)*  *Existing/proposed and critical fire safety measures* |  | The essential fire safety measures referred to in the fire safety schedule issued with the construction certificate, excluding any existing measures, are to be installed within the building.  A final fire safety certificate is to be furnished by the owner of the building to the Principal Certifying Authority (PCA) prior to the issue of any occupation certificate, in respect of all essential fire safety measures specified in the above schedule.  The certificate should state that each specified essential fire safety measure has been assessed by a properly qualified person (chosen by the owner) and was found to be capable of performing to a standard not less than that specified in the schedule.  A copy of the certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire & Rescue NSW by email at afss@fire.nsw.gov.au. A further copy is to be prominently displayed in the building.  Advice  A person who carries out the assessment must inspect and verify the  performance of each specified fire safety measure and must test the operation of each new item of equipment installed in accordance with the schedule. |

**Ongoing**

|  |  |  |
| --- | --- | --- |
| Landscape Maintenance |  | Following practical completion of landscape works, landscape maintenance is to be undertaken for the life of the development at sufficient intervals to promote successful establishment and growth of all new plantings and maintain all landscaped areas in optimal condition. Plants that die or are removed are to be replaced with the same or similar species in an equivalent stage of growth.  Maintenance is to include pruning, fertilising, weed control, re-mulching, inspection of irrigation system operation, pest/ disease control, rubbish removal, leaf litter management, drain clearing, monitoring and replacement of stakes, ties and other tree protection devices and tree maintenance. |

|  |  |  |
| --- | --- | --- |
| Monitoring of retained trees |  | Following the practical completion of construction works and for a minimum period of twenty-four months, the person benefitting from this consent is to engage a qualified consulting arborist (minimum Australian Qualification Framework (AQF) Level 5) to undertake monitoring of all retained trees specified within the TMP in accordance with the timing schedule nominated by the project arborist.  The appointed arborist is to inspect the trees for decline and hazards and determine the adequacy of the maintenance regime for the purpose of maintaining tree health and longevity.  Where significant evidence of tree decline or structural instability is detected, the inspecting arborist is to immediately notify Councils Tree Management Officer and provide a report detailing identified issues and recommending remedial actions. |

|  |  |  |
| --- | --- | --- |
| Hours for Service and Garbage Delivery / Pickup |  | To maintain the amenity of adjoining and nearby residents, delivery, service and garbage vehicles shall only be permitted between 8:00am and 5:00pm daily. |

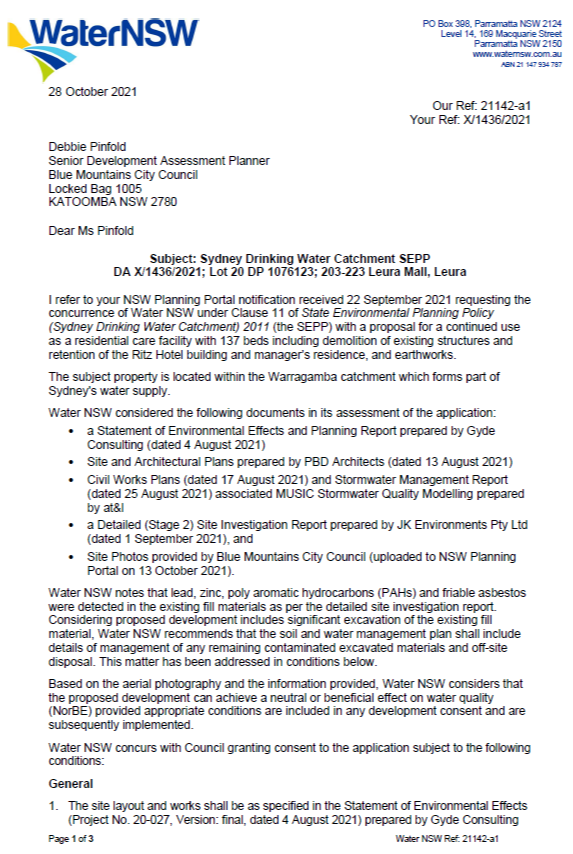
|  |  |  |
| --- | --- | --- |
| Garbage Collection |  | To maintain the amenity of adjoining and nearby residents, garbage collection shall only occur from the designated area within the basement of the building, and within the hours specified above. |

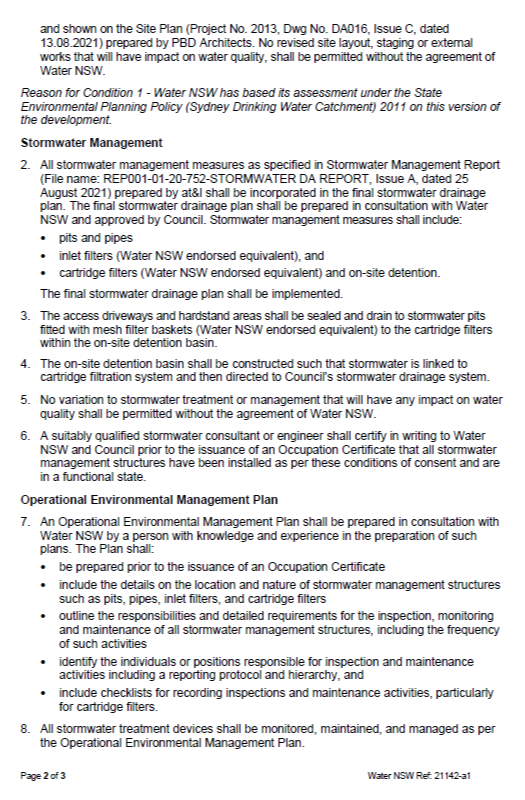
|  |  |  |
| --- | --- | --- |
| Maintenance of Basement Roller Door and Driveway |  | To maintain the amenity of adjoining and nearby residents, the basement roller door and grated basement driveway drains shall be maintained to ensure that the noise generated from these elements remains at the levels predicted in the approved acoustic report. |

|  |  |  |
| --- | --- | --- |
| Noise Control – Plant and Equipment |  | All plant and equipment must be operated and maintained in accordance with the noise requirements established in the approved acoustic report. |

|  |  |  |
| --- | --- | --- |
| Storage of goods and materials |  | At all times, the marked parking spaces and driveway, as shown on the approved plans, are to be available for parking and vehicle manoeuvring. No goods or materials are to be stored in marked parking spaces or on the driveway. |

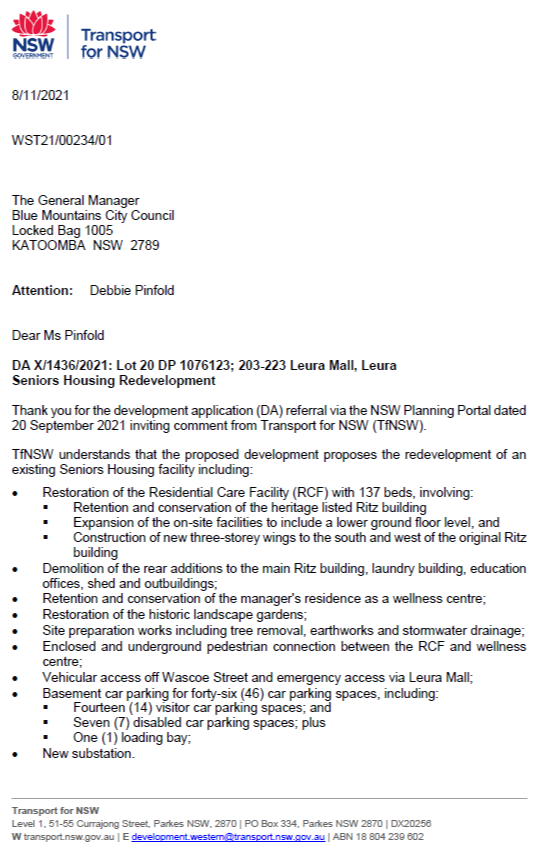
|  |  |  |
| --- | --- | --- |
| Annual fire safety statement  *Each essential fire safety measure in the building* |  | Each year, within 12 months of the previous statement or after a certificate of installation has been issued for the building (whichever is applicable), the owner of the building must submit to Council an annual fire safety statement that must demonstrate that each essential fire safety measure in the building is being maintained.  A copy of the statement (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire & Rescue NSW by email at afss@fire.nsw.gov.au. A further copy is to be prominently displayed in the building. |

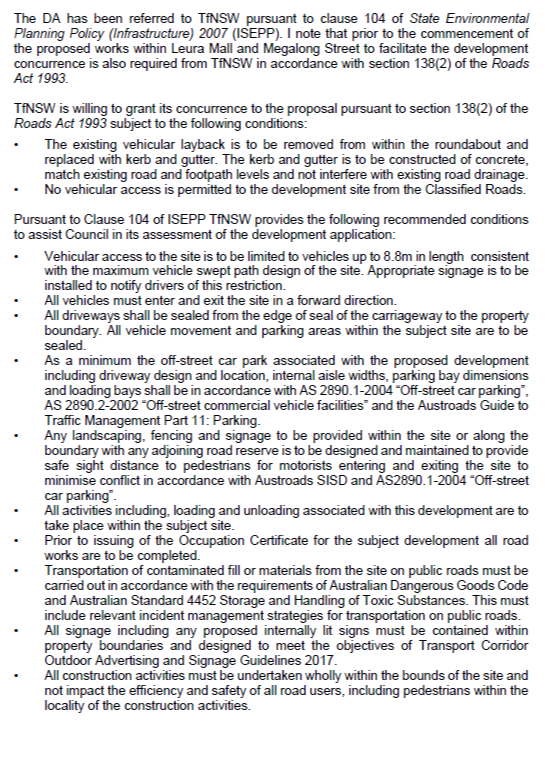


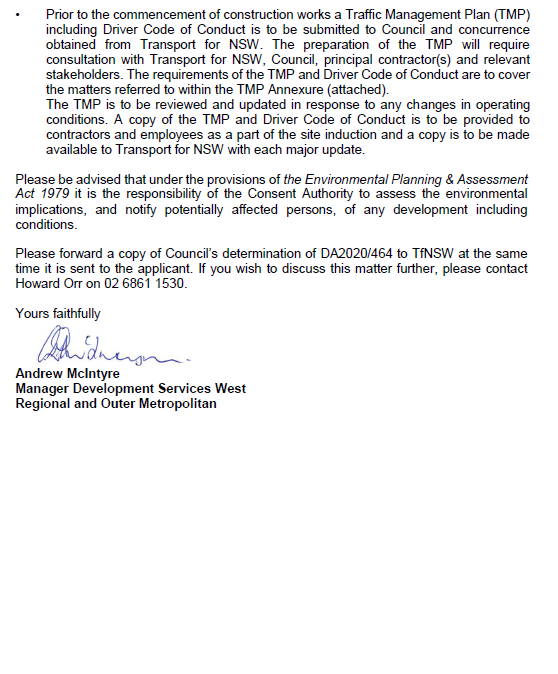


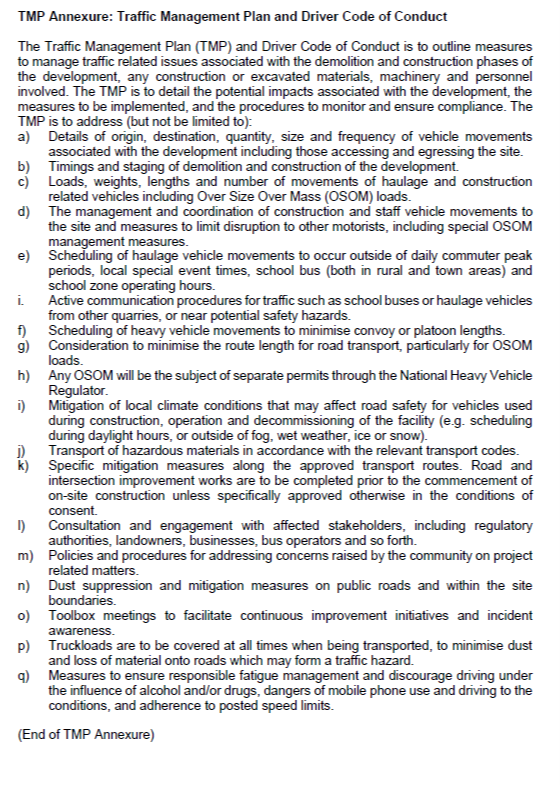
Text

Description automatically generated









Text

Description automatically generated

A picture containing text

Description automatically generated

Text

Description automatically generated

Text

Description automatically generated

Text, letter

Description automatically generatedText, letter

Description automatically generatedText, letter

Description automatically generatedGraphical user interface, text

Description automatically generatedText

Description automatically generated