ATTACHMENTS TO REPORTS –

Item 10.1 – DA17/1365 – Demolition of Existing Dwellings and Erection of New Health Services Facility Comprising Hospice and Medical Centre, 104-106 Bowral Street, Bowral

ORDINARY COUNCIL MEETING

Wednesday 10 October 2018

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Attachments to Reports

Item

10.1 DA17/1365 - Demolition of Existing Dwellings and Erection of New Health Services Facility Comprising Hospice and Medical Centre - 104-106 Bowral Street, Bowral

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ATTACHMENTS TO REPORT

Item 10.1

DA17/1365 - Demolition of Existing Dwellings and Erection of New Health Services Facility Comprising Hospice and Medical Centre - 104-106 Bowral Street, Bowral

Attachment 1

Draft Conditions

Attachment 2

Site Location Plan

Attachment 3

Zoning

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Site Plan

Attachment 5

Elevations

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Proposed Landscaping

Attachment 7

Artist's Impression of Southern Bowral Sreet Elevation

ATTACHMENT 1 – DRAFT CONDITIONS OF CONSENT

ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of Health Services Facility comprising Hospice containing 10 patient rooms and Medical centre containing 6 consulting rooms. The 6 office rooms at the first floor level of the Medical Centre are not approved as consulting rooms but shall be "utilised on a shared and as needs basis by the regular practitioners who are resident in the consulting rooms. These spaces are also suitable as staff rooms for training and / or back of house office support for both the medical centre and the hospice" as stated within the Statement Of Environmental Effects prepared by Lee Environmental Planning dated September 2017.

***Reason**: To confirm the use of the approved development.*

2. Development in Accordance with Plans and Documents

The development shall be implemented in accordance with the approved plans and supporting documents set out in the following table except where modified by any conditions of development consent.

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Plans	DA-00 Rev D, DA-01 Rev F, DA-02 Rev E, DA-03 Rev D, DA-04 Rev D, DA-05 Rev D, DA-06 Rev C, DA-07 Rev D	Tziallis O'Meara Architecture Studio	18/4/18
Landscape Plan	Dwg 01C	Catherine Lewis Landscape Architect	28/6/18
Statement Of Environmental Effects		Lee Environmental Planning	September 2017
Water Management Plan	Rev A	Costin Roe Consulting Pry Ltd	21 September 2017
Engineering Details			
Heritage Impact Statement		Caroline Cosgrove	8 September 2017
Access Design Review Report	7510 – Rev 01	AED Group	July 2017
Building Code of Australia Compliance Assessment	7510 – Rev 01	AED Group	July 2017

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Report			
Traffic Report		High Range Analytics Pty Ltd	12 September 2017
Waste Management Plan		APP	September 2017

Reason: *To ensure the development is carried out in accordance with the approved plans and documentation.*

3. Inconsistency Between Documents

In the event of any inconsistency between the conditions of this consent and the drawings/documents referred to above, the conditions of this consent shall prevail to the extent of the inconsistency.

Reason: *To ensure that the development is undertaken in accordance with the submitted plans and documents (as amended).*

4. Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

(a) That the work must be carried out in accordance with the requirements of the National Construction Code.

(b) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

Reason: *The condition is prescribed under clause 98 of the Environmental Planning and Assessment Regulation 2000.*

5. Erection of Signs

A sign must be erected in a prominent position on any site on which building work, is being carried out:

(a) Showing the name, address and telephone number of the principal certifying authority for the work, and

(b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(c) Stating that unauthorised entry to the work site is prohibited.

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

***Reason**:* *The condition is prescribed under clause 98A of the Environmental Planning and Assessment Regulation 2000.*

6. Compliance with Disability Discrimination Act 1992

This approval does not protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the *Disability Discrimination Act 1992*, and the applicant/owner is therefore advised to investigate their liability under this Act.

***Reason**:* *To inform of relevant access requirements for persons with a disability.*

***Note**:* *Disability (Access to Premises - Buildings) Standards 2010 -As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.*

7. Asbestos Removal - Demolition of Buildings

***Advice**:* *These conditions of development consent are to be applied to work that may involve asbestos, in particular demolition and renovation or recladding or brick veneering works of buildings erected prior to 1987. Evidence acceptable to Council may be required to establish the construction date of a building or part of a building:*

(a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - The demolition of structures.

***Note**:* *Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.*

(b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site five (5) working days prior to demolition. Such notification shall state the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. Demolition must not commence prior to the date stated in the notification.

(c) Five (5) working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Wingecarribee Shire Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must not commence prior to the commencement date nominated in the written notice.

(d) On the first day of demolition, work is not to commence until the Principal Certifying Authority (PCA) has inspected the site. Should the building to be demolished be deemed likely to contain asbestos, approval to commence demolition will not be granted until the PCA is satisfied that all measures are in place so as to comply with WorkCover's document 'Your Guide to Working with Asbestos'.

(e) On demolition sites where buildings to be demolished are likely to contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until

such time as all asbestos has been removed from the site to an approved waste facility.

(f) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".

(g) Demolition is to be completed within five (5) days of commencement at which time the applicant shall notify the Certifying Authority.

(h) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

(i) Protective fencing is to be installed to prevent public access to the site.

(j) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a facility licensed by the NSW Environmental Protection Authority (EPA) to accept such waste provided to Council.

Note: *The person responsible for disposing of the above asbestos waste is to telephone the EPA on 131 555 or Council's Customer Service Department on (02) 4868 0888 to determine the location of a waste facility licensed to receive asbestos. Within 14 days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving licensed waste facility as evidence of proper disposal.*

(k) After completion, the applicant shall notify the Principal Certifying Authority within seven (7) days to assess the site and ensure compliance with Australian Standard AS2601 2001 - The Demolition of Structures.

(l) Within 14 days of completion of demolition, the applicant shall submit to Council:

(i) an asbestos clearance certificate prepared by a WorkCover licensed asbestos assessor; and

(ii) a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

Reason: *To ensure that asbestos is disposed of to a licensed waste facility and is removed in accordance with safe work practices.*

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

8. Application for a Construction Certificate (Building Works)

The applicant shall apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works in accordance with this consent. The details to be included in the application for a Construction Certificate are:

(a) Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.

(b) If Council or a private accredited certifier issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel

beams and the like. The details must be prepared by a qualified chartered professional practicing consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.

(c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.

(d) Essential services plan outlining the existing and proposed fire safety measures.

(e) Disabled access provisions to common and public areas in accordance with AS1428 Design for Access and Mobility and the Premises Code.

(f) If an alternative solution to the "deemed to satisfy" provisions of National Construction Code is proposed, the following details must be lodged:

- Performance requirements that the alternative solution intends to meet.
- Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
- A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body

Reason: *A requirement under the provisions of the Environmental Planning and Assessment Act 1979.*

Note: *Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifying Authority (PCA), and lodgement of Notice of Commencement.*

Note: *Please note that if demolition works forms part of the extent of works approved in the same application, then demolition must not commence prior to the issue of a Construction Certificate.*

9. Appointment of Principal Certifying Authority

No work shall commence in connection with this Development Consent until:

(a) A Construction certificate for the building work has been issued by:

(i) the consent authority; or

(ii) an accredited certifier; and

(b) the person having the benefit of the development consent has:

(i) appointed a principal certifying authority for the building work, and

(ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

(b1) the principal certifying authority has, no later than 2 days before the building work commences:

(i) notified the Council of his or her appointment, and

(ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(b2) the person having the benefit of the development consent, if not carrying out the work as an owner builder, has:

(i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and

(ii) notified the principal certifying authority of such appointment, and

(iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

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

***Reason**: To ensure that there is certainty as to the consent applying to the land.*

10. Access for People with Disabilities

Access for people with disabilities shall be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*.

Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance.

***Note**: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.*

***Reason**: To inform of relevant access requirements for persons with a disability.*

11. Site Consolidation

That the site be consolidated into one (1) lot prior to issue of the Construction Certificate.

***Reason**: To ensure the use of the land as one allotment is legally recognised and to prevent separate dealings in the existing allotments after the use commences.*

12. Section 68 *Local Government Act 1993* Approvals

Prior to the issue of a Construction Certificate, an application under section 68 of the *Local Government Act 1993* shall be made to, and issued by, Wingecarribee Shire Council, for the following approvals:

- Stormwater, sanitary drainage & plumbing

Reason: *A requirement under the provisions of the Local Government Act 1993.*

13. Section 138 Roads Act 1993 Approval

Where works are proposed within the road reserve, the developer must obtain approval from Council (as the Roads Authority and/or as required under Section 138 of the *Roads Act 1993*) before any works are undertaken. Works within the road reserve may include activities such as erect a structure, dig up or disturb the surface of a public road, remove or interfere with a structure, or any other activities as defined within the *Roads Act 1993*.

The following details must be submitted to Council in order to obtain the Section 138 approval:

- A copy of approved design plans related to the development and proposed works to be undertaken.
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual '"Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.
- Insurance details - Public Liability Insurance to an amount of $20 million, to be held by applicant / contractor undertaking the works.

Advice: *Where works are required within a Classified Road, the Developer must obtain the concurrence and / or the approval of the Roads and Traffic Authority for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.*

Reason: *Statutory requirement.*

14. Water Management Act - Certificate of Compliance

A Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* shall be obtained **prior to the issue of Construction Certificate.**

Note: *Section 64 of the Local Government Act 1993 authorises Council to issue Certificates of Compliance under Section 306 of the Water Management Act 2000. Section 64 of the Local Government Act 1993 also authorises Council to impose pre-conditions to the issuing of Certificates of Compliance.*

As a precondition to the issuing of a Certificate of Compliance Council requires the payment of Developer Charges **prior to the issue of Construction Certificate** as prescribed by Wingecarribee Shire Council's Development Servicing Plans:

- Water Supply Development Servicing Plan;
- Sewerage Development Servicing Plan; and
- Stormwater Development Servicing Plan.

A developer Charges - Notice of Payment is attached to the back of this consent and outlines monetary contributions and unit rates applicable at the time of issue of this consent.

The water, sewer and stormwater headworks levies are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics (www.abs.gov.au <http://www.abs.gov.au>); and Council's Development Servicing Plans.

Copies of Development Servicing Plans are available at Wingecarribee Shire Council's Administration building Moss Vale or are available for download from Council's website www.wsc.nsw.gov.au <http://www.wsc.nsw.gov.au>.

The Water and Sewerage Development Servicing Plans (DSP's) were adopted by Council and came into effect on 15 September 2017. The Stormwater DSP was adopted on 9 November 2010 and came into effect on 8 December 2010. The current charges under these Plans are listed as follows:

CPI Period	Water DSP	Sewer DSP	Stormwater DSP
1 August 2018 to 31 October 2018	$10,895.83	$10,563.12	$3,566.77
Note: The charges shown above are amounts applicable during the stated time period. These amounts will be subject to adjustment quarterly in accordance with upward movements in the Consumer Price Index (CPI) once they become operational. The CPI is published quarterly by the Australian Bureau of Statistics, www.abs.gov.au <http://www.abs.gov.au>.			

Should new DSP's be prepared, it is possible that the charges may increase significantly. Draft DSP's must be advertised by Council for a period of 30 days prior to adoption.

Note: *Payment of the above charges is to be by BANK CHEQUE OR CASH and is to be accompanied by the attached sheet entitled "Notice of Payment - Developer Charges & Section 94". Should the Applicant pay by personal or company cheque the plans subject to this approval will not be available for collection until such time as the cheque has been honoured (i.e., a minimum of 10 days).*

Compliance Certificate

Compliance Certificate fees, in accordance with Council's Revenue Policy are as follows and shall be paid prior to the issue of **Construction** Certificate:-

Water $250 + Sewer $250 + Stormwater $250 = $750

Prior to final release, you will need to contact Council's Infrastructure Services Division for an inspection to ensure that Council will accept the infrastructure constructed. In response the Manager of Water and Sewer will specify requirements which will have to be met.

In the case of subdivision, the title plan of subdivision will not be certified and released by Council until the *Water Management Act 2000* charges have been paid and/or secured and the approval of Council has been obtained for all works related to this infrastructure.

In the case of other forms of development, the Construction Certificate will not be issued until the *Water Management Act 2000* charges have been paid and/or secured and the approval of Council has been obtained.

Reason: *To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments.*

15. Building Materials, Colour Scheme and alteration to windows

All roofs, exposed gutters, downpipes and any metal covers to fascias to be galvanised finish (not Grey Colorbond) to complement existing built form in the Bowral Conservation Area.

The southern elevation windows of proposed consulting rooms 1 and 2 shall be vertically proportioned to complement existing built form in the Bowral Conservation Area.

Details of new external building materials, colours, windows shall be provided to the satisfaction of Council prior to issue of Construction Certificate.

Reason: *To ensure that the new building is visually compatible with the existing environment.*

16. Dilapidation Report

A Dilapidation Report shall be undertaken on all properties, which in the opinion of a suitably experienced professional and chartered qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out taking into account civil infrastructure and submitted to Council prior to the issue of the Construction Certificate.

The Report shall cover structural and geotechnical factors likely to arise from the development.

The person having the benefit of the development consent shall, at their own cost, rectify any damage caused to other properties during the construction of the project to the satisfaction of Council.

Reason: *To ensure the structural stability of neighbouring buildings.*

17. Construction Management Plan

A Construction Management Plan (CMP) is required to be submitted and approved by Council prior to issue of the Construction Certificate. The CMP shall indicate measures to be implemented to protect the environment as well as public health, safety and convenience. The CMP must include the following:

(a) Off-street parking for employees, contractors and sub-contractors.

(b) Site access for construction vehicles and equipment purposes.

(c) Public safety in the use of roads and footpaths where development activities adjoin such facilities.

(d) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors.

(e) Storage of all building materials and equipment wholly within the construction site.

(f) Public risk policies and management for all contractors' employees using or gaining access over public footpaths and roads.

(g) External lighting and security alarms proposed for the construction site.

(h) Fire fighting measures to be available on site during development and construction.

(i) Sanitary amenities proposed on site during development and construction.

(j) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site.

Reason: *To ensure the safety, amenity and protection of public infrastructure and the environment.*

18. Provision of Works and Services

Prior to the issue of the Construction Certificate the Developer shall obtain approval for the works to be undertaken by submitting adequate documentation including plans, standard notes and completed design checklists, calculations and specifications, to Council which justify that the proposed works are in accordance with all Council's standards and all other relevant Codes and guidelines.

Reason: *Statutory requirement.*

19. Stormwater - Control of Peak Discharge

Adequate and suitable infrastructure shall be provided to ensure the peak discharge from the site is no greater than the pre-developed peak discharge. This infrastructure shall be designed in accordance with Council's Engineering Policies. Calculations to demonstrate that the post-development peak discharge will not exceed the pre-development peak discharge shall be provided with the application for a Construction Certificate.

Reason: *To ensure the peak discharge from the site is no greater than the pre-developed peak discharge.*

20. Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate, a detailed storm water hydraulic drainage plan for the disposal of storm water from the site, prepared in accordance with Council's Design Standards shall be submitted and approved by Council's Development Engineer.

Should any changes be required to the approved storm water drainage plan, the amended design shall achieve equivalent performance standards in accordance with Design Specifications.

Note: *Construction Certificate Approval does not include approval for works external to the property or civil works.*

Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the *Roads Act 1993*, must be obtained from Council prior to the commencement of works.

The applicant is advised to contact Council for clarification of proposed works for which approval under Section 138 of the *Roads Act 1993* applies.

***Reason**:* *To ensure adequate storm water management.*

21. Carpark Design - Site Servicing

The car park and loading bay shall be designed to accommodate the turning movements of the largest vehicle servicing the development. The design shall incorporate the following:

a) The site shall accommodate the turning movements and lifting operations of 6.4m waste collection vehicle.
b) Loading and unloading of service vehicles shall be undertaken onsite with no intrusion onto the road system.
c) The vehicle swept path shall be reflected on the engineering design plans.

Reason: *To ensure that the car parking area is constructed to Council requirements.*

22. Vehicular Crossings

Full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footway at the entrance(s) and/or exit(s) to the site, subject to approval by Council's Development Engineer. In this regard the Applicant shall obtain a copy of Council's Standard Drawing and lodge an application for vehicular crossing(s) (available from Council's Customer Services Centre or downloaded from Council's website), and pay the appropriate fees and charges prior to the lodgment of the Construction Certificate.

***Reason**:* *To ensure appropriate access to the site can be achieved.*

23. Redundant Vehicular Crossings and Ancillary Works

Where new pavement, repair or reinstatement of footpath or other ancillary works such as kerb and gutter and storm water pit construction is proposed, the Applicant shall submit to Council application under Section 138 of the *Roads Act 1993* (available from Council's Customer Services Centre) and pay the appropriate fees & charges prior to the issue of a Construction Certificate.

All disused or redundant vehicle crossings and laybacks shall be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council and the footpath area is to be restored to the satisfaction of Council's Development Engineer, prior to the issue of the Interim Occupation Certificate.

***Reason**:* *Public infrastructure maintenance.*

24. Disabled Car Parking Spaces

3 of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons. These spaces shall be a minimum of 3.2m wide x 5.5m long and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked for disabled persons in accordance with the Premises Code.

Car parking for people with disabilities shall be provided in accordance with the National Construction Code (NCC), relevant Australian Standards and with regard to the *Disability*

Discrimination Act 1992 and Premises Code. Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance.

The above details shall be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate.

Reason: *To inform of relevant access requirements for persons with a disability.*

25. Off Street Parking Provision - General

39 off-street car parking spaces suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with Australian Standard AS2891.1 Off Street Car Parking.

Details shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate showing compliance with this condition.

Reason: *To ensure adequate parking and access.*

26. Water and Sewer Assets Identification and Location

The site plan as per the water or sewer engineering design shall include the detailed locations, materials, sizes and depths of any water mains or water services, rising mains private or Council owned, or sewer mains, manholes, sewer sidelines, sewer junctions and or boundary traps. The site plans that include these water and sewer assets are to be approved by the Council's Group Manager Planning, Development and Regulatory Services before any demolition works can commence.

Reason: *Ensure appropriate servicing of sewer and water reticulation.*

27. Telecommunications Provider / Gas Provider

Prior to the issue of the Construction Certificate, the applicant shall obtain the requirements of the Telecommunications Service / Gas Provider to service the development.

Note: *The Developer is also advised to contact the National Broadband Network Company Ltd (NBN) in regard to the installation of fibre in all new developments.*

Reason: *To ensure that telephone and gas infrastructure is provided to service the development.*

28. Energy Service Provider Requirements

The provision of underground electricity to service the development in accordance with the requirements of the Energy Service Provider. The Developer prior to release of a Construction Certificate shall submit to Council documentary evidence from the Energy Service Provider qualifying that the requirements of that provider have been obtained. The requirements of the supply authority will need to be met prior to the issue of the Occupation Certificate or Subdivision Certificate.

***Reason**: To ensure appropriate infrastructure is provided to the development.*

29. Trade Waste

(a) As there will be trade waste discharge to the Shires sewerage system, Trade Waste Approval and trade waste agreement shall be obtained prior to the issue of the Construction Certificate. The application shall be accompanied by all relevant information to allow an assessment of the application to be made.

(b) The waste water from the food preparation/cooking area shall pass through a 1000 L grease arrestor before discharging to the sewerage system.

(c) All sinks and floor wastes in the food preparation/cooking area shall have dry basket arrestors installed.

***Reason**: To ensure that the development complies with Statutory requirements.*

30. Backflow Prevention

1. For containment an RPZ backflow prevention device shall be installed immediately downstream of the properties water meter.
2. To protect the properties internal water supply, RPZ backflow devices shall be install;
   a) Downstream of the tap that would be used to service the grease arrestor
   b) On the hot and cold water entering the dirty utility room
   c) On the irrigation take-off from the properties drinking water supply
   d) If the proposed 20 KL rainwater tank is to buried or partial buried with top-up prevision from the Shires water supply an RPZ device shall be installed to AS 3500.1.
3. When the RPZ devices are installed the commissioning/test results of the devices shall be submitted to Council for registration.

31. Waste Management Plan

A Waste Management Plan shall be completed and submitted to Council for approval, prior to the issue of the Construction Certificate for the development.

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction. Waste management and its storage must not pose a threat to public health or the environment.

***Reason**: To minimise the amount of waste going to landfill.*

32. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan shall be prepared in accordance with "Landcom's Blue Book" for sedimentation and erosion control plan by a suitably qualified person, and approved by Council prior to issue of the Construction Certificate.

The Erosion and Sediment Control Plan shall include scaled drawings and detailed specifications which can be referred to onsite by project management staff or project construction supervisor. Items to be shown on the Plan shall include:

(a) Locality of the site, a north point and scale.

(b) Existing contours of the site including catchment area boundaries and indications of direction of fall.

(c) Location of and basic description of existing vegetation.

(d) Diversion of uncontaminated up-slope run-off around the disturbed sites.

(e) Location of significant natural areas requiring special planning or management including waters, floodplains, seasonally wet areas, areas prone to ponding/water logging, unstable slopes etc.

(f) Nature and extent of earthworks, including cut and fill roadworks.

(g) Location of all soil and material stockpiles.

(h) Location of site access, proposed roads and other impervious areas.

(j) Existing and proposed drainage patterns.

(k) Location and type of proposed erosion and sediment control measures.

(l) Site rehabilitation proposals, including final contours.

(m) Time of placement of sediment controls.

(n) Staging of works and how the plan is to be implemented for each stage or activity on site.

(o) Maintenance schedule.

Reason: *To minimise soil erosion and sediment movement during construction.*

33. Landscape Plan

A Landscape Plan prepared by a suitably qualified professional to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent shall be submitted to Council for approval prior to the issue of the Construction Certificate.

The plan shall include the following information:

- Location of all existing and proposed landscape features including materials to be used;
- Delineate and identify all trees to be retained, removed or transplanted;
- Existing and proposed finished ground levels;
- Top and bottom wall levels for both existing and proposed retaining and free standing walls and
- Detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity.

- Pot size at planting out stage
- Soil treatment prior to planting out, fertilizing and water maintenance schedule.

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

Reason: *To ensure appropriate landscaping treatments are applied to facilitate amenity.*

34. Privacy / Visual Screening

Privacy screens and screen plantings shall be provided to the eastern and northern facing hospice courtyards to ensure privacy of adjoining northern and eastern dwelling houses. Details to be provided to the satisfaction of Council prior to issue of Construction Certificate.

Reason: *To ensure local amenity.*

35. Boundary Fencing

Upgraded boundary fencing shall be provided at the developer's expense to provide privacy for adjoining properties, appropriately sited to provide privacy for adjoining dwelling houses while minimising vegetation removal. Details of fencing to be provided to the satisfaction of Council prior to issue of Construction Certificate.

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

36. Notice of Commencement

No work shall commence until a notice of commencement (form will be attached with issue of a Construction Certificate or available from Council's website is submitted) giving Council:

(a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent;

(b) Details of the appointment of a Principal Certifying Authority (either Wingecarribee Council or another Accredited Certifier)

(c) Details of the name, address and licence details of the Builder.

Reason: *Statutory requirement.*

Advice: *Attached Notice of Commencement form to be completed.*

37. Principal Certifying Authority Sign

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- The Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- The Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- The sign must state that unauthorised entry to the work site is prohibited.

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

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Advice: *Where Council is the PCA, signage is available from Council.*

Reason: *Statutory requirement.*

38. Construction Certificate

No work shall commence until a:

(a) Construction Certificate is obtained from either the Wingecarribee Shire Council or an Accredited Certifier; and

(b) Construction Certificate lodged with Council obtained from an Accredited Certifier (together with associated plans and documents) - a fee applies for this service.

Reason *Statutory requirement.*

39. Developers Representative during Construction of Works

A minimum of 48 hours prior to commencement of any construction works on site the Developer shall nominate to Council in writing their representative (Construction Supervisor) who will be responsible for all aspects of construction and site control, including Traffic Control, Sediment and Erosion Control and liaison with Council Officers and all other Authorities.

Details to be submitted include:-

1 Name of Representative:
2 Company:
3 Position:
4 Contact phone:
5 Contact fax:
6 After Hours Contact:
7 Signature of Representative:
8 Signature & Acceptance of representative by the Developer:
9 Council requires that the nominated " Construction Supervisor" either hold qualifications acceptable for Corporate Membership of the Institute of Engineers, Australia, or be Approved by the Director and/or has proven experience and suitable relevant qualifications for the control, supervision and management of civil engineering works as required for carrying land development.

Prior to commencing any works on site the representative shall:

10 Inform Council in writing of their intention 7 days before entering the site.
11 Submit to Council a proposed Schedule of Works.

The Developer may be required to arrange for Council to peruse all other contract documentation prior to the contractor arriving on site to commence work (Schedule of Works, Specifications Bill of Quantity, traffic control plan and Soil and water management plan).

Failure to comply with the requirements as set out above will result in an immediate stop work order.

Reason: *Statutory requirement.*

40. Approval Required for Work within Road Reserve - Section 138 Roads Act 1993

Where works are proposed within the road reserve, the Developer must obtain approval from Council (as the Roads Authority and / or as required under Section 138 of the Roads Act 1993) before any works are undertaken. Works within the road reserve may include activities such as erect a structure, dig up or disturb the surface of a public road, remove or interfere with a structure, or any other activities as defined within the Roads Act 1993.

The following details must be submitted to Council in order to obtain the Section 138 approval:

- A copy of approved design plans related to the development and proposed works to be undertaken.

- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual '"Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.

- Insurance details - Public Liability Insurance to an amount of $20 million, to be held by applicant / contractor undertaking the works.

Advice: *Where works are required within a Classified Road, the Developer must obtain the concurrence and / or the approval of the Roads and Traffic Authority for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.*

Reason: *Statutory requirement.*

41. Relocation of Existing Services

Where existing services including drainage, sewerage and water may be required to be relocated as a result of the development, a plumber's permit is required from Council prior to commencing work. Inspection of these works by Council as the Water Supply Authority is required.

Reason: *Statutory requirement.*

42. Fencing of the Construction Site

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

(a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or

(b) could cause damage to adjoining lands by falling objects, or

(c) involve the enclosure of a public place or part of a public place.

Reason: *To ensure that the safety of the public is not compromised.*

43. Developer to advise of damage to Council property

The developer must advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves, street trees, drainage pits and the like, prior to commencement of any work on the site. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the developer/owners/proponents expense.

The construction supervisor is responsible to ensure that all contractors, sub-contractors, and delivery trucks use a designated access point to prevent damage to Council's property. Repairs to damaged grass verges, concrete footpath, kerb and gutter, street trees, drainage pits are to be carried out by the contractor/builder to Council's specification and supervision prior to occupation of the development.

Reason: *Public safety.*

44. Tree Retention (Marking)

All trees shown on the development consent to be "retained" shall be appropriately marked and protected prior to the commencement of construction works.

Reason: *To ensure that trees are retained without damage.*

45. Erosion and Sediment Control

Erosion and sediment control measures (as per the approved Erosion and Sediment Control Plan) shall be installed prior to the commencement of works.

Reason: *To ensure that sediment does not leave the site as a result of the construction of the development.*

46. Tree Protection Measures

Protective fencing is to be installed around the tree to be retained in accordance with the direction of the site arborist. This fencing is to be constructed of chain wire mesh 1.8m high, which is supported by steel stakes or piping and braced to resist impacts and as per the requirements detailed in AS4970-2009 "Protection of Trees on Development Sites", the installation of which is carried out under the supervision of the arborist.

Note: *Removal of the protective fencing during construction work will affect bonds and may result in fines or legal proceedings being instigated by Council against the applicant and/or builder.*

Reason: *To ensure the identified tree/s to be retained as appropriately protected.*

47. Protection of Trees

Prior to any work commencing, certification of the installation and inspection of the required tree protection works is to be provided to Council and the Principal Certifying Authority by the arborist. A copy of the certificate is to be provided to Council within 7 days of the inspection and prior to any works commencing.

Reason: *To ensure the identified tree/s to be retained as appropriately protected.*

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

48. Approved Plans to be available on site

Endorsed Council approved plans, specifications, documentation and the consent shall be made available on site at all times during construction.

***Reason**: To ensure compliance with approved plans.*

49. Demolition Requirements

The existing dwelling houses shall be demolished in accordance with the requirements of AS2601-2001 "The Demolition of Structures".

Amongst others, precautions to be taken shall include compliance with the requirements of the SafeWork NSW and Council's Water and Sewer Asset Protection, including:-

(a) Protection of site workers and the general public.

(b) Erection of hoardings where appropriate.

(c) Asbestos removal handling and disposal where applicable by licensed contractors.

(d) Ensuring only licensed demolition contractors are used as required pursuant to Occupational Health and Safety Legislation.

(e) Appropriate precautions are taken in regard to lead based paints.

(f) Water and Sewer Asset Protection

All water and sewer assets on the site or on adjacent road reserve or lands that may be affected by the demolition works are to be clearly identified on site and protected from damage. Those water and sewer protection measures are to be shown on the site plan and are to be approved by Council's Water and Sewer Planning and Development Engineer before any demolition works can commence.

(g) Sewer Assets Temporary Disconnection or Closure

The site sanitary drainage is to be temporarily disconnected or closed off by a suitably qualified Plumber from any of Council's sewer sidelines, sewer junctions and or boundary traps that are to be retained and reused to prevent ingress contaminants into Council's sewer mains. This work shall be sited and approved by Council's Water and Sewer Development Engineer before demolition works can commence.

(h) Removal of Redundant Council Sewer Assets and Water Services

The site sanitary drainage is to be temporarily disconnected or closed off by a suitably qualified Plumber from any of Council's sewer sidelines, sewer junctions and or boundary traps that are to be disconnected by Council to prevent ingress of contaminants into Council's sewer mains. This work shall be sited and approved by Council's Water and Sewer Development Engineer before demolition works can commence.

Make application and pay fees for the removal of redundant sewer assets and or water services. These fees shall be paid before any demolition works can commence.

Redundant water meter shall not be removed to allow for final readings and removal by Council staff.

(i) Temporary Use of Council Sewer Junctions and Water Services

During demolition or building works Council may permit temporary use of sewer junctions and water services. Details of the proposed use shall be shown on the site plan and are to be approved by the Water and Sewer Planning and Development Engineer before any demolition works can commence.

Water services that are to be temporarily retained shall not have the water meter disconnected or removed. An approved backflow prevention device shall be installed. Details shall be shown on the site plan and are to be approved by the Water and Sewer Planning and Development Engineer before any demolition works can commence.

The disposal of refuse is to occur at an approved location. Council will require documentary proof of destination for hazardous materials such as asbestos and contaminated soils and may request evidence on disposal of other demolition materials - refer approved Waste Management Plan.

Reason: *To comply with statutory requirements.*

50. Structure not to be built over easements/infrastructure

No portion of any structure shall be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

Reason: *To protect infrastructure.*

51. Excavations and Backfilling

All excavations and backfilling associated with the erection or demolition of a building shall be executed safely and in accordance with appropriate professional standards properly guarded and protected to prevent them from being dangerous to life or property.

Reason: *To ensure the safety of life and property.*

52. Support for Neighbouring Buildings

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

a) must preserve and protect the building from damage, and

b) if necessary, must underpin and support the building in an approved manner (under guidance / instruction of a structural engineer), and

c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work to be carried out for the purposes of this clause, whether carried out on the allotment of land.

In this case, allotment of land includes a public road and any other public place.

Reason: *To preserve and protect neighbouring buildings.*

53. Engineering Inspections by Council

24 hours prior to the covering of the following works, Council shall be notified by the licensed builder, owner builder or licensed plumber/drainer that the following works are ready for inspection:

(I) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves;

Note: *The subject building is not to be occupied until an Interim or Final Occupation Certificate is issued.*

Note: *An accredited certifier may not be substituted for Council in respect of these inspections, as Council remains the sole responsible authority for these matters.*

Reason: *Statutory requirement.*

54. Stormwater - Construction

The applicant shall provide adequate storm water drainage infrastructure (pits/pipes/open channels/detention storage) for the conveyance of storm water passing through the site from upstream, and sourced from the development to a discharge outlet to be approved by Council. The point of discharge shall be clearly depicted and the legal right to discharge at that point to be justified. Status of the point of discharge is to be made clear (i.e. provision of drainage easements).

Reason: *To assist in the prevention of erosion of the site from storm water.*

55. Stormwater - Discharge

All stormwater runoff from the development shall be collected within the property and discharged to an approved stormwater management system.

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

56. Damage to Adjoining Properties

All precautions shall be taken to prevent any damage likely to be sustained to adjoining properties. Where damage occurs to adjoining property all necessary repair or suitable

agreement for necessary repairs shall be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

***Reason**:* *Structural safety.*

57. Disruption of Traffic

During any construction works on the public road that is associated with this approval, the Applicant shall provide appropriate signage and traffic control facilities as per the requirements of AS 1742.3-2009 Manual of uniform traffic control devices - Traffic control for works on roads and the RMS "Traffic Control at Works Sites" manual.

***Reason**:* *Safety and information.*

58. Erosion and Sediment Control Plan Compliance

All site works shall be carried out in accordance with the approved Erosion and Sediment Control Plan. Implementation of the Erosion and Sediment Control Plan shall be supervised by personnel with appropriate qualification and experience in erosion and sediment control.

***Note**:* *In the event of non-compliance with the approved plan, Council Officers have the ability to issue Penalty Notices, being an on the spot fine and/ or orders.*

Reason: *To ensure that the environment is protected.*

59. Prevention of Nuisance

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

***Reason**:* *Health and amenity.*

60. Noise & Vibration

The construction of the development and preparation of the site, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions shall be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise or vibration problem arising, the person in charge of the premises shall, when instructed by an authorised officer of Council or the Accredited Certifier, cease work and carry out an acoustical survey and/or investigation by an appropriately qualified acoustical engineer or qualified and experienced professional consultant and submit the results to Council. The person in charge of the site shall implement any or all of the recommendations of the consultant and any additional requirements of Council. Any requirements of Council in this regard must be complied with immediately.

Reason: *Safety and amenity.*

61. Noise - Plant and Equipment

All works carried out on site during construction/demolition/excavation or earthworks shall comply with the *Protection of the Environment Operations Act 1997*. Approved and effective silencing measures shall be provided and maintained on all power-operated plant used on site.

Reason: *Noise attenuation.*

62. Dust Control

Small Works

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

Major Works

The following measures must be taken to control the emission of dust on site:

(a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.

(b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the stormwater system.

(c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.

Reason: *Environmental amenity*

63. Council Reserve / Street Tree Retention

All trees in Council's road reserve are to be preserved except where removal is separately approved by Council via a tree preservation order permit or development application, to ensure the continued amenity of the streetscape and to retain the ecological integrity of the roadside area.

Advice: *Reference should be made to Council's Urban Street Tree Master Plan.*

Reason: *To ensure the continued amenity of the streetscape and to retain the ecological integrity of the roadside area.*

64. Supervising Arborist

An arborist qualified to at least Australian Qualifications Framework (AQF) Certificate Level 4 shall be retained throughout all construction work to ensure to proper protection and management of the trees required to be retained and that any necessary pruning/root pruning is carried out in accordance with AS4973-1996 "Pruning of Amenity Trees" and AS4970-2009 "protection of Trees on Development Sites". This includes on site supervision of the erection of tree protection measures and, where approved, any works that are required within the Tree Protection Zone (TPZ) or Structural Root Zone (SRZ).

***Reason**:* *To ensure to proper protection and management of the trees required to be retained and that any necessary pruning/root pruning is carried out in accordance with the relevant Australian Standards.*

65. Approved hours of Construction/Demolition

Construction/demolition activities shall be limited to the following hours:

DAY	HOURS
Monday to Saturday	7:00am to 5:00pm
Sunday	Nil
Public Holidays	Nil

***Reason**:* *To ensure that the amenity of the surrounding area is not compromised as a result of the construction of the proposal.*

Note: *Any variation to these hours shall require Council consent via the lodgment of an application under section 4.55 of the Environmental Planning and Assessment Act 1979.*

66. Construction Management Plan

All development activities and traffic movements shall be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan shall be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the Accredited Certifier and Council on request.

***Reason**:* *Compliance with condition of consent.*

67. Maintenance of the site

All materials and equipment shall be stored wholly within the work site.

Waste materials (including excavation, demolition and construction waste materials) shall be managed on the site and then disposed of at a waste management facility.

Any run-off and erosion control measures required shall be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

(a) all vehicles entering or leaving the site shall have their loads covered, and

(b) all vehicles, before leaving the site, shall be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site shall be left clear of waste and debris.

***Reason**: Environmental amenity.*

68. Storage of Building Materials, Plant and Equipment

All building materials, plant and equipment are to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged.

No storage, or placing of any building materials to occur on adjacent public roads or footpath areas in association with the construction, maintenance or use of the development or site.

***Reason:** To ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged.*

69. Protection of Public Places

The adjoining or adjacent public area shall not be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances.

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected prior to the commencement of any work subject to approval of a Section 138 Roads Act 1993 approval (including submission of a Traffic Management Plan).

Where a hoarding is required, an application for hoarding shall also be submitted to and approved by Council prior to commencement of any work. Hoardings shall be erected to comply with the requirements of WorkCover, the Principal Certifying Authority and with relevant Australian Standards.

***Reason:** Public safety.*

70. Construction and delivery vehicles

A suitable entry point shall be nominated on site and utilized by construction and delivery vehicles. The entry point shall be located so that the possibility of damage to Councils property is minimized during construction. The access point shall be surfaced with all-weather materials of a minimum of 40mm in size.

Reason: *To minimize the potential for damage to Councils assets.*

71. Temporary Onsite Toilet

Toilet facilities shall be available or provided at the work site prior to the commencement of works and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet shall:

(a) be a standard flushing toilet connected to a public sewer, or

(b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or

(c) be a temporary chemical closet approved under the *Local Government Act 1993*.

Reason: *To ensure that there are appropriate facilities on-site for construction workers.*

72. Waste Management

The provision of a metal waste skip with self-closing lid or secure covering on-site for the duration of the construction to ensure that all wastes are contained on the site. The receptacle shall be emptied periodically to reduce the potential for rubbish to leave the site.

Sorting of waste materials shall occur on site in accordance with the approved Waste Management Plan.

Reason: *To ensure that all wastes generated from the construction of the development are contained on the site.*

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN INTERIM OR FINAL OCCUPATION CERTIFICATE

73. Occupation Certificate

In accordance with Section 6.9 of the *Environmental Planning and Assessment Act 1979*, an application for an Occupation Certificate, shall be made on completion of the works and the relevant application fee paid. All works specified in the development consent and approved Construction Certificate plans shall be completed and all development consent conditions complied with prior to the issue of the Occupation Certificate.

The Principal Certifying Authority (PCA) is required to be satisfied, amongst other things, that:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- Any preconditions to the issue of the certificate required by a development consent have been met.

Reason: *To comply with the provisions of the Environmental Planning and Assessment Act 1979*

Note: *A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of Section 6.10 of the Environmental Planning and Assessment Act 1979 unless an Occupation Certificate has been issued in relation to the building or part.*

74. Public Infrastructure

The applicant shall rectify any damage to public infrastructure (including roads, gutters, footpaths, street trees, etc.) prior to the issue of an Occupation Certificate at no cost to Council.

Reason: *To ensure that public infrastructure is protected from damage as a result of the development.*

75. Loading Bay

A loading bay with minimum dimensions of 6.4m x 3.5m shall be provided prior to the issue of the Interim or Final Occupation Certificate.

Reason: *To provide for the safe loading and unloading of vehicles.*

76. Civil Engineering works and services

All approved civil engineering works and services as per the approved engineering plans are to be constructed prior to the issue of the Occupation Certificate.

Reason: *To ensure that the works and services are constructed in accordance with the approved plan.*

77. Certification of Engineering Works

Prior to issue of the Occupation Certificate, the following documents shall be submitted to the Principal Certifying Authority. These documents are:

a) A Certificate from a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers, Australia, and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, and

b) A "Work - As - Executed" (WAE) plans of the engineering and/or drainage works.

The abovementioned Certificate shall certify that:

(i) the stormwater drainage system, and/or

(ii) the car parking arrangement and area, and/or

(iii) any related footpath crossing works, and/or

(iv) the proposed basement pump and well system, and/or

(v) the proposed driveway and layback, and/or

(vi) other civil works have been constructed in accordance with the approved plans and details, satisfies the design intent and complies with appropriate SAA Codes relevant Standards and Councils Policies and Specifications.

Where Council is not the Principal Certifying Authority, two (2) copies of the above documents are to be provided to Council prior to the issue of any Occupation Certificate. These documents are to be retained on Council's file.

***Reason**: Asset management.*

78. Vehicle Access (Urban)

Access to the site shall be provided by means of vehicle crossings with concrete layback as per Standard Drawing SD108 and approved by Council prior to the issue of the Interim or Final Occupation Certificate. A copy of the Standard Drawings can be obtained from Council's offices.

***Reason:** To ensure that the driveway is constructed to Councils standard specification.*

79. Parking Signs

A sign worded **"PARKING IN BASEMENT"** adjacent to the vehicular entry and clearly visible from the street shall be erected prior to the issue of the Occupation Certificate. The sign shall be of maximum dimensions 1.2m x 0.6m.

***Reason:** To direct vehicles to the basement parking area.*

80. Vehicle Manoeuvring

All vehicles shall enter and leave the site in a forward direction to ensure traffic/pedestrian safety. A sign worded "No Reversing Across Footpath" is to be provided adjacent to the vehicular entry and clearly visible to users of the car park to inform drivers of this requirement prior to the issue of the Occupation Certificate. Sign to be to the satisfaction of the Group Manager Planning, Development and Regulatory Services and of approximate dimensions 0.3m x 0.6m.

***Reason:** To comply with Engineering Standards.*

81. Disabled Car Parking

Prior to the issue of the Occupation Certificate, three disabled car parking spaces shall be provided complying with the requirements for parking in the current version of AS 2890.1 for people with disabilities.

All works shall be completed prior to the issue of the Occupation Certificate.

Reason: *To ensure that there is adequate disabled car parking spaces provided for the development.*

82. Final Arborist Report

The arborist engaged to ensure the proper protection and management of the tree required to be retained is to provide a final report to Council prior to the issue an Occupation Certificate, concerning the health and condition of the tree and if necessary any remedial works required. Any remedial works required shall be carried out and completed prior to the issuing of the Occupation Certificate, and included in the final report. The report shall also provide documentary evidence in the form of site notes and photographs that the tree protection conditions were complied with throughout all construction phases and any approved pruning works, root pruning, and remedial works were carried out as per AS4973 and AS4970. If Council **is not** the PCA, a copy of the certification is to be provided to Council with the lodgement of the Occupation Certificate.

Reason: *To ensure the proper protection and management of any trees required to be retained.*

83. Landscape Certification

Certification is to be provided to the Principal Certifying Authority (PCA) from the designer of the landscape plan that all tree planting/landscape works have been carried out in accordance with the Council endorsed landscape plan. If Council **is** the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council **is not** the PCA, a copy of the certification is to be provided to Council with the lodgement of the Occupation Certificate.

Reason: *To ensure that the landscaping has been carried out in accordance with the Council endorsed landscape plan.*

84. Irrigation

Certification is to be provided to the Principal Certifying Authority from a suitably qualified and licensed contractor that the specified fully automatic commercial grade irrigation system has been designed and installed to all common planted areas in accordance with the requirements of the current relevant Australian Standards, any relevant water authority regulations and current best practices. If Council is **not** the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.

Reason: *To ensure that an appropriate irrigation system has been installed.*

85. Final Fire Safety Certificate

A final fire safety certificate pursuant to clause 172 of the *Environmental Planning & Assessment Regulations 2000* shall be submitted, to the principal certifying authority upon completion of the specified work in the Schedule of Fire Safety Measures. As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:

(a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Fire Commissioner; and

(b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

Reason: *To ensure the safety of the building.*

86. Medical Waste Disposal

Medical wastes shall be disposed of by an authorised waste disposal contractor. Contractor details are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: *To ensure proper disposal of medical wastes.*

87. Storm water Facilities Alterations

A "Restriction as to User" shall be included on the linen plan and title of the proposed development to prevent any change in shape or alteration in structure of the proposed storm water facilities after the final approval of the structure has been given by Council. Details shall be provided for the approval of Council prior to the issue of the Occupation Certificate.

Reason: *To provide appropriate storm water management.*

88. Storm water Facilities Maintenance

A "Positive Covenant" shall be included on the linen plan and title of the proposed development showing the location of storm water facilities and requiring that the proposed storm water facilities be maintained in a safe and functional manner. In addition, the Section 88B Instrument (*Conveyancing Act 1919*) shall make provision for Council to conduct maintenance on the subject storm water facilities at the owner's expense if the storm water facilities are not maintained to the agreed standard. Details shall be provided for the approval of Council prior to issue of the Occupation Certificate.

Reason: *To provide appropriate storm water management.*

89. Construction of Water Service

A water service shall be installed to the development by Council at the applicant's cost prior to the issue of the Occupation Certificate. Council's application form shall be completed by the

Developer and the appropriate fee paid. A metered fire service shall also be constructed to service the development. This may be incorporated into the potable water system if required.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT

90. Use not to Commence

The approved use shall not commence until the proposed development has been completed in accordance with this consent and issue of any other Council approvals which may be required.

***Reason**:* *To ensure that the use of the site is lawful.*

91. Hours of operation and hours of deliveries

The approved hours of operation of the Medical Centre are:

DAY	HOURS
Monday to Friday	9am – 5pm
Saturday	9am – 1pm
Sunday	Nil

Deliveries shall occur 8:00am – 4:00pm Monday to Friday.

***Reason**:* *To ensure that the amenity of the surrounding area is not compromised as a result of the operation of the development.*

Note: *Any variation to these hours will require Council consent via the lodgement of an application under Section 4.55 of the Environmental Planning and Assessment Act 1979.*

92. Loading/Servicing

All vehicular loading and unloading shall be carried out within the site to provide for safe off-street loading and unloading of vehicles servicing the site and to prevent interference with the use of the public road by vehicles and pedestrians.

Reason: *Public safety.*

93. Amenity

The Health Services Facility comprising Hospice containing 10 patient rooms and Medical centre containing 6 consulting rooms shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood by reason of noise, smoke, smell, vibration, gases, vapours, dust, particulate matter or other impurities from the premises.

Reason: *To ensure that the amenity of neighbouring properties is not compromised.*

94. Lighting

All external lighting shall:

(a) comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting, and

(b) be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set: 2010 Lighting for roads and public spaces Set.

Reason: *To ensure that the amenity of neighbouring properties is not compromised.*

95. Landscaped area (planting and maintenance)

Any tree or shrub that fails to establish within 2 years of the initial planting date shall be replaced with the same species of tree or shrub.

All landscaped areas on the site shall be maintained on an on-going basis.

Reason: *To ensure the ongoing maintenance of landscaped areas.*

96. Operational Noise Levels

The Applicant shall ensure operational noise levels (LAeq) for the Health Services Facility comprising Hospice containing 10 patient rooms and Medical centre containing 6 consulting rooms does not exceed rating background level by more than 5dB(A) when measured at the boundary of the nearest affected residence. Without limiting the above, operational noise levels must also fall within the requirements of the acceptable noise level amenity of the area as specified by the Office of Environment and Heritage's Industrial Noise Policy. In the event that operational noise is identified as exceeding the requirements of this condition, the Applicant will be required to undertake such works as is necessary to remedy such exceedance within a period determined by Council.

Reason: *To prevent loss of amenity to the area.*

97. Noise from Air Conditioners

The proposed use of the air conditioner shall not make an 'offensive noise' as defined in the Protection of the *Environment Operations Act 1997*, and *Protection of the Environment Operations (Noise Control) Regulation 2000.*

Prior to the application for a Construction Certificate, the developer must submit to the Council or the accredited certifier a report from a qualified, practicing, acoustic engineer (who is a member of either the Australian Acoustical Society, or the Association of Australian Acoustical Consultants). The report must be submitted with or before the application for a Construction Certificate and must:

- Include the measurements and calculations; and
- Certify that the method of treating the air conditioner will ensure that the noise level, as measured at the most or potentially most affected noise sensitive locations, will not exceed the recommended acceptable project specific noise levels, detailed in the Office of Environment and Heritage's *Industrial Noise Policy*

If the air conditioner is to be operated between 10pm-7am on weekdays and/or 10pm-8am on weekends and public holidays the report must also certify that when operated it will be inaudible from within a habitable room of another residential premises (regardless of whether any door or window is open).

After completion of the works, prior to the issue of an Occupation Certificate, the developer must submit to the Council or the accredited certifier, a report from a practicing acoustic engineer (as above) verifying that the works as installed meet the above design conditions.

***Reason**:* *To ensure that noise emissions from the development satisfy legislative requirements and to prevent loss of amenity to the area.*

98. Noise Control

The use of the premises shall not give rise to the transmission of offensive noise to any place of different occupancy.

***Reason**:* *To prevent loss of amenity to the area.*

99. Annual Fire Safety Statement

Each year, the owner of a building to which an essential fire safety measure is applicable shall cause the Council to be given an annual fire safety statement for the building. Such a fire safety statement:

(a) shall deal with each essential fire safety measure in the building premises; and

(b) shall be given within twelve months after the last such statement was given, or it no such statement was given, within twelve months after a final fire safety certificate was first issued for the building.

As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-

(a) shall cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades; and

(b) shall cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be permanently displayed in the building.

Reason: *To ensure compliance with fire safety requirements.*

CONCURRENCE CONDITIONS

100. Concurrence - Water NSW

General

1. The site layout and works shall be as specified in the Statement of Environmental Effects prepared by Lee Environmental Planning (dated September 2017) and shown on the Architectural Plans prepared by Tziallas Omeara Architecture Studio (Project No. 16-025, Dwg. Nos. DA-00; Rev. D, DA-01; Rev. F, DA-03; Rev. D and DA-04; Rev. D, all dated 18/04/2018, and DA-02; Rev. F, dated 31/05/2018) and Landscape Plan (Dwg. No. 01B; Rev B, dated 28/05/18) prepared by Catherine Lewis. No revised site layout, staging or external works that will impact on water quality, shall be permitted without the agreement of Water NSW.

Reason for Condition 1 - Water NSW has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.

Stormwater Management

2. All stormwater management measures as specified in the Water Management Plan (dated 21 September 2017) and shown on the Stormwater Concept and Details Plans (Dwg. Nos. C013412.00-DA40 Issue C, C013412.00-DA41 Issue C, C013412.00-DA45 Issue B, C013412.00-DA46 Issue B and C013412.00-DA47 Issue C, all dated 21/09/2017) all prepared by Costin Roe Consulting Pty Ltd, shall be incorporated in the final stormwater drainage plan to the satisfaction of Water NSW and to be approved by Council and shall be implemented, in particular as elaborated or varied in the following conditions.

3. Two bioretention basins shall be located, designed and constructed as shown on the Stormwater Concept and Details Plans (Dwg. Nos. C013412.00-DA40 and C013412.00-DA47, both Issue C, both dated 21/09/2017) prepared by Costin Roe Consulting Pty Ltd, and shall incorporate the following specifications and requirements:
   - be designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne *et al*, 2015, Melbourne, CRC for Water Sensitive Cities)
   - a minimum total combined surface area of 41 square metres and a total combined minimum filter area of 41 square metres
   - each bioretention basin shall also incorporate the following specifications
     - be fitted with mesh litter filters at secondary inlet points
     - an extended detention depth of 200 mm
     - a filter depth (excluding transition layers) of 500 mm above the underdrains
     - a network of underdrains with a 1.5 metre spacing
     - a filter media consisting of a clean sandy loam with a certified median particle diameter of 0.5 mm, a maximum orthophosphate concentration of 40 mg/kg and a maximum total nitrogen concentration of 400 mg/kg
     - be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock mulch (grass and turf is not appropriate vegetation and organic mulch is not suitable)
     - direct all discharge and overflow to Council's stormwater system
   - be accessible from a road or driveway by machinery to facilitate cleaning, monitoring and maintenance of the structures

- be permanently protected from vehicular damage by bollards, fences, castellated kerbs or similar structures, with a sign to be erected to advise of its nature and purpose in water quality management, and
- be protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface is revegetated or stabilised.

4. The bioretention basins shall be constructed after all hardstand areas have been paved or sealed and all ground surfaces have been stabilised.

5. A rainwater collection and reuse system for the building roofs shall be installed that incorporates the following specifications and requirements:
   - rainwater tanks with a minimum total capacity of 20,000 litres above any volume required for mains top-up
   - roofs and gutters designed so as to maximise the capture of rainwater in the tanks
   - the tanks plumbed to toilets, showers and other areas for non-potable use including landscape watering, and
   - all rainwater tank overflow shall be directed to the bioretention basins on the site.

6. No variation to stormwater treatment or management that will impact on water quality shall be permitted without the agreement of Water NSW.

7. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council **prior to issuance of any Occupation Certificate** that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.

Operational Environmental Management Plan

8. An Operational Environmental Management Plan (OEMP) shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans **prior to the issuance of any Occupation Certificate**. The OEMP shall be implemented and shall include but not be limited to:
   - details on the location and nature of stormwater management structures such as pits, pipes, bioretention basins, and rainwater collection system
   - an identification of the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
   - the identification of the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
   - checklists for recording inspections and maintenance activities.

9. All stormwater treatment devices shall be monitored, maintained and managed as per the Operational Environmental Management Plan referred in Condition 8 above.

Reason for Conditions 2 to 9 – To ensure appropriate stormwater treatment and quality control measures are designed, implemented and maintained so as to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.

Construction Activities

10. The Erosion and Sediment Control Plans prepared by Costin Roe Consulting (Dwg. Nos. CO13412.00-DA20 and CO13412.00-DA25, both Issue B, both dated 21/09/2017) shall be updated by a person with knowledge and experience in the preparation of such

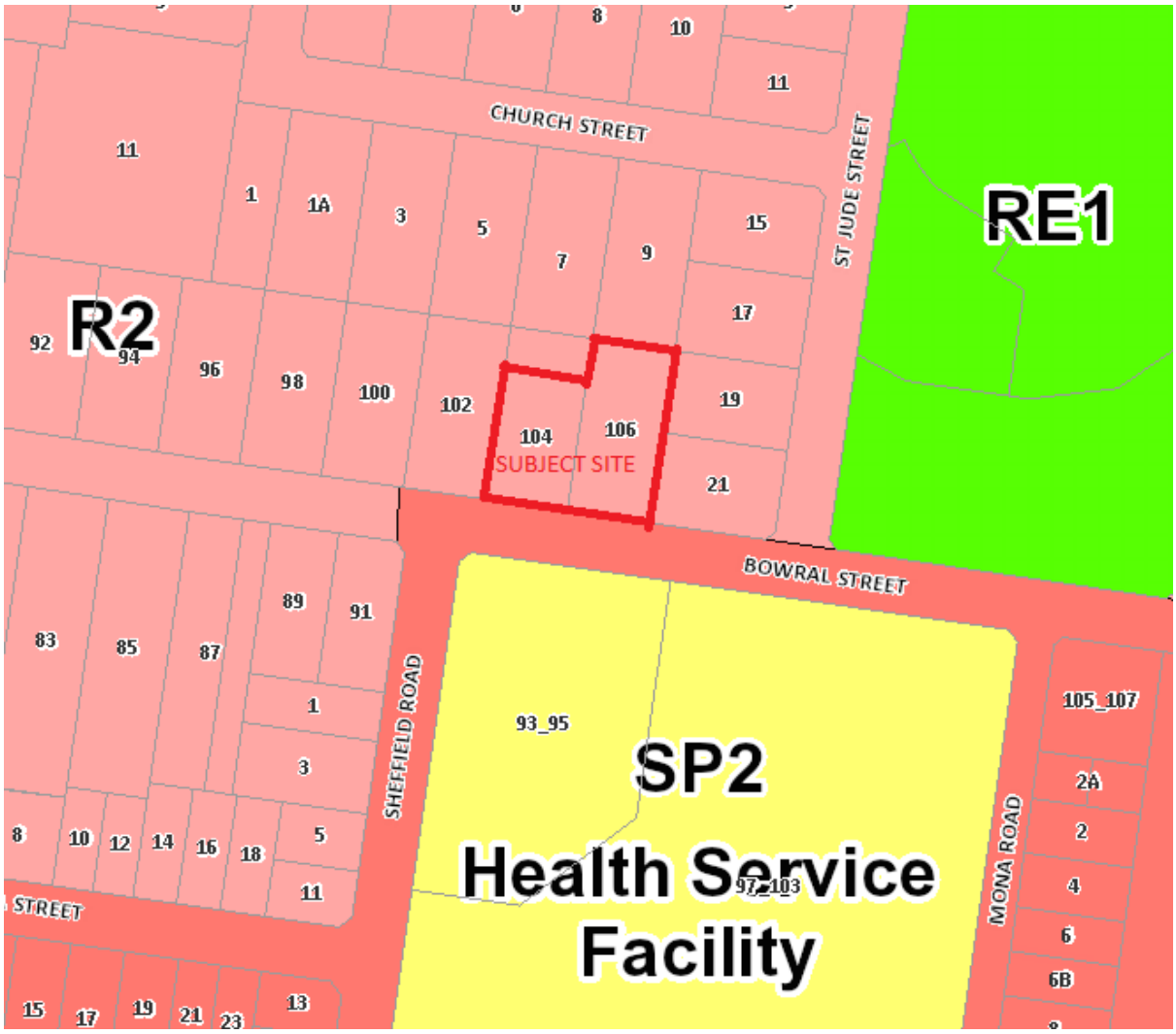
plans for all works proposed or required as part of the development. The Plan shall meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual - the "Blue Book". The Plan shall be prepared prior to Council issue a Construction Certificate and shall be to the satisfaction of Council.

11. The Plans shall be implemented and effective erosion and sediment controls shall be installed prior to any construction activity including site access and earthworks. The controls shall prevent sediment or polluted water leaving the site or entering any stormwater drain or natural drainage system and shall be regularly maintained and retained until works have been completed and ground surface stabilised or groundcover re-established.

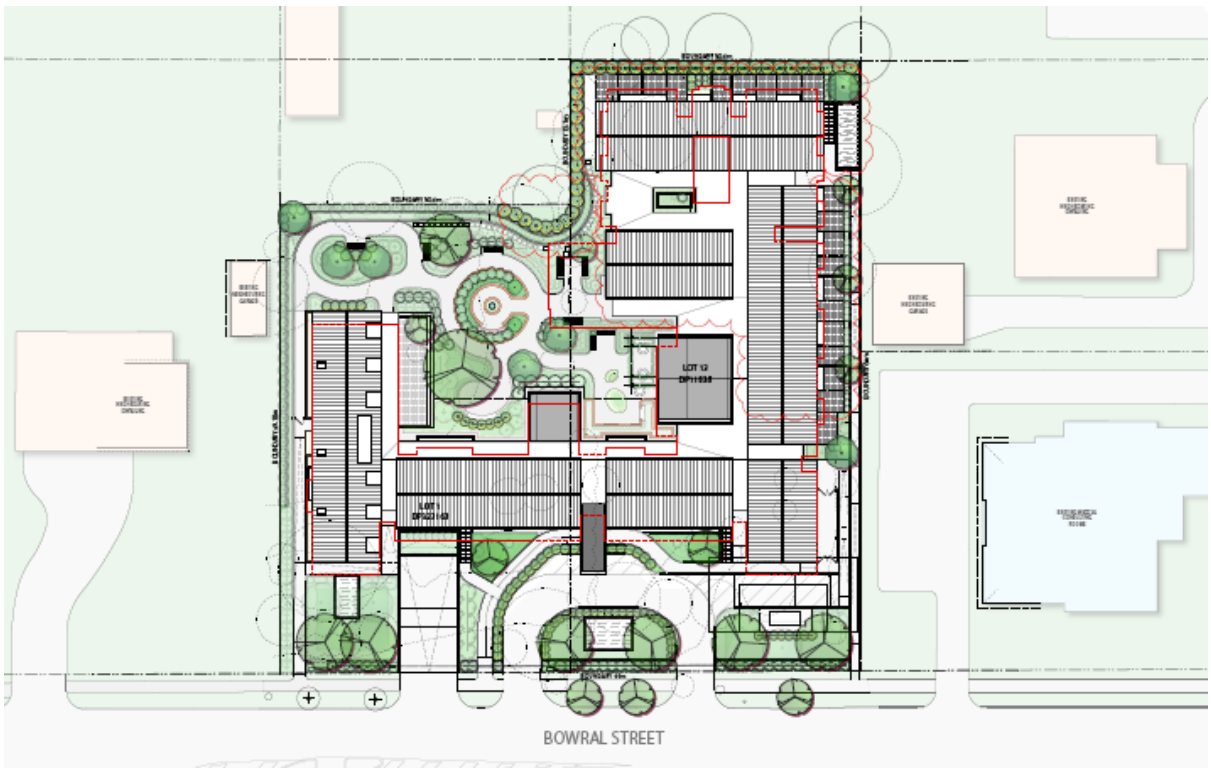
Reason for Conditions 10 & 11 - To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.

ATTACHMENT 2 – SITE LOCATION

ATTACHMENT 3 – ZONING

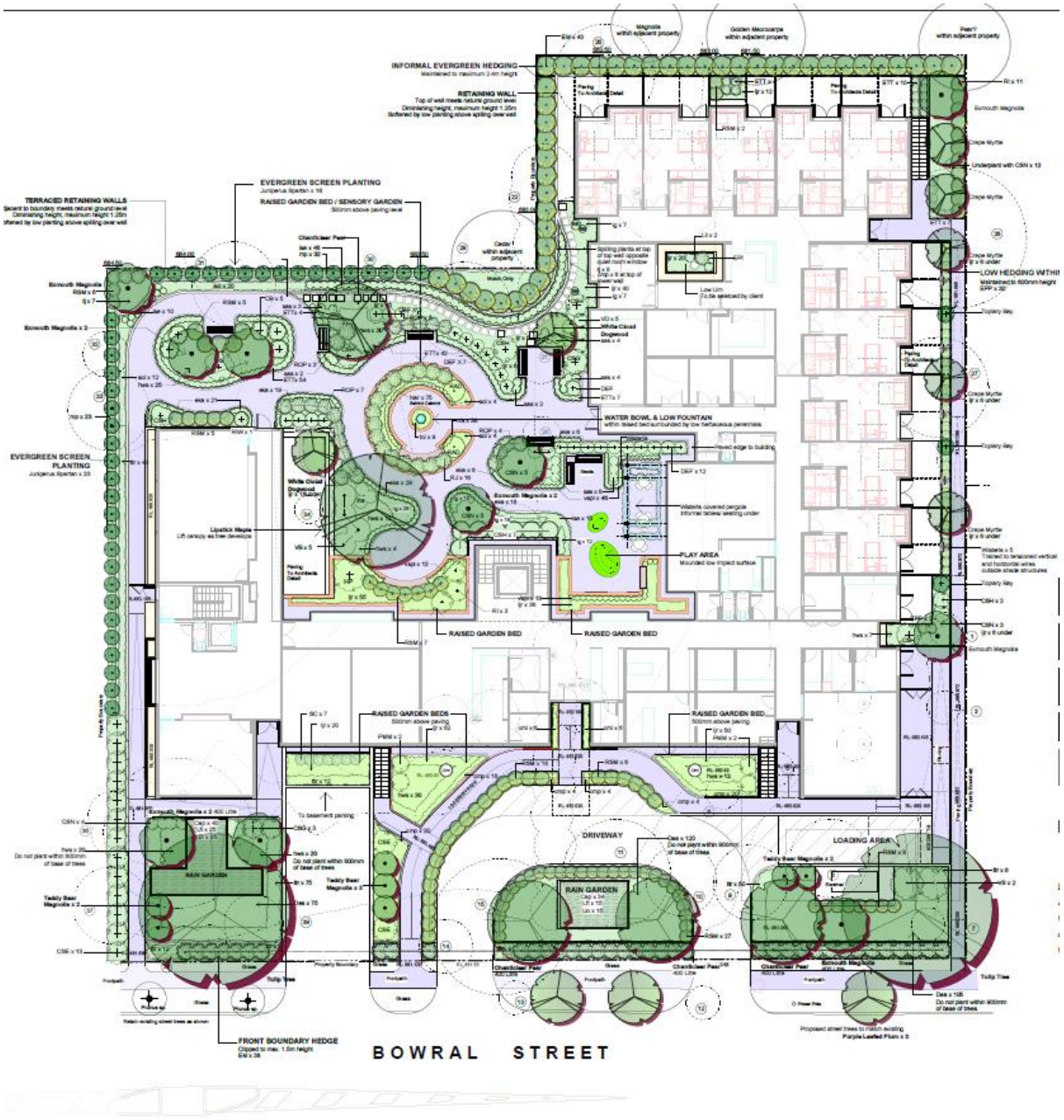
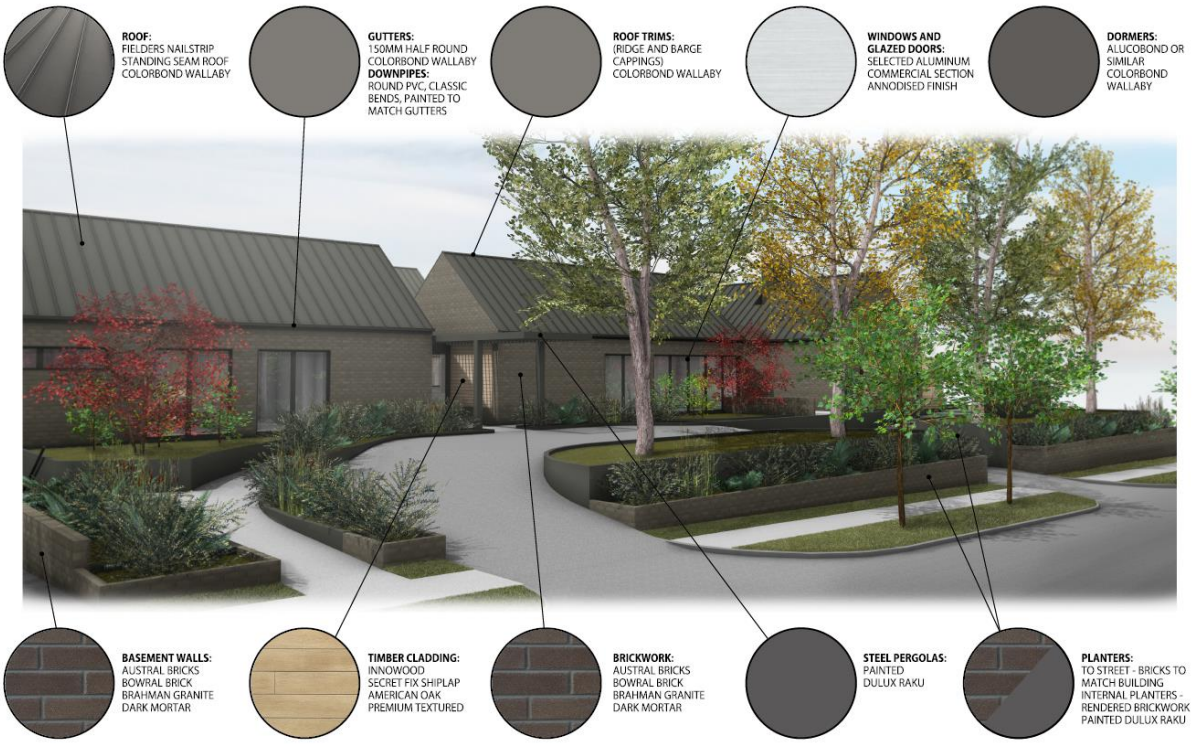


ATTACHMENT 4 – SITE PLAN



ATTACHMENT 5 – ELEVATIONS

ATTACHMENT 6 – PROPOSED LANDSCAPING



ATTACHMENT 7 – ARTIST'S IMPRESSION BOWRAL STREET ELEVATION