



Attachment 1 to Item 2.1.2.

Recommended Conditions of Consent

Date of meeting: 17 October 2024
Location: Council Chambers
Time: 10am

Development Assessment Report - Part 2

Development Application No	DA0120/22
Proposal	Pub and Tourist Visitor Accommodation – Demolition of Existing Structures, Tree Removal, Civil Works, Construction of Pub Building, 9 Tourist Accommodation Cabins, Managers Residence, Carparking, Ancillary Services and Landscaping Works
Legal Description	Lot 1 DP 1188572
Property Address	27 Douglas Road KURRAJONG HEIGHTS NSW 2758

Recommendation

That development application DA0120/22 at Lot 1 DP 1188572, 27 Douglas Road KURRAJONG HEIGHTS NSW 2758 for Pub, Tourist and Visitor Accommodation - Pub and Tourist Visitor Accommodation – Demolition of Existing Structures, Tree Removal, Civil Works, Construction of Pub Building, 9 Tourist Accommodation Cabins, Managers Residence, Carparking, Ancillary Services and Landscaping Works be approved subject to the following conditions:

General Conditions

1. Integrated Development - General Terms of Approval

The general terms of approval from the following Authorities, as referred to in Section 4.47(2) of the *Environmental Planning and Assessment Act 1979*, and referenced below, are attached and form part of the consent conditions for this approval:

- NSW Rural Fire Service - The General Terms of Approval, Reference DA20220512007757-CL55-3 and dated 4 July 2024 are attached and form part of this consent.

2. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended in red on the plans and/or amended by other conditions of consent:

- Plans Reference:

Drawing Reference No.	Drawing Description	Prepared by	Issue No.	Date
SK100b	Demolition Plan	Archebiosis	4	26/08/2024
SK101	Proposed Site Plan	Archebiosis	4	26/08/2024
SK102	Lower Ground Floor Site Plan	Archebiosis	4	26/08/2024
SK103	Ground Floor Site Plan	Archebiosis	4	26/08/2024
SK104	First Floor Site Plan	Archebiosis	4	26/08/2024
SK105	Lower Ground Floor Plan – Hotel	Archebiosis	4	26/08/2024





SK106	Ground Floor Plan Hotel	Archebiosis	4	26/08/2024
SK107	First Floor Plan – Hotel	Archebiosis	4	26/08/2024
SK108	Roof Plan – Hotel	Archebiosis	4	26/08/2024
SK109	Ground Floor Plan – Accommodation	Archebiosis	4	26/08/2024
SK110	Roof Plan – Accommodation	Archebiosis	4	26/08/2024
SK200	North + West Elevations – Hotel	Archebiosis	2	07/07/2023
SK201	South + East Elevations – Hotel	Archebiosis	3	26/08/2024
SK202	Streetscape Elevation – Hotel	Archebiosis	2	07/07/2023
SK203	North + West Elevation – Accommodation	Archebiosis	2	07/07/2023
SK204	South + East Elevation – Accommodation	Archebiosis	2	07/07/2023
SK300	Section A-A & B-B	Archebiosis	3	26/08/2024
SK401	Landscape Calculations Plan	Archebiosis	4	26/08/2024
SK600	Cut + Fill Plan	Archebiosis	4	26/08/2024
SK900	Signage Location Plan Site Plan	Archebiosis	4	26/08/2024
L-01	Landscape Concept	Outside Design Group	1	30/08/2024
L-02	Ground Floor + Tea Garden Landscape Concept	Outside Design Group	1	30/08/2024
L-03	Ground Floor + tea Garden Concept Plan	Outside Design Group	1	30/08/2024
L-04	First Floor Outdoor Areas	Outside Design Group	1	30/08/2024

b) Document Reference:

Document Title	Reference	Prepared By	Date
Aboriginal Archaeological Assessment	-	MDCA	30 September 2022
Access Capability Statement	02	City Plan	23 March 2022
Acid Sulfate Soil Assessment	Rev. 1	EI Australia	17 March 2022
Acoustic Report	20201389.1/2203A/R2 /RF	Acoustic Logic	22 March 2022
Arboricultural Impact Assessment	-	New Leaf Arboriculture	1 September 2023



BCA Compliance Capability Statement	07	City Plan	24 March 2022
Bushfire Assessment Addendum letter	-	Advanced Bushfire Performance Solutions	3 June 2024
Bushfire Report	-	Advanced Bushfire Performance Solutions	22 February 2023
Bushfire Emergency Management and Evacuation plan	-	Advanced Bushfire Performance Solutions Pty Ltd	21 March 2022
Bushfire Risk Assessment Report	20210906MERC	Advanced Bushfire Performance Solutions Pty Ltd	21 March 2022
Parking report	20009	John Coady Consulting	18 March 2022
Preliminary Site Investigation	E25463.E01_Rev2	EI Australia	17 March 2022
Detailed Site Investigation	E25463.E02_Rev1	EI Australia	17 March 2022
SW1.6	20-2650	Archebiosis	22 March 2022
Geotechnical investigation	1	EI Australia	18 March 2022
Heritage Addendum letter	-	GBA Heritage	20 July 2023
Statement of Heritage Impact	B	GBA Heritage	25 March 2022
Smoking Terrace Compliance letter	-	Archebiosis	22 August 2024
Traffic Impact Assessment	20.544r01v09	Traffix	26 September 2023
Hydraulic Services Report	21078	Sparks + Partners	3 February 2022
Plan of Management	-	Balma Projects Pty Ltd	March 2022
Social Impact statement	-	Balma Projects Pty Ltd	March 2022
Statement of Environmental Effects	-	Balma Projects Pty Ltd	March 2022
Addendum Traffic report statement	20.544r02v02	Traffix	8 November 2023

No works, other than those approved (including raising or lowering of ground levels on the site, or construction of retaining walls on any property boundary) are permitted by this consent.

Note: Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) any amendments made by Council on the approved plans or documents;
- (ii) any notes, markings, or stamps on approved plans or documents; and
- (iii) any conditions contained in this consent.

3. Works Must Not Commence Until a Construction Certificate is Issued



Construction or preparatory work (including earthworks or tree and/or vegetation removal) must not commence until:

- a) a Construction Certificate is obtained from either Council or an Accredited Certifier;
- b) a Principal Certifier is appointed; and
- c) a Notice of Commencement is lodged with Council.

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

4. **Appointment of a Principal Certifier**

No work shall commence until:

- a) A Principal Certifier is appointed for the building/engineering works and the following details relating to the carrying out of the works have been provided:
 - (i) name and licence number of the builder/contractor undertaking the construction works;
or
 - (ii) name and permit number of the owner-builder (if relevant);
- b) The Principal Certifier has:
 - (i) provided a copy of the notice of its determination to the consent authority, and to Council (within two days after the date of the determination);
 - (ii) notified the person having benefit of the consent of any critical stage inspections and other inspections that it requires to be carried out in relation to the approved work;
 - (iii) notified Council of its appointment (not less than two days before commencement of building work);
- c) The person having benefit of the consent (if not carrying out work as an owner-builder) has:
 - (i) appointed a principal contractor who must hold a 'contractor licence' if any residential building work is involved;
 - (ii) notified the Principal Certifier of the appointment of the principal contractor;
 - (iii) notified the principal contractor of any critical stage inspections or any other inspections that are required to be carried out in relation to the approved work; and
- d) At least two days' notice are to be provided to Council of the date on which it is proposed to commence work associated with this development consent.

5. **Part 6 Certificates Required**

The accredited certifier must provide copies of all Part 6 Certificates issued under the *Environmental Planning and Assessment Act 1979* relevant to this development to Council within seven days of issuing the certificate.

Note: A registration fee applies.

6. **Civil Works Specification - Private Land**

Council requires the following works to be carried out as part of the development:

- a) Earthworks;
- b) Stormwater drainage work;



- c) On-site-detention system and WSUD;
- d) Driveway and access aisle and car parking;
- e) Traffic directional signage and line marking

All civil construction works required by this consent must be undertaken in accordance with *Hawkesbury Development Control Plan Appendix E Civil Works Specification*.

A Construction Certificate is required to be in force prior to work commencing. It may be necessary to obtain appropriate Compliance Certificates for certain aspects of the development prior to the issue of a Construction Certificate.

Inspections must be carried out either by Council or an Accredited Certifier. Should Council be engaged to issue compliance certificates or carry out inspections, fees can be provided on request.

7. Tourist and Visitor Accommodation - Occupation Certificate

A final occupation certificate is to be obtained for the Tourist and Visitor Accommodation prior to any occupation certificate being issued for the cabins.

8. Occupation Certificate Required Prior to The Use Of The Building

The building must not be occupied or used prior to the issuing of an Occupation Certificate by the Principal Certifier. Where a partial Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

A copy of any Occupation Certificate must be submitted to Council within two days of its issue.

9. Works on Public Land - Not Permitted Without Approval

Where the applicant is required to carry out work on public land i.e. road reservation, council easements or public reserves, a separate approval from Council must be obtained. Following approval may be required:

- For work on existing council roads s138 Roads Act 1993 approval is required.
- For work on existing council drainage reserves or easements s68 Local Government Act 1993 approval is required.

The developer must bear the cost of all works associated with the development that occurs on public land, including the restoration of any damaged areas.

10. No Service of Alcohol or Gaming Services

This consent does not authorise the service of alcohol or operation of any gaming facilities/machines from the premises and associated seating area. A separate development application is to be lodged for any use of these as a licensed premises.

11. Prescribed Conditions - Compliance with National Construction Code

All building works must be carried out in accordance with the requirements of the National Construction Code (Building Code of Australia).

12. Archaeology - Discovered During Excavation

As required by the *Heritage Act 1977*, in the event that items, relics, historical cultural fabric and/or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the NSW Government's Heritage Council must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the *Heritage Act 1977* to obtain



the necessary approvals/permits from the Heritage Council.

Note: The *Heritage Act 1977* imposes substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

13. **Excavation - Aboriginal Relics**

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) all excavation or disturbance of the area must stop immediately in that area; and
- b) Heritage NSW must be advised of the discovery.

All necessary approvals from the Heritage NSW must be obtained and a copy provided to Council prior to works recommencing.

Note: If an Aboriginal object is discovered, an Aboriginal Heritage Impact Permit may be required under the *National Parks and Wildlife Act 1974*.

14. **Tree Removal - Approved Works**

This consent is limited to the removal/pruning of trees as shown on the approved plan. All recommendations under the approved arborist report prepared by New Leaf Arboriculture dated 1 September 2023 is to be incorporated on plans and completed as per the recommendations.

15. **Civil Works Specification Compliance**

All civil construction works required by this consent shall be undertaken in accordance with Western Sydney Engineering Design Manual Document WS190098 EDM Rev: PCG_03, April 2021 and Hawkesbury Development Control Plan 2002 - Appendix E Civil Works Specification (Part 2 - Construction Specification). Inspections shall be carried out and compliance certificates issued by Council or Registered Certifier.

Prior to the engagement of a certifier

16. **Amended plans**

Prior to the engagement of a Certifier, a kitchen fit out plan is to be provided and endorsed in writing by Council's environmental Health officers. Further documentation may be required demonstrating compliance with the relevant sections of the NCC.

17. **Noise generating premises – Acoustic Certification**

Prior to the issuance of any Construction Certificate, the approved architectural plans detailed in condition 2 are to be updated to include all of the recommendations contained within chapter 7 of the Acoustic report prepared by Acoustic Logic dated 22/03/2022 reference 20201389.1/2203A/R2/RF.

The updated plans must also include any air handling or exhaust ventilation system.

Certification is to be provided with the updated plans by a suitably qualified acoustic consultant that the requirements of this condition have been complied with.

Details demonstrating compliance with the above requirements must be submitted to the satisfaction of Council prior to the engagement of a Certifier.

18. **Plan of Management - Licenced Premises**



- a) An amended Plan of Management must be prepared to address all operational and management procedures to be employed, to ensure that the premises can operate without disturbance to the surrounding locality. The plan must reflect the entire operation associated with the development.
- b) The plan of management is to integrate all recommendations of the approved acoustic report into a section within the report.
- c) The plan must include but not be restricted to; compliance with all other operational conditions of this consent; hours of operation; noise; security management; and complaints handling.
- c) The plan must be submitted to and approved by Council prior to a commencement of the trial period associated with the extended trading hours.

The areas of the Pub are further restricted as follows:

- **Patron numbers & Operating times**
 - o The tea garden and the roof garden are not to operate after 10pm.
 - o The outdoor smoking area may operate until 12am midnight.
 - o **Patrons within the internal areas are to be limited as follows:**
 - Bistro/dining – up to 100 patrons at any one time
 - Sports/casual bar – up to 100 patrons at any one time
 - Function room – up to 120 patrons at any one time
 - o **Patrons in external areas are to be limited as follows:**
 - Ground floor verandah – up to 50 patrons at any one time
 - First floor veranah – up to 50 patrons at any one time
 - Tea garden – up to 30 patrons at any one time
 - Roof garden – up to 12 patrons at any one time
 - Smoking area – up to 7 patrons at any one time

The above is to be implemented into the amended plan of management. A section of the report is to detail procedures for continual management and improvement inclusive of when updated documents as required by this consent.

Prior to the Issue of Construction Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate. In many cases, the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate.

The Accredited Certifier may require a Compliance Certificate to address particular matters below.

19. Retaining Walls - Along Boundary

Prior to issue of a Construction Certificate submitted plans must clearly demonstrate that all retaining walls are located wholly within the property, including footings and agricultural drainage lines.

Note: Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structure. In the event of subsidence or damage to adjoining land, the developer must restore that land to the condition in which it was prior to work being carried out.

20. Long Service Levy Payment

The payment of a long service levy as required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986* is required. Evidence that the levy has been paid, is to be submitted to the Principal Certifier prior to the issue of any Construction Certificate.



Note: All building and construction work costing \$250,000 and above are subject to the payment of a Long Service Levy at the rate of 0.25%. Payments can be made at Long Service Payments Corporation offices or most councils.

21. **Traffic Management Plan**

A detailed Traffic Management Plan must be submitted to the Accredited Certifier prior to the issue of the Construction Certificate indicating how construction vehicles will safely enter and exit the site in a practical manner whilst minimising any negative effects on the surrounding roads and community. The Traffic Management Plan must include the following:

- a) construction access and egress to the site is to be solely from Warks Hills Road;
- b) the proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site;
- c) all loaded vehicles entering or leaving the site must have their loads covered;
- d) the proposed method of access to and egress from the site for vehicles is to be safe and practical;
and
- e) any associated Traffic Control Plans prepared by an appropriately qualified person in accordance with the Roads and Maritime Services publication 'Traffic Control at Worksites'.

Where the site adjoins a Transport for New South Wales controlled road, the Traffic Management Plan is to be approved by TfNSW before incorporation into the Construction Management Plan.

Details demonstrating compliance with these requirements are to be submitted to the Registered Certifier prior to the issue of the Construction Certificate.

22. **Public Safety - Clear Pedestrian Sight Lines**

Clear pedestrian sight lines are to be provided at the driveway entry in accordance with Figure 3.3 of Australian Standard AS 2890.1 - 'Parking facilities - Off-street car parking'. This requires that there be no boundary/retaining wall, fence or landscaping higher than 900 millimetres within a 2.5 metres by 2 metres sight triangle at each side of the entryway to the site. Any walls/fences/landscaping are to be adjusted in order to comply with this requirement.

Details demonstrating compliance with these requirements are to be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

23. **Access for Persons with a Disability**

Details demonstrating compliance with Australian Standard AS 1428.1 - 'Design for Access and Mobility and Disability (Access to Premises - Buildings) Standards 2010' in relation to the development are to be submitted to the Accredited Certifier prior to issue of a Construction Certificate.

24. **Access for Persons with a Disability - Design Audit**

Certification by an accredited access consultant must be submitted, certifying the development's compliance with the National Construction Code (Building Code of Australia) and Disability (Access to Premises - Buildings) Standards 2010.

This certification must be submitted to the Accredited Certifier with the application for a Construction Certificate.

25. **Traffic Control Plan**



A Traffic Control Plan prepared in accordance with the Roads and Maritime Services publication 'Traffic Control at Worksites' is to be prepared by an appropriately qualified person and submitted to Council, prior to commencement of any works, for approval.

Where the site adjoins a Roads and Maritime Service controlled road, the Traffic Management Plan is to be approved by Roads and Maritime Services before submission to Council for approval.

Details demonstrating compliance with these requirements are to be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

26. Car Parking and Allocation of Spaces

Car parking spaces must be provided in accordance with the Western Sydney Engineering Design Manual Document WS190098 EDM Rev: PCG_03, April 2021 and Hawkesbury Development Control Plan 2002 - Appendix E

Civil Works Specification (Part 2 - Construction Specification) and National Construction Code (Building Code of Australia) AS 2890.6 - 'Parking facilities: Off-street parking for people with disabilities'. The minimum number of spaces provided must be as follows:

- Seventy-two (72) - Staff/Visitor
- Three (3) - Accessible Car Spaces.

All vehicular parking spaces are to be identified by line-marking and appropriate signposting.

A suitably qualified and practising civil engineer is to certify the access, manoeuvrability and parking for the development complies with requirements of this condition.

Details demonstrating compliance with the above requirements must be submitted to the Registered Certifier prior to issue of the Construction Certificate.

27. Driveway Construction - Maintain Integrity of Existing Drainage Swale

The access driveway must not adversely affect flow conveyance of stormwater within the Council drainage swale (table drain) located in the road reserve. Driveways must be designed to either match the existing levels of the swale with concrete dish crossing or to have a 375mm reinforced concrete pipe installed at the base of the swale incorporating appropriate headwalls.

Details of the driveway are to be included on the plans submitted to the Registered Certifier prior to issue of a Construction Certificate.

28. Vehicle Entry and Exit from Commercial/Industrial Property

The vehicular usage of the site must be constructed to comply with the following requirements:

- a) all vehicles must be loaded and unloaded entirely within the property in a safe and practical manner;
- b) all vehicles must be driven in a forward direction at all times when entering and leaving the premises; and
- c) vehicles entering and exiting the site must not create queuing which adversely affects vehicles travelling on the public road network.

Loading and unloading areas are to be clearly designated and the swept paths of the longest vehicle entering and exiting the subject site must be in accordance with:

- a) Australian Standard AS 2890.1 - 'Parking facilities - Off-street car parking' and
- b) Australian Standard AS 2890.2 - 'Parking facilities - Off-street commercial vehicle facilities'.



Details demonstrating compliance with the above requirements must be submitted to the Registered Certifier prior to issue of the Construction Certificate.

29. Engineer Designed Pavement - Commercial

The carpark pavement must be designed by a qualified civil/geotechnical engineer and certified to be satisfactory for the expected traffic loadings. AUSTROADS Guide to Pavement Technology can be used as the design guideline for the pavement design.

The above details must be incorporated on appropriate submitted plans prior to the issue of the Construction Certificate to the satisfaction of the Accredited Certifier.

30. Kerb Design

Plans must clearly show that all kerb used is to be in accordance with *the Hawkesbury Development Control Plan 2002 - Appendix E Civil Works Specification (Part 2 - Construction Specification) and Western Sydney Engineering Design Manual Document WS190098 EDM Rev: PCG_03, April 2021.*

Flush kerbs must be constructed with either fibre reinforced concrete or standard concrete with 2 x 12mm steel reinforcing bars.

Details demonstrating compliance with this condition are to be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

31. External Materials - Approved Schedule of Finishes

The external colours and finishes of the building must be generally in accordance with the approved schedule of finishes and materials.

Details must be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

32. Section 7.12 (Monetary) Contributions

A contribution under Section 7.12 of the *Environmental Planning and Assessment Act 1979* must be paid in accordance with the following:

a) Contribution Required

In accordance with Council's Section 7.12 (previously S94A) Contributions Plan 2015, a monetary contribution (indexed at the time of payment) must be paid to Council for the amount specified below.

b) Amount of Contribution

The amount of the contribution is \$70,098.95.

This fee is based on the supplied value-of-works of \$7,009,895.00.

The contribution amount detailed in (b) will be indexed at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics (Table 6401.0).

Contributions must be receipted by Council and evidence of payment submitted to the Accredited Certifier prior to the issue of any Construction Certificate.

Note: In the event that the estimated value of works increases in association with the Construction Certificate the Section 7.12 contribution payable is to be based on the revised value of works.

Please present a copy of this condition when paying the contribution at Council's Customer Service Centre in order to assist in recalculation of the contribution amount.



33. On Site Stormwater Detention Design Compliance

On-Site Detention (OSD) for stormwater is required to be provided for this development. Details including calculations are to be shown on plans submitted for the Construction Certificate to the Satisfaction of the Accredited Certifier. OSD must comply with the following:

- a) OSD must be provided to maintain all stormwater discharges for storms from 1:1 year up to the 1 in 100 Average Recurrence Interval storm event at pre-development levels; and
- b) the OSD system is to be designed in accordance with the Western Sydney Engineering Design Manual Document WS190098 EDM Rev: PCG_03, April 2021 and Hawkesbury Development Control Plan 2002 - Appendix E Civil Works Specification (Part 2 - Construction Specification)

Details demonstrating compliance with the above requirements must be submitted to the Accredited Certifier prior to issue of the Construction Certificate.

34. Overland Flow Path - Fence Requirements

Open type fences only are to be constructed across the overland flow path passing through the site and are to be of a height and type so as to:

- a) not restrict the flow of water;
- b) not cause an accumulation of debris; and
- c) make provision for stormwater flows up to the 1 in 100 year Average Recurrence Interval (ARI) storm event.

Details demonstrating compliance with the above requirements must be submitted to the Accredited Certifier prior to issue of the Construction Certificate.

35. Overland Flow

The development must not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:

- a) water flowing from the property must not be redirected or concentrated to adjoining properties;
- b) water flowing into the property from adjoining lots must not be impeded or diverted; and
- c) water flow must follow the natural flow directions without increasing velocity.

Details demonstrating compliance with the above must be provided to the Accredited Certifier prior to the issue of a Construction Certificate.

36. Detailed Drainage Design - Commercial/Industrial

A detailed drainage design of the site must be submitted to and approved by the Certifying Authority prior to the release of the Construction Certificate. The detailed plan must:

- a) be generally in accordance with plan reference 20-2650 Sheets SW1.0 through to SW1.6 (Six sheets) Rev D prepared by Zait Engineering Solutions on 23/08/2023
- b) drain to the Douglas Road via OSD and water quality treatment;
- c) indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines;
- d) be to the satisfaction of the Registered Certifier;



- e) be designed to cater for a 1 in 20 year Average Recurrence Interval storm event;
- f) show details of any overflow drainage paths and that they be designed to cater for 1 in 100 year Average Recurrence Interval storm event; and
- g) comply with the Western Sydney Engineering Design Manual Document WS190098 EDM Rev: PCG_03, April 2021 and Hawkesbury Development Control Plan 2002 - Appendix E Civil Works Specification (Part 2 - Construction Specification) and Australian Standard AS 3500 - 'Plumbing and Drainage' unless a variation is specifically noted and approved by the Development Application concept drainage plan.

37. Pit Grates

All pits must have flush fitting grates. All pits larger than 600mm x 600mm are to be grated galvanised steel grid hinged and be heavy duty type where traffic loading is expected.

Details to this effect are to be included on plans submitted to the Accredited Certifier prior to issue of the Construction Certificate.

38. Structural Engineers Design - Deep Pits

All pits deeper than 3 metres must be designed by a certified structural engineer and be in accordance with Australian Standard AS3600 - 'Concrete Structures'. Pits deeper than 1.2 metres must have step irons and pits deeper than 1.8 metres are to be reinforced concrete.

Details to this effect shall be incorporated on the detailed drainage design that is submitted to the Accredited Certifier prior to issue of the Construction Certificate.

39. Erosion and Sediment Control Plan

Prior to the issue of the Construction Certificate, the applicant must submit to and obtain the Accredited Certifier approval of an Erosion and Sediment Control Plan (ESCP). The ESCP must show the location of site boundaries, adjoining roads, approximate grades, vegetation, site access, impervious areas, existing and proposed site drainage and a north point.

The ESCP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater - Soils and Construction' (2004). The plan must show the following:

- a) timing of works;
- b) nature and extent of earthworks, including the amount of any cut and fill;
- c) where applicable the diversion of runoff from upslope lands around the disturbed areas;
- d) location of all soil and other material stockpiles including topsoil storage;
- e) location and type of proposed erosion and sediment control measures;
- f) site rehabilitation proposals; and
- g) frequency and nature of maintenance program.

40. Soil and Water Management Plan

The applicant must submit to and obtain approval from the Principal Certifier of a Soil and Water Management Plan (SWMP) prior to issue of a Construction Certificate. The SWMP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)' and must contain, but not be limited to:



- a) clear identification of site features, constraints and soil types;
- b) details of a strategy for phasing of construction works so that land disturbances are confined to areas of a manageable size and kept to a minimum;
- c) erosion and sediment control plans must be provided for three phases of construction:
 - (i) prior to commencement of works;
 - (ii) during bulk earthworks;
 - (iii) post drainage construction;
- d) any temporary sediment basins must be as a minimum designed to a five day 85th percentile rainfall event and soil type in calculations must be confirmed by a geotechnical engineer;
- e) erosion and sediment control plans must provide site-specific management measures, including details of short and long-term measures to be employed to minimise soil erosion and the discharge of sediment to land and/or waters including the locations and capacities of sediment fencing/straw bales, temporary sediment basins, sediment filters, filter barriers and other controls;
- f) a strategy for progressive revegetation and rehabilitation of disturbed areas of earth as rapidly as practicable after completion of earthworks;
- g) identification of all potential sources of water pollution and a detailed description of the remedial action to be taken or management systems to be implemented to minimise emissions of these pollutants from all sources within the subject site;
- h) measures to handle, test, treat, re-use and dispose of stormwater and contaminated water and soil;
- i) procedures for the re-use, treatment and disposal of water from sedimentation basins; and
- j) a program for reporting on the effectiveness of the operational and construction sedimentation and erosion control system against performance goals.

41. **Noise Generating Premises - Acoustic Certification**

The recommendations contained in the acoustic report prepared by Acoustic Logic dated 22/03/2022 reference 20201389.1/2203A/R2/RF must be incorporated into the design and construction of the development.

A suitably qualified acoustic consultant must be engaged to assist with the preparation of the final building plans and specifications to ensure compliance with any acoustic conditions.

Details demonstrating compliance with this requirement must be submitted to the Accredited Certifier prior to issue of the Construction Certificate.

42. **External Lighting - Design and Installation**

All external lighting associated with the development must be mounted, screened, and directed in such a manner so as not to create a nuisance to the surrounding environment, properties and roadways. The lighting must be the minimum level of illumination necessary and must comply with Australian Standard AS 4282 - 'Control of the Obtrusive Effects of Outdoor Lighting'.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.

Details demonstrating compliance with the above must be provided to the Accredited Certifier prior to the issue of the Construction Certificate.



43. External Lighting - Property Fronting Laneway

Adequate lighting is to be installed at Douglas Road and Warks Hill Road between Bells Line of Road and access driveway to the development to maximise safety and security of road users. The lighting must be the minimum level of illumination necessary and must comply with Australian Standard AS 4282 - 'Control of the Obtrusive Effects of Outdoor Lighting'.

Details demonstrating compliance with the above must be provided to the Registered Certifier prior to the issue of the Construction Certificate.

44. Water Quality Infrastructure

Detailed design of the water quality elements is to be provided, together with modelling to demonstrate that the water quality targets required Western Sydney Engineering Design Manual Document WS190098 EDM Rev: PCG_03, April 2021 and Hawkesbury Development Control Plan 2002 - Appendix E Civil Works Specification (Part 2 - Construction Specification) are achieved prior to issue of a Construction Certificate by the Registered Certifier.

Details demonstrating compliance with the above must be provided to the Accredited Certifier prior to the issue of the Construction Certificate.

45. Compliance with the Building Code of Australia - Fire Services and Equipment

Detailed plans showing the existing and proposed fire services and equipment suitable for the intended class of building and proposed use, is to be supplied.

The design and installation of these services and equipment are to be compliant with the Building Code of Australia and relevant Australian Standards.

Details are to be provided to the Accredited Certifier prior to issue of the Construction Certificate.

46. Roads - Infrastructure Upgrades

The following works are required to be undertaken to upgrade infrastructure in the Warks Hill Road and Douglas Road reserve frontage of the development. This work must be carried out at the developer's expense, including all alterations of public infrastructure where necessary:

- a) construction of kerb and gutter and drainage works
- b) construction of sealed road pavement
- c) construction of concrete paved footpath along the development side
- d) removal of poor quality soil to a depth of 100mm within the road reserve and replacement with rich topsoil and turf for the entire lot frontage; and
- e) replacement of any dilapidated service lids.

Details of the above are to be included on plans submitted to the Council for approval prior to issue of a Construction Certificate.

Note: The road upgrade work is subject to a separate approval under S138 Roads Act 1993.

47. Roads - Road and Drainage Plans

Road and drainage plans must be prepared by a suitable qualified and experienced Engineer, in accordance with Council's Development Control Plan. The plans must be submitted to the Council for approval. All road and drainage work must then be constructed in accordance with Council's construction standards at developer expense.

All stormwater pipes within the road reserves and within drainage easements intended to be dedicated to Council must be installed generally to the HS3 standard in accordance with the current edition of Australian Standard AS 3725 - Design for Installation of Buried Concrete Pipe.



48. Structural Engineers Design - Concrete and Structural Steel

A qualified Structural Engineer's design for all reinforced concrete and structural steel must be provided to the Accredited Certifier prior to issue of Construction Certificate.

49. Structural Engineers Design - Retaining Walls

Any retaining walls having a height exceeding 600mm proposed in conjunction with the development are required to be designed by a practicing structural engineer.

Details demonstrating compliance with this requirement must be submitted to the Accredited Certifier prior to issue of the Construction Certificate.

50. Dilapidation Survey - Private Property (Neighbouring Buildings)

A dilapidation report of adjoining properties detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items. The survey and report is to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property.

All costs incurred in achieving compliance with this condition must be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of Accredited Certifier that all reasonable steps have been taken to obtain access and the affected property owner has been advised of the reason for the survey and that these steps have failed. Written concurrence must be obtained from the consent authority in such circumstances.

Details demonstrating compliance with the above requirements must be submitted to the Accredited Certifier prior to issue of the Construction Certificate.

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

51. Dilapidation Survey - Damage to Public Infrastructure

A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant detailing the pre-developed condition of public infrastructure. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

Details demonstrating compliance with the above requirements must be submitted to the Accredited Certifier prior to issue of the Construction Certificate.

Note: The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

52. Domestic Water Supply

The development must be provided with an on-site, non-combustible, water storage vessel(s) of minimum 100,000 litres capacity.

The tank must, where practical, be positioned no closer than ten metres and no further than 20 metres from the dwelling. Adequate access to within six metres of the water supply for a Category 1 heavy bushfire tanker must also be provided.



Note: Water storage required for bushfire fighting purposes may be included within this total capacity.

53. On-site Sewage Management - Approval Required

Prior to the issue of the Construction Certificate, approval must be obtained under Section 68 of the Local Government Act for the installation of an onsite sewage management system. The application must be submitted to Council together with the design details, site assessment report and payment of the prescribed fee.

Following installation and prior to use of the approved on-site sewage management system an Approval to Operate the system must be obtained from Council.

54. Road Infrastructure - Signposting and Line Marking Plan

A Signposting and Line Marking Plan is required for this development. This plan must detail priorities at all intersections, signage and line-marking required within and surrounding development.

The plan must be approved by Council prior to issue of the Construction Certificate.

55. Section 138 Roads Act 1993 (Design) Approval Required

An approval under Section 138 Roads Act 1993 is required to be obtained from Council for road works within Douglas Road and Warks Hill Road prior to the issue of Construction Certificate.

The works may involve:

- a) excavation or disturbance of a road reserve (including footpath, nature strip or road pavement) to access services including sewer, stormwater drains, water mains, gas mains, telecommunications or for any other purpose; or
- b) erection of a structure or carry out a work in, on or over a public road; or
- c) removal or interference with any structure, work or tree on a public road; or
- d) pumping of water into a public road from any land adjoining the road; or
- e) connection of a road (whether public or private) to a public road.

The application for Roads Act approval must be accompanied with detail plan and design of the proposed works within the public road corridor.

56. Retaining Wall Design

All retaining walls, including footings and subsoil drainage lines must be located wholly within the property. Retaining wall construction shall be in accordance with the approved plan.

Details demonstrating compliance with the above requirements must be submitted to the Registered Certifier prior to the issue of Construction Certificate.

57. Structural engineer's design - retaining walls

Any retaining walls having a height exceeding 600mm is required to be designed and certified by a registered structural engineer. The design must be submitted to the Registered Certifier prior to issue of a Construction Certificate.

58. Bushfire Safety Authority requirements

The requirements of the NSW Rural Fire Service in the as specified under condition 1 of this consent shall be incorporated into the construction certificate documentation for approval.

Details demonstrating compliance with the above shall be provided to the Certifying Authority prior to the



issue of a construction certificate.

59. **Food Premises – Design**

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food must be designed and carried out in accordance with the requirements of:

- a) Food Act 2003;
- b) Food Regulation 2015;
- c) Australian Standard AS4674 – ‘Design, construction and fit-out of food premises;;

The Construction Certificate plans and documentation must incorporate details of the following:

- a) Construction, materials and finishes;
- b) Installation of fixtures, fittings and equipment;
- c) Washing facilities, other facilities and special requirements;
- d) Mechanical ventilation and exhaust discharges; and
- e) Temperature control.

Plans and specifications which comply with this condition must be submitted to the Registered Certifier for approval prior to the issue of any Construction Certificate.

60. **Food premises – Mechanical Ventilation**

Where any system of mechanical ventilation and/or air conditioning is proposed or installed within the premises such system must be designed to comply with Australian Standard AS 1668.2 - 'The use of mechanical ventilation and air-conditioning in buildings, Part 2 Mechanical ventilation for acceptable indoor-air quality' and Australian Standard AS 3666 - 'Air handling and water systems of buildings - Microbial control'.

Details of the mechanical exhaust, ventilation or air-conditioning system must be provided to the Registered Certifier prior to the issue of a Construction Certificate.

61. **Food Premises – Waste Traps**

Any bucket traps, grease traps and associated sewer connections must be installed in accordance with the requirements of the relevant water authority.

Details must be provided to the Accredited Certifier prior to the issue of the Construction Certificate.

62. **Food Premises – waste storage area design**

To ensure the adequate storage and collection of waste from the occupation or the use of the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 - 'Design, construction and fitout of food premises', and must be:

- a) Provid with a hose tap connected to the water supply;
- b) paved with impervious floor materials;
- c) coved at the intersection of the floor and walls;
- d) graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water or Council);
- e) adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
- f) fitted with appropriate interventions to meet fire safety standards in accordance with the National Construction Code (Building Code of Australia).

Detailed plans and specifications for the construction of the waste storage area are to be submitted to the Accredited Certifier with the Construction Certificate.



63. Food Premises - Construction and Fitout General Requirement

Detailed plans of the kitchen, bar and food preparation and storage areas must be prepared by a suitably qualified person and certified in accordance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 - Design, Construction and Fitout of Food Premises and must be submitted to and approved by Council prior to a Construction Certificate being issued.

- a) The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and Australian Standard AS 4674 - 'Design, construction and fitout of food premises'.
- b) The cooking appliances require an approved air handling system designed in accordance with AS1668.1 - 'The use of ventilation and air conditioning in buildings - Fire and smoke control in buildings' and AS1668.2 - 'The use of ventilation and airconditioning in buildings - Mechanical ventilation in buildings' or alternative solution satisfying the performance objectives of the Building Code of Australia. No approval is granted for the burning of wood fired fuel.
- c) The floor of the food premises must be finished in an approved non absorbent material, evenly laid, or graded and drained to a trapped floor waste.
- d) The floor must be covered at the intersection with the walls.
- e) The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other rigid, smooth-faced impervious material.
- f) Ceilings within the food preparation and storage areas must be free of gaps and open joints and must be finished with an impervious sealed material. Drop in panels are not permitted in food preparation areas, food storage areas or areas where open food is displayed or served.
- g) Hand wash basin/s, with hot and cold running water mixed through a common spout, hand wash soap and hand drying facilities must be provided in all food preparation bar areas, and toilets used by food handlers and must be no further than 5m travel distance from a place where a food handler is handling food. All taps to hand wash basins must be hands free. (For example: sensor taps, knee operated taps or foot pedal taps). Liquid soap and paper towel dispensers or other hand drying facilities must be located next to and in close proximity the hand wash basin.
- h) A double bowl sink or two compartment tub (the capacity of which must be capable of fitting all food contact equipment) must be provided in the food preparation area, in addition to the hand basin,
- i) A separate and dedicated food preparation sink is to be provided within the food premises where foods are prepared by immersion in water.
- j) A cleaners' sink for the purpose of cleaning floor mops and other cleaning equipment must be provided within the premises, preferably in the garbage room or separate from the food preparation and storage area.
- k) The appliances used to store potentially hazardous food must have a capacity to keep food hotter than 60°C or colder than 5°C and be provided with a thermometer, accurate to 1oC and which can be easily read from outside the appliance.
- l) All food is to be transported, stored and displayed in a manner that protects the food from likely contamination in accordance with the provisions of Standard 3.2.2 of the Food Standards Code under the Food Act 2003.
- m) All unpackaged ready to eat food for self service must be provided and maintained with protective barriers and have separate serving utensils, in accordance with Standard 3.2.2 of the Food Standards Code under the Food Act 2003.



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- n) The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the Building Code of Australia.
- o) Clothing lockers or change rooms for male and female staff must be provided in the premises in a separate location to the food handling and storage areas.
- p) To ensure the adequate storage and collection of waste from the occupation or the use of the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 - 'Design, construction and fitout of food premises', and must be:
- i. Provided with a hose tap connected to the water supply;
 - ii. Paved with impervious floor materials;
 - iii. Coved at the intersection of the floor and walls;
 - iv. Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water);
 - v. Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
 - vi. Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia. Detailed plans and specifications for the construction of the waste storage area are to be submitted to the Accredited Certifier with the Construction Certificate.
- q) Cool room(s) refrigerated chambers and strong-rooms are to be constructed in accordance with G 1.2 of the Building Code of Australia.
- i. The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.
 - ii. All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
 - iii. The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.;
 - iv. A door which can be opened at all times from inside without a key.
 - v. An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 d B (A) when measured 3 metres from the sounding device.
- r) All service pipes, electrical conduits, refrigeration condensate pipes and the like must be chased into walls and floors or at least 25mm off the wall.
- s) All openings in walls, floors and ceilings, through which service pipes pass, must be vermin proof.
- t) Where fittings are butt joined together they must be sealed to eliminate any cavities or crevices. Alternatively, a clear space of at least 75mm is to be provided between fittings.
- u) The following requirements apply to clearances and supports of equipment:
- i. all stoves, refrigerators, cupboards and similar fittings must have metal legs made of non-corrosive metal or moulded plastic at a minimum height of 150mm above the floor. If placed flush on solid plinths the solid plinth is to be a minimum of 75mm high; and
 - ii. all shelving must be fixed 25mm clear of the walls on solid metal brackets.
- v) The following requirements apply to food conveyors:
- i. The area (well) at the bottom of the food lift must be designed to allow access for cleaning.
 - ii. The outside wall surface of the lift shaft must be finished to match the surrounding wall surface and coved to a minimum radius of 25 mm at the intersection with the floor.



- iii. The internal surfaces of the food lift must be a smooth cement finish and coved at all angles.
- w) A grease trap must not be installed in any kitchen, food preparation or food storage area. The grease trap room must have a piped connection to the boundary so that it can be emptied. Note: Hawkesbury City Council also has requirements for grease arrestors that you need to comply with.

Note: Copies of AS 4674 - 'Design, construction and fit-out of food premises' may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website www.standards.com.au <<http://www.standards.com.au>>.

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email info@foodstandards.gov.au or by visiting the website www.foodstandards.gov.au.

Details satisfying the above are required to be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

64. **Acoustic review of Mechanical Plant**

Any mechanical plant that is proposed to service the premise(s) are to be assessed with reference to the NSW EPA Noise Policy for Industry (Table 11). Detailed acoustic review should be undertaken prior to the issue of a Construction Certificate to determine location of plant and acoustic treatments to control emissions to satisfactory levels.

A copy of this document is to be provided to the satisfaction of Council and the Registered Certifier.

65. **Removal of VIP spaces and entryway**

All plans submitted for the issue of a Construction Certificate are to have references to VIP spaces, entryways and parking spaces are to be removed.

Prior to Any Works Commencing on Site

66. **Principal Certifier - Details**

The applicant must advise Council of the name, address and contact number of the Principal Certifier, in accordance with Section 6.6(2) of the *Environmental Planning and Assessment Act 1979*.

67. **Toilet Facilities**

Toilet facilities must be available or provided at the work site before works begin 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 must:

- a) be a standard flushing toilet connected to a public sewer;
- b) be attached to an approved on-site effluent disposal system;
- c) be a temporary chemical closet that is regularly maintained; and
- d) appropriate facilities for the disposal of sanitary items are to be provided within the toilet.

68. **Survey Certificate - Building to be Verified by a Registered Surveyor**

In order to ensure compliance with approved plans, a Survey Certificate, prepared by a Registered Surveyor, including locating any easements affecting the subject land, is to be undertaken:



- a) a set-out survey prior to the placement of any footings showing the proposed building and its relationship to the boundaries;

Progress surveys must be submitted to the Principal Certifier at the time of carrying out relevant progress inspections. Under no circumstances is work allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the works as constructed.

69. Construction Management Plan

A Construction Management Plan must be submitted to and reviewed by Council prior to the commencement of works.

The Construction Management Plan must include the following:

- a) Summary
A concise (maximum three page) summary of key points from all documentation.
- b) Background
Provide details of the proposed works including the extent, staging and proposed timing of the works.
- c) Consultation
The manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process and the establishment of a protocol for complaints handling and management.
- d) Noise
Details in relation to how works will be undertaken in accordance with the Interim Construction Noise Guideline published by the NSW Environment Protection Authority including community consultation that will be undertaken to minimise impacts.
- e) Dust
Details in accordance with the Dust Management Measures condition requirements.
- f) Vibration
A Vibration Compliance Letter in accordance with the relevant vibration condition requirements.
- g) Traffic
A Detailed Traffic Management Plan in accordance with the Traffic Management Plan condition requirements.
- h) Soil and Water Management
Detailed Soil and Water Management Plan in accordance with the Soil and Water Management Plan condition requirements.
- i) Water Quality Assessment and Monitoring
A report clearly detailing planned water quality monitoring proposed for the development in accordance with the requirements of the Water Quality Assessment and Monitoring condition.
- j) Any site specific Heritage and Archaeological Management.
- k) Any site specific Ecological Impact Mitigation Measures.
- l) Community consultation initiatives.

70. Notice of Commencement

No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:



- a) details of the appointment of a Principal Certifier (PCA) providing name, address and telephone number; and
- b) details of the name, address and licence details of the Builder.

71. Prescribed Conditions - Shoring and Adequacy of Adjoining Property

Development that involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the building, structure or work from possible damage from the excavation; and
- b) where necessary, underpin the building, structure or work to prevent any such damage.

Note: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

72. Principal Certifier Site Sign

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

- a) showing the name, address and telephone number of the Principal Certifier for the work;
- 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.

73. Safety Fencing

The site is to be secured by a fence, in accordance with Safework NSW requirements, to prevent unauthorised access during the period of all works.

74. Road Occupancy License/Permit

A Road Occupancy Licence/Permit must be obtained from council for work on Local and Regional Roads prior to commencing any work on Public Roads.

Application for Road Occupancy/Permit is available on council web site.

Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous.

All precautions must be taken to protect the public while work is in progress. Traffic control must be undertaken in accordance with Australian Standard AS 1742 - 'Manual Uniform Traffic Control Services - Parts 1, 2 and 3'.

Upon completion of the work, the road reserve must be restored to its original state so as to ensure that there are no hazards that may impact on the public.

75. Construction Certificate - Required Prior to Commencement of Works

A Construction Certificate as specified in this consent is required prior to the commencement of work on the



site.

76. Demolition - General

All demolition works must be carried out in accordance with the following:

- a) all demolition work must be carried out strictly in accordance with Australian Standard AS 2601 - 'The Demolition of Structures';
- b) demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current SafeWork NSW 'Demolition License' and an appropriate SafeWork NSW Asbestos License and comply with SafeWork NSW Code of Practice 'How to Safely Remove Asbestos';
- c) site safety/security fencing must be provided prior to commencement of any work on-site and must be removed only when all hazards, including site waste, have been removed. The site safety/security fencing must comply with the following Australian Standards:
 - (i) Demolition Sites - Australian Standard AS 2601 - 'Demolition of structures';
 - (ii) Construction Sites - Australian Standard AS 4687 - 'Temporary fencing and hoardings';
 - (iii) Ongoing Site Safety/Security - Australian Standard AS 1725 - 'Chain-link fabric security fencing and gates';
- d) demolition work must be carried out only between the hours of 7am to 6pm Mondays to Fridays and 8am to 4pm Saturdays. No work is to be carried out on Sundays or public holidays;
- e) no trees must be removed from the site unless they are shown for removal on the approved plans, or separately approved by Council;
- f) erosion and sediment control measures must be installed prior to any demolition works commencing and maintained in accordance with the requirements contained in the Hawkesbury Development Control Plan 2002;
- g) all waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water;
- h) public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council;
- i) any materials stored on site must be stored away from any drainage path or easement, natural watercourse;
- j) demolition activity must not cause damage to or adversely affect the structural integrity of adjoining buildings;
- k) waste must be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation;
- l) no material is to be burnt on site;
- m) details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) must be kept on site as evidence of approved methods of disposal and recycling; and
- n) the site must be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

77. Demolition - Notice



- a) Notice is to be given to Council of the date on which it is proposed to commence demolition. This notice must:
 - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
 - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work;
 - (iii) provide the relevant SafeWork NSW License details of the demolisher/contractor; and
 - (iv) details of the demolisher/contractors current Public Liability/Risk Insurance Policy providing for a minimum cover of \$10 million.
- b) Notice is to be given to adjoining property owners of the date on which it is proposed to commence demolition. This notice must:
 - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
 - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work; and
 - (iii) provide the telephone number of SafeWork NSW Asbestos/Demolition Hotline - 1800 672 718.

78. Restriction of Site Access to Prevent Unauthorised Material

The property entry and exit points must be secured at all times to prevent the unauthorised entry of vehicles, and to ensure that the site manager can control and prevent dumping of waste and potentially contaminated material whilst fill material is being imported or managed on site.

79. Asbestos Material Handling

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Clause 458 of the *Work Health and Safety Regulation 2017*.

In addition to the above, the following must be satisfied:

- a) the person having the benefit of this consent must provide the Principal Certifier with a copy of a signed contract with such a person before any development or works commence;
- b) any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered;
- c) if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the consent must give the Principal Certifier a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

80. Erosion and Sediment Control for Minor Development

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with Hawkesbury Council's publication *Guidelines for Erosion and Sediment control on a building site (2017)*.

81. Tree Protection Measures

This consent does not authorise the removal of trees unless specifically permitted.

Trees that are shown on the approved plans (or otherwise identified by Council to be preserved) must be protected against damage during construction. The following measures are to be followed during construction:



- a) Tree Protection Zones (TPZ) must be established around trees identified to be retained in accordance with Australian Standard AS 4970 - 'Protection of Trees on Development Sites;
- b) a 1.8 metre high chain mesh fence must be erected around each Tree Protection Zone prior to works and must remain intact until construction is completed;
- c) any excavation works within identified Tree Protection Zones are to be carried out by hand, with all care taken not to damage tree roots. If tree roots greater than 30mm are found during works that need to be severed, they are to be cut with a saw (not ripped);
- d) TPZ's must be mulched to a minimum depth of 100mm using organic mulch;
- e) fences around Tree Protection Zones must be sign posted to warn of its purpose;
- f) Harmful Materials: the storage of materials, building waste, excavated spoil, cement or similar is not permitted within a TPZ; and
- g) any minor pruning of trees must be carried out in accordance with Australian Standard AS 4373-2007 - 'Pruning of Amenity Trees, by a suitably qualified Arborist'.

82. A suitably qualified Consulting Arborist (AQF Level 5) must be in attendance to supervise tree works on site during critical stages of construction, particularly when excavation is occurring within the TPZ of trees nominated for retention. **Support and Protection for Neighbouring Buildings**

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining property the person having the benefit of this consent must, at that person's own expense:

- a) protect and support the adjoining premises from possible damage from the excavation;
- b) where necessary, underpin the adjoining premises to prevent any such damage; and
- c) provide a minimum seven days written notice to the owners/occupiers of adjoining properties giving details of the excavation and the proposed method of support of the excavated area.

The proponent is liable for any part of the cost of work carried out for the purposes of this condition whether carried out on the development site or on any adjoining land.

83. **Adjoining Building Dilapidation Report**

Before commencing any demolition or excavation works a dilapidation report is required to be prepared on any part of a building situated on an adjoining parcel of land that is within two metres of the proposed works.

Note: If the person preparing the report is denied access to the building for the purpose of an inspection, the report may be prepared from an external inspection.

84. **Construction Management Plan**

All traffic management devices shall be installed and maintained in accordance with the approved Traffic Management Plan.

During Construction

85. **Out of Hours Work Permits**

Where it is necessary for works to occur outside the hours approved by this consent, an application must be made to Council for a temporary approval for extended hours. If approval is issued the development must be carried out in accordance with any requirements of that approval.



Note: For the continuation of extended hours you will be required to lodge a modification application under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

86. Approved Colours and Finishes

The development must be completed generally in accordance with the approved colours and finishes.

87. Tree Removal

No trees are to be removed without Council approval.

88. Tree Protection - Boundary Fence Clearing to be Undertaken by Hand

Boundary fence lines must be hand cleared only, with no topsoil disturbance, to a maximum width of one metre.

89. Construction Hours

Clearing of land, running of machinery, excavation, and/or earthworks, building works and the delivery of building materials must be carried out between the following hours:

- a) between 7am and 6pm, Mondays to Fridays inclusive;
- b) between 8am and 4pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
 - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
 - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - (iii) a variation is approved in advance in writing by Council.

90. Site Management During Construction

The following requirements relating to site management apply during and immediately following construction:

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Copies of receipts stating the following must be given to the Principal Certifier:
 - (i) the place to which waste materials were transported;
 - (ii) the name of the contractor transporting the materials; and
 - (iii) the quantity of materials transported off-site and recycled or disposed of.
- d) Any run-off and erosion control measures required must 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.
- e) During construction:
 - (i) all vehicles entering or leaving the site must have their loads covered;
 - (ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to



- avoid tracking these materials onto public roads; and
- (iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.

f) At the completion of the works, the work site must be left clear of waste and debris.

Note: In the event it is not possible to keep the footpath or road reserve clear during construction works written approval from Council must be obtained prior to any closing of the road reserve or footpath area. The closure must take place in accordance with Council's written approval. The area must be signposted and such signposting be maintained in a way that ensures public safety at all times.

91. **Loading and Unloading During Construction**

The following requirements relating to loading and unloading apply during construction:

- a) All loading and unloading associated with construction activity must be accommodated on site.
- b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.

92. **Inspections by the Accredited Certifier**

Inspections must be carried out and Compliance Certificates issued by Council or an Accredited Certifier for the components of construction detailed in Hawkesbury Development Control Plan 2002 - Appendix E Civil Works Specifications, Part II, Table 1.1.

93. **Critical Stage Inspections**

Prior to the commencement of building work and at nominated stages during the construction of the building, a minimum of 48 hours' notice is required to be provided to allow the Principal Certifier to ensure that the critical stage inspections are undertaken.

Note: Critical stage inspections are required to be carried out in accordance with Clause 162A of the *Environmental Planning & Assessment Regulation 2000*.

94. **Termite Treatment**

The development must be treated for termites in accordance with the National Construction Code and Australian Standard AS 3660.1 - 2014 - 'Termite Management - New Building Work' by a suitably qualified, licenced person.

A Certificate of Compliance is to be provided to the Principal Certifier and a Notice of Treatment is to be provided to the metre box.

95. **Smoke Detection and Alarm System**

An automatic fire detection and alarm system must be installed in the building in accordance with the National Construction Code (Building Code of Australia) for Class 1a structures. Alarms and detectors must be installed by a licenced electrician and multiple alarms must be interconnected.



A Certificate of Compliance must be provided to the Principal Certifier prior to the occupation of the development.

96. Inspection and Compliance Certificates - Sewer Works

Inspections for sanitary drainage works can only be conducted by Hawkesbury City Council.

Inspections must be conducted on the exposed pipes prior to covering. In the case of internal and external drainage, the inspection must be conducted by Hawkesbury City Council's Regulatory Services Branch.

Note: To arrange inspections and pay required fees please telephone Customer Service on (02) 4560 4444.

97. Overland Stormwater Flow Management

The works associated with the development must ensure that:

- a) all natural water flow from adjoining properties is not impeded or diverted; and
- b) surface and subsurface water flows are not redirected or concentrated onto adjoining properties.

98. Erosion and Sediment Control Plan - Implementation

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved Erosion and Sediment Control Plan.

99. Construction Management Plan - Implementation

All aspects of the Construction Management Plan must be implemented and maintained until the completion of works.

100. Topsoil and Material Stockpiles Management

Topsoil must only be stripped from approved areas and must be stockpiled for re-use during site rehabilitation and landscaping.

Stockpiles of topsoil, sand, aggregate, spoil or other material stored on the site that is capable of being moved by running water must be stored clear of any drainage line or easement, natural watercourse, footpath, kerb, and/or road surface.

Suitable sediment and erosion control devices must be installed prior to the stockpile being created. The stockpile must be treated so its surface is erosion resistant to wind and water action.

101. Soil and Water Management Plan (SWMP) - Implementation

The measures required in the Soil and Water Management Plan must be implemented as a priority over general construction works. The controls must be maintained at all times during each stage of the development and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

Maintenance must include but is not limited to ensuring:

- a) all sediment fences, sediment traps and socks are properly placed and are working effectively and;
- b) drains, gutters and roads are maintained clear of sediment at all times.

Note: It is an offence under the Protection of the Environment Operations Act 1997 to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any



waters. Substantial penalties may be issued for any offence.

102. **Heritage - Archaeological Discovery During Works**

Should any Aboriginal relics or European historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the following agencies are to be informed of the discovery:

- a) Council;
- b) the Heritage Council of NSW in accordance with Section 146 of the *Heritage Act 1977*; and/or,
- c) the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*.

103. **Traffic Management - Installation of Devices**

Traffic Management Devices must be installed and maintained for the duration of the proposed works in compliance with the approved Traffic Management Plan.

Prior to Issue of Occupation Certificate

104. **Landscape Screen Planting**

Landscape screen planting must also be provided to the Southern (rear) boundary of the outdoor spaces associated with the Tourist and Visitor cabins at a minimum height of 1.5m from the finished floor level. The landscape screen planting must remain in place and be maintained for the life of the development.

The landscape screen planting is to be undertaken prior to the issue of any occupation Certificate.

105. **Survey Certificate at Completion**

A Survey Certificate, prepared by a Registered Surveyor, is to certify the location of the building in relation to the boundaries of the allotment.

The certificate is to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

106. **Suitability of Glazing - Windows and Doors**

Glazing materials installed in the building must be in accordance with Australian Standards AS 1288 - 'Glass in Buildings - Selection and Installation' and AS 2047 - 'Windows and external glazed doors in buildings', e.g. windows, doors, footlights, balustrades and shower screens.

A Certificate of Compliance is required to be provided to the Principal Certifier prior to the issue of an Occupation Certificate.

Note: The certificate is required to be signed by the manufacturer and the installer.

107. **Suitability of Glazing - Balustrades**

Glass balustrades must be designed and installed in accordance with Australian/New Zealand Standard AS/NZS 1170.1 - 'Structural design action s- Permanent, imposed and other actions'.

Engineering certification must be provided to the Principal Certifier for glass balustrading used in the development prior to the issue of an Occupation Certificate.



108. **Certification of Smoke Detection and Alarm System**

An automatic smoke detection and alarm system must be installed in residential development by a licensed electrician. Smoke alarms must comply with Australian Standard AS 3786 - 'Smoke Alarms' and be connected to the consumer mains power where supplied to the building.

A Certificate from a licenced electrician must be provided to the Principal Certifier prior to the issue of an Occupation Certificate.

109. **Dilapidation Report - Completion of Works**

On completion of the development the subject of this consent and prior to the issue of the Occupation Certificate, a final dilapidation report is to be prepared by an appropriately qualified person and is to be provided to the Principal Certifier and Council identifying:

- a) whether any damage to surrounding properties and/or public infrastructure has occurred as a result of the development;
- b) the nature and extent of any damage caused to the adjoining property and/or public infrastructure as a result of the development;
- c) the nature and extent of works required to rectify any damage caused to the adjoining property and/or public infrastructure as a result of the proposed development;
- d) the nature and extent of works carried out to rectify any damage caused to the adjoining property and/or public infrastructure as a result of the development; and
- e) the nature and extent of any agreements entered into for rectification of any damage caused to the adjoining property and/or public infrastructure as a result of the development.

This report must reference the original dilapidation survey and reports that were required to be provided to the Principal Certifier in accordance with this consent.

The developer must bear the cost of carrying out works to restore all damage to adjoining buildings as a result of the carrying out of the development, and no occupation of the development must occur until damage caused as a result of the carrying out of the development is rectified.

110. **Vehicle Access Signage**

Vehicle entrances and exits must be clearly signposted, including street number, and visible from both the street and site at all times.

111. **Visitor Car Parking Sign to be Provided**

A sign must be installed within the site adjacent to the driveway entrance advising of the location of visitor car parking.

112. **Car Park Directional Marking**

The entry/exit points and internal aisle ways associated with the car parking area are to be marked with pavement arrows to direct traffic movements in and out of the site and guide traffic circulation through the car park.

113. **Allocation of Car Parking**

The approved parking spaces must be allocated as detailed below. All spaces must be appropriately line-marked and labelled according to this requirement prior to the issue of an Occupation Certificate or the use commencing, whichever is earlier. If the development is to be strata subdivided, the car park layout must respect the required allocation of:

- a) Seventy-five (75) commercial/industrial parking spaces inclusive of three (3) accessible spaces;

114. **Infrastructure Repair at Completion of Works**



Prior to the issue of any Occupation Certificate:

- a) all works in the road reserve must be fully completed; and
- b) any public infrastructure damaged as a result of the development must be repaired to the satisfaction of Council.

115. Access Driveway - Maintenance of Drainage Swale

The access driveway must be constructed so as not to impede the flow of stormwater within the Council drainage swale located in the road reserve. In this respect it must be constructed in accordance with the design requirements of this consent.

116. On-site Stormwater Detention - Plan of Management

A Plan of Management for the on-site stormwater detention facilities must be prepared setting out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection, maintenance requirements and time intervals for such inspection and maintenance.

The Plan of Management is to be submitted to and approved by Council prior to the issue of the final Occupation Certificate.

117. Works as Executed Drawings Required

Works-As-Executed drawings are to be submitted to Council detailing the following information:

- a) invert levels of tanks, pits and pipes;
- b) surface levels of pits and surrounding ground levels;
- c) levels of surrounding kerb;
- d) floor levels of buildings;
- e) top of kerb levels at the front of the lot; and
- f) extent of inundation.

118. On-site Stormwater Detention - Positive Covenant Required

A positive covenant must be created on the title of the land providing the following:

- a) the registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities;
- b) the liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings; and
- c) Council only will be entitled to release or modify the Covenant.

The terms of the positive covenant are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the final Occupation Certificate.

119. On-site Stormwater Detention - Compliance Certification

Upon completion of the on-site stormwater detention system, certification from a consulting engineer and a works as executed drawing are to be provided to Council stating that the works are in accordance with or satisfy the design intent of the approved system.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.



120. **Acoustic Certification**

Prior to the issue of the Occupation Certificate an acoustic consultant must certify that the works have been completed in accordance with the recommendations contained in the approved acoustic report and that the development is capable of operating in accordance with the design criteria.

121. **Landscape Screen Planting**

Landscape screen planting must be provided to the rear boundary of Cabin open areas fronting a residential property to a minimum height of 1.2 metres from the finished ground level. The landscape screen planting must remain in place and be maintained for the life of the development.

The landscape screen planting is to be undertaken prior to the issue of any Occupation Certificate.

122. **Landscaping Works to be Completed**

All landscaping works approved under this consent are to be completed prior to the issue of a Final Occupation Certificate.

123. **Vehicular Crossing and Associated Driveway**

The approved vehicular crossing(s) and associated driveway must be constructed prior to issue of an Occupation Certificate.

124. **Evidence of Tourist and Visitor Business Operation**

Satisfactory evidence of business registration for the proposed Tourist and Visitor Accommodation is to be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

Evidence of the internal facilities to be provided for the proposed Tourist and Visitor Accommodation including purchase receipts for furniture, kitchen utilities and utensils, linens, hygiene products and the like to be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

Note: The schedule of replacement / replenishment of the internal facilities shall be included in the Plan of Management.

125. **Potable Water Quality Assurance Plan**

Potable water must be provided to the development in accordance with the NSW Health Private Water Supply Guidelines. A Quality Assurance Plan covering water supply to accommodation amenities, commercial food preparation and drinking water supply associated with the Tourist and Visitor Accommodation and Pub is to be developed and implemented in accordance with this Guideline.

A copy of the Quality Assurance Plan must be provided to Council prior to the issue of any Occupation Certificate.

126. **Telecommunications Provider Certificate**

Documentary evidence from a telecommunications carrier confirming that services are available for the development must be provided to the Principal Certifier prior to issue of the Occupation Certificate.

127. **Energy Provider Certificate**

Documentary evidence from an Energy Provider confirming that satisfactory arrangements have been made to serve the proposed development must be provided to the Principal Certifier prior to the issue of the Occupation Certificate.

128. **Connection to On-Site Waste Management Facility**

A written clearance from Council (as the local sewer authority) that the development is suitably connected to



the on-site waste management facility is required to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

129. Water and Utilities - Static Water Supply (SWS) Marker

A standard Static Water Supply (SWS) marker must be obtained from the District NSW Rural Fire Service as part of the Static Water Supply Program once the tank water supply has been installed. The marker once issued is to be:

- a) fixed in a suitable location so as to be highly visible.
- b) positioned adjacent to most appropriate access for the static water supply.
- c) fixed facing the roadway on a gatepost, fence or dedicated post, at the right hand side of the entranceway to the Static Water Supply.
- d) fixed no less than 600mm from the ground surface to the base of the sign and not higher than 1200mm from the ground surface to the base of the sign.
- e) fixed with suitable screws or nails.

130. Evacuation and Emergency Planning - Bush Fire Emergency Management and Evacuation Plan

A Bush Fire Emergency Management and Evacuation Plan must be prepared consistent with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

131. Fire Safety Certificate

A Final Fire Safety Certificate for all new (or altered) fire safety measures is required to be provided to Council prior to the issue of an Occupation Certificate.

132. Food Premises – Certification of fit-out

Prior to the issue of any Occupation Certificate the food premises must be inspected by an appropriately qualified person who must certify that the premises, including the construction and installation of all equipment, fixtures, fittings and finishes therein, complies with the Food Act 2003, Food Regulation 2010 and Australian Standard AS 4674 - 'Design, construction and fit-out of food premises'.

133. Food Premises – Registration

Occupation of the premises must not occur until an Application for Food Premises form has been completed by the occupant, and this has been receipted in writing by an Environmental Health Officer.

Evidence of compliance with the above must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate and the commencement of trading.

Note: The Application for Food Premises form can be downloaded from Council's website at www.hawkesburv.nsw.gov.au

Operational Conditions

134. Hours of Operation - Reviewable Condition

The hours of operation for the premises are regulated by a reviewable condition as follows:

- a) The hours of operation are restricted to:

Monday to Friday	8am to 10pm
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Saturday	8am to 12am
Sunday	8am to 10pm

Reviewable extended hours.

- b) During the trial period of 12 months from the issue of an occupation certificate the use may operate as follows for a period of:

Sunday to Wednesday	7am to 10pm
Thursday to Saturday	7am to 12am

- c) The extended hours in b) above may be reviewed by Council at any time during the trial period. Such a review will occur in the event that a breach of the maximum noise restriction criteria has occurred and has not been satisfactorily resolved following a written request from Council.
- d) Notwithstanding the right of Council to review the hours of operation during the trial period a further application may be lodged to continue the extended hours of operation outlined in b) above before the end of the trial. Council's consideration of a proposed continuation of the hours of operation will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed during public consultation or from other relevant stakeholders.
- e) The purpose of the reviewable condition is to allow ongoing assessment of the hours of operation in relation to neighbourhood amenity and operational performance, and allow the management to demonstrate successful practices in relation to the above.

Upon expiry of the permitted hours:

- a) all food and beverage service must immediately cease;
- b) no person must be permitted entry; and
- c) all customers on the premises must be required to leave within the following half hour.

135. Security - CCTV

A security surveillance system must be installed and operated on the premises that satisfies the following criteria:

- a) CCTV surveillance cameras must be strategically installed, operated and maintained throughout the premises with particular coverage to:
- (i) principal entrance/s and exits;
 - (ii) all of the areas within the premise occupied by the public (excluding toilets);
 - (iii) the area within a 50m radius external to the public entrance(s) to the premise.
- b) A visual monitor must be installed on each level of the premise to display clear live security CCTV footage of that area, to the attending patrons.
- c) A visual monitor must be located at the principal entrance alerting patrons to the use of CCTV facilities.
- d) Suitable and clearly visible signage must be displayed at the principal entrance(s) to the premises, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises". The same signage is to be attached in a prominent position on the bulkhead on each respective level of the premises.
- e) All CCTV recording equipment and cameras are to be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the



depth of field view of the cameras.

- f) A fixed digital video surveillance camera is to be located at the principal entrance. Suitable signage is to be appended at the entrance, alerting potential patrons that the facility exists and will be utilised if required.
- g) CCTV recording equipment and recordings must be retained for 30 days before being re-used, destroyed or deleted. Time and date must be auto recorded on the recording. All recordings must be handed to Council or Police upon request.
- h) The CCTV recording equipment must be able to immediately reproduce a copy of recorded footage on demand of Council or Police Officers, or within 12 hours of the request being made.
- i) All CCTV recording devices and cameras must be maintained by a registered security surveillance company, so as to maintain the visual quality of the recorded footage for the life of the equipment. A registered security company is defined as a company in possession of a current security licence and which installs and maintains CCTV security equipment as part of their principal activities. A copy of the maintenance agreement/contract must be furnished to Council prior to commencement of operation of the premise.
- j) All CCTV recording devices and cameras must be checked daily to ensure the equipment is operating correctly.
- k) All CCTV recording devices and cameras must be in operation at all times while the premises are open to the public.
- l) The CCTV recording device must be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage.

136. **Tourist and Visitor Accommodation - Period of Stay**

The Tourist and visitor accommodation must not be used for permanent occupation as a residence and must only be used for short term tourist accommodation for tourists visiting the locality. The building/s must not be made available for long term accommodation. In this regard any continuous length of stay is to be restricted to no more than four weeks.

137. **Tourist and Visitor Accommodation - Guest Register**

A copy of the guest register is to be kept from the date of the issue of an Occupation Certificate. This register is to be kept onsite and a copy must be provided to Council on an annual basis.

138. **Tourist and Visitor Accommodation and Food Premises - Potable Water**

Potable water shall be provided to the development in accordance with the Public Health Act 2010 and associated Regulations, NSW Ministry of Health Private Water Supply Guidelines.

The tourist and visitor accommodation or food business is to be registered with Council as a private water supplier.

A Quality Assurance Plan covering water supply to residential accommodation amenities, commercial food preparation and drinking water supply associated with the proposed use is to be developed and implemented in accordance with this Guideline. A copy of the Quality Assurance Plan must be provided to Council.

139. **Prescribed Conditions - Venues**

- a) Emergency evacuation plans
 - (i) An emergency evacuation plan must be prepared, maintained and implemented for any building (other than a temporary structure).



- (ii) An emergency evacuation plan is a plan that specifies the following:
 - the location of all exits, and fire protection and safety equipment, for any part of the building used;
 - the number of any fire safety officers that are to be present during performances; and
 - how the audience are to be evacuated from the building in the event of a fire or other emergency.
- b) Any fire safety officers appointed to be present during performances must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.

140. **Prescribed Conditions - Maximum Capacity Signage**

The maximum number of persons permitted in the Pub must be limited to 255 patrons or as prescribed under another condition of this consent.

The maximum number of persons in the cabins are:

Large cabin: six (6)
Small cabin: four (4)

A sign must be displayed in a prominent position in the building stating the maximum number of persons that are permitted in the building.

141. **Use of Approved Areas**

All work and the storage of goods or materials must be confined within the building or approved areas at all times.

142. **Maximum Permitted Patron Numbers**

To ensure the safety and amenity of patrons using the premises:

- a) the maximum number of patrons permitted is limited to 255 Patrons.
- b) the capacities for each of the various areas must not exceed the number shown above; and
- c) a sign must be displayed at the main entry point to the building in a prominent position stating the maximum number of persons, as specified in the development consent, that are permitted in the building.

The patron numbers outlined in (a) of this condition are subject to a 12 month trial period commencing from the issue of an occupation certificate. Upon the completion of this trial period, a modification application must be made to Council to modify or expand upon the numbers provided. Council reserves the right to further restrict patron numbers at any time during the trial period.

Note: Clause 98D of the *Environmental Planning and Assessment Regulation 2000* requires a sign specifying maximum number of persons permitted in the building (and certain internal and external areas) to be displayed in a prominent position.

143. **Plan of Management and Incident Register**

- a) The approved use of the premises must always be operated in accordance with the Plan of Management approved with this consent.
- b) A copy of the approved Plan of Management and this development consent must be kept on site and made available to any Council or Police officer upon request.
- c) Access to the Incident Register and register of complaints must be made available for viewing on the request of Council officers and/or the Police.



- d) The licensee must sign the Plan of Management and must ensure compliance with all operational strategies identified in the plan at all times.

144. **Public Complaints Management**

During the operation of the development, the proprietor must ensure that the following contact details are available for community complaints:

- a) a telephone number on which complaints about operations on the site may be registered
- b) a postal address to which written complaints may be sent
- c) an email address to which electronic complaints may be transmitted.

The proprietor must ensure that the required details are publicly available including, but not limited to, displaying the information on a sign near the entrance to the site, in a position that is clearly visible to the public. If the proprietor has an internet site these details must also be provided on this site.

145. **Unobstructed Driveways and Car Parking Areas**

All driveways and parking areas must remain unobstructed at all times. Driveways and car spaces must not be used for the manufacture, storage or display of goods, materials or any other equipment and must be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

146. **Loading Within Site**

All loading and unloading operations must be carried out wholly within the confines of the site, at all times and must not obstruct other properties or adjacent roadways.

147. **Noise – Pub Activities**

The operating noise levels of patrons, staff and background entertainment must comply with the following:

- (a) The LA10 noise level emitted from the use must not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- (b) The LA10 noise level emitted from the use must not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- (c) Notwithstanding the approved hours and compliance with (a) and (b) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.
- (d) The use of the premise must be controlled so that any emitted noise is at a level so as not to create an “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.

A 5dB penalty must be provided for any noise with a low frequency tone between 31.5Hz - 250Hz.

148. **Noise Generating Premises - Acoustic Management**

The recommendations contained in the acoustic report prepared by Acoustic Logic dated 22/03/2022 reference 20201389.1/2203A/R2/RF must be implemented during the operational phase of the development.

This includes but is not limited to:



- a) Doors and windows are to be installed with acoustic seals.
- b) Veranda areas to have absorptive material applied to approximately 60% of the ceiling area, with a NRC of 0.9 (Martini Decoquiet, Planobevel, or equivalent).
- c) Acoustic screens (which achieve a minimum performance of Rw31) to be fitted behind external slats on the ground and first floor veranda areas.
- d) A complying barrier fence to be constructed on the north-western boundary of the tea garden which is 3 Metres above the RL of the tea garden ground floor level.
- e) A barrier constructed along the north-western boundary at a height of 2.4 Metre RL above the ground floor of the adjacent residence.
- f) A 2 Metre high barrier to enclose the Level 1 roof garden.
- g) A 2.4m high arched canopy barrier along the length of the Western Boundary of the Carpark shall be fitted with absorptive material such as Bradford Anticon Insulation of equivalent, with an NRC of 0.9.

Details demonstrating compliance with this requirement must be submitted to the Council and the Registered certifier prior to issue of the Construction Certificate.

Furthermore, additional management controls are to be implemented into the updated plan of management prior to the issue of a Construction Certificate.

149. **Noise Monitoring**

During the first 12 months of the full operation of the site, attended acoustic monitoring is to be undertaken on behalf of the applicant by a suitable qualified consultant at the established noise receivers. The acoustic monitoring is to occur on at least two consecutive Thursday, Friday and Saturday, during favourable weather conditions, over the span of the approved operating hours on those days.

Results of the acoustic monitoring are to be provided to Council within 21 days of the monitoring being completed.

The acoustic monitoring should validate the findings and recommendations of the approved acoustic report.

If the acoustic monitoring report identify any acoustic issues, it is to provide clear recommendations to address those acoustic issues (including any non-compliance with conditions of this consent). Council can require some or all of these conditions be implemented to ensure compliance is achieved.

150. **Waste Collection**

Waste and recyclable material generated by this premises must not be collected between the hours of 10pm and 6am on any day.

151. **Neighbourhood Amenity**

The management must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner.

Signs must be placed in clearly visible positions within the premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.

152. **Graffiti Removal**

The owner/lessee of the building must remove any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application in accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design'.

153. **Lighting**



All external lighting associated with the development shall be managed in such a manner so as not to create a nuisance to the surrounding environment, properties and roadways. Lighting installations shall comply with Australian Standard AS 4282 - 'Control of the obtrusive effects of outdoor lighting'.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.

154. Annual Fire Safety Statement

The owner of the building is responsible for the lodgement with Council of an Annual Fire Safety Statement from a competent person so as to confirm the essential fire safety measures required to be provided in the building exist and are being maintained. The Annual Fire Safety Statement must be issued within 12 months of the issue of the Final Fire Safety Certificate, and then on an annual basis thereafter.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule must also be:

- a) Forwarded to the Commissioner of Fire and Rescue New South Wales by email to afss@fire.nsw.gov.au; and
- b) Prominently displayed in the building.

155. Private Water Supplier

The Tourist and Visitor Accommodation business is to be registered with Council as a private water supplier.

156. Landscaping - Maintenance

All trees and plants forming part of the approved landscape design must be maintained on an ongoing basis.

Note: Maintenance actions include watering, weeding, fertilising, pest and disease control and any other activity required to maintain healthy trees, plants and turfed areas.

157. Internal Access - Unobstructed Pedestrian Access to be Maintained

To aid in the fire fighting activities, unobstructed pedestrian access to the rear of the property, must be provided and maintained at all times.

158. Plan of Management

The approved use of the building as Tourist and Visitor Accommodation must always be operated / managed in accordance with the Plan of Management approved with this consent.

The Plan of Management is to be reviewed and updated by the operator every two years.

159. Guest Register

A guest register for the Tourist and Visitor Accommodation is to be kept from the date of the issue of an Occupation Certificate. This register is to be kept onsite and a copy must be provided to Council on an annual basis.

160. Owner or On-site Manager

Prior to commencement of business, notification in writing and evidence must be submitted to the Consent Authority to ensure that the owner of the property or on-site manager has undergone training to obtain certification or be qualified and knowledgeable in:

- a) fire evacuation procedures;
- b) management protocol;
- c) Council requirements and conditions of consent; and



- d) first aid.

Training, including fire safety procedures, management protocol, Council requirements and conditions of consent, is to be provided for each site manager or the owner of the property every 12 months. In addition, a First Aid Certificate is to be kept up to date. Evidence in the form of a Training Register and First Aid Certificate, is to be kept on site and made available to Council Officers on request.

161. Live entertainment

Live entertainment such as microphones/ PA systems, live bands, or DJs is not permitted at the premises. Only background music limited to 65dB is permitted indoors. Background music or PA systems are not permitted in any outdoor area, including the outdoor dining area.

162. Restrictions on the use of the Spa

The day spa is to be suitably fitted out with equipment having impervious surfaces, hand wash basins adjacent to any work area, and receptacles for used linen. The premises shall not be used for any skin penetration activity as defined by the NSW Public Health Act, associated Regulations, and Guidelines.

163. Tourist and Visitor accommodation and Food premises – Potable Water

Potable water shall be provided to the development in accordance with the Public Health Act 2010 and associated Regulations, NSW Ministry of Health Private Water Supply Guidelines.

The tourist and visitor accommodation or food business is to be registered with Council as a private water supplier.

A Quality Assurance Plan covering water supply to residential accommodation amenities, commercial food preparation and drinking water supply associated with the proposed use is to be developed and implemented in accordance with this Guideline. A copy of the Quality Assurance Plan must be provided to Council.

164. Microbial Control

The installation and ongoing operation of the water cooling systems, evaporative coolers and hot/warm water systems within the premises must be undertaken in accordance with the relevant provisions of:

- a) Public Health Act 2010 and Regulations;
- b) Australian Standard AS/NZS 3666 - 'Air Handling and Water Systems of Buildings - Microbial Control, Parts 1, 2 & 3'; and
- c) Health Protection NSW, NSW Guidelines for Legionella Control in Cooling Water Systems, Sydney, NSW Ministry of Health, 2018.

Note: The NSW Guidelines for Legionella Control in Cooling Water Systems is downloadable from www.health.nsw.gov.au

165. Noise generating premise – Acoustic Management

The recommendations contained in the acoustic report prepared by Acoustic Logic dated 22/03/2022 reference 20201389.1/2203A/R2/RF must be implemented during the operational phase of the development.

166. Noise – Commercial and Industrial Premises

The emission of noise associated with the operation of any mechanical plant and equipment shall comply with the following criteria:

- a) The LAeq (15 minute) noise level emitted from the use must not exceed the background noise level LA90 (15 minute) by more than 5dB when assessed at the boundary of any affected residence;
- b) The background noise level shall be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.1-1997 -Description and measurement of environmental noise;



- c) The LAeq (15minute) noise level shall be adjusted to account for any applicable corrections for annoying noise characteristics in accordance with the NSW EPA Noise Policy for Industry.

Alternatively, compliance may be demonstrated through any appropriate method detailed in EPA Noise Policy for Industry. Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NSW EPA Noise policy for Industry, unless agreed in writing by the Manager Regulatory Services.

167. Neighbourhood amenity

The management must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner.

Signs must be placed in clearly visible positions within the premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.

168. Protection of the Environment

Any activity carried out in accordance with this approval shall not give rise to pollution such as odour, offensive noise or pollution of land and water as defined by the Protection of the Environment Operations Act 1997.

169. Waste Management

Waste generated on the site is to be stored, handled and disposed of in such a manner so as to not create offensive odour, land and/or water pollution, or offensive noise during collections.

Advisory Notes (if applicable)

(i) Equitable Access

The applicant must make themselves aware of the *Discrimination Against People with Disabilities Act (DDA)* and assess their responsibilities and liabilities with regards to the provision of access for all people.

(ii) Acid Sulfate Soils - Monitoring of Excavation During Works

All excavations are to be monitored to ensure that acid sulphate soils are not encountered during works. Signs that may indicate the presence of acid sulphate soils include:

- a) change in colour of the soil into grey and green tones;
- b) effervescence;
- c) the release of sulphur smelling gases such as sulphur dioxide or hydrogen sulphide; and
- d) lowering of the soil Ph by at least one unit.

Should any of the above indicators be present excavation work on the site is to stop and Council is to be notified to determine what action is required to be taken before work may commence.

(iii) Site Contamination Discovered During Demolition or Construction

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about contamination, Council must be immediately notified and works must cease. Works must not recommence on site until an agreed management strategy is developed in consultation with Council.

(iv) Dial Before You Dig



Prior to commencement of work, you are required to contact the free national community service 'Dial Before You Dig' on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

(v) **Requirements of 88B Instrument**

The applicant must make themselves aware of any User Restriction, Easements and Covenants to this property and must comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

(vi) **Works on Public Land - Public Liability Insurance**

Any person or contractor undertaking works on public land must take out a Public Risk Insurance policy with a minimum cover of \$10 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent.

The policy is to note, and provide protection/full indemnification for Council, as an interested party. A copy of the policy must be submitted to Council prior to commencement of any works. The policy must be valid for the entire period that the works are being undertaken.

(vii) **Utilities and Services**

Utilities, services and other infrastructure potentially affected by construction and operation must be identified prior to construction to determine requirements for access to, diversion, protection, and/or support.

Consultation with the relevant owner and/or provider of services that are likely to be affected by the proposed development must be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements must be borne by the developer.

