



Development & Customer Services

Reference: XM/741/2016/A

30 January 2018

Griffin Planning
39 Bee Farm Rd
SPRINGWOOD NSW 2777

Attn: Nuala Dewhurst

Dear Ms Dewhurst,

Modification to the development consent
Property: 9-15 Tayler Road, VALLEY HEIGHTS NSW 2777

I am pleased to inform you that the application to modify development consent X/741/2016 pursuant to section 96 of the *Environmental Planning & Assessment Act 1979* has been assessed and determined by modifying the development consent and relevant conditions.

A copy of the modified development consent and conditions as well as any relevant plans endorsed by the consent authority are attached to this notice. The approved modification does not change the duration of the development consent.

I wish you well with your project. Should you require any further assistance or clarification, I can be contacted on (02) 4780 5000.

Yours faithfully,

Frances Kelly
Senior Town Planner

Copy to owner: Mrs H S Buckley and Mr L N Buckley, PO Box 2146, WOONONA EAST NSW 2517

Office use only

Lodgement date: 21 September 2017
Fee calculated: \$1,077.00
Receipt Number: 3069480

Pathway/ND-DA-M



Development Consent

No: XM/741/2016/A

Issued under s.96 of the *Environmental Planning and Assessment Act 1979*

Failure to comply with the terms of this consent constitutes a breach of the *Environmental Planning & Assessment Act 1979*, and may result in action being taken by Council to remedy the breach. This action may include the issue of a Penalty Infringement Notice or institution of legal action.

Subject land	<i>street address:</i>	9-15 Tayler Road, VALLEY HEIGHTS NSW 2777
	<i>lot and deposited plan number:</i>	L 4 DP 31227, L 5 DP 31227, L 6 DP 31227
Proposed work	<i>description:</i>	s96 modification - four industrial units and ancillary works
Applicant details	<i>name:</i>	Griffin Planning
	<i>address:</i>	39 Bee Farm Rd SPRINGWOOD NSW 2777
Owner details	<i>owner:</i>	Mrs H S Buckley and Mr L N Buckley
Date of determination	<i>dated:</i>	22 November 2016
Date development consent operates	<i>dated:</i>	22 November 2016
Date of modification	<i>dated:</i>	30 January 2018
Date development consent lapses	<i>dated:</i>	22 November 2021
Lapsing of consent		Pursuant to s.95 of the <i>Environmental Planning and Assessment Act 1979</i> , physical commencement of construction is required prior to the date the development consent lapses. After this date, should physical commencement have not occurred, a new development consent, and construction certificate if applicable, will be required.
Planning Assessment Commission		The Planning Assessment Commission has not conducted a review of this application.
Review of modification determination		An applicant who is dissatisfied with this determination may, within 28 days from the date of this notice, request Council to review the determination pursuant to s.96AB of the <i>Environmental Planning & Assessment Act 1979</i> .
Right of appeal – Applicant		An applicant who is dissatisfied with the determination of the application has a right of appeal to the Land and Environment Court within 6 months from the

date of the original consent (s.97AA of the *Environmental Planning & Assessment Act 1979*).

Right of appeal - Objectors

Under s.98 of the Environmental Planning & Assessment Act 1979, an objector who is dissatisfied with Council's determination does not have a right of appeal against this decision.

Development consent

In accordance with s.80A of the *Environmental Planning & Assessment Act 1979* Blue Mountains City Council issues its consent, subject to conditions stated hereunder.

Conditions

General

Confirmation of relevant plans and documentation

Amended 30 January 2018

- To confirm and clarify the terms of consent, the development shall be carried out in accordance with the following plans and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent:

Document	Prepared by:	Drawing No	Issue	Date
Perspectives	Des Durieu	285/00		17/01/07
Site Plan	Des Durieu	285/01	D	23/08/07
Site Plan	Kleyn Creations	DA-01	B	27/11/17
Ground Floor Plan	Des Durieu	285/02		30/11/05
Ground Floor Plan	Kleyn Creations	DA-03	C	18/01/18
Mezzanine Floor Plan	Des Durieu	285/03		30/11/05
First Floor Plan	Kleyn Creations	DA-04	C	18/01/18
South, North, West Elevations	Des Durieu	285-04		30/11/05
Roof Plan	Kleyn Creations	DA-05	B	27/11/17
North, South Elevations	Kleyn Creations	DA-06	C	18/01/18
East Elevations, Sections	Des Durieu	285-05		30/11/05
East, West Elevations	Kleyn Creations	DA-07	C	18/01/18
Sections	Kleyn Creations	DA-08	B	27/11/17
Landscape Concept Plan Amended 30 January 2018	Bio Engineered Solutions Pty Ltd	1678LAN1		17/06/16
Soil and Water Management Plan Amended 30 January 2018	Bio Engineered Solutions Pty Ltd	1678LAN2		17/06/16

Document	Prepared by:	Drawing No	Issue	Date
Bushland Conservation Management Plan <i>Amended 30 January 2018</i>	Bio Engineered Solutions Pty Ltd	1678LAN4		17/06/16
Vegetation Management Plan	Bio Engineered Solutions Pty Ltd	1678Veg		19/06/16
Cross Sections Plan	Vince Morgan Surveyors	747P		20/06/16
Revised Stormwater Management Plan	J Wyndham Prince Pty Ltd			19/09/07
Driveways parking areas sections	Vince Morgan Surveyors	747P2		06/08/07

Construction certificate

2. A construction certificate is required prior to the commencement of any building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.

Building Code of Australia

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

Occupation certificate

4. The building must not be used or occupied prior to the issue of any occupation certificate in accordance with sections 109H and 109M of *the Environmental Planning and Assessment Act 1979*.

First use

5. Each unit is approved for use as *General Industries* without further development consent. Separate development approval will be required prior to the use of any unit for a purpose that has a higher traffic generation rate and/or specific fitout requirements compared to *General Industries* such as child care centres, Health services care facilities, recreation facilities, vehicle repair stations etc

Use of Caretaker's dwelling
Added 30 January 2018

- 5a The caretaker's dwelling shall only be occupied by a person employed for the purpose of management, security or maintenance on the industrial unit development complex.

BASIX
Added 30 January 2018

- 5b Under clause 97A(2) of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in the BASIX Certificate for the development are fulfilled.

In this condition:

1. Relevant BASIX Certificate means:

- a) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is

applicable to the development when this development consent is modified); or

- b) If a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and

2. BASIX Certificate has the meaning given to that term in the *Environmental Planning & Assessment Regulation 2000*.

Section 94A Development Contribution

Amended 30 January 2018

6. Pursuant to section 80A(1) of the *Environmental Planning and Assessment Act 1979*, and the Blue Mountains City-Wide Section 94A Infrastructure Contributions Plan (Section 94A Levy Plan) adopted 23 June 2015 ("the Contributions Plan"), a contribution of ~~\$6,500~~ \$8,984 shall be paid to Council.

This amount will be adjusted* at the time of payment in accordance with Section 3.7 of the Contributions Plan.

The contribution shall be paid prior to the issue of a construction certificate, or commencement of the use of the land, whichever occurs sooner.

The Contributions Plan is available for inspection at Council's offices or on Council's website at www.bmcc.nsw.gov.au.

*Using the All Groups Consumer Price Index (Sydney), as published by the Australian Bureau of Statistics. You are advised to check the current amount payable with Council prior to any payment.

NSW Rural Fire Service

7. The development must comply with all requirements and conditions of the NSW Rural Fire Service, dated 18 August 2016, attached to and forming part of this development consent.

Approval under the Roads Act 1993

8. Before work commences in Council's roads, plans and specifications are to be submitted to and approved by the Council under the Roads Act 1993.

All works in Council's road are to be at no cost to Council.

Compliance with engineering standards

9. All engineering works required by this development on the site and its curtilage (including sediment and erosion controls, road, access and drainage works) are to be in accordance with the requirements of Blue Mountains Council's Development Control Plan 2015 and the relevant Australian Standards.

The design and construction is to include any additional works to make the construction effective.

Design plans and specifications are to be submitted with the Construction Certificate application.

Engineering – General

Works required in Council's Roads

10. The following engineering works shall be constructed by the applicant at the applicant's expense in Tayler Road;
- The construction of a new heavy duty layback and apron crossing, in accordance with the approved plan and in accordance with Councils standards.
 - Removal of all redundant layback and apron crossings, replacement with standard concrete kerb and gutter and restoration of the footpath area.
 - The construction of concrete footpath paving, 1.2m wide and including access ramps at intersections, across the street frontage of the development site.
 - Vertical kerb and gutter and road shoulder construction for the full frontage of the development site in Taylor Road. The kerb and gutter is to be located in line with existing kerb and gutter construction to the east of the site.

Details are to be provided with the Roads Act application for approval.

Internal pavement

11. Kerbs and formation paving and sealing of access driveways and car parking areas in the development site together with any necessary drainage, retaining walls and other engineering works that may be required to make the construction effective shall be provided. All internal driveway and access shall be designed in accordance with Australian Standards 2890.1 2004 and 2890.2, 2002.

Stormwater Management

12. Stormwater is to be managed in accordance with the Approved "Revised Stormwater Management Plan" by J. Wyndham Prince Pty Ltd dated 19 September 2007.

Stormwater must not be released as a concentrated surface flow, and the quality of surface or ground water leaving the site shall not be reduced in the short or long term.

On site detention

13. An on-site detention system to restrict post-development discharges from the site to pre-development discharges for all storms up to and including the 1:100 year ARI storm shall be provided.

Environmental – General

Limit of vegetation removal

14. No vegetation, apart from that shown on the approved plans and as described in these conditions as vegetation to be removed or felled, may be damaged, destroyed or lopped without the written consent of Council.

Buffer Zones

Amended 30 January 2018

15. In order to minimise the impacts of development and stormwater on the significant vegetation communities and watercourse identified down slope from the development site, Buffer Areas "A" and "B" are to be managed in accordance with the following approved plans as amended by these conditions:

- Landscape Concept Plan 1678LAN1 A by Bio Engineered Solutions dated 17/6/2016, and
- Bushland Conservation Management Areas Plan 1678LAN4 A by Bio Engineered Solutions dated 17/6/2016, and
- Vegetation Management Plan Issue A Bio Engineered Solutions dated 19/6/2016.

Buffer Area A: is defined as the area (approximately 10-25m wide) immediately north of, and for the length of, the development between the top of the steep slope (labelled "top of bank" on approved plans) and the developments (buildings and concrete surfaces). **This area is now the area as amended as shown on the Landscape Plan and Bushland Conservation Management Plan.** Buffer Area A is to be actively rehabilitated by the regeneration and/or planting of indigenous vegetation to restore and maintain the locally occurring indigenous vegetation community within the limits of providing the required asset protection zone.

Buffer Area B: is defined as the remainder of Lot 4 to the north of Buffer Area A (i.e. the large area north of the top of the steep slope labelled "top of bank" on approved plans) comprising very steep slopes greater than 33%. Indigenous vegetation within Buffer Area B requires protection, monitoring and maintenance (weed control as required).

Vegetation Management Plan – Approval with amendments

16. In order to ensure the conservation and rehabilitation of indigenous vegetation communities within the site, and the environmentally sensitive implementation of the required asset protection zone, the approved Vegetation Management Plan Issue A Bio Engineered Solutions dated 19/6/2016 shall be implemented inclusive of the following amendments:

- a. All references to 7-9 Tayler Road are to be replaced with 9-15 Tayler Road.
- b. Section 4.4 Bushfire Asset Protection Zones for Lot 5 and 6 is to be amended as follows:
 - i. The asset protection zone (APZ) is to be implemented for the extent specified within the RFS conditions.
 - ii. All areas located beyond the limit of the required APZ's are to be retained and protected in their natural bushland condition.
 - iii. To maintain the stability of steep slopes, clearing and all other fuel reduction activities (such as pruning, thinning, slashing and mowing) necessary to maintain

the required APZ are not to be implemented downslope (northwest) of the surveyed “top of bank”.

- iv. Within the APZ* (Buffer Area A), retain and/or restore indigenous vegetation to achieve 15% tree canopy cover, 20% tree and shrub mosaic cover and >80% groundcover to comply with inner protection area requirements in Planning for Bushfire Protection 2006 and Standards for Asset Protection Zones by the NSW Rural Fire Service.
 - v. Provide for systematic and effective removal of the environmental and noxious weeds listed in the Flora and Fauna Assessment by Hawkeswood dated 12 June 2016 in accordance with the condition titled “Weed control”.
- c. Supplementary planting implemented in Buffer A (as referenced in Section 6) is to comprise the following plant species and establishment densities:
- i. Groundcovers (2-5/m² and achieve >80% groundcover) - Landscape Concept Plan “Groundcover Type A” (*Dianella caerulea*, *Lomandra multiflora*, *Entolasia marginata*, *Aristida ramosa*, *Echinopogon caespitosus*), *Themeda australis* (Kangaroo Grass) and *Microlaena stipoides* (Weeping Grass);
 - ii. Shrubs (~25 plants and achieve 5% shrub cover within Buffer Area A) - *Bossiaea obcordata*, *Bossiaea rhombifolia*, *Hardenbergia violacea*, *Acacia linifolia*, *Acacia ulicifolia*.
 - iii. Trees (achieve 15% tree canopy cover within Buffer Area A) - *Angophora costata*, *Eucalyptus punctata*, *Corymbia gummifera*

Landscape Plan – Approval with amendments

17. In order to ensure that the development contributes to the bushland character of the Blue Mountains and its environmental sustainability, the approved Landscape Concept Plan 1678LAN1 A by Bio Engineered Solutions dated 17/6/2016 shall be implemented inclusive of the following amendments:
- a. The filter media area of the bio-retention systems are to be planted in accordance with the condition titled “*Vegetative components of bio-retention systems*”.

Vegetative components of bio-retention systems

18. The planting schedule for the bio-retention systems is to ensure vegetative components within the bio-retention system(s) include local macrophytes and groundcovers that:
- a. Are adapted to local climatic conditions,
 - b. Are adapted to the expected high and variable nutrient and

moisture conditions,

- c. Are suitable for the bio-retention basin's expected management and maintenance requirements,
- d. Plants with extensive fibrous root systems, spreading rhizomatous or suckering habitat are preferred over a clumped habit,
- e. Ensure complexity and year round coverage by including at least 4 different macrophyte or groundcover species within the basin,
- f. Filter surfaces on the base of bio-retention systems are to include species such as *Juncus planifolius*, *Carex appressa*, *Gahnia sieberiana*, *Juncus usitatus*, *Lepidosperma* species, *Schoenus* species or other similar local native species,
- g. Plants are to be established at a minimum density of at least 8 plants per square metre across the base and any side batters of the bio-retention systems.

Prior to the Issue of a Construction Certificate

~~Internal engineering design~~
~~Deleted 30 January 2018~~

19. ~~Prior to the issue of the Construction Certificate detailed engineering plans prepared and endorsed by a suitably qualified person, together with certification verifying the requirements of conditions relating to the internal access and drainage systems have been met, shall be submitted to and approved by the Principal Certifying Authority.~~

**Amended Stormwater
Management Plan**
Added 30 January 2018

19. Prior to the issue of the Construction Certificate, detailed engineering plans prepared and endorsed by a suitably qualified person, together with certification verifying the requirements of conditions relating to the management of stormwater (including Conditions 12, 13 and 21) have been met, shall be submitted to and approved by the Principal Certifying Authority. The plans are to be based on the approved Revised Stormwater Management Plan by J. Wyndham Prince Pty Ltd dated 19/09/07 and are to be consistent with the approved architectural plans. To avoid works in the exclusion zone (Condition 28), the rainwater tank for Lot 6 shall be located under the building.

Bond

20. An **unconditional (open ended)** performance maintenance bond to the value of five (5) percent of the engineering construction or a minimum of \$10,000, whichever is the greater, to guarantee the safety of the public, environmental protection performance and maintenance during and after construction in Council's road shall be paid to Council.

This bond shall be retained for six (6) months after construction is completed to the satisfaction of Council's Supervising Engineer. The bond period commences generally at the issue of a final inspection by Council and/or occupation

certificate, whichever occurs the latest. The bond will be released upon an application being made by the applicant subject to the payment of a bond release fee and a bond release inspection that indicates all works are satisfactory.

Certification - Stormwater Management Plan

21. The proponent is to provide certification by the stormwater management plan author J. Wyndham Prince or other qualified stormwater professional that the stormwater management measures proposed in the "Revised Stormwater Management Plan" by J. Wyndham Prince Pty Ltd dated 19 September 2007 will ensure that the development will have a neutral or beneficial effect on water quality.

The certification is to be supported by proposed and existing impervious area calculations and pre and post stormwater quality analysis (such as MUSIC modelling) as required by Blue Mountains DCP 2015 Part C6.1.3 C10.

The certification is to specify the minimum bio-retention filter area required to be implemented to ensure the required stormwater treatment objectives can be met.

Sediment and Erosion Control Plan

22. The applicant shall engage a qualified person to prepare a Sediment and Erosion Control Plan in accordance with the principles outlined in the 'Managing Urban Stormwater Soils and Construction' (Volume 1), dated March 2004 by Landcom NSW.

Prior to the Commencement of Works

Bio-retention media bed certification

23. Prior to the installation of the bio-retention swale media bed material, certification is to be provided to the Principal Certifying Authority from a NATA registered laboratory confirming that the bio-retention swale media bed material complies with the 'Specifications for Soil Media in Bio-retention Systems' prepared by the Facility for Advanced Water Bio Filtration (Monash University).

Sediment and Erosion Controls

24. The applicant shall ensure sediment and erosion control measures are installed prior to commencement of works in accordance with the Sediment and Erosion Control Plan.

Signage

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

Workers amenities

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

Construction in Council's roads

27. Prior to the commencement of works in the Council's road reserve an onsite preconstruction meeting is to be arranged with Council's Supervising Engineer.
- The person or company carrying out the works are required to have workers compensation and public liability insurance to the value of \$10 million. The policy shall indemnify the Council from all claims arising from the execution of the works. Proof of the policy is to be provided to the Council's Supervising Engineer at the preconstruction meeting.
- Inspections of the works will be required at specific stages, which will be advised at the pre-construction meeting. The applicant will be required to pay for the inspections in accordance with the Council's Schedule of Fees and Charges.
- A minimum 48 hours' notice is required to book an inspection. Works are not to proceed further until that stage of the works has been approved in writing by the Council's Supervising Engineer.

Exclusion Zone

28. Prior to the commencement of any work on site, including clearing, an exclusion zone must be established and maintained in the location identified as barrier fencing on the approved Sediment and Erosion Control Plan to prevent damage to existing vegetation/site features.
- This area is to be clearly identified by the placement of a temporary brightly coloured barrier mesh or required sediment control fencing around the perimeter of the area to be protected, and the provision of weatherproof signage to indicate that no entry into the zone or removal of the barrier is permitted. These are to remain in place until construction works are completed.
- Within this zone, there is to be:
- a. no placement of temporary buildings or stockpiling of material,
 - b. no parking or movement of machinery
 - c. no change to the soil grade or level
 - d. no changes to soil aeration or hydrological capacity
 - e. no open cut trenching
 - f. no spillage/disposal of building chemicals of any description.
- An inspection of these barriers must be arranged with the Principal Certifying Authority
- a. prior to the commencement of site works
 - b. at the first critical mandatory stage inspection.

Conservation and protection of trees

29. In order to protect and conserve established trees on the site, access to the critical root zone of each tree to be retained is to be restricted during site preparation and construction activities in a manner consistent with *Australian Standard 4970-2009 for the Protection of Trees on Development Sites*.

Tree Protection Zones (TPZ) using (temporary or permanent fencing or similar) must be erected around all trees to be retained, as indicated on the approved landscape plan. AS 4687 specifies applicable fencing requirements.

Within the TPZ, the Principal Certifying Authority (PCA) must ensure that there is:

- a) No excavation, trenching or soil removal carried out beyond those works indicated on the approved plans, without the prior written consent of Council,
- b) no construction of landscape features, including walls and garden edging
- c) no placement of temporary buildings or stockpiling of material,
- d) no parking or operation of vehicles, plant or other machinery,
- e) no spillage or disposal of building chemicals of any description

Any encroachment into the TPZ that becomes necessary as site works progress must be reviewed by an appropriately qualified consulting arborist and be acceptable to the determining authority before being carried out.

The Tree Protection Zone must be established prior to the commencement of works, and must be maintained in good order until the completion of site works.

During Construction

Site management

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

<hr/> Maintenance of sediment and erosion controls.	31. Sediment and erosion controls are to be maintained in accordance with the approved Sediment and Erosion Control Plan for the duration of the works and until all disturbed areas are stabilised to the satisfaction of the Principal Certifying Authority.
<hr/> Extent of cut and fill	32. To ensure proper regard is given to the existing land form, the extent of cut/excavation and filling is limited to that shown on the approved plans.
<hr/> Fill	33. To ensure that imported fill is of an acceptable standard for environmental protection purposes: Any fill material imported onto the development site must be either: <ul style="list-style-type: none"> • Virgin excavated natural material (within the meaning of the <i>Protection of the Environment Operations Act 1997</i>), or • Other waste-derived material the subject of a resource recovery exemption under Part 9 of the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> that is permitted to be used as fill material. Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority prior to issue of an occupation certificate.
<hr/> Excavations	34. All excavations are to be guarded and protected in accordance with the relevant WorkCover NSW Code of Practice to prevent them from being dangerous to the public and surrounding properties.
<hr/> Inspections of bio-retention system(s) during construction	35. To ensure that all works are completed in accordance with the approved specifications and plans, compliance certificates are to be issued to the Principal Certifying Authority by an appropriately accredited certifier at the following stages during construction of the bio-retention system(s): <ol style="list-style-type: none"> a. after set out (prior to excavation) b. after excavation and prior to placement of the bottom media layer or any liner c. after installation of subsoil drainage d. after placement of each media layer e. after planting of vegetative components
<hr/> Protection of bio-retention systems during construction phase	36. Bio-retention systems are not to be operational until all on-site construction activities are completed. If the bio-retention systems are installed prior to or during the construction phase, all adequate measures to protect the device from clogging and sedimentation until the completion of the construction phase must be

implemented (such as entirely covering the bio-retention device with geo-textile overlain by a non-invasive turf temporarily until construction works are completed).

External finishes

37. To ensure that the development is compatible with the surrounding environment colours and finishes are to be muted bushland tones.

Any outbuildings or other ancillary structures are to be finished in colours and materials of natural earthy tones and low reflective quality to blend with the surroundings. The driveway is to be finished in dark earth tones.

Kiosk (Food premises)- Added 30 January 2018

Fit out of premises

Added 30 January 2018

- 37a To ensure the premises are constructed so as to be suitable for the safe and hygienic preparation of food, the fitout of the premises is to comply with National Food Standard 3.2.3 Food Premises and Equipment and Australian Standard AS4674.2004 "Design, Construction and Fitout of Food Premises." Fit out to be as set out in plans provided. Details are to be submitted to the Principal Certifying Authority as part of the Construction Certificate documentation.

Floors, Walls & Ceilings

Added 30 January 2018

- 37b Floors, walls and ceilings shall comply with the requirements of **Australian Standard 4674.2004 Design, Construction and Fit-Out of food premises** and the Food Safety Standard 3.2.3. In particular parts 3.1, 3.2 and table 3.3 of Australian Standard 4674.2004 (which indicates suitable floor, walls and ceiling finishes).

Adequate sinks

Added 30 January 2018

- 37c To prevent cross contamination, the premise shall be equipped with the following as a minimum requirement as set out in Section 4 of Australian Standard 4674-2004: -
- a) Washing sinks:

Single bowl sink and dish washer of adequate size for cleaning and sanitising of all equipment.
Or double bowl sink
Or double bowl sink and dish washer where some equipment is too big to be wash in the dish washer.
Or triple bowl sink where each bowl can be designated for washing, rinsing and sanitising
 - b) If food business requires immersion of food in water – a designated food preparation sink is required away from washing area.
 - c) Cleaners sink to be installed away from open food production (if no floor waste drain provided in food prep area).
 - d) Sink/s should be of adequately sized, large enough for the correct cleaning and sanitising of all utensil/s and equipment.

Support of appliances

Added 30 January 2018

- 37d So that equipment is easily moved for cleaning purposes, refrigerators, frozen food cabinets, cooking appliances, equipment, fittings, cupboards/cabinets etc., are to be supported on either:
- + Wheels or castors capable of being easily moved when fully loaded.
 - + Legs that provide at least 150mm clear space between the floor and the underside of the fitting.

<hr/> Dishwasher Added 30 January 2018	37e	<p>So that utensils are properly sanitised between each use, any dishwasher is to have a supply of potable water at a minimum temperature of 60°C and 71°C for the wash cycle and at least 82°C for the rinse cycle. The wash cycle must operate for a least 60 seconds and the rinse at least 10 seconds. A thermometer accurate to within 2°C is required to ensure that the temperature of water in the wash and rinse tanks meets minimum temperature requirements.</p>
<hr/> Lighting Added 30 January 2018	37f	<p>Lighting to comply with AS 4674-2004 part 2.6, which includes all lights in open food areas to have either:</p> <ol style="list-style-type: none"> 1. Shatter proof tubes, 2. Light covers or 3. Sleeves over tubes and 4. Be designed to prevent harbouring of dust, dirt, other matter.
<hr/> Garbage storage area Added 30 January 2018	37g	<p>A designated area is to be provided for garbage and recyclable material in accordance with AS4674-2004.</p> <p>The construction requirements of the garbage area under AS4674 require area paved with an impervious material with a tap and drained to sewer. (see section 2.4 Garbage and Recyclable Materials AS4674-2004).</p> <p>+ Details including tap and drain to the reticulated sewer are to be submitted to the Principal Certifying Authority as part of the Construction Certificate Documentation. A copy of this is to be provided to the Environmental Health Officer at the final inspection for food safety.</p>
<hr/> Hand Washing Added 30 January 2018	37h	<p>Designated hand wash basin/s is required for the washing of hands, This must comply with AS4674-2004 part 4.4. The washbasin shall be:</p> <ol style="list-style-type: none"> 1. Of an adequate size to wash hands, arms and face. 2. Permanently fixed at bench height 3. In locations that will not be obstructed 4. There shall be a permanent supply of warm running potable water delivered through a single outlet. 5. Basin to be drained to sewer 6. Taps to the washbasin must be hands free or elbow operated. 7. Spout to extend out over the basin adequately to ensure easy of hand washing. 8. Location of hand wash basin to be accessible and no further than 5 metres from any place where food handlers are handling open food. There may need to be more than one hand wash basin.
<hr/> Staff Toilet Added 30 January 2018	37i	<p>Staff toilet shall be provided with a hand wash basin with the same requirements as AS4674-2004.</p> <p>Mechanical exhaust system to be installed in staff toilet which operates when the sanitary compartment is in use and for at least 30 seconds after the toilet is vacated.</p> <p>Doors to toilet to have self-closing devices added to keep doors closed.</p>
<hr/> Waste water disposal Added 30 January 2018	37j	<p>To ensure that waste water is disposed of to the satisfaction of Sydney Water and is of a suitable standard for the reticulated sewage system, you should contact Sydney Water Trade Waste on tradewaste@sydneywater.com.au and ensure you meet the requirements for trade waste disposal prior to operation of the food premises.</p>
<hr/> Proofing against Vermin Added 30 January 2018	37k	<p>To prevent the harbourage of vermin,</p> <ol style="list-style-type: none"> a) cavities, false bottoms and similar hollow spaces capable of providing access to vermin shall not be formed in the construction of the premises, nor in the installation of fixtures, fittings and equipment unless adequate access

to allow proper cleaning is provided.

b) the cavity bounded by the bottom of the cupboard, the wall, floor and kickboard is to be filled with an expanding foam so as to fill the space.

**Final inspection
Added 30 January 2018**

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

Prior to the issue of the occupation certificate

Consolidation of lots

38. Lots 4 and 5 of DP 31227 are to be consolidated prior to the issue of an Occupation Certificate. Evidence of the registration of the plan of consolidation is to be provided to the principal certifying authority.

Works as Executed plans

39. Prior to the issue of an Occupation Certificate, a Works as Executed Plan of all external engineering works shall be submitted to Council for approval.

Weed control

40. Systemic control of noxious and environmental weeds is to be undertaken prior to and concurrently with the establishment of the landscape, and is to be undertaken on a regular basis to ensure the depletion of soil stored seed, and/or the successful establishment of the approved plantings.

Techniques used must be consistent with best practice and low impact bushland regeneration techniques and in accordance with Blue Mountains DCP 2015, Part C2.2 and specifications noted in any approved BMCC weed management strategies or plans available at:

<http://www.bmcc.nsw.gov.au/sustainableliving/weedmanagement>.

This work must coincide with supplementary activities designed to:

- reduce continuing opportunities for weeds to establish,
- reduce the factors promoting the weeds on site, and
- enhance the ecological processes operating on the site.
- ensure the successful establishment of the landscape (if appropriate).

Noxious and environmental weeds for priority removal on this site are listed in the Flora and Fauna Assessment by Hawkeswood, dated 12 June 2016.

Where herbicide is proposed for use within the weed control strategy, operators must ensure that all chemicals are registered for use and used in strict accordance with a current, registered label. Failure to do so may constitute a breach of the Pesticides Act 2000.

**Landscaping and vegetation
management – Compliance**

41. The Principal Certifying Authority (PCA) is to check, and be satisfied, that all landscaping and vegetation management works have been implemented in accordance with the approved Landscape Concept Plan and approved Vegetation Management Plan, as amended by these development consent conditions, prior to the issue of any Occupation Certificate.

Completion of the following specific items are to be checked by the PCA:

- a. Protection during construction of all trees identified for retention
- b. Completion of landscaping as specified by the approved Landscape Concept Plan
- c. Completion of primary weed control within the development area and Buffer Area A
- d. Commencement of rehabilitation of "Buffer Area A" as specified in the approved VMP
- e. Environmentally sensitive implementation of the asset protection zone (APZ)
- f. Successful sedge and groundcover establishment within stormwater devices (bio-retention systems and vegetated filter strips)

The applicant must complete any works directed by the PCA or Council in order to satisfactorily achieve the landscaping and vegetation management requirements of these development consent conditions prior to the issue of any Occupation Certificate.

**Stormwater Management –
Implementation**

42. Stormwater is not to be released as a concentrated surface flow, and the quality of surface or ground water leaving the site shall not be reduced in the short or long term.

Stormwater is to be managed in accordance with the approved "Revised Stormwater Management Plan" by J. Wyndham Prince Pty Ltd dated 19 September 2007 inclusive of any increase in the size of the bio-retention areas required to ensure that the development has a neutral or beneficial effect on water quality.

All components of the stormwater system are to be inspected by the principal certifying authority (PCA) and satisfactorily completed in accordance with the approved plans and conditions of consent prior to issue of any Occupation Certificate.

The Proprietors of the property must complete any works directed by the PCA in order to satisfactorily achieve the requirements of these development consent conditions.

**Stormwater System
Operation and Maintenance
Manual**

43. To ensure that:
- the effective ongoing structural integrity and operation of the on-site drainage, stormwater quality control and treatment, infiltration, on-site detention and other stormwater management structures are maintained
 - the requirements of these development consent conditions are met
 - the post development water quality and discharge conditions meet the

required performance outcomes for the life of the development, a Stormwater System Operation and Maintenance Manual for all of the approved stormwater management devices/systems is to be submitted to and approved by the Principal Certifying Authority prior to the issue of any Occupation Certificate.

The manual is to be prepared and implemented for the life of the development by consultants who are qualified and experienced in this field.

To ensure the stormwater devices and the system remains in good working order for the life of the development the manual shall clearly specify:

- a. monitoring and maintenance requirements for each device, and
- b. auditing and performance assessment both for water quality, hydraulic performance and structural integrity, and
- a. schedule for inspections, audits and remedial maintenance tasks to meet the performance objectives (e.g. after specified storm events and no less than annually, timeframe for bio-filtration media replacement and porous paving vacuuming/high pressure hosing/replacement), and
- b. planting schedules, establishment methods, monitoring, maintenance and replacement of all vegetative components of water quality/infiltration devices (bio-retention systems and vegetation filter strips), and
- c. annual written certification to be sent to Council, and
- d. nominated regular period for review of the manual, and
- e. documented maintenance taken

The Stormwater System Operation and Maintenance Manual is to be kept up to date and implemented at all times. A copy shall be held by the Proprietors and their successor of the site and shall be available for inspection by Council officers upon request.

Section 88E Positive covenant - Stormwater Management System

44. To ensure adequate stormwater treatment is implemented and satisfactorily maintained in order to protect the receiving natural environment for the life of the development, a covenant under Section 88E of the Conveyancing Act, 1919 shall be prepared and registered over the subject land.

The terms of the 88E Instrument with positive covenant shall include, but not be limited to, the following:

- a. The Proprietors of the property and their successors shall agree to implement and maintain the approved Stormwater Management Plan to ensure stormwater runoff from the approved development is effectively managed and meets the required stormwater treatment performance outcomes for the life

of the development.

- b. The Proprietors of the property and their successors shall agree to keep clear and carry out all necessary maintenance on all pits, pipelines, trench barriers, flowpaths, channels and devices (i.e. rainwater re-use tanks, gross pollutant traps, on-site detention tanks, bio-retention basins and filter strips) and any other devices or infrastructure which conveys stormwater within or from the site, to ensure the ongoing effective operation of these systems in accordance with the approved Stormwater System Operation and Maintenance Manual.
- c. The Proprietor shall agree to have the stormwater management system inspected and certified annually by suitably qualified persons with demonstrated experience in water sensitive urban design. Written certification is to be forwarded to Council upon request that the stormwater system is working in accordance with the stormwater treatment performance outcomes required by these development consent conditions, and in accordance with the development consent plans and approved operations and maintenance manual.
- d. The Proprietors of the properties and their successors shall agree to adequately maintain the vegetative components of all bio-retention systems and filter strips as necessary, to ensure a dense and continuous coverage of healthy vegetation is maintained across the entire surface area to ensure effective function and achievement of performance outcomes for the life of the development.
- e. The Council shall have the right to enter upon the sites at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all devices and recover the costs of any such works from the Registered Proprietors or their successors.
- f. The registered Proprietor shall indemnify the Council and any adjoining landowners against damage to their land arising from the failure of any component of the stormwater management system or failure to clean, maintain and repair the latter systems.

The applicant shall bear all costs associated in the preparation of the subject 88E Instrument.

The wording of the Instrument shall be submitted to and approved by Council prior to lodgement at NSW Land and Property Information.

Proof of lodgement with NSW Land and Property Information shall be submitted to Council prior to the issue of any Subdivision/Occupation Certificate.

The positive covenant may not be extinguished or altered without the prior written approval of Council.

Decommissioning of sediment and erosion controls.

45. Prior to release of the Occupation Certificate, all disturbed areas are to be stabilised and all redundant sediment and erosion control structures are to be removed.

Decommissioning of temporary bio-retention system protection measures

46. All temporary bio-retention system protection measures are to be decommissioned and inspected by the Principal Certifying Authority prior to the issue of any Occupation/Subdivision Certificate.

Repair of damage

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

Restore disturbed and degraded areas

48. All disturbed areas, earthworks and/or batters are to be stabilised and restored immediately it is possible to do so. These areas are to be topsoiled and revegetated in accordance with the approved Landscape Concept Plan and approved Vegetation Management Plan.

The Principal Certifying Authority must be satisfied that all disturbed areas are adequately stabilised and/or rehabilitated prior to the issue of any Occupation Certificate.

Certificates from Authorities

48a To ensure satisfactory effluent disposal and utility services are provided to the development, you are required to submit to Council prior to the issue of any Occupation Certificate, compliance certificates from:

Early contact with these authorities is recommended

Added

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

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- b. Endeavour Energy indicating that satisfactory arrangements have been made for the provision of electricity supply to the development.
 - c. An approved telecommunications service provider stating that satisfactory arrangements have been made for telephone services to the development.

Fire Safety

Final fire safety certificate

48b

(Prior to occupation)

Proposed fire safety measures

Added 30 January 2018

The essential fire safety measures referred to in the fire safety schedule issued with the construction certificate, excluding any existing measures, are to be installed within the building.

A final fire safety certificate is to be furnished by the owner of the building to the Principal Certifying Authority (PCA) prior to the issue of any occupation certificate, in respect of all essential fire safety measures specified in the above schedule.

The certificate should state that each specified essential fire safety measure has been assessed by a properly qualified person (chosen by the owner), and was found to be capable of performing to a standard not less than that specified in the schedule.

A copy of the certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire & Rescue NSW by email at afss@fire.nsw.gov.au. A further copy is to be prominently displayed in the building.

Advice

A person who carries out the assessment must inspect and verify the performance of each specified fire safety measure and must test the operation of each new item of equipment installed in accordance with the schedule.

Ongoing

External lighting

49.

To protect the amenity of the local area and to avoid obtrusive light spill to the surrounding properties, all external lighting including car park lighting, under awning lights, security path lights and signage, shall meet the following requirements:

- a) The lights are to be 'warm white' in colour; and
- b) The lights are to have a light output distribution sufficient to achieve the required illumination purpose while avoiding excessive light spill to the surrounding properties; and
- c) Any approved illuminated signage shall be turned off no more than 30 minutes after closing time.

As a minimum level of performance, the light output distribution shall conform with the standards in Table 2.1 "Recommended maximum values of light technical parameters for the control of obtrusive light" and Table 2.2 "Maximum

luminous intensity per luminaire for pre-curfew operating times”, as outlined within AS 4282 *Control of the obtrusive effects of outdoor lighting*.

Annual fire safety statement

Each essential fire safety measure in the building

Added 30 January 2018

50. Each year, within 12 months of the previous statement or after a certificate of installation has been issued for the building (whichever is applicable), the owner of the building must submit to Council an annual fire safety statement that must demonstrate that each essential fire safety measure in the building is being maintained.

A copy of the statement (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire & Rescue NSW by email at afss@fire.nsw.gov.au. A further copy is to be prominently displayed in the building.

Authority



Frances Kelly
Senior Town Planner

Modified