

Consolidated Conditions of Modification No.5 Mod 2010/0180 dated 4 November 2010, Mod No 4 Mod2008/0158 approved 18 February 2010, Modification No3. Mod6000/6478/3 approved May 2007, Modification No.2 Approved 5 October 2006, and Modification by Court Orders dated 17 April 2003 & 5 May 2004 of Court Consent dated 28 May 1998

CONDITIONS THAT IDENTIFY APPROVED PLANS

1 Approved Plans

The development being carried out in accordance with development application DA6000/6478 plans numbered as seen below:

Drawing No.	Drawing Title	Revision Date	Date
Architecturals: Prepared by Cox Richardson Architects			
94072 DA-01 Rev A	Master plan	-	March 1998
94072 DA-02 Rev B	Site Plan	-	March 1998
94072 DA-03	Site Sections	-	March 1998
94072 DA-04	Units	-	March 1998
94072 DA-05	Community Club	-	March 1998

Except as modified by Modification 2 Reference 6000/6478/2 approved by Council on 5 October 2006 in accordance with the following drawing numbers:

Drawing No.	Drawing Title	Revision No.	Date
Architecturals: Prepared by Humel Architects			
100	Stage 1 Masterplan	-	December 2005
101 Rev G	Stage 1: Site Plan	08/02/2006	February 2006
102 Rev G	Stage 1: Ground Floor Plan	08/02/2006	February 2006
103 Rev G	Stage 1: First Floor Plan	08/02/2006	February 2006
104 Rev G	Stage 1: Building elevations & site sections 1 & 2	08/02/2006	February 2006
105 Rev G	Typical detail plans of units, garbage areas, clothes line pavilion and gazebo	08/02/2006	February 2006
106 Rev G	Typical floor plan & Roof plan & Elevations units blocks: A; B; D; E; F; G & H	08/02/2006	February 2006
107 Rev G	Typical floor plan & Roof plan & Elevations units blocks: C	08/02/2006	February 2006

And as modified by Modification 3 Reference 6000/6478/3 approved by Council on 27 May 2007 in accordance with the following drawing numbers:

Plan Number / Title	Dated
PSL3391A/LA/CD-000 (Issue A) "Cover Sheet"	Oct 06
PSL3391A/LA/CD-001 (Issue A) "GA Materials and Finishes Plan – Community Building"	Oct 06
PSL3391A/LA/CD-005 (Issue A) "Planting Layout Plan – Community Building"	Oct 06
PSL3391A/LA/CD-009 (Issue A) "Landscape Hardworks Details"	Oct 06
PSL3391A/LA/CD-010 (Issue A) "Softworks Details and Plant Schedule"	Oct 06

Consolidated Conditions of Modification No.5 Mod 2010/0180 dated 4 November 2010, Mod No 4 Mod2008/0158 approved 18 February 2010, Modification No3. Mod6000/6478/3 approved May 2007, Modification No.2 Approved 5 October 2006, and Modification by Court Orders dated 17 April 2003 & 5 May 2004 of Court Consent dated 28 May 1998

2003.10-101 (Rev A) "Stage 1A – Site Plan Community Building"	20-10-06
2006.50-103 (Rev B) "Ground Floor Plan Community Building"	31-10-06
2006.50-106 (Rev CC) "Stage 1A – Community Building Elevations & Sections"	1-02-2007

And as further modified by the plans listed below that were submitted with the Section 96 application No Mod2010/0180, and endorsed with Council's approval stamp, but only in so far as the plans reflect the changes outlined in the Statement of Environmental Effects dated July 2010 prepared by Ingham Planning Pty Ltd;

Drawing Number	Rev	Dated	Prepared By
DA0 – DA20	S96AA	July 2010	Humel Architect Pty Ltd

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

1(A). Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department, Authority or Service	E-Services Reference	Dated
NSW Office of Water	Response NSW office of Water Referral	29/09/2010
NSW Rural Fire Services	Response NSW RFS Referral	8/09/2010

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Bodies.

2. The Development must be used only for the purposes of "War Veterans Home" in accordance with the trust created in the Crown Grant.
3. (a) The existing road system within the Existing Village, including Snake Gully Crescent, shall be upgraded to a standard commensurate with its function as a connector road for the Development. Such upgrading shall have regard to maintaining the amenity of the existing residents. Details shall be submitted with the civil engineering plans referred to in condition 10.14 ("the engineering plans").
(b) The connector road shall have a gradient of not more than 1 in 10.
4. The Applicant shall liaise with the Council to establish an appropriate alignment of a walking trail/cycle path adjacent to, and where appropriate or necessary through, the Site to perpetuate the current link between Jamieson Park and South Creek. Details to be submitted for the approval of the Council with the engineering plans. If necessary, appropriate easements over those portions of the walking trail/cycle path that enter the Site are to be created in favour of the Council at the expense of the Applicant.

5. Water Quality Pond/Detention Pond

- 5.1 The stormwater management system ("SMS") shall be implemented generally in accordance with the report of Sinclair Knight Merz titled "Stormwater Management Concept Report" dated 23 August 2003(Reference NB22222.100.)
- 5.2 The submission to the Council for its approval with the engineering plans of an operational and maintenance plan for the SMS including provisions for the applicant at its expense to."
 - 5.2.1 monitor the performance of the water quality of the SMS to specifications to be approved by the Council including locations, times, and parameters for sampling.
 - 5.2.1A the operation and maintenance plan is to:
 - Detail the tasks required to maintain the stormwater management systems;
 - Set out the required frequency of inspections and routine maintenance
 - Define the responsibilities for routine maintenance and inspections
 - Provide cost estimates for all required maintenance tasks.
 - 5.2.2 submit reports and certification to the Council of monitoring in accordance with the approved specifications.
 - 5.2.3 carry out maintenance of the SMS in accordance with specifications to be approved by the Council.
 - 5.2.4 submit reports and certification to the Council of maintenance in accordance with the approved specifications.
 - 5.2.5 carry out any works to the SMS which may be required to ensure it performs in accordance with the specifications.
- 5.3 The final design for the outfalls of the SMS must take into account energy dissipation to ensure minimum erosion or scouring of the channel downstream of the outfall.
- 5.4 On completion of the works the designer is to certify that the SMS has been constructed in accordance with the approved design. The designer is to verify that any variations to the approved design do not affect the performance of the system and the pollution reduction objectives have been achieved.
- 5.5 Great care is to be taken to prevent disturbance of the mass of vegetation below the existing residential development that has intercepted and trapped sand, silt and rubbish which emanated from the existing residential area of this subcatchment of Narrabeen Lagoon.

- 5.6 A bathymetric survey of the south western basin of Narrabeen Lagoon shall be undertaken prior to the commencement of site works to establish existing conditions. The requirements for the bathymetric survey are 10m grid of spot heights for the first 100m off the shoreline.
- 5.7 If a build-up of sediment in the south western basin of Narrabeen Lagoon is detected as a result of this development, the proponents will be liable for its removal and safe disposal.

6. Flooding Impact

- 6.1 The levels of the soffits of both the pedestrian link bridge and vehicular bridge are to be 0.5 metres above the 1 in 100 year flood level.
- 6.2 A flood study is to be submitted for the approval of the Council with the engineering plans detailing the impacts of the flood levels. If there is an increase in flood levels, appropriate flood mitigation measures are to be incorporated in the Development.
- 6.2A The flood study is to be generally in accordance with the amended preliminary flood study prepared by JC Owens and Associates.
- 6.3 The floor levels of all buildings are to be 0.5 metres above the 1 in 100 year flood level. Certification is to be provided by a registered surveyor demonstrating compliance with this condition prior to occupation of the Development.
- 6.4 The flood study is to include provisions demonstrating that site flood evacuation can be provided to every unit/building for the 1 in 100 year flood event. Adequate signposting is to be provided to show areas that are below the 1 in 100 year flood level.
- 6.5 Details are to be submitted with the engineering plans for approval of the Council prepared by a consulting geotechnical engineer or engineer suitably qualified to the satisfaction of the Council which assesses the stability of the full length of the creek traversing the Site, identifying eroded and degraded areas of embankment requiring stabilisation works, and recommending methods of treatment or works in order to prevent further degradation.

6A. No Development is to occur on the Cross Hatched Area

No approval is granted under this modified consent for any works to occur within areas of the locality shown as cross -hatched on the maps.

This does not apply to the existing approved Development and any passive recreational areas.

Reason: *To comply with the requirements of WLEP 2000.*

6B. Flooding

(i) Habitable Rooms

No approval is granted by this development consent for habitable rooms (as defined by the New South Wales Floodplain Development Manual) to be located under the flood planning level.

(ii) Fencing

All fencing shall be designed and constructed from flood compatible materials (as defined by the New South Wales Floodplain Development Manual) and withstand the hydraulic forces of the floodwater. Any fencing must not impede the existing flood regime and allow passage of flood waters and not result in an adverse flood impact to surrounding properties for events up to and including the 1% ARI (i.e. open style fence),

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *To protect the building from flooding in accordance with Council and NSW Government policy.*

7. Soil and Water Management

- 7.1 A soil and water management plan ("the soil and water plan") is to be submitted with the engineering plans for approval by the Council prior to the carrying out of any site works providing for environmentally sensitive work practices to be utilised during construction of the Development and including provisions detailed in the following conditions.
- 7.2 The water quality pond is to be constructed prior to the commencement of any other earthworks on the Site and is to be maintained and to act as a sediment basin for the period of the construction of the Development unless an alternative scheme of sediment/water quality control is proposed in the soil and water plan to the satisfaction of the Council. On the completion of the Development, the basin is to be converted to a water quality pond.
- 7.2A Sedimentation controls included in the Soil and water Management Plan ("SWMP") are to be constructed prior to the commencement of any other earthworks and are to be maintained and to act as a sediment control for the period of the construction of the Development. The SWMP is to be to the satisfaction of the Council. On the completion of the development, any temporary works in the SWMP are to be removed and the areas landscaped in accordance with the terms of this development consent.
- 7.2B Notwithstanding any condition of this consent (including condition 7.2A), prior to the commencement of construction of that section of road shown on plan 64072/DA02B and dated March 1998 from about RL28 proceeding in a generally westerly direction to about RL8.
- (a) a sedimentation system for that section of road approved by Council shall be implemented;

- (b) a Construction Certificate, which shall include plans and specifications for the section of road, shall be obtained from Council.
- 7.2C 7.2B is to operate independently of any other consent and shall be construed as a condition to operate independently from any other condition of this consent to the effect that upon satisfaction of conditions 7.2B(a) and (b) the works on that section of road may be physically commenced.
- 7.2D At all times prior to Council's approval of the soil and water plan, the Applicant shall monitor groundwater levels at the six locations indicated on the plan numbered SD01 amendment E, signed by Mr Nicholas Skelton, and the Applicant shall ensure that at all times existing groundwater levels are maintained within the natural range.
- 7.2E At all times during the construction of the road proposed in condition 7.2B, the Applicant shall take steps necessary to ensure that the current population of *Pimelea curviflora* (to the north of the said road) shall be protected. Mr Nicholas Skelton shall monitor compliance with this condition.
- 7.3 Provisions are to be made in the SWMP for the monitoring of the soil and water management controls and immediate repair, if damaged, to the satisfaction of the Council.
- 7.4 All surplus excavated materials are to be removed from the Site and deposited in a Council approved location.
- 7.5 Disturbed areas resulting from dwelling construction and bulk earthworks are to be identified in the soil and water plan and cordoned off with protective fencing whilst construction work is in progress.
- 7.6 Construction access is to be limited to the Site with the access points to be approved by the Council.
- 7.7 Provisions are to be included in the soil and water plan for:
 - (a) Minimising site disturbance, and for the rehabilitation of cleared or denuded areas by planting, establishment and maintenance of ground cover as soon as possible.
 - (b) The creek area to be improved in accordance with the landscape/vegetation /habitat plan, which is to be submitted with the engineering plans.
 - (c) The identification and treatment of acid sulphate soils.
- 7.8 Stockpile material areas are to be nominated on the soil and water plan for approval of the Council and are to be protected from soil erosion by sediment control techniques. Stockpile material areas are to be located away from watercourses and the creek traversing the Site.
- 7.9 All building works shall be staged so as to control the area of disturbance and minimise erosion and soil loss. Each stage shall be revegetated and/or adequately stabilised against erosion and soil loss before proceeding to the next stage. The soil and water plan is to identify all areas of staging and procedures proposed to be adopted to comply with this condition.
- 7.10 Applicant is to nominate the type of plant and equipment to be used on the Site and nominate on the soil and water plan area(s) in which this plant and equipment is to operate.

- 7.11. The soil and water plan is to provide generally for a detailed statement for the ongoing management of silt, sediment and water quality control during the construction of the Development.
- 7.12 The SWMP plan must include all relevant details of silt and sediment control structures and water quality control structures and must be prepared in accordance with the standards and requirements of the Environment Protection Authority and best engineering practice.
- 7.13 To ensure compliance with the requirements of the soil and water plan, a bank guarantee to the value of \$100,000 is to be lodged with the Council, to be expended by the Council for any failure to comply with the requirements of the soil and water plan.

8. Landscape/Vegetation/Habitat

A landscape/vegetation/habitat management plan is to be submitted with the engineering plans and the building application for approval by the Council prior to the carrying out of any site works and is to include provisions for:

- 8.1 accurate maps showing the extent of clearing, tree removal disturbance (on and off the Site) and compensatory revegetation with indigenous/native plants.
- 8.2 restricted/prohibited development and access areas before and after construction of the Development
- 8.3 the location and preservation of habitat trees and feed trees.
- 8.4 weed management.
- 8.5 the planting of, and maintenance of, native species.
- 8.6 the protection and enhancement of retained vegetation.
- 8.7 prohibition/control of domestic animals, particularly dogs and cats.
- 8.8 design and implementation of mitigation measures recommended by the species impact statement.
- 8.9 the monitoring of impacts of the Development on vegetation/habitat.
- 8.10 the maintenance of mitigation and enhancement measures for vegetation/habitat.
- 8.11 the reporting to the Council and certification of monitoring and maintenance.
- 8.12 the carrying out of all works required by the plan and any necessary remedial works at no expense to the Council.
- 8.13 The long term management of the Sydney Coastal Estuary Swamp Forest Complex as an Endangered Ecological Community at this site.

9. Fire Protection and Management

9.1 Landscape Treatment

In conjunction with the bushland management plan, fuel free and fuel reduced zones must be incorporated in the Development as specified generally in the bushfire threat assessment report prepared by John Travers (ref 0243-531010 - February 1998) ("the Travers report") varied as follows:

North western area Fuel free zone 20 m - between the creek Fuel reduced zone 15 m and northern extent of the Development Connector Road Fuel reduced zone 10 m (each side)

9.2 Building Setback and Construction

The building setbacks and method of construction must be consistent with the Travers report.

9.3 Fuel Management Plan

A fuel management plan detailing the proposed methods for fuel reduction and indicating the location of fuel free and fuel reduced zones, methods of removal, ongoing maintenance and frequency of inspection must be submitted to the Warringah-Pittwater bushfire fire management committee.

10. Model Conditions

- 10.1 The use not commencing until such time as the requirements of this consent have been carried out to the Council's reasonable satisfaction. (A2).
- 10.2 The colours, texture and substance of all external components of the building and hard surfaced areas being submitted for approval with the building application. (A4).
- 10.3 A sample board indicating colours, texture and substance of all external components of the building and hard surfaced areas being submitted for approval with the building application (A5).
- 10.4 Driveways to be constructed of decorative materials such as exposed aggregate, pattern stamped concrete, paving bricks or similar to the Council's satisfaction. (A11).
- 10.5 The provision of 130 paved carparking spaces to be used solely for carparking purposes. (B1).
- 10.6 Visitor carparking being permanently available, not reallocated and clearly marked. (B2).
- 10.7 A Construction Certificate shall be submitted, and approved prior to the commencement of any works on the Site. Plans and details accompanying the Construction Certificate must demonstrate that the proposal has been designed in accordance with all relevant aspects of the Building Code of Australia and that adequate provision has been made for wheelchair access to the dwellings and facilities connected with the Development.
- 10.8 Provision shall be made throughout the period of construction to prevent transmission of soil to the public road and drainage system by vehicles leaving the Site. Details to be included with the soil and water management plan for the Site. (L4).
- 10.9 Dedication as a public road of suitable sites for electricity sub-stations, if required by Sydney Electricity. (N11).
- 10.10 Where any conditions of this consent require easements or covenants, the number allocated by the Land Titles Office to the documents and/or plans referred to shall be advised in writing to the Council. A certified copy of the documents shall be provided to the Council after final approval and registration has been effected by the Land Titles Office. (N12).

- 10.11 Prior to work being commenced, the Applicant is required to submit details of heavy vehicle movement envisaged in the construction phase of the Development. Details required should include the proposed routes, size and weight of plant utilised, the number and frequency of plant movements to enable the Council to assess if unusual damage to the road will occur. Lodgment with the Council prior to the commencement of any works of a \$50,000 bond as security against damage to the Council's roads caused by the transport and disposal of materials and equipment to and from the Site to account No. 009 TF037. (Q3)(V11).
- 10.12 A building must not be located near any pipeline unless the function of the service within the pipeline would not be significantly affected. Footings of any building adjacent to a pipeline must be a minimum of 300mm below the invert of the pipeline and may rise by 300mm for each 300mm distance from the pipe. Where a building encroaches into the estimated 1 in 100 year ARI flood extent it must be designed by a structural engineer so that:
1. that proportion of the building is of pier and beam construction such that no significant obstruction would affect flood flows or flood storage;
 2. there is no cladding below floor level of that portion of the building; and
 3. all structural components and exterior features are flood compatible.
- 10.13 The public footways and roadways adjacent to the Site shall be maintained at all times during the course of the work in a safe condition to the satisfaction of the Council. (S7).
- 10.14 The submission to the Council of four copies of civil engineering plans for the design of roadworks, the SMS, and earthworks required on the Site including long and cross sections, details of proposed structures and specifications.
- Such design shall be:
- a) Prepared and submitted on A1, B1 or A0 sized sheets. Electronic files shall be submitted if requested by Council.
 - b) Undertaken by a consulting civil engineer (or by such other person as may be approved by the Council);
 - c) Approved and stamped by the Council prior to the release of the Construction Certificate;
 - d) Subject to the prescribed engineering development fees prior to the release of engineering plans (to be paid into account 12912);
 - e) Upon completion of the works, the Applicant is to provide a "works as executed" plan. The plan is to show relevant dimensions and finished levels and are to be certified by a surveyor;
 - f) All engineering works are to be fully supervised by the consultant responsible for their design, or by such person as may be approved by the Council, and on completion certified to be in accordance with the approved plans, conditions of construction and the Council's specifications.
- 10.15 The requirements of conditions for the works shall be designed and supervised during the works by an engineer with qualifications and expertise recognised by the Institute of Engineers Australia as being adequate for the purpose. The engineer shall certify to the Council's satisfaction prior to occupation, the issue of a certificate of classification or release of the linen plan of subdivision, that the works have been

completed strictly in accordance with the approved design and to appropriate standards of workmanship. (U6).

- 10.16 All design details, computations and/or support documentation shall be submitted with the engineering plans.
- 10.17 Vehicles entering and leaving the Site shall do so in a forward direction. Provision shall be made on-site to ensure that this can be achieved. (V8).
- 10.18 The submission with the engineering plan for the Council's approval and implementation to the Council's satisfaction of details of earthworks and filling, including: foundation preparation; specifications for fill material and placement; finished levels; embankment slopes; means of stabilisation; top soil depth; planting and scour protection; surface and subsoil drainage; proposals for site supervision and any other necessary provisions to ensure stability of the earthworks, and to prevent soil erosion. (V9).
- 10.19 The submission to the Council of the operational details of the proposed emergency entry/exit point James Wheeler Place. Such details shall ensure that vehicular and/or pedestrian ingress and egress to the Development from this point is not possible excluding ingress and egress for emergency purposes such as for fire fighting purposes and emergency evacuation.
- 10.20 Prior to the issue of a Construction Certificate for the SMS, the applicant is to obtain a Part 3A permit under the Rivers and Foreshores Improvement Act 1948 for all works within the riparian zone of Lantana Creek.

CONDITIONS THAT REQUIRE SUBSIDIARY MATTERS TO BE COMPLETED PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

11. High Quality Lighting

Details demonstrating high quality external lighting for security without adverse affects on public amenity form excessive illumination levels are to be submitted with the Construction Certificate.

Reason: *To ensure lighting provides security and amenity. [C78]*

12. Visitors space

The proposed visitors parking space located within the emergency vehicle track is to be deleted from the application as indicated in red on the approved plans. Amended plans demonstrating compliance with this condition must be submitted and approved by the accredited certifier prior to the issue of the Construction Certificate.

Reason: *To ensure compliance with original consent. Condition 10.19 limiting James Wheeler Place for ingress and egress for emergency purposes only.*

13. Clotheslines

The proposed clotheslines structures located within the cross-hatched area are to be deleted from the application as indicated in red on the approved plans. Amended plans demonstrating compliance with this condition must be submitted and approved by the accredited certifier prior to the issue of the Construction Certificate.

Reason: To ensure that the expansion or intensification of existing Category Three development, is of a minor nature and does not, to any significant extent, change the scale, size or degree the approved development.

14. Garbage Enclosures

The proposed garbage enclosures located within the cross-hatched area are to be deleted from the application as indicated in red on the approved plans. Amended plans demonstrating compliance with this condition must be submitted and approved by the accredited certifier prior to the issue of the Construction Certificate.

Reason: To ensure that the expansion or intensification of existing Category Three development, is of a minor nature and does not, to any significant extent, change the scale, size or degree the approved development.

15. Garbage Enclosure adjacent to Block A

The proposed garbage enclosure located within the crosshatched area is to be relocated as indicated in red on the approved plans. Amended plans demonstrating compliance with this condition must be submitted and approved by the accredited certifier prior to the issue of the Construction Certificate.

Reason: To ensure that the expansion or intensification of existing Category Three development, is of a minor nature and does not, to any significant extent, change the scale, size or degree the approved development.

16. Bus shelter

The proposed bus shelter located within the cross-hatched area are to be deleted from the application as indicated in red on the approved plans. Amended plans demonstrating compliance with this condition must be submitted and approved by the accredited certifier prior to the issue of the Construction Certificate.

Reason: To ensure that the expansion or intensification of existing Category Three development, is of a minor nature and does not, to any significant extent, change the scale, size or degree the approved development.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

17. Notice of Commencement

At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in Accordance with section 81A of EP & A Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.

Reason: Legislative requirement for the naming of the PCA. [D4]

18. WorkCover

Your attention is directed to the need to seek advice of your obligations from the WorkCover Authority prior to the commencement of any works on the site.

Reason: Statutory requirement. [D5]

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

19. Noise and Vibration

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.

Reason: To ensure residential amenity is maintained in the immediate vicinity. [E17]

20. Dust Emission and Air Quality

Materials must not be burnt on the site.

Vehicles entering and leaving the site with soil or fill material must be covered.

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction. Odour suppression measures must be carried out so as to prevent nuisance occurring at adjoining properties. This Condition must be complied with during demolition and building work.

Reason: To ensure residential amenity is maintained in the immediate vicinity. [E18]

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

21. Bushfire protection

- a). Construction of units A-E shall comply with AS3959 - 1999 level 3 'Construction of Buildings in bushfire prone areas'.
- b). Construction of units F-H shall comply with AS3959 - 1999 level 2 'Construction of Buildings in bushfire prone areas'.

Reason: Protection from bushfire and safety. [G33]

22. Bushfire Protection

The structure shall incorporate leafless guttering and valleys are to be screened to prevent the build up of flammable material. Products used shall be non-combustible or have a flammability index of not greater than 5 when tested in accordance with AS1530.2-1993 "Methods for Fire Test on Building Materials, components and Structures".

Reason: *Protection from bushfire and safety. [G37]*

23. Bushfire protection

Roller doors, tilt-a-doors and the like shall be sealed to prevent the entry of embers into the structure.

Reason: *Protection from bushfire and safety (Special)*

24. Bushfire protection

In recognition that this is a staged development, at the commencement of building works the property to the northeast of the proposed dwellings to a distance of 65 metres, shall be maintained as an "Inner Protection Area" (IPA) and 15 metres, shall be maintained as an Outer Protection Area (OPA) as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001 until commencement of the subsequent stages removes the bushfire hazard in that direction.

Reason: *Protection from bushfire and safety (Special)*

SCHEDULE 1: SENIORS LIVING

25. Age Criteria

The housing is to be occupied by older people (55 years and older) or people with a disability. (S91 [3B] of the Environmental Planning and Assessment Act)

Reason: *Statutory requirements. [S1 (1)]*

26. Accessible Entry

The development is for the purposes of Seniors Housing or Housing for Persons with a Disability and is required to comply with the Schedule 3 (Standards concerning accessibility and useability for self-contained dwellings) of the State Environmental Planning Policy (Housing for seniors or people with Disability 2004).

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: *To ensure statutory requirements have been completed, public safety and equitable access for seniors of people with a disability.*

27. External Door

All external doors to any one dwelling must be keyed alike.

Details to be provided prior to Occupation.

Reason: *Safety and convenience. [S1 (6)]*

28. Internal Door

- (a) Internal doors must have a clearance of at least 820 millimetres.
- (b) Internal corridors must have a width of at least 1,000 millimetres.
- (c) The width at internal door approaches must be at least 1,200 millimetres.

Details to be provided prior to Occupation.

Reason: *Access and safety. [S1 (7)]*

29. Living room and dining room

- (a) a circulation space:
 - (i) of at least 2,250 millimetres in diameter, and
 - (ii) as set out in clause 4.7 of AS 4299, and
- (b) a telephone adjacent to a general power outlet.
- (c) A living room and dining room must have a potential illumination level of at least 300 lux.

Details to be provided prior to Occupation.

Reason: *Safety and convenience. [S1 (8)]*

30. Kitchen

A kitchen in a self-contained dwelling must have:

- (a) a width of at least 2.7 metres and a clear space between benches of at least 1,450 millimetres, and
- (b) a width at door approaches of at least 1,200 millimetres, and
- (c) benches that include at least one work surface:
 - (i) that is at least 800 millimetres in length, and
 - (ii) the height of which can be adjusted from 750 millimetres to 850 millimetres, and
- (d) a tap set:
 - (i) that is located within 300 millimetres of the front of the sink, and
 - (ii) that is a capstan tap set or that comprises lever handles or a lever mixer, and
- (e) a thermostatic mixing valve for the hot water outlet, and
- (f) cook tops:
 - (i) with either front or side controls, and
 - (ii) with controls that have raised cross bars for ease of grip, and
 - (iii) that include an isolating switch, and
- (g) a work surface adjacent to the cook top and at the same height and that is at least 800 millimetres in length, and
- (h) an oven that is located adjacent to a work surface the height of which can be adjusted, and

- (i) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
- (j) general power outlets:
 - (i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and
 - (ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.

Details to be provided prior to Occupation.

Reason: *Safety and convenience. [S1 (9)]*

31. Main Bedroom

At least one bedroom within a self-contained dwelling must have:

- (a) an area sufficient to accommodate a wardrobe and a queen-size bed with a clear area at least 1,200 millimetres wide at the foot of the bed, and
- (b) 2 double general power outlets on the wall where the head of the bed is likely to be, and
- (c) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and
- (d) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and
- (e) a potential illumination level of at least 300 lux.

Details to be provided prior to Occupation.

Reason: *Safety and convenience. [S1 (10)]*

32. Bathroom

A bathroom must have:

- (a) an area that complies with AS 1428, and
- (b) a slip-resistant floor surface, and
- (c) a shower:
 - (i) the recess of which is at least 1,160 millimetres x 1,100 millimetres, or that complies with AS 1428, or that complies with clause 4.4.4 and Figures 4.6 and 4.7 of AS 4299, and
 - (ii) the recess of which does not have a hob, and
 - (iii) that is waterproofed in accordance with AS 3740, and
 - (iv) the floor of which falls to a floor waste, and
 - (v) that can accommodate a grab rail that complies with Figure 4.6 of AS 4299 and AS 1428, and
 - (vi) that has a tap set that is a capstan tap set or that comprises lever handles and that has a single outlet, and
 - (vii) that has the tap set positioned so as to be easily reached from the entry to the shower, and
 - (viii) that can accommodate an adjustable, detachable hand-held shower rose mounted on a slider grab rail or a fixed hook, and
 - (ix) that can accommodate a folding seat that complies with Figure 4.6 of AS 4299, and
- (d) thermostatic mixing valves for all hot water outlets, and

- (e) a washbasin with clearances that comply with Figure 4.4 of AS 4299, and
- (f) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, and
- (g) a mirror, and
- (h) a double general power outlet beside the mirror.

Details to be provided prior to Occupation.

Reason: *Safety and convenience. [S1 (11)]*

33. Toilet

Each residence must have a toilet:

- (a) that is a visitable toilet within the meaning of clause 1.4.12 of AS 4299, and
- (b) that is installed in compliance with AS 1428, and
- (c) that has a slip-resistant floor surface, and
- (d) the WC pan of which is located from fixed walls in accordance with AS 1428, and
- (e) that can accommodate a grab rail that complies with Figure 4.5 of AS 4299 and AS 1428.

Details to be provided prior to Occupation.

Reason: *Safety and convenience. [S1 (12)]*

34. Laundry

A self-contained dwelling must have a laundry:

- (a) that has provision for the installation of an automatic washing machine, and
- (b) that has provision for the installation of a clothes dryer, and
- (c) that has a clear space in front of appliances of at least 1,300 millimetres, and
- (d) that has thermostatic mixing valves for all hot water outlets, and
- (e) that has a slip-resistant floor surface, and
- (f) that has an accessible path of travel to any clothesline provided in relation to the dwelling.

Details to be provided prior to Occupation.

Reason: *Safety and convenience. [S1 (13)]*

35. Storage

A self-contained dwelling must be provided with a linen cupboard:

- (a) that is at least 600 millimetres wide, and
- (b) that has adjustable shelving.

Details to be provided prior to Occupation.

Reason: *Safety and convenience. [S1 (14)]*

36. Doors

Door hardware provided as the means for opening doors must be:

- (a) able to be operated with one hand, and
- (b) located between 900 millimetres and 1,100 millimetres above floor level.

Details to be provided prior to Occupation.

Reason: Safety and convenience. [S1 (15)]

37. Surface Finishes

Balconies and external paved areas must have slip-resistant surfaces. Details to be provided prior to Occupation.

Reason: Safety and convenience. [S1 (16)]

38. Ancillary Items

Switches must be located between 900 millimetres and 1,100 millimetres above floor level. General-purpose outlets must be located at least 600 millimetres above floor level. Details to be provided prior to Occupation.

Reason: Safety and convenience. [S1 (17)]

CONDITIONS IMPOSED BY THE NSW DEPARTMENT OF NATURAL RESOURCES

39. The following General Terms of Approval have been imposed by the NSW Department of Natural Resources in relation to the community building and associated works pursuant to Section 91A(2) of the Environmental Planning and Assessment Act 1979:

- (a) The Construction Certificate for the subject community building and associated works shall not be issued until a copy of the Part 3A Permit, issued by the NSW Department of Natural Resources, has been provided to Council / Accredited Certifier.

The following conditions apply only to works related to the subject community building and associated structures / works pursuant to Section 96 Modification Application 6000/6478/3:

- (i) Works are to be carried out in accordance with the plans presented to the Department of Natural Resources for the subject application.
- (ii) All works proposed must be designed, constructed and operated to minimise sedimentation, erosion and scour of the banks or bed of the watercourse / foreshore and to minimise adverse impacts on aquatic and riparian environments.
- (iii) Erosion and sediment control measures are to be implemented prior to any works commencing at the site and must be maintained for as long as necessary after the completion of works, to prevent sediment and dirty water entering the watercourse / foreshore environment. These control measures are to be in accordance with the requirements of Council, or the determining authority, and best to follow management practices as outlined in the Landcom

manual "Managing Urban Stormwater: Soils and Construction – Volume 1" (4th Ed., 2004) – the "Blue Book".

- (iv) The Part 3A Permit from the Department is issued for works on FREEHOLD land only. This Permit is null and void for any works on Crown Land.
- (v) The Part 3A Permit from the Department must be kept current for the duration of any works and any required establishment and maintenance periods.
- (vi) Rehabilitation of the area in accordance with the Part 3A Permit conditions or any direction from the Department is the responsibility of the permit holder and owner or occupier of the land.
- (vii) If requested by the Department, work as executed survey plans of a professional standard and including information required by the Department shall be provided to the Department within 14 days of such request. (Note: the Department usually only invokes this condition in matters of contention.)
- (viii) If, in the opinion of a Departmental officer, any work is being carried out in such a manner that they may damage or detrimentally affect the watercourse or foreshore or its environment, or damage or interfere with any thing not authorised to be so affected, such work shall cease immediately upon oral or written direction of such officer.
- (ix) If any Part 3A Permit condition is breached, the Permit holder shall follow the Department's directions to address the breach and shall rehabilitate the site as directed by, and to the satisfaction of, the Department.

Special Conditions:

There is to be no encroachment, harm or damage to the area and plants of the riparian area, as defined in the Part 3A Permit for LEC proceeding 10566 of 1996.