

# Modification of Project Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Anthea Sargeant  
**Executive Director**  
**Key Sites and Industry Assessments**

Sydney

2017

### SCHEDULE 1

**Development Approval:** **MP 08\_0167** granted by the Planning Assessment Commission on 3 June 2011

**For the following:**

Saltwater Residential Subdivision involving:

- 269 low density residential lots constructed throughout eleven stages of development
- one medium density residue lot
- internal public road network
- public open space areas with recreation facilities
- a network of pedestrian and cyclist pathways
- a 14.9ha conservation zone
- two stormwater treatment areas
- on-site landscaping works.

**Approval Authority:**

Minister for Planning

**The Land:**

Lot 1 DP 1128633; Lot 2 DP 1128633; and Lot 84 DP 792945, Belle O'Connor Street, South West Rocks

**Modification:**

**MP 08\_0167 MOD 3:** the modification includes:

- deletion of 122 residential lots to create one lot over the eastern portion of the site for use as a seniors living development (SLD) including:
  - provision of 199 SLD dwelling sites over 12 stages
  - amended road layout, vehicle entry and construction of private internal roads within the SLD
  - construction of SLD clubhouse, swimming pool, tennis court, bowling green, workshop/shed, and amenities
  - provision of landscaping, pathways, open space, stormwater drainage, landscaping, services / utilities
- amended road and lot layout within the residential subdivision adjacent to the SLD
- relocation and reduction in the size of the public park
- amend the overall staging of the development
- boundary adjustment.

## SCHEDULE 2

The above approval (MP 08\_0167) is modified as follows:

- (a) Schedule 2 Part A – Administrative Conditions, Condition A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

### **A1 Project Description**

Project approval is granted only to carrying out the project generally described below:

- 1) Subdivision of land into
    - a) **274 152 residential** lots, including **up to 273 151** low density residential lots and 1 medium density residential lot; **and**
    - b) **a Senior Living Development lot incorporating 199 dwelling sites, and construction of roads, a clubhouse, pool, amenities block, tennis courts, bowling green, landscaping and infrastructure works.**
  - 2) Extension of the Belle O'Connor Street road reserve and construction of the internal **public** road network (consisting of Roads 1 to **14-7 in the residential subdivision, and an internal private road network consisting of Roads SL 1 to SL 7 in the Seniors Living Development;**
  - 3) Creation of a **4,470 2,360**m<sup>2</sup> neighbourhood park with children's playground;
  - 4) Creation of a 1,450m<sup>2</sup> bushland exercise park with picnic and barbeque facilities;
  - 6) Creation of six stormwater treatment swales;
  - 7) A network of pedestrian and cyclist pathways;
  - 8) On-site landscaping works; and
  - 9) Works to connect to reticulated services, including water, sewerage and telecommunications.
- (b) Schedule 2 Part A – Administrative Conditions, Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

### **A2 Project in Accordance with Plans**

The project is to be undertaken generally in accordance with the following drawings

| <b>Design Drawings prepared by AECOM Australia Pty Ltd</b>                  |                             |                 |                          |
|-----------------------------------------------------------------------------|-----------------------------|-----------------|--------------------------|
| <b>Name of Plan</b>                                                         |                             |                 | <b>Date</b>              |
| Malbec/Saltwater Development – South West Rocks – Bushfire Constraints Plan |                             |                 | 03 August 2010           |
| <b>Engineering Drawings prepared by AECOM Australia Pty Ltd</b>             |                             |                 |                          |
| <b>Name of Plan</b>                                                         |                             |                 | <b>Date</b>              |
| Belle O'Connor Street – South West Rocks – Site Analysis                    |                             |                 | 02 March 2010            |
| Malbec/Saltwater Development – South West Rocks – Road Sections             |                             |                 | 02 March 2010            |
| <b>Landscape Drawings prepared by AECOM Australia Pty Ltd</b>               |                             |                 |                          |
| <b>Name of Plan</b>                                                         |                             |                 | <b>Date</b>              |
| Malbec/Saltwater Development – South West Rocks – Landscaping Plan          |                             |                 | 03 August 2010           |
| <b>Survey Drawings prepared by AECOM Australia Pty Ltd</b>                  |                             |                 |                          |
| <b>Name of Plan</b>                                                         |                             |                 | <b>Date</b>              |
| Belle O'Connor Street – South West Rocks – Site Analysis                    |                             |                 | 02 March 2010            |
| <b>Design Drawings prepared by Land Dynamics Australia (08_0167 MOD 1)</b>  |                             |                 |                          |
| <b>Name of Plan</b>                                                         | <b>Drawing No.</b>          | <b>Issue</b>    | <b>Date</b>              |
| Coast Subdivision Plan                                                      | 4972 N_SHT 02               | E               | 26.06.2013               |
| <b><u>Coast Staging Plan</u></b>                                            | <b><u>4972 N_SHT 01</u></b> | <b><u>E</u></b> | <b><u>26.06.2013</u></b> |
| Coast APZ Plan                                                              | 4972                        | A               | 26.06.2013               |

|                                                   |               |          |                   |
|---------------------------------------------------|---------------|----------|-------------------|
| <u>Revised Overall Subdivision Plan</u>           | <u>1 of 1</u> | <u>I</u> | <u>12.09.2017</u> |
| <u>Revised Overall Staging Plan</u>               | <u>1 of 1</u> | <u>G</u> | <u>26.09.2017</u> |
| <u>Overall Masterplan</u>                         | <u>1 of 5</u> | <u>E</u> | <u>26.09.2017</u> |
| <u>Staging Plan</u>                               | <u>2 of 5</u> | <u>D</u> | <u>25.09.2017</u> |
| <u>Overall Landscape Plan</u>                     | <u>3 of 4</u> | <u>D</u> | <u>26.09.2017</u> |
| <u>Landscape Plan for Main Recreational Areas</u> | <u>4 of 4</u> | <u>D</u> | <u>26.09.2017</u> |
| <u>Clubhouse Floor Plan Sheet 1 of 4</u>          | <u>D3469</u>  | <u>D</u> | <u>12.12.16</u>   |
| <u>Clubhouse Floor Plan Sheet 2 of 4</u>          | <u>D3469</u>  | <u>D</u> | <u>12.12.16</u>   |
| <u>Clubhouse Floor Plan Sheet 3 of 4</u>          | <u>D3469</u>  | <u>D</u> | <u>12.12.16</u>   |
| <u>Clubhouse Floor Plan Sheet 4 of 4</u>          | <u>D3469</u>  | <u>D</u> | <u>12.12.16</u>   |
| <u>Boundary Adjustment Concept Plan</u>           | <u>1 of 1</u> | <u>A</u> | <u>7.2.2017</u>   |
| <u>Amenities Floor Plan 4 of 5</u>                | <u>D3469</u>  | <u>B</u> | <u>24.11.16</u>   |
| <u>Amenities 3D Plan 5 of 5</u>                   | <u>D3469</u>  | <u>B</u> | <u>24.11.16</u>   |

- (c) Schedule 2 Part A – Administrative Conditions is amended by the insertion of the following new Condition A2A

**Prior to the issue of a Subdivision Certificate, the following plans shall be amended/updated to take account of the approved modifications granted under Section 75W application (MP08 0167 MOD 3) and shall be submitted to for the Secretary's approval:**

- a) **Malbec/Saltwater Development – South West Rocks – Bushfire Constraints Plan**
- b) **Malbec/Saltwater Development – South West Rocks – Landscaping Plan**
- c) **Coast Subdivision Plan 4972 N SHT 02 Rev E**
- d) **Coast APZ Plan 4972 Rev I.**

- (d) Schedule 2 Part A – Administrative Conditions, Condition A3 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

### **A3 Project in Accordance with Documents**

The project is to be undertaken generally in accordance with the following documents:

- (1) *Environmental Assessment* prepared by EDAW on behalf of Malbec South West Rocks Pty Ltd, dated 21 August 2009; and
- (2) *Preferred Project Report* prepared by AECOM Australia Pty Ltd on behalf of Malbec South West Rocks Pty Ltd, dated 5 August 2010.
- (3) *Section 75W Application to Part 3A Approval 08\_0167, Saltwater Estate South West Rocks* prepared by Land Dynamics Australia on behalf of Malbec Properties Pty Ltd, dated 18 February 2013; and supplementary information supporting the modification request prepared by GHD Pty Ltd, dated 14 May 2013.
- (4) **Section 75W Application (MP08 0167 MOD 3) including Statement of Environmental Effects Section 75W Application to Part 3A Approval 08 0167 prepared by Land Dynamics Australia, dated December 2016, as updated by Revision A dated April 2017 and Revision B dated June 2017 and letter from Land Dynamics Australia and supporting documents dated 26 September 2017 Ref:5144.**

- (e) Schedule 2 Part A – Administrative Conditions, Condition A4 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words/numbers as follows:

#### ***A4 Inconsistency between documents***

In the event of any inconsistency between:

- (1) The conditions of this approval and the Statement of Commitments (at Schedule 3), the conditions of this approval prevail;
- (2) The conditions of this approval and the drawings/documents referred to in conditions A2, **A2A** and A3 the conditions of this approval prevail; and
- (3) Any drawing/document listed in conditions A2 and A3 and any other drawing/document listed in conditions A2 and A3, the most recent document shall prevail to the extent of the inconsistency.

- (f) Schedule 2 Part A – Administrative Conditions, Condition A5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

#### ***A5 Limits on release of lots pending new road connection***

- (1) A Construction Certificate for subdivision works may only be issued for the first 48 lots/sites **(within** Stages 1A and **2 1B**). Construction Certificates for Stage **3 2** (and beyond) may be issued once the Burrawong Drive extension to Road No 14 is constructed.
- (2) Notwithstanding (1), if further traffic analysis demonstrates to the satisfaction of the Council that the intersection of Belle O'Connor Street and Road No.14 is operating at an acceptable level of service and safety, the Council may allow the release of further Construction Certificates beyond the first 48 lots, even though the future road network extension has not yet been constructed.
- (3) The Proponent is required to close access to the site from Road No. 14 where it connects to the Belle O'Connor Street roundabout following construction of Council's preferred access route. The preferred route will connect to Road No. 14 via an extension of Burrawong Drive. A cul-de-sac is to be created at the western end of Road No. 14 where it connects to Belle O'Connor Street, with all access to and from the site provided via a new intersection at Burrawong Drive and Road No. 14. Note: The proposed layout of the new road connection has been generally outlined in Council's draft Saltwater Development Control Plan.

- (g) Schedule 2 Part A – Administrative Conditions, Condition A7 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

#### ***A7 Staging***

Stages 1A, 1B, **1C**, 2 and 3 must be carried out first, in accordance with the **Coast Staging Plan (Job No. 4972 N SHT 01, Issue E) Saltwater Links Residential Subdivision Revised Overall Staging Plan (Revision G)** prepared by Land Dynamics Australia and dated **26.06.2013 26.09.2017**. The order of subsequent stages may be varied, subject to the proponent having received written approval by the **Director-General Secretary**.

**The Senior Living Development (Stage 1B) shall be carried out in accordance with the Saltwater Links Seniors Living Residential Development Staging Plan (Revision D) prepared by Land Dynamics Australia and dated 25.09.2017.**

- (h) Schedule 2 Part A – Administrative Conditions is amended by the insertion of the following new Condition A8

**A8 Senior Living Development**

**This approval does not approve dwellings within the Seniors Living Development. Separate development application(s) for the dwellings must be lodged with Council for assessment and determination. All future development application(s) for dwellings shall address all relevant requirements under the EP&A Act, including:**

- a) **the relevant matters in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, and the Seniors Living Policy: Urban Design Guidelines for Infill Development; and**
- b) **BASIX certification as required by State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004**

- (i) Schedule 2 Part B – Prior to Issue of Construction Certificate, Condition B1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

***B1 Acid Sulfate Soil Management Plan***

- a) A detailed Acid Sulfate Soil Management Plan for the entire site shall be prepared by a suitably qualified person in accordance with the *Acid Sulfate Soil Assessment Guidelines* (Acid Sulfate Soil Management Advisory Committee, 1998); Council's DCP No.30 – *Exempt and Complying Development*; and, having regard to the *Acid Sulfate Soils Assessment* prepared by Martens Consulting Engineers dated June 2010. The Management Plan shall cover the entire site and be submitted to the satisfaction of Council prior to the issue of a Construction Certificate for Stage 1.
- b) **An updated Acid Sulfate Soil Management Plan shall be prepared by a suitably qualified person and include a Dewatering Management Plan and a Groundwater Monitoring and Contingency Program for the development to ensure any disturbance of Acid Sulfate soils is appropriately managed. The updated Acid Sulphate Soil Management Plan shall be prepared in consultation with the Department of Primary Industries (DPI) Water and Council and be submitted to the satisfaction of the Secretary within three months from the date of approval of MOD 3 or prior to the issue of a Construction Certificate for works approved under MOD 3, whichever occurs first.**

- (j) Schedule 2 Part B – Prior to Issue of Construction Certificate, Condition B6 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

***B6 Stormwater Treatment Swales***

The site is to include vegetated bio-retention swales for the two main swales running south to north and for the whole periphery of the north-eastern boundary with the conservation zone (excluding the conservation zone). Swales are to be designed so that 100% of the total developed site's three-month runoff drains through them. Road side swales are to have a minimum width of 2.5m and sized for hydraulic conveyance of design flows **and shall include the vegetative structures approved in MOD 1 which includes macrophytes and broad leaved native plants.** Swales are to be provided as road side swales only and all inter-allotment drains are to be piped.

- (k) Schedule 2 Part B – Prior to Issue of Construction Certificate, Condition B8 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

**B8 Stormwater and Drainage Works Design**

- a) **An updated Stormwater Quality report and modelling (using MUSIC, with parameters as adopted in the Amended Water Cycle Management Plan prepared by Martens Consulting Engineers dated July 2010 provided with the PPR, and incorporating the modified design approved under Modification 3) shall be prepared by appropriately qualified person/s and be submitted to and approved by the Secretary prior to the release of a Construction Certificate for the works approved under MOD 3.**

**The updated Stormwater Quality report and modelling shall verify the adequacy of modified stormwater system and demonstrate that it will:**

- I. **meet the requirements outlined in Condition B6 and**
  - II. **ensure post-development mean load pollutants (Total Suspended Solids, Total Nitrogen and Total Phosphorus) to the downslope vegetation (from the site and upslope catchments post development), do not exceed pre-development loads.**
- b) Final design plans of the **modified** stormwater drainage systems within the site, **shall** be prepared by a qualified practicing Civil Engineer and in accordance with the requirements of Council **and DPI Water**, **shall and** be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate **for works approved under MOD 3**. The hydrology and hydraulic calculations shall be based on models described in the current edition of *Australian Rainfall and Runoff*.

Note: Should detailed design considerations result in a change to the adopted water quality solution shown on the subdivision plans, remodelling using MUSIC, with parameters as adopted in the *Amended Water Cycle Management Plan* prepared by Martens Consulting Engineers and dated July 2010 (provided with the PPR), shall be required in order to verify the adequacy of redesigned components. Any further modelling shall demonstrate that post-development mean load pollutants (Total Suspended Solids, Total Nitrogen and Total Phosphorus) to the downslope vegetation from the site and upslope catchments post development, do not exceed pre-development loads. A modification to this approval will be required should any components of the stormwater and drainage works design differ from the requirements as outlined in Condition B6.

- (l) Schedule 2 Part B – Prior to Issue of Construction Certificate, Condition B12 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

**B12 Water Quality Management and Monitoring**

The Proponent is to prepare **an updated** Water Quality **Management and** Monitoring Program. This Program is to be prepared by a suitably qualified person(s) **in consultation with DPI Water and Council** and is to be submitted to and approved by **Council the Secretary** prior to the issue of the first Construction Certificate **for works approved under MOD 3**. The Program is to include, but not be limited to:

- (1) details of a baseline study to establish the pre-development water quality which includes weekly monitoring for four consecutive weeks and measuring the

- parameters identified below. The average value of each parameter is to be taken as the benchmark of the pre-development water quality;
- (2) locations at which **ground and surface** monitoring will be undertaken;
  - (3) identification of the parameters/ pollutants to be monitored at each location, including, but not limited to pH, temperature, dissolved oxygen, total nitrogen **and turbidity and metal contaminants associated with discharges from Acid Sulfate soils (including aluminium, copper and iron)**; procedures and protocols for the sampling and analysis methodology to be undertaken;
  - (4) a program for the periodic monitoring of the parameters/ pollutants at each of the monitoring locations. As a minimum, monitoring must occur **during construction and** quarterly throughout the life of the project; and,
  - (5) details of water quality limits that would indicate the project is having a detrimental effect on the water quality and a contingency plan in the event that the water quality is diminished.
  - (6) **be integrated with the updated Acid Sulphate Soils Management Plan required under Condition B1 (b).**
- (m) Schedule 2 Part B – Prior to Issue of Construction Certificate, Condition B17 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

#### **B17 Asset Protection Zones**

Asset Protection Zones (APZs) are to be provided in accordance with *Bushfire Hazard Assessment – Proposed Subdivision – Lots 1 & 2 DP 1128633 & Lot 84 DP 792945 Belle O'Connor Street, South West Rocks* prepared by Midcoast Building and Environmental, dated November 2012 **as may be amended by the approved amended/updated plans (condition A2A)**. Details of the APZs (as it relates to each stage of the project) are to be provided to the satisfaction of the Certifying Authority prior to the release of the Construction Certificate for each stage of the project.

- (n) Schedule 2 Part B – Prior to Issue of Construction Certificate is amended by the insertion of the following new Condition B18

#### **B18 Senior Living Development – Rural Fire Service Conditions**

##### **Asset Protection Zones**

- 1) **At the commencement of construction and in perpetuity the entire site shall be managed as an inner protection area as outlined within section 4.1.3 and Appendix 5 of the 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service document 'Standards for asset protection zones'.**
- 2) **A Bush Fire Management Plan is to be prepared for the open space areas and asset protection zones shown on the plan titled Overall Masterplan prepared by Land Dynamics Australia (Ref: 5144, Issue C, dated 10.04.2017). The Plan shall be prepared prior to the issue of an Occupation Certificate for any dwelling in Stage SL 1 and a copy provided to the Department and Council. The Plan shall address the following requirements:**
  - a) **contact person; and**
  - b) **schedule and description of works for the construction of asset projection zones and their continued maintenance.**

- 3) A restriction to land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on the following areas of Lot 2 SP 1220275 (as amended) for the purpose of a temporary asset protection zone:
- a) for a distance of 22 metres to the west of Lots 11, 12, 35-38 and 81-86;  
and
  - b) for a distance of 50 metres to the north-west of Lot 88.

The APZ shall be managed as an inner protection area as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. The restriction to land use for the purpose of a temporary asset protection zone may be extinguished upon commencement of future development over the affected areas.

- 4) The full width of Burrawong Drive along the southern perimeter of the development shall be managed as an inner protection area as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

#### Water and Utilities

- 5) Water, electricity and gas are to comply with the section 4.1.3(1) of 'Planning for Bush Fire Protection 2006'.

#### Access

- 6) Internal roads shall comply with the section 4.1.3(1) of 'Planning for Bush Fire Protection 2006'.
- 7) Traffic management devices, including the site entry gates onto Burrawong Drive and the security gate along the path in the north-west corner of the development are to facilitate access by emergency service vehicles.
- 8) The second entry / exit onto Burrawong Drive and the completion of SL Road 1 shall be constructed as part of SL Stage 5.
- 9) The path between the north-west corner of the site and SL Road 2 shall be constructed in accordance with section 4.1.3(3) of 'Planning for Bush Fire Protection 2006' and shall connect with the approved fire trail immediately to the west.

#### Evacuation and Emergency Management

- 10) Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', including the preparation of an emergency / evacuation plan consistent with the NSW RFS document titled 'A guide to development a bush fire emergency management and evacuation plan'. A copy of the plan shall be provided to the Department, Council and the local Bush Fire Management Committee prior to issuing and Occupation Certificate for any dwelling in the development. A copy of the plan is to be provided to the residents of each dwelling at the commencement of occupation.

#### Design and Construction

- 11) Construction on the following lots shall comply with Sections 3 and 5 (BAL 12.5) of Australian Standard AS 3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection':



Stage SL 1 – Lots 9 to 14;  
Stage SL 2 – Lots 27 to 40 and Club House;  
Stage SL 3 – Lots 54 to 66;  
Stage SL 4 – Lots 67 to 88;  
Stage SL 5 – Lots 89 to 100;  
Stage SL 6 – Lots 101 to 107;  
Stage SL 7 – Lots 118 to 132 and 170;  
Stage SL 9 – Lots 151 to 153;  
Stage SL 10 – Lots 171 to 183  
Stage SL 11 – Lots 184 192  
Stage SL 12 – Lots 193 to 199

- 12) Roofing of all buildings outlined in condition B18(11) shall be gutterless or guttering and valleys are to be screened to prevent the build-up of flammable material. Any materials used shall be non-combustible.
- 13) Fencing shall comply with the NSW RFS Community Resilience Fact Sheet 2/06 'Dividing Fences' which states that where timber fence does not connect to a dwelling and has a minimum 1 metre separation from the dwelling then a fence may be constructed from hardwood, or non-combustible material. Where a fence connects directly to or has less than 1 metre separation from a dwelling it shall be constructed from non-combustible materials only.

#### Landscaping

- 14) Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

- (o) Schedule 2 Part B – Prior to Issue of Construction Certificate is amended by the insertion of the following new Condition B19

#### **B19 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

Prior to the issue of the relevant Construction Certificate, plans shall be submitted to the certifying authority demonstrating compliance with the following clauses of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004:

- a) clause 24 – Location and access to facilities;  
b) clause 31 – Design of in-fill self-care housing including the Seniors Living Policy: Urban Design Guidelines for Infill Development; and  
c) clause 41 – Standards for hostels and serviced self-care housing.

- (p) Schedule 2 Part B – Prior to Issue of Construction Certificate is amended by the insertion of the following new Condition B20

#### **B20 Access/Parking**

The car parking areas and internal access roads are to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities. Full details are to be included in the documentation submitted with the relevant Construction Certificate.

- (q) Schedule 2 Part B – Prior to Issue of Construction Certificate is amended by the insertion of the following new Condition B21

**B21 Swimming Pools**

**The swimming pool and child-resistance barrier(s) shall comply with the design and construction requirements of Part 2 of the Swimming Pool Act 1992, Australian Standard 1926.1-2007: “Swimming Pool Safety - Safety Barriers” (AS) and Council’s Swimming Pool Guidelines booklet. Any exemption certificate required under the provisions of Section 22 of the Act shall be issued by Council. Should the barrier incorporate a glazed fence or balustrade, that part of the barrier shall also comply with the relevant design requirements of Appendix E of the AS and Australian Standard 1288 – “Glass in Buildings”.**

- (r) Schedule 2 Part B – Prior to Issue of Construction Certificate is amended by the insertion of the following new Condition B22

**B22 Food Preparation**

**All plans and specifications submitted for issue of a Construction Certificate for food preparation areas shall demonstrate compliance with the requirements of:**

- Food Act 2003 and Regulations there under.**
- Australian Standard 4674-2004 Design, construction and fit-out of food premises.**

- (s) Schedule 2 Part B – Prior to Issue of Construction Certificate is amended by the insertion of the following new Condition B24

**B24 Waste Storage**

**All waste storage facilities are to be screened from the street. Details are to be included in the documentation for the relevant Construction Certificate application.**

- (t) Schedule 2 Part B – Prior to Issue of Construction Certificate is amended by the insertion of the following new Condition B25

**B25 Flood Management**

**Prior to the release of a Construction Certificate for works approved under MOD 3, the Proponent shall prepare a Flood Emergency Response Plan to the satisfaction of the Secretary. The plan must:**

- a) be prepared by a suitably qualified and experienced person(s) in consultation with Council and the State Emergency Service;**
- b) address the provisions of the Floodplain Risk Management Guideline (OEHS 2007);**
- c) include details of:**
  - i) The flood emergency responses for the operation of the development;**
  - ii) Predicted flood levels;**
  - iii) Flood warning time and flood notification;**
  - iv) Assembly points and flood evacuation routes;**
  - v) Evacuation and refuge protocols;**

- vi) Awareness training for employees; and
- vii) An awareness protocol for residents.

- (u) Schedule 2 Part B – Prior to Issue of Construction Certificate is amended by the insertion of the following new Condition B26

**B26 External Walls and Cladding Flammability**

The external walls of all buildings including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority must:

- a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

A copy of the documentation required under (b) must be provided to the Secretary within 7 days of being accepted by the Certifying Authority.

- (v) Schedule 2 Part B – Prior to Issue of Construction Certificate is amended by the insertion of the following new Condition B27

**B27 No works permitted in the E2 Environmental Conservation zone**

Prior to the issue of a construction certificate for any works approved under Modification 3, plans must be submitted to the satisfaction of the Certifying Authority demonstrating that the works within the Seniors Living Development lot would not encroach on the E2 Environmental Conservation zoned land.

- (w) Schedule 2 Part D –During Construction is amended by the insertion of the following new Condition D13

**D13 Building Code of Australia Compliance**

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

- (x) Schedule 2 Part D –During Construction is amended by the insertion of the following new Condition D14

**D14 Surveys**

The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.

- (y) Schedule 2 Part D –During Construction is amended by the insertion of the following new Condition D15

**D15 Swimming Pools**

- a) Any child-resistant barrier required by the Swimming Pool Act 1992 shall be erected prior to filling, or allowing the pool to fill, with water to a depth exceeding 300mm.
- b) A poster (warning notice) prepared by the Royal Life Saving Society shall be exhibited in a prominent position adjacent the pool area. The poster shall contain the wording referred to in Part 3 of the Swimming Pools Regulation 2008, including a flow sequence containing details of resuscitation techniques (for infants, children and adults).
- c) The filtration motor is not permitted to operate between the hours of 8.00pm and 8.00am.
- d) The swimming pool filter and pump shall be fully enclosed in a purpose built acoustic enclosure to attenuate noise emitted by the swimming pool equipment. The acoustic enclosure shall reduce the sound pressure level of the swimming pool filter and pump equipment to a level not greater than 5dB (A) above the background noise level in accordance with Protection of the Environmental Operations Act 1997.
- e) The discharge and/or overflow pipe from the swimming pool and filtration unit shall be connected to an approved sewerage system where available.
- f) All backwash water from the filtration unit shall be similarly disposed, or alternatively, shall be connected to an absorption trench having a minimum capacity of 1m<sup>3</sup>, having a maximum depth of 600mm and located a minimum 3m from any boundary and existing or proposed building (including impervious pavement) on the land.

- (z) Schedule 2 Part D – During Construction is amended by the insertion of the following new Condition D16

**D16 Food Preparation Area**

The food preparation areas shall be constructed so as to comply with the requirements of:

- a) The Food Act 2003 and Regulations there under.
- b) Australian Standard 4674-2004 Design, construction and fit-out of food premises.
- c) Australian Standard 1668.2-2002 The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control.

The walls and floor of the premises are to be constructed with an approved durable, smooth, impervious material capable of being easily cleaned.

- (aa) Schedule 2 Part E – Prior to Issue of Subdivision Certificate, Condition E5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~stuck out~~ words/numbers as follows:

**E5 Registration of Easements / Restriction to use / Right of carriageway**

- 1) The creation of easements for services, rights of carriageway and restrictions as to user are applicable under Section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:

- a. Easements for sewer, water supply and drainage over all public services/infrastructure on private property.
- b. Drainage Easements are to be placed over all subsurface drains and interallotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument.
- c. A Restriction as to User burdening all future lots: a minimum finished floor level of 4.1m AHD is to be achieved for all future habitable structures.
- d. A Restriction as to User allowing for the creation of a 20 metre wide Asset Protection Zone, measured from the boundary of the conservation zone shall burden the following **residential** Lots **and Stages**:
  - **Lot 56 and Lot 57 the two lots immediately south of the 1,450 m<sup>2</sup> Bushland exercise park** (Stage 2);
  - **Lots 216 – 221 inclusive the six northern lots** (Stage **9 4**);
  - **Lots 222 – 225 inclusive the four northern lots** (Stage **10 5**); and
  - **Lot 274 ( the medium density lot)** (Stage **11 6**).

This area shall be maintained as an inner protection area in accordance with *Planning for Bushfire Protection 2006* and the RFS's *Standards for Asset Protection Zones*. No dwellings are to be constructed in this area. The Restriction as to User shall advise the landowner of the need to maintain this area as an Asset Protection Zone.

- d1. A Restriction as to User allowing for the creation of a 15 metre wide Asset Protection Zone, measured from the boundary of the conservation zone shall burden the following **the two northern residential** Lots **within Stage 3**:
  - ~~Lots 66 – 69 inclusive, and Lot 71 (Stage 3);~~
  - ~~Lots 72 – 74 inclusive, and Lot 154 (Stage 4);~~
  - ~~Lots 155 – 157 inclusive, Lot 181 and Lot 182 (Stage 5);~~
  - ~~Lot 183, Lot 184, Lot 190, and Lot 213 (Stage 7); and~~
  - ~~Lot 212 (Stage 8).~~

This area shall be maintained as an inner protection area in accordance with *Planning for Bushfire Protection 2006* and the RFS's *Standards for Asset Protection Zones*. No dwellings are to be constructed in this area. The Restriction as to User shall advise the landowner of the need to maintain this area as an Asset Protection Zone.

- e. ~~A Restriction as to User within Stage 8 of the subdivision, burdening Lots 202 – 204 inclusive allowing for the creation of a 10 metre wide Asset Protection Zone, measured from the southern site boundary. This area shall be maintained as an inner protection area in accordance with *Planning for Bushfire Protection 2006* and the RFS's *Standards for Asset Protection Zones*. No dwellings are to be constructed in this area. The Restriction as to User shall advise the landowner of the need to maintain this area as an Asset Protection Zone.~~

- 2) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council

- (bb) Schedule 2 Part E – Prior to Issue of Subdivision Certificate, Condition E7 is amended by the insertion of the bold and underlined words / numbers and deletion of the words/numbers as follows:

#### ***E7 Dedication of Public Space***

The Proponent must make necessary arrangements for the dedication of the public open space areas as shown on the plan prepared by Land Dynamics Australia (~~Job No. 4972\_N\_SHT 02~~), titled **Coast Subdivision Plan (dated 26.06.2013) Revised Overall Subdivision Plan, Issue No. G (dated 15.06.2017)** to Council as follows:

- 1) With respect to the 1,450 m<sup>2</sup> bushland exercise park, prior to release of the Subdivision Certificate for Stage 2
  - 2) With respect to the ~~4,470~~ **2,360** m<sup>2</sup> central neighbourhood park, ~~prior to the release of the Subdivision Certificate for Stage 3:~~
    - a) **The need for the dedication of a neighbourhood park is to be negotiated with Council following the issue of a Construction Certificate for Stage 3 of the residential subdivision.**
    - b) **If the dedication of a neighbourhood park is required by Council, this is to occur prior to the issue of a subdivision certificate for Stage 3.**
    - c) **If Council is not willing to accept the dedication of the neighbourhood park, subject to a further s75W modification request, the area of 2,360m<sup>2</sup> may be converted into 4 residential lots.**
- (cc) Schedule 2 Part E – Prior to Issue of Subdivision Certificate, Condition E10 is amended by the insertion of the bold and underlined words / numbers and deletion of the words/numbers as follows:

#### ***E10 Section 94 Monetary Contribution***

Prior to the endorsement of a Subdivision Certificate for each stage of the project, the Proponent must pay, in proportion to the additional lots created by that stage, the following contributions to Council pursuant to Section 94 of the *Environmental Planning and Assessment Act (1979)*:

##### **1) Amount of Contribution**

| Name of Contribution Plan                                        | Number of ET   | \$ per ET                           | Total                      |
|------------------------------------------------------------------|----------------|-------------------------------------|----------------------------|
| <del>Community Services – Library</del>                          | <del>273</del> | <del>\$ 804</del>                   | <del>\$ 219,492.00</del>   |
| <del>Community Services – MPB</del>                              | <del>273</del> | <del>\$ 986.40</del>                | <del>\$ 269,287.20</del>   |
| <del>Open Space Acquisitions</del>                               | <del>273</del> | <del>\$ 960</del>                   | <del>\$ 262,080.00</del>   |
| <del>Open Space Increased Capacity</del>                         | <del>273</del> | <del>\$ 3,100.80</del>              | <del>\$ 846,518.40</del>   |
| <del>Bushland</del>                                              | <del>273</del> | <del>\$ 67.20</del>                 | <del>\$ 18,345.60</del>    |
| <del>Traffic and Transport Management</del>                      | <del>273</del> | <del>\$ 2,918.40</del>              | <del>\$ 796,723.20</del>   |
| <del>Public Domain Improvements</del>                            | <del>273</del> | <del>\$ 412.80</del>                | <del>\$ 112,694.40</del>   |
| <del>Stormwater Management</del>                                 | <del>273</del> | <del>\$ 2,803.20</del>              | <del>\$ 765,273.60</del>   |
| <del>Support Services – Bushfire</del>                           | <del>273</del> | <del>\$ 79.20</del>                 | <del>\$ 21,621.60</del>    |
| <del>Support Services – Surf Lifesaving</del>                    | <del>273</del> | <del>\$ 96</del>                    | <del>\$ 26,208.00</del>    |
| <del>Plan Studies</del>                                          | <del>273</del> | <del>\$ 163.20</del>                | <del>\$ 44,553.60</del>    |
| <del>Kempsey Public Domain</del>                                 | <del>273</del> | <del>\$ 1,060</del>                 | <del>\$ 289,380.00</del>   |
| <del>Total</del>                                                 |                | <del>\$ 13,451.20</del>             | <del>\$ 3,672,177.60</del> |
| <del>Section 94 Contribution Plan – Project Administration</del> |                | <del>6% x<br/>\$ 3,672,177.60</del> | <del>\$ 220,330.66</del>   |
| <del>Grand Total</del>                                           | <del>273</del> | <del>\$ 14,258.27</del>             | <del>\$ 3,892,508.26</del> |

## **Section 94 Contributions**

| <b><u>Name of Contribution Plan</u></b>                                   | <b><u>For each residential lot</u></b> | <b><u>x 147 Lots</u></b>     | <b><u>For each seniors site</u></b> | <b><u>x 199 Sites</u></b>    |
|---------------------------------------------------------------------------|----------------------------------------|------------------------------|-------------------------------------|------------------------------|
| <b><u>Community Services - Library</u></b>                                | <b><u>\$871.20</u></b>                 | <b><u>\$128,066.40</u></b>   | <b><u>\$617.10</u></b>              | <b><u>\$122,802.90</u></b>   |
| <b><u>Community Services - MPB</u></b>                                    | <b><u>\$1,068.00</u></b>               | <b><u>\$156,996.00</u></b>   | <b><u>\$756.50</u></b>              | <b><u>\$150,543.50</u></b>   |
| <b><u>Open Space Acquisitions</u></b>                                     | <b><u>\$1,041.60</u></b>               | <b><u>\$153,115.20</u></b>   | <b><u>\$737.80</u></b>              | <b><u>\$146,822.20</u></b>   |
| <b><u>Open Space Increased Capacity</u></b>                               | <b><u>\$3,360.00</u></b>               | <b><u>\$493,920.00</u></b>   | <b><u>\$2,380.00</u></b>            | <b><u>\$473,620.00</u></b>   |
| <b><u>Bushland</u></b>                                                    | <b><u>\$74.40</u></b>                  | <b><u>\$10,936.80</u></b>    | <b><u>\$52.70</u></b>               | <b><u>\$10,487.30</u></b>    |
| <b><u>Traffic and Transport Management</u></b>                            | <b><u>\$3,163.20</u></b>               | <b><u>\$464,990.40</u></b>   | <b><u>\$2,240.60</u></b>            | <b><u>\$445,879.40</u></b>   |
| <b><u>Public Domain Improvements</u></b>                                  | <b><u>\$448.80</u></b>                 | <b><u>\$65,973.60</u></b>    | <b><u>\$317.90</u></b>              | <b><u>\$63,262.10</u></b>    |
| <b><u>Stormwater Management</u></b>                                       | <b><u>\$3,038.40</u></b>               | <b><u>\$446,644.80</u></b>   | <b><u>\$2,152.20</u></b>            | <b><u>\$428,287.80</u></b>   |
| <b><u>Support Services - Bushfire</u></b>                                 | <b><u>\$84.00</u></b>                  | <b><u>\$12,348.00</u></b>    | <b><u>\$59.50</u></b>               | <b><u>\$11,840.50</u></b>    |
| <b><u>Support Services - Surf Lifesaving</u></b>                          | <b><u>\$103.20</u></b>                 | <b><u>\$15,170.40</u></b>    | <b><u>\$73.10</u></b>               | <b><u>\$14,546.90</u></b>    |
| <b><u>Plan Studies</u></b>                                                | <b><u>\$177.60</u></b>                 | <b><u>\$26,107.20</u></b>    | <b><u>\$125.80</u></b>              | <b><u>\$25,034.20</u></b>    |
| <b><u>Kempsey Public Domain</u></b>                                       | <b><u>\$1,101.60</u></b>               | <b><u>\$161,935.20</u></b>   | <b><u>\$780.30</u></b>              | <b><u>\$155,279.70</u></b>   |
| <b><u>Total</u></b>                                                       | <b><u>\$14,532.00</u></b>              | <b><u>\$2,136,204.00</u></b> | <b><u>\$10,293.50</u></b>           | <b><u>\$2,048,406.50</u></b> |
| <b><u>Section 94 Contribution Plan - Project Administration (+6%)</u></b> | <b><u>\$871.92</u></b>                 | <b><u>\$128,172.24</u></b>   | <b><u>\$617.61</u></b>              | <b><u>\$122,904.39</u></b>   |
| <b><u>Grand Total</u></b>                                                 | <b><u>\$15,403.92</u></b>              | <b><u>\$2,264,376.24</u></b> | <b><u>\$10,911.11</u></b>           | <b><u>\$2,171,310.89</u></b> |
| <b><u>Total s94 Contributions = \$4,435,687.13</u></b>                    |                                        |                              |                                     |                              |

### **2) Timing and Method of Payment**

The contribution shall be paid in the form of cash or bank cheque, made out to Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council. Evidence of the payment to Council, shall be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate for each stage of the project.

**The contributions are current at the date of this approval. The contributions payable will be adjusted in accordance with the relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment. The contribution rates for specific dates are available from Council.**

### **3) Section 94 Plans**

A copy of the Section 94 contribution plans may be inspected at Kempsey Shire Council Chambers – 22 Tozer Street, West Kempsey.

4) Certificate of Compliance

- a) Prior to the issue of any Subdivision Certificate a Certificate of Compliance pursuant of Section 305 of the Water Management Act 2000 shall be obtained from Council and provided to the Principal Certifying Authority.
- b) A Certificate of Compliance shall be issued by Council when all contributions are paid in full and all infrastructure necessary to service the development has been completed in full to the satisfaction of Council
- c) Contributions set out in the following table are to be paid to Council prior to the issue of any Certificate of Compliance. Contributions are levied in accordance with Council's Kempsey Shire Council Macleay Water DSP for Water dated July 2006.
- d) The contributions payable will be adjusted in accordance with the relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.
- e) Section 64 Contributions

|                             | <u>WATER (per lot)</u>  | <u>x 147 Lots</u>     | <u>SEWER (Per lot)</u>  | <u>x 147 Lots</u>     |
|-----------------------------|-------------------------|-----------------------|-------------------------|-----------------------|
| <u>Each Residential Lot</u> | <u>\$9,800.00</u>       | <u>\$1,440,600.00</u> | <u>\$8,267.00</u>       | <u>\$1,215,249.00</u> |
|                             | <u>WATER (per site)</u> | <u>x 199 Sites</u>    | <u>SEWER (per site)</u> | <u>x 199 Sites</u>    |
| <u>Each Seniors Site</u>    | <u>\$5,880.00</u>       | <u>\$1,170,120.00</u> | <u>\$6,200.25</u>       | <u>\$1,233,849.75</u> |
|                             | <u>WATER (per ET)</u>   | <u>x 10.53ET</u>      | <u>SEWER (per ET)</u>   | <u>x 14.39ET</u>      |
| <u>Clubhouse</u>            | <u>\$9,800.00</u>       | <u>\$103,194.00</u>   | <u>\$8,267.00</u>       | <u>\$118,962.13</u>   |

|                            |                       |
|----------------------------|-----------------------|
| <u>Total s64 Charges =</u> | <u>\$5,281,974.88</u> |
|----------------------------|-----------------------|

- (dd) Schedule 2 Part E – Prior to Issue of Subdivision Certificate is amended by the insertion of the following new Condition E11

**E11 Restriction of Use**

Prior to the issue of a Subdivision Certificate for the Senior Living Development approved pursuant to this approval, the Proponent must create a restriction as to the user under the Conveyancing Act 1919 restricting the occupation of each senior living dwelling in the subject development to:

- a) seniors or people who have a disability as defined by the provision of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;
- b) people who live within the same household with seniors or people who have a disability;
- c) staff employed to assist in the administration of and provision of services to housing provided in this development.

The instrument creating the restriction as to user, shall be prepared by the Proponent at its own expense and submitted and duly executed by the Proponent or the owner of the property to the Council for approval by the Council's solicitors. The Proponent shall pay the cost of the instrument and proof of registration of the instrument upon the title to the subject property shall be provided to Council by



**the Proponent prior to the occupation or issue of an Occupation Certificate in respect of the Senior Living Development.**

- (ee) Schedule 2 Part E – Prior to Issue of Subdivision Certificate is amended by the insertion of the following new Condition E12

**E12 Landscaping**

**All landscaping shall be completed in accordance with the approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge. All pathways shown on the plan are to be paved and to have a minimum width of 1.2 metres.**

- (ff) Schedule 2 Part E – Prior to Issue of Subdivision Certificate is amended by the insertion of the following new Condition E13

**E13 Road Corridor**

**The full length of the road corridor of Roads 2 and 3 in the residential subdivision, and to the northern boundary of the site, as shown on Saltwater Links Revised Overall Subdivision Plan dated 26 September 2017 must be included in the application for the Subdivision Certificate for Stage 1A of that subdivision.**

**The part of the road corridor that is not intended to be dedicated at Stage 1A must be identified as a separate lot. A Restriction As To User must be imposed on the title of that lot preventing its use for any purpose other than as a road and any ancillary of incidental works such as drainage. Council must be noted as the authority able to vary or modify this restriction.**

**The road must be constructed and dedicated to Council prior to the issue of a subdivision certificate for Stage 3**

- (gg) Schedule 2 is amended by the insertion of the following new Schedule 2 Part F– Prior to Issue of Occupation Certificate
- (hh) Schedule 2 Part F – Prior to Issue of Occupation Certificate is amended by the insertion of the following new Condition F1

**F1 Fire Safety Certificate**

**An interim or final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the buildings approved under MOD 3, except in the case of any Class 1a and Class 10 building(s).**

**A final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building approved under MOD 3, except in the case of any Class 1a and Class 10 building(s).**

- (ii) Schedule 2 Part F – Prior to Issue of Occupation Certificate is amended by the insertion of the following new Condition F3

**F3 Drainage Works**

- a) A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, shall be submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
- b) The water management measures as indicated on the submitted plans and Stormwater Management Strategy and/or as modified under the terms of this approval are to be implemented and the nominated plans, controls and appliances are to be installed and operational prior to issue of an Occupation Certificate.

- (jj) Schedule 2 Part F – Prior to Issue of Occupation Certificate is amended by the insertion of the following new Condition F4

**F4 Lighting**

Appropriate lighting is to be provided for the carparks and pedestrian pathways in accordance with AS 1158 – Lighting and AS 4282 – Control of Obtrusive Effects of Outdoor Lighting, such to be installed prior to the issue of an occupation certificate.

- (kk) Schedule 2 Part F – Prior to Issue of Occupation Certificate is amended by the insertion of the following new Condition F5

**F5 Plan of Management (Senior Living Development)**

Prior to the issue of any Occupation Certificate for the Senior Living Development, a Plan of Management shall be prepared in consultation with Council and submitted to and approved by the Secretary to promote safe and efficient operation of the proposed Senior Living Development. The Plan of Management shall include (but not be limited to) the following:

- a) consideration of roles/responsibilities;
- b) site maintenance;
- c) management of caravan storage;
- d) waste management;
- e) provision and operation of the private bus;
- f) management and use of the clubhouse and workshop/shed;
- g) secure access to the site;
- h) maintenance of infrastructure; and
- i) maintenance of stormwater swales.

- (ll) Schedule 2 is amended by the insertion of the following new Schedule 2 Part G – Post Occupation

- (mm) Schedule 2 Part G – Post Occupation is amended by the insertion of the following new Condition G1

**G1 Food Premises**

**Food premises shall be maintained in accordance with the requirements of:**

- a) **Food Act 2003 and Regulations there under.**
- b) **Australian Standard 4674-2004 *Design, construction and fit-out of food premises.***

**The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and Regulations there under.**

- (nn) Schedule 2 Part G – Post Occupation is amended by the insertion of the following new Condition G2

**G2 Protection of the Environment Operations Act 1997**

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

**In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.**

- (oo) Schedule 2 Part G – Post Occupation is amended by the insertion of the following new Condition G3

**G3 Waste Management**

**All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.**

**All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.**

- (pp) Schedule 2 Part G – Post Occupation is amended by the insertion of the following new Condition G4

**G4 Clubhouse**

**The clubhouse shall not be utilised for any type of commercial activity other than uses associated with the private use of the facility by residents of the seniors living development and their guests. Any proposal to alter the use of the clubhouse in this regard will require separate assessment and determination.**

- (qq) Schedule 2 Part G – Post Occupation is amended by the insertion of the following new Condition G5

**G5 Parking**

- a) **All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose.**
- b) **Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.**
- c) **All off-street street visitor car parking spaces and internal roads shall be used for car parking only and not the long-term placement of caravans, boats, trailers or the like.**

- (rr) Schedule 2 Part G – Post Occupation is amended by the insertion of the following new Condition G7

**G7 Landscaping**

**All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.**

- (ss) Schedule 2 Part G – Post Occupation is amended by the insertion of the following new Condition G8

**G8 Loading**

**All loading and unloading operations shall take place at all times wholly within the confines of the land.**

- (tt) Schedule 2 Part G – Post Occupation is amended by the insertion of the following new Condition G9

**G9 Maintenance**

**The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.**

- (uu) Schedule 2 - Advisory Notes is amended by the insertion of the following new Advisory Note AN5

**AN5 Liquor License**

**A liquor licence (if required) shall be obtained from the Office of Liquor, Gaming and Racing prior to the issue of an Occupation Certificate for the Clubhouse.**

**End of Modification  
(MP 08\_0167 MOD 3)**