

Appendix A

The Ritz SSD - Conditions recommended for inclusion in any approval

General

Restriction on Occupation

The development approved by this consent must only be occupied by the following people:

- a) Seniors or people who have a disability,
- b) people who live in the same household with seniors or people who have a disability,
- c) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place.

Substation / fire hydrant boosters

No approval is granted or implied for any encasing structures (i.e. blast walls or radiant heat shields) associated with the installation of any substations or fire hydrant booster pumps. Separate Development Consent is required for such structures.

City-wide Local Infrastructure Contribution

In accordance with the Blue Mountains City Council *City-wide Local Infrastructure Contributions Plan* adopted 28 June 2022 ("the Contributions Plan"), a contribution of \$718,129.51 shall be paid to Council.

This amount will be adjusted* at the time of payment in accordance with s3.7 of the Contributions Plan.

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

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

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

Accessibility Design

Prior to the issue of any Construction Certificate, design details together with design certification as prepared by an Accredited Access Consultant, are to be submitted to the Principal Certifier to demonstrate how the proposal will satisfy the following:

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- a) The relevant Part(s) of the Building Code of Australia Volume 1, and AS 1428.1 *Design for access and mobility – General requirements for access – New building work* (as in force at that time); and
 - b) The Disability (Access to Premises – Buildings) Standards 2010.

Nothing in this condition alters any obligations imposed under the *Disability Discrimination Act 1992 (Cth)*.

Endeavour Energy

Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

Telecommunication infrastructure

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises.

Sydney Water building plan approval

A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority prior to works commencing.

Please refer to the web site www.sydneywater.com.au - Plumbing, building & developing - Sydney Water Tap in™, or telephone 13 20 92.

Sediment and erosion plan

To preserve the unique environment of the Blue Mountains a sediment and erosion management plan in accordance with principles outlined in the Managing Urban Stormwater Soils and Construction (Volume 1), dated March 2004 by Landcom NSW is to be submitted to and approved by the Principal Certifying Authority, prior to clearing of any site vegetation and the commencement of site works.

This plan is to include scaled drawings and detailed specifications that can be readily understood and applied on site by supervisory staff. Items to be shown on the plan are to include, where applicable:

- a) Locality.
- b) Contours (existing and final).
- c) Existing vegetation.
- d) Existing site drainage.
- e) Limit of clearing, grading and filling (location of all earthworks including roads, areas of cut and fill and regrading).
- f) Locations and design criteria of erosion and sediment control structures.
- g) Site access.
- h) Proposed vegetative buffer strips.
- i) Location of critical areas (drainage lines, water bodies etc.).
- j) Proposed techniques for stabilisation of disturbed ground.

- k) Procedures for maintenance of erosion controls.
- l) Details for staging works.
- m) Techniques for dust control.

The approved sediment and erosion management plan is to be implemented for the entire construction period until completion of the development and stabilisation of all surfaces.

**Dilapidation report on
neighbouring properties**

Prior to the commencement of any works on the site, dilapidation reports on structures within the adjoining properties 24 Wascoe Street and 225 Leura Mall are to be prepared by a suitably qualified person.

The reports are to be prepared in accordance with the recommendations in the geotechnical report and submitted to Council for record-keeping purposes only.

Council will retain these reports for reference only. Any issues arising from the works in this regard is a civil matter between the property owners.

**Excavation Work Method
Statement**

An Excavation Work Method Statement is to be prepared by the project structural engineer and submitted to the project geotechnical engineer for review prior to commencement of excavation works, including any piling with evidence of approval provided to the certifier.

**Excavation and Vibration
Monitoring and Controls**

Prior to the commencement of excavation works, the certifying authority is to be satisfied that an Excavation and Vibration Monitoring Report / Management Plan has been prepared. The location of all instrumentation is to be indicated on a plan. Maximum peak particle velocity is to be specified as 2mm/sec (sensitive and/or heritage structures).

**Maintenance of pedestrian
and traffic controls**

All pedestrian and traffic controls are to be maintained in accordance with the approved Demolition and Construction Pedestrian and Vehicle Traffic Management Plan for the duration of the works.

Survey report

To ensure that the building does not encroach on the minimum required setbacks and is located within the boundaries of the property, a survey report by a registered Land Surveyor must be provided to the Principal Certifying Authority prior to the work proceeding beyond:

- a) peg out of building.

Neighbouring buildings

Where the excavation extends below the level of the base of the footings of a building structure or work on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- Protect and support the adjoining premises from possible damage from the excavation.

- Where necessary, underpin the adjoining premises to prevent any such damage.

Basement excavation

If any groundwater is encountered which exceeds seepage due to wet weather, then contact is to be made with WaterNSW to determine whether an aquifer interference approval is required. Works are to proceed in accordance with any requirements of WaterNSW.

Maintenance and decommissioning of sediment and erosion controls

Maintenance - Erosion and sediment controls are to be continually monitored and maintained in accordance with the Erosion and Sediment Control Plan prepared in accordance with condition 34 (ESCP) for the duration of the works and until all disturbed areas are stabilised to the satisfaction of the Principal Certifying Authority).

Decommissioning - All temporary erosion and sediment controls are to be adequately decommissioned and spoil removed to an approved landfill or, if uncontaminated, otherwise stabilised prior to the issue of any Occupation Certificate.

Site management

To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:

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

Demolition work (general)

Demolition work is to be supervised by a competent person with due regard to safe working practices and in accordance with the requirements of SafeWork NSW.

Such work is to be carried out in accordance with the Work Health and Safety Act 2011 and Regulations and AS 2601 The demolition of structures.

Identification of Hazardous Material

Prior to the commencement of any onsite demolition work, a Hazardous Building Material Survey of all onsite buildings is to be prepared by a suitably qualified environmental consultant.

The report is to be prepared in accordance with the requirements of Australian Standard AS 2601—2001: The Demolition of Structures and any relevant NSW Environment Protection Authority guideline.

The investigations should involve at least a visual inspection of accessible and representative construction materials and the collection and analysis of materials suspected of containing hazardous materials.

The Applicant shall identify all hazardous substances located on the site.

A written report prepared by a suitably qualified competent person detailing:

- All hazardous materials identified on the site,
- The specific location of all hazardous materials identified,
- Whether the hazardous materials are to be removed from the site as part of the works to be undertaken
- Safety measures to be put in place.
- For hazardous materials to be removed, recommendations for the removal of the hazardous materials, including the preparation of detailed document such as a Management Plan, Technical Scope of Works, SafeWork, Method Statements and Risk Assessments to appropriately address health and safety issues associated with the specific work and site conditions

Asbestos Removal

All asbestos removal work must be carried out safely according to NSW work health and safety legislation.

Where hazardous material, including bonded or friable asbestos has been identified in accordance with condition 61 above, and such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria:

- a) Be undertaken by contractors who hold a current SafeWork NSW “demolition licence” and a current SafeWork NSW “Class A licence” for friable asbestos removal.
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- b) Be carried out in accordance with the relevant SafeWork NSW codes of practice.
 - c) No asbestos products may be reused on the site.
 - d) No asbestos laden skip or bins shall be left in any public place.
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Classification of Hazardous Waste

Prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the *Protection of the Environment Operations Act 1997* and the NSW EPA *Waste Classification Guidelines, Part1: Classifying Waste, 2014*.

Asbestos and hazardous waste, once classified must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.

Lead Paint

It is beyond the scope of this consent to provide detailed information about dealing with lead paint. All workers working in an area containing lead-based paint should refer to Australian Standard AS 4361.1-1995: Guide to Lead Paint Management - Industrial Applications, or AS 4361.2-1998: Guide to Lead Paint Management - Residential and Commercial Buildings.

Industrial paints may contain lead. Lead is used in some specialised sign-writing and artist paints, and road marking paints, and anti-corrosive paints. Lead was a major ingredient in commercial and residential paints from the late 1800s to 1970. Most Australian commercial buildings and residential homes built before 1970 contain lead paint. These paints were used both inside and outside buildings.

Lead particles are released when old lead paint flakes and peels and collects as dust in ceiling, wall and floor voids. If dust is generated it must be contained. If runoff contains lead particles it must be contained. Lead is extremely hazardous, and stripping of lead-based paint and the disposal of contaminated waste must be carried out with all care. Lead is a cumulative poison and even small levels in the body can have severe effects.

Notification to Council and adjoining residents of development involving asbestos

The applicant is to notify Council and adjoining residents, in writing, at least ten (10) working days prior to any works commencing involving asbestos, of their intention to commence such works. In the case of adjoining residents at 225 Leura Mall, Leura and 24 Wascoe Street, Leura, such notification is to be a clearly written note, on at least note pad size paper, giving the date works will commence and be placed in the letterbox.

**Additional Information
during
Demolition/Construction**

Any new information which comes to light during demolition/construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council immediately.

Accessibility Verification

Prior to the issue of any Occupation Certificate, to ensure access and facilities for people with a disability or limited mobility are provided in accordance with the principles of the Disability Discrimination Act 1992, a written verification statement from an Accredited Access Consultant is to be provided to the Principal Certifier confirming that the subject development is accessible to people with a disability in accordance with:

- The relevant Part(s) of the Building Code of Australia Volume 1, and AS 1428.1 Design for access and mobility – General requirements for access – New building work (as in force at that time); and
- The Disability (Access to Premises – Buildings) Standards 2010.

Nothing in this condition alters any obligations imposed under the *Disability Discrimination Act 1992* (Cth).

Section 73 Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation confirming reticulated water and gravity sewer systems are available to the development.

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

Restriction as to use

A restriction as to user must be registered against the title of the property on which the development is to be carried out, in accordance with Section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to which the development relates to the following kinds of people:

- a) Seniors or people who have a disability,
- b) people who live in the same household with seniors or people who have a disability,
- c) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place

	<p>The restriction shall be registered on the land title prior to the issue of an Occupation Certificate.</p>
Validation report	<p>Prior to the issue of an Occupation Certificate, a Validation Report prepared by a suitably qualified environmental consultant is to be submitted to Council confirming that the site has been appropriately remediated in accordance with the approved Remedial Action Plan. The validation report shall provide a clear statement of the sites suitability for the proposed residential development.</p>
Final fire safety certificate	<p>The essential fire safety measures referred to in the fire safety schedule issued with the construction certificate, excluding any existing measures, are to be installed within the building.</p> <p>A final fire safety certificate is to be furnished by the owner of the building to the Certifying Authority prior to the issue of any occupation certificate, in respect of all essential fire safety measures specified in the above schedule.</p> <p>The certificate should state that each specified essential fire safety measure has been assessed by a properly qualified person (chosen by the owner) and was found to be capable of performing to a standard not less than that specified in the schedule.</p> <p>A copy of the certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire & Rescue NSW by email at afss@fire.nsw.gov.au. A further copy is to be prominently displayed in the building.</p> <p><u>Advice</u></p> <p>A person who carries out the assessment must inspect and verify the performance of each specified fire safety measure and must test the operation of each new item of equipment installed in accordance with the schedule.</p>
Telecommunications	<p>Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the applicable legislation at the time of construction, must be submitted to the Certifying Authority.</p>
Annual fire safety statement	<p>Each year, within 12 months of the previous statement or after a certificate of installation has been issued for the building (whichever is applicable), the owner of the building must submit to Council an annual fire safety statement that must demonstrate that each essential fire safety measure in the building is being maintained.</p> <p>A copy of the statement (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire & Rescue NSW by email at afss@fire.nsw.gov.au. A further copy is to be prominently displayed in the building.</p>

The restriction shall be registered on the land title **prior to the issue of an Occupation Certificate**.

Validation report

Prior to the issue of an Occupation Certificate, a Validation Report prepared by a suitably qualified environmental consultant is to be submitted to Council confirming that the site has been appropriately remediated in accordance with the approved Remedial Action Plan. The validation report shall provide a clear statement of the sites suitability for the proposed residential development.

Final fire safety certificate

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

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

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

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

Advice

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

Telecommunications

Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the applicable legislation at the time of construction, must be submitted to the Certifying Authority.

Annual fire safety statement

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

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

**Building finishes
maintenance**

The finishes of the buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

**Storage of goods and
materials**

At all times, the marked parking spaces and driveway, as shown on the approved plans, are to be available for parking and vehicle manoeuvring. No goods or materials are to be stored in marked parking spaces or on the driveway.

**Noise Control – Plant and
Equipment**

All plant and equipment must be operated and maintained in accordance with the noise requirements established in the approved acoustic report.

**Maintenance of Basement
Roller Door and Driveway**

To maintain the amenity of adjoining and nearby residents, the basement roller door and grated basement driveway drains shall be maintained to ensure that the noise generated from these elements remains at the levels predicted in the approved acoustic report.

Garbage Collection

To maintain the amenity of adjoining and nearby residents, garbage collection shall only occur from the designated area within the basement of the building.

Heritage

**Work protocols for existing
heritage buildings**

Prior to the issue of a Construction Certificate, the Principal Certifier shall be satisfied that acceptable details from a suitably qualified person have been provided for the protection of the existing historic 1892 and 1913 buildings on site in regard to work protocols. Details provided are to identify how these buildings are to be protected from settlements and vibrations during the excavation and construction periods.

Archival Recording

Prior to the issue of the Construction Certificate, the Principal Certifier shall be satisfied that an archival report has been completed and submitted to Council's Heritage Advisor for approval as follows:

The report must be provided either in electronic form or in hard copy as a bound A4 report, prepared by an appropriately qualified heritage consultant and must contain the following minimum requirements:

- title page
- statement of reasons the recording was made
- outline history of the item (including title records, subdivision plans, water and sewerage plans and any archival documents such as family records, old photographs, etc)
- statement of a heritage significance (to accepted Heritage Council criteria)
- specialised reports such as heritage assessments, dilapidation report, and builders or engineers reports

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- location plan showing relationship of site to nearby area
 - site plan to scale (1:200 - 1:500) showing all structures and site elements
 - measured drawing including site survey, floor plans, all elevations, roof plan and one cross section (1:00)
 - drawings of specific interiors or details nominated by Council's Heritage Advisor
 - room inventories noting materials, profile of nominated decorative elements (1:2) and nominated by Council's Heritage Advisor
 - archival quality photographs, contact prints, and selected prints (one copy of contact sheets and selected prints)
 - digital images and archival quality DVD, CD or USB may be submitted as supplementary information.

All photographs in the report are to be mounted, labelled and cross-referenced to the relevant plans and showing position of camera. A photographic recording sheet must be included.

Photographs of the following must form part of the archival report:

- each elevation
- each interior room
- photographs of specific details nominated by Council's Heritage Advisor
- all structures on site, such as the chimney, outbuildings and significant landscape features
- photographs of the Ritz from the public domain including several views showing relationship to neighbouring buildings on Wascoe Street, Leura Mall and Megalong Street.

Two hard copies of the report or a digital copy on USB must be submitted to Council's Heritage Advisor. A written acknowledgment from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier **prior to the Issue of any Construction Certificate**.

Interpretation strategy

Prior to the issue of a Construction Certificate, the Principal Certifier shall be satisfied that an appropriate heritage interpretation strategy has been prepared by an experienced heritage professional with a commitment that an interpretation plan will be implemented as part of the works.

Dilapidation survey of heritage building

Prior to commencement of excavation works, a dilapidation survey is to be carried out on the heritage building and submitted to the certifying authority with a copy to Council's Heritage Officer.

The documentation is to include a photographic survey of the interior and exterior of the building, with a commentary and site plan, all prepared by a suitably qualified and experienced structural engineer.

Archaeology (during construction)

In accordance with Section 146 (a) of the NSW Heritage Act, during the demolition, excavation or construction works; if any deposits, objects or relics are uncovered;

the works are to stop immediately and the NSW Heritage Council notified of the discovery within a reasonable time.

Depending on the nature of the discovery and advice from the NSW Heritage Council, an application for an excavation permit under Section 140 of the NSW Heritage Act may be required to be made.

Use of Heritage Architect

The applicant is to ensure that a qualified and experienced heritage architect is involved in the construction phase, recording the phases or fabric removal and advising on detailed decisions. The heritage architect is to provide intention and evidence of their involvement in the work to Council.

The qualified and experienced heritage architect is to be provided with full access to the site, and authorized by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

- a) Details of these heritage architect must be provided to Council prior to the commencement of works;
- b) Throughout the demolition and construction stages of the approved works the heritage architect is to be responsible for maintaining the Site Diary and Record as provided by a separate condition within this development consent;
- c) The Site Diary and Record along with any relevant supporting documentation is to be available throughout the progress of work for inspection by Council upon reasonable request;
- d) The applicant should advise Council at the completion of removal of later layers of building fabric and prior to the construction of new works to enable Council to see and record details of evidence of historic fabric, where this is evident. Unexpected and interesting discoveries may also inform the detailing and placement of elements.
- e) The heritage specialists must sign off the completed project and submit the Site Diary and Record to Council prior to the issue of an Occupation Certificate.

Site Diary and Record

A Site Diary and Record is to be prepared and maintained throughout the documentation and construction stages of the approved works by the qualified and experienced heritage architect, which provides recommendations and guidance for appropriate conservation management decisions. It must include:

- a) All appropriate conservation queries, discussion and advice;
- b) Be maintained throughout all demolition and construction works; and

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- c) Include a photographic record of the works and specific detail to be prepared throughout all demolition and construction works.

The Site Diary and Record is to be maintained by the qualified and experienced heritage architect on a regular basis and include a record of any issues arising, advice given and justification for approach. It is to include appropriate documentation supporting all decisions made throughout the project that may deviate from the Schedule of Conservation Works.

Conservation Management Plan

Prior to the issuing of an Occupation Certificate, the Conservation Management Plan is to be updated to reflect the works completed and the intended use of the heritage item. This includes containing a relevant and updated physical analysis, conservation policies, a schedule of conservation works and cyclical maintenance plan that will ensure the longevity of ongoing maintenance of the heritage item.

Engineering

Roads Act 1993

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

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

Dilapidation report on surrounding Council assets

A dilapidation report on Council's surrounding public roads and infrastructure is to be prepared by the applicant and submitted to Council at least 10 business days prior to the intended commencement of works. The dilapidation report is to include the route of trucks transporting excavated and demolition material from the development site to the Great Western Highway.

This is to the applicant's advantage, so that any existing damage can be identified before works commence.

Construction Pedestrian and Vehicle Traffic Management Plan

A Demolition, Excavation and Construction Pedestrian and Traffic Management Plan (CTMP) prepared by a suitably qualified person shall be submitted for the Council's consideration and approval prior to commencement of any works on site.

The CTMP is to be in the form of a report and is to address (but not be limited to) the following:

- Details of the average daily volume of truck movements to/from the site during the various stages of site works (eg demolition, excavation, construction).
- Details of the proposed construction vehicle access routes.
- Traffic Control Plans which outline how pedestrian/traffic movements around the site and access to adjacent properties are to be managed.
- Traffic Control Plans detailing how construction vehicle movements entering and exiting the site are to be managed.

- Materials storage and handling for works both internal and external to the site.
- Deliveries and construction traffic for works both internal and external to the site.
- Details of the proposed parking and access arrangements for workers and sub-contractors.

Safety devices such as signs, barricades, barriers, warning lights etc. shall be placed where works affect the Council roads and shall be in accordance with Australian Standard No. 1742—Manual of Uniform Traffic Control Devices and Roads and Traffic Authority Manual—Traffic Control at Work Sites 1998. Details are to be included in the Traffic Management Plan Report.

Basement excavation

If any groundwater is encountered which exceeds seepage due to wet weather, then contact is to be made with WaterNSW to determine whether an aquifer interference approval is required. Works are to proceed in accordance with any requirements of WaterNSW.

Repair of damage

The applicant shall repair or reconstruct all damages caused by construction activity relating to the development as identified by the Council's Supervising Engineer by reference to the condition of Council Assets prior to the commencement of works as identified in the Dilapidation Report prepared **prior to release of any Occupation Certificate**.

Certification by Council

Prior to the issue of the Occupation Certificate, a certificate shall be obtained from Council to verify that any works within the road reserve have been completed in accordance with the approved plans and to Council's satisfaction.

Security Bond

In accordance with Part 4, Division 4.3, section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of \$xxx,xxx (being 1% of the estimated development cost) is to be lodged with Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction, and completion of public works.

The security bond shall be lodged with Council, prior to the commencement of any works associated with the development.

The bond shall be held for the duration of works and for a defect period of 6 months following the issue of an Occupation Certificate. The security bond will be refunded upon written application to Council subject to all public works and Council assets being in a satisfactory condition.

Landscaping

Appointment of supervising landscape specialist

Prior to the commencement of site works, a qualified landscape architect with experience in large scale landscape project management are to be appointed by the developer to oversee or otherwise manage all landscape aspects of the approved development.

**Appointment of
supervising consulting
arborist**

To ensure the health, condition and future viability of all trees identified to be retained on and adjacent to the subject site, the person acting upon this consent is to engage a qualified arborist (minimum Australian Qualification Framework (AQF) Level 5) to implement or supervise tree retention and protection requirements.

All Tree Protection Measures are to be undertaken in accordance with **Part 5** of the approved Arboricultural report implemented and in a manner consistent with Australian Standard 4970-2009 *Protection of Trees on Development Sites*, except as varied by the supervising arborist.

Prior to commencement of any works on site, the arborist is to:

- a) Develop Tree management protection plan, this plan must include a notation that soil battering is not occur beside trees 127-136. Sheet piling is preferred if soil stabilisation is required.
- b) undertake or supervise the establishment of all required tree protection measures,
- c) engage in consultation with the appointed landscape specialist to ensure that any potential conflict between proposed landscape works and the protection of retained trees is identified and resolved, and

During site preparation and approved tree removal, the arborist is to:

- d) ensure any machinery used during tree removal procedures or site preparation works is designed and operated in a manner which minimise soil disturbance and compaction within the TPZ of retained trees.
- e) ensure any necessary dead wood removal and remedial pruning of retained trees necessitated by approved works is undertaken in accordance with *Australian Standard 4373-1996 Pruning of Amenity Trees*,

During all aspects of the construction the arborist is to:

- f) ensure all necessary tree protection measures are maintained in functional condition
- g) provide arboricultural advice to construction personnel and supervisors on tree related matters which may arise following commencement of approved excavation and construction works
- h) provide arboricultural supervision and record (photographs + documented) any necessary and permitted excavation, trenching or other encroachment by construction works into any TPZ,
- i) ensure all work within the TPZ utilises the least damaging techniques available (e.g. under boring rather than trenching),
- j) provide advice on the preferred location of any new fencing so as to avoid immediate or future conflicts between retained trees and installed fencing
- k) implement any additional protective or remedial works (if required) to ensure tree stability and longevity.

Following the completion of construction and landscape works, the arborist is to;

- l) undertake an assessment of each retained tree to check for damage and disease, and oversee any remedial works required, and
- m) provide advice to the person who benefits from this approval of ongoing maintenance so as to conserve the structural stability and life expectancy of each retained tree, and
- n) recommend appropriate timing for an ongoing monitoring regime to assess the retained trees for decline and hazards.

Protection of retained trees

Prior to the commencement of any work on site and under the direction of the supervising arborist, trees to be retained on and adjacent to the site are to be protected from accidental damage and other adverse impacts to their root system, trunk and branches during site preparation and approved construction and landscaping works.

Establishment of Tree Protection Zones (TPZ's) - Tree Protection Measures are to be implemented in a manner consistent with Australian Standard 4970-2009 Protection of Trees on Development Sites, and in accordance with Part 5 of the approved Arboricultural Report, except as varied by the supervising arborist.

Restriction of activity - Within the TPZ, there shall be no storage of material, placement of structures, parking, operation or washing of equipment or vehicles or changes to soil level.

Inspection and maintenance - The TPZ is to be inspected and maintained to ensure its effective function for the duration of construction works. The supervising arborist is to undertake regular inspections of the barriers to ensure their continued effective operation.

Role of landscape specialist during site works and Construction

Following approval of the detailed landscape plans, planting schedule and specifications and the commencement of works, the appointed landscape specialist is to be responsible for the following matters:

- a) Engagement of professional weed control contractors to ensure the effective management of all priority weeds and other persistent invasive species prior to commencement of any landscape works.
- b) Oversight of all specified amelioration activities to ensure all landscape areas are provided with soils which are fit for purpose. This includes:
 - i. excavation and grading,
 - ii. subgrade preparation,
 - iii. supply and installation of soils according to the Australian standards 4419:2018 '**Soil for landscaping**': of appropriate depth, structure and biochemical composition for planting areas on grade, on slab, tree pits and pocket planting to ensure optimal growth conditions for installed plant material, and

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- iv. oversight of any WSUD drainage and planting media installation according to the relevant approved plans and consent conditions.
 - c) Ensuring the appropriate staging of works in the preparation of all areas proposed for landscape planting both within the subject site and within the adjoining road reserve verge. This includes:
 - i. Completion of tree removal and weed control
 - ii. review and approval of any site remediation
 - iii. edging, paving, pathway construction,
 - iv. irrigation and drainage installation,
 - v. retaining/rock wall construction or installation of other suitable soil stabilisation products.
 - d) Ensure that evidence of a pH test on the provided/received soil for landscaping and planting of vegetation is demonstrated so that the pH is suitable for native species.
 - e) Supervision of plant installation and any plant protection items; mulching and finalisation of the landscape implementation in accordance with the approved landscape plans, detailed specifications and these consent conditions.

Weed control

Systematic and effective control of all invasive species* is to be undertaken prior to or concurrently with the commencement of works.

Techniques used must be consistent with best practice and low impact techniques, and in accordance with any specifications noted in any approved BMCC weed management strategies or plans available at: <https://www.bmcc.nsw.gov.au/weeds> or as recommended within the Blue Mountains DCP 2015 Part C2.2.

Weed control is to be undertaken on a regular basis in accordance with the approved Landscape Management Strategy to ensure eradication of mature weeds in all areas, the depletion of soil stored seed, and the successful establishment of the approved plantings.

*As identified under the provisions of the Biosecurity Act 2015 and the Blue Mountains DCP 2015 Part C2.3.

Landscape implementation

In order to provide for the retention and enhancement of a prominent and appropriate heritage landscape setting on the subject site, extensive and appropriate landscaping is to be provided as an integral component of the approved development.

These works are to be undertaken in accordance with the approved and detailed landscape planting plans and landscape specifications and as detailed by these conditions.

Landscape treatment is to be provided in all available pervious areas on site and where indicated in road reserve locations.

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- a) The installed landscape is to demonstrate at establishment:
 - i. effective control of all invasive species within landscaped area.
 - ii. sensitive and appropriate integration of retained trees within an enhanced landscape setting, and
 - iii. complexity of form and colour within a restored and appropriate landscape setting to the heritage item,
 - iv. a broad array of reliable and non-invasive species selected from the planting schedule,
 - v. plantings which are suitably advanced, vigorous, structurally sound and correctly installed in accordance with the approved planting layout,
 - b) All planted areas demonstrate:
 - i. approved structural landscape elements including retaining walls, garden edging, fencing, paving, seating and lighting; and
 - ii. adequate and bespoke protection of all new and established plantings from pedestrian and climatic impacts to ensure successful establishment and/or optimum longevity; and
 - iii. an automatic irrigation system throughout to ensure satisfactory maintenance of the landscaping. The system shall provide full coverage to all the planted areas with no overspray onto driveways, pathways or common space areas.
 - iv. proprietary root barriers installed in areas where the root system of adjacent trees may at maturity, compromise the functional integrity of any built feature or component;
 - c) At maturity, plant spacing, layout and characteristics will;
 - i. Reinstall an appropriate landscape setting to the heritage item
 - ii. Achieve a balance between the built form and the landscape elements;
 - iii. minimise the visual impact of the development from public areas and from adjoining properties;
 - iv. contribute positively to the streetscape character of the locality and the visitor experience;
 - v. contribute to the effective management and treatment of stormwater; and
 - vi. provide adequate opportunities for natural surveillance.

Given the importance of timely establishment of the landscape character of the site, all trees, screening and feature plants as shown must be in an advanced stage of growth at the time of planting.

Minimum container sizes are as follows:

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- a) 200 litre container for trees. Trees must not be less than 2 metres in height at planting,
 - b) 25 litre or 300mm containers for all screening or slow growing shrubs,
 - c) 200mm containers for all other shrub plantings,
 - d) mass planted areas and as otherwise indicated on the approved landscape plan. (not to be tube stock)

Limit of vegetation removal

No trees to be removed or pruned unless such works are permitted by this development consent, including approved plans and consent conditions.

The useful life expectancy of trees to be retained is not compromised during the site preparation, construction process.

All trees and other vegetation located within the road reserve are to be retained.

**Landscape Implementation
– Compliance**

Prior to the issue of any Occupation Certificate, the Principal Certifier is to obtain a written certification statement from the Supervising Landscape Specialist that all landscaping and associated works have been implemented in accordance with the approved plans, landscape specifications and these consent conditions.

The person having the benefit of this consent must complete any remedial works directed by the Principal Certifier or Council to satisfactorily achieve the landscaping requirements of these development consent conditions prior to the issue of any Occupation Certificate.

**Tree Management -
Compliance**

Prior to the issue of any Occupation Certificate, the Principal Certifier is to obtain a written certification statement from the Supervising Arborist that all retained trees have been protected in accordance with the approved Tree Management Plan and these consent conditions.

Landscape Maintenance

Following practical completion of landscape works, landscape maintenance is to be undertaken for the life of the development at sufficient intervals to promote successful establishment and growth of all new plantings and maintain all landscaped areas in optimal condition. Plants that die or are removed are to be replaced with the same or similar species in an equivalent stage of growth.

Maintenance is to include pruning, fertilising, weed control, re-mulching, inspection of irrigation system operation, pest/ disease control, rubbish removal, leaf litter management, drain clearing, monitoring and replacement of stakes, ties and other tree protection devices and tree maintenance.

**Monitoring of retained
trees**

Following the practical completion of construction works and for a minimum period of twenty-four months, the person benefitting from this consent is to engage a qualified consulting arborist (minimum Australian Qualification Framework (AQF)

Level 5) to undertake monitoring of all retained trees specified within the TMP in accordance with the timing schedule nominated by the project arborist.

The appointed arborist is to inspect the trees for decline and hazards and determine the adequacy of the maintenance regime for the purpose of maintaining tree health and longevity.

Where significant evidence of tree decline or structural instability is detected, the inspecting arborist is to immediately notify Councils Tree Management Officer and provide a report detailing identified issues and recommending remedial actions.