

## Recommended Conditions of Consent – with track changes

18 September 2019

### Conditions of Consent

(Approved subject to the conditions specified in this notice and in accordance with the stamped approved plans.)

### Reason for the Imposition of Conditions

The reason for the imposition of the following conditions shall ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved:

To encourage:

- a) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
  - i. The promotion and co-ordination of the orderly and economic use of development of land;
  - ii. The protection, provision, and co-ordination of communication and utility services;
  - iii. The provision of land for public purposes;
  - iv. The provision and co-ordination of community services and facilities;
  - v. The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
  - vi. Ecologically Sustainable Development; and
  - vii. The provision and maintenance of affordable housing.
- b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

### Administrative Conditions

#### 1. Prescribed Conditions

- a) The work shall be carried out in accordance with the requirements of the *Building Code of Australia*.
- b) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6

of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

- c) A sign shall be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- i. showing the name, address and telephone number of the Certifying Authority for the work, and
  - ii. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - iii. stating that unauthorised entry to the work site is prohibited.

Any such sign shall be maintained while the building work, subdivision work or demolition work is being carried out, but shall be removed when the work has been completed.

- d) Residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- i. in the case of work for which a principal contractor is required to be appointed:
    - a. the name and licence number of the principal contractor, and
    - b. the name of the insurer by which the work is insured under Part 6 of that Act,
  - ii. in the case of work to be done by an owner-builder:
    - a. the name of the owner-builder, and
    - b. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so the information notified under (d) becomes out of date, further work must not be carried out unless the Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

## 2. Approved Documentation

The development consent incorporates this schedule of conditions and the plans and documents referenced and stamped as follows:

- a) Plans Reference:

Architectural Plans prepared by: Calderflower; Project Number. 17120			
Name of Plan	Drawing Number	Issue	Date
Notification Elevations	NP002	B	28/2/19

RAC Exterior Materials	A801	C	5/3/19
RAC Sections	A201	B	28/2/19
RAC Elevations	A200	C	5/3/19
Demolition Plan	A003	B	28/2/19
RAC Plan-Level-1 Level-2	A100	B	28/2/19
RAC Plan-Level-2 Level-Roof	A101	B	28/2/19
Notification Site Plan	NP001	B	28/2/19

Landscape Plans prepared by: TaylorBrammer			
Name of Plan	Drawing Number	Issue	Date
Landscape Master Plan	LA08	C	22.07.2019
Entry Precinct1 / 2	LA09	C	22.07.2019
Entry Precinct 2 / 2	LA10	C	22.07.2019
<del>Country Courtyard</del> garden	LA11	C	22.07.2019
Courtyard garden	LA12	C	22.07.2019
Courtyard garden	LA13	C	22.07.2019
Tree Removal And Retention Plan	LA14	C	22.07.2019
Planting Key Plan	LP00	D	26.08.2019
Planting Plan 1	LP01	D	26.08.2019
<u>Planting Plan 2</u>	<u>LP02</u>	<u>D</u>	<u>26.08.2019</u>
<u>Planting Plan 3</u>	<u>LP03</u>	<u>D</u>	<u>26.08.2019</u>
<u>Planting Plan 4</u>	<u>LP04</u>	<u>D</u>	<u>26.08.2019</u>
<u>Planting Plan 5</u>	<u>LP05</u>	<u>D</u>	<u>26.08.2019</u>
<u>Planting Plan 6</u>	<u>LP06</u>	<u>D</u>	<u>26.08.2019</u>
<u>Planting Plan 7</u>	<u>LP07</u>	<u>D</u>	<u>26.08.2019</u>
<u>Planting Plan 8</u>	<u>LP08</u>	<u>D</u>	<u>26.08.2019</u>
<u>Planting Plan 9</u>	<u>LP09</u>	<u>D</u>	<u>26.08.2019</u>
<u>Planting Plan 10</u>	<u>LP10</u>	<u>D</u>	<u>26.08.2019</u>
<u>Planting Plan 11</u>	<u>LP11</u>	<u>D</u>	<u>26.08.2019</u>
<u>Planting Plan 12</u>	<u>LP12</u>	<u>D</u>	<u>26.08.2019</u>
Typical Details	LD01	C	22.07.2019

**Commented [AR1]:** These plans were incorrectly omitted from the plan set sent to the Panel

Engineering Plans prepared by: henry&hymas;			
Name of Plan	Drawing Number	Revision	Date
Bulk Earthworks Cut and Fill Plan	17999_DA_BE01	06	18.07.2019
Overall Site Plan	17999_DA_C100	04	09.07.2019
Detail Plan – Level 1 Sheet 1 of 2	17999_DA_C101	04	02.08.2019
Detail Plan – Level 1 Sheet 2 of 2	17999_DA_C102	04	09.07.2019
Detail Plan – Level 2 Sheet 1 of 2	17999_DA_C110	04	09.07.2019
Detail Plan – Level 2 Sheet 2 of 2	17999_DA_C111	04	09.07.2019
Detail Plan – Level 3 Sheet 1 of 2	17999_DA_C120	04	08.07.2019
Detail Plan – Level 3 Sheet 2 of 2	17999_DA_C121	04	08.07.2019
Existing Medical Centre – Additional Carpark Spaces	17999_DA_C130	02	09.07.2019
Northville Drive Entrance / Right Turn Lane Layout	17999_DA_C131	01	02.08.2019
Road Longitudinal Sections	17999_DA_C150	04	09.07.2019
Road Typical Sections and Details	17999_DA_C151	03	09.07.2019
Stormwater Miscellaneous Details and Pit Lid Schedule	17999_DA_C200	02	09.07.2019
OSD Tank 1, Plan, Sections and Details Sheet 1 of 2	17999_DA_C201	03	09.07.2019
OSD Tank 1, Plan, Sections and Details Sheet 2 of 2	17999_DA_C202	03	09.07.2019
Above Ground OSD Tank Plan, Sections and Details	17999_DA_C203	01	09.07.2019
Road Longitudinal Sections	17999_DA_C150	043	09.07.2019

Commented [AR2]: Incorrect reference inserted

Commented [AR3]: Incorrect reference

b) Document Reference:

Document	Reference	Author	Date
Arboricultural Impact Assessment Report	18PLAN0002T	Travers Bushfire and Ecology	March 2019
Crime Prevention Through Environmental Design Report	18-013	City Plan Strategy & Development	6 March 2019
Acoustic Report	SY181958-AUR01	Northrop	4/3/2019
Report on Geotechnical Investigation	39855.02	Douglas Partners	February 2019
Report on Preliminary Site Investigation (Contamination)	39855.01	Douglas Partners	February 2018
Statement of Compliance Access for People with a Disability	218409	Accessible Building Solutions	<u>0429/032/2019</u>

Commented [AR4]: Incorrect reference

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

- Any amendments made by Council on the approved plans or documents;
- Any notes, markings, or stamps on approved plans or documents, and
- Any conditions contained in this consent.

#### General Conditions

The person having the benefit of the consent shall comply with each of the following conditions.

### 3. General Terms of Approval

The following approval bodies have given general terms of approval in relation to the development:

- Subsidence Advisory NSW
- NSW Rural Fire Service

### 4. Staging of development

All stages are independent from one another and can be commenced at any time.

Commented [AR5]: Staging condition as requested by applicant.

It is not proposed to have separate OC issue. Nor is it proposed to stage development contributions.

Where reference is made to "Construction Certificate" throughout the consent, it can be taken to apply to the relevant Construction Certificate for the staging as detailed in this condition.

All conditions of the consent apply to each and every stage of the development where relevant.

The development shall be undertaken in accordance with the following staging schedule:

Stage 1

- Demolition of existing buildings
  - Complete HAZMAT inspection of the existing buildings
  - Implement recommendations of hazmat inspection as required of the buildings to be demolished
  - Strip out hazardous materials as required of the buildings to be demolished
  - Attain clearance certificates for existing buildings to be demolished
  - Demolish buildings
- Site establishment
  - Establish perimeter fencing
  - Establish tree protection measures
  - Establish sediment control measures
  - Establish temporary site offices and construction amenities
  - Dial before you dig
  - Update existing service searches as required
  - Construct temporary construction roads
  - Complete dilapidation reports
  - Establish temporary construction services

Stage 2

- Diversion of existing services and modifications required for connection of the new building
  - Divert existing gas mains (RFBI owned)
  - Divert existing fire hydrant and sprinkler mains (RFBI Owned)
  - Divert existing stormwater mains (RFBI Owned)
  - Isolate and cap electrical services to existing buildings
  - Isolate and cap existing hydraulic services to existing buildings
  - Sewer diversions as required

- Modification of all services as required to facilitate connection of the new facility
- Bulk excavation
  - Strip top soil and stockpile material or cart off site
  - Excavate material to bulk excavation levels and cart off site / fill as required in line with approved civil bulk excavation plans
- Internal roads
  - Construct internal roads in line with approved civil documentation excluding final surface finishes and permanent public domain works.
  - Construct internal stormwater drainage in line with approved civil documentation.
  - Attain Section 138 approval from council for the temporary access off Northville drive
  - Construct temporary construction access off Northville drive

### Stage 3

- Detail excavation and service rough in
  - Trim excavation foot print to final level
  - Piling as required
  - Import and compact sub base for structure
  - Detail excavation for footings and lift pits
  - Inground hydraulic services and compaction
- Internal driveway and loading dock connections
  - Construct loading dock driveway and associated retaining walls
  - Construct staff car parking driveway and associated retaining walls
- Ground slabs
  - Form ground slabs
  - Install reinforcement
  - Form set downs
  - Place concrete
  - Strip formwork
  - Install footings for all retaining walls
- Vertical structure
  - Install retaining walls
  - Form vertical structure

- Install reinforcement
  - Form set downs
  - Place concrete
- Suspended slabs
  - Form suspended slabs
  - Install reinforcement
  - Rough in all in slab services
  - Pour concrete
  - Strip formwork
- Structural steel
  - Erect structural steel
- All structural works
- All electrical works

#### Stage 4

Complete all remaining work excluding Public Domain works including but not limited to,

- Roof installation
- Façade installation
- Internal fit out
- Remaining service rough in and fit off
- Permanent fencing
- Install kitchen and laundry services
- Construct remaining roads and complete civil works
- Complete civil stormwater drainage system
- Landscaping works
- Complete remaining civil works
- Energisation of building
- Connection of service mains
- Commissioning
- Works required for occupation of the building

#### Stage 5 - Public Works Certificate



- Attain Section 138 approval from council
- Complete works required under public works certificate
- Attain Compliance Certificate from Council for works approved under Section 138 approval

At the completion of all of the above works, release of Final Occupation Certificate for the entire development subject of this consent shall occur.

#### **General Terms of Approval and Concurrence Requirements**

##### **5. Subsidence Advisory NSW – General Terms of Approval**

The development shall comply with the following General Terms of Approval of the Subsidence Advisory NSW:

###### Post Construction

Upon completion of construction, works-as-executed certification by a qualified engineer shall be forwarded to the Subsidence Advisory NSW confirming that construction was in accordance with the plans approved by Subsidence Advisory NSW.

##### **6. NSW Rural Fire Service – General Terms of Approval**

The development shall comply with the following General Terms of Approval of the NSW RFS:

###### Asset Protection Zones

At the commencement of building works and in perpetuity the property around the Residential Aged Care Facility and Community Hub shall be managed as an Inner Protection Area (IPA) to a distance of 40 metres, 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'.

At the commencement of building works and in perpetuity the property around the maintenance shed shall be managed as an Inner Protection Area (IPA) to a distance of 10 metres, 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

Water, electricity and gas shall comply with Sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

###### Access

Internal roads shall comply with the following requirements of Section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

- Internal roads shall be two wheel drive, sealed, all weather roads;
- Roads shall be through roads. Dead end roads shall be no more than 100 metres in length from a through road and shall incorporate a minimum 12 metres outer radius turning circle or an alternative turning head in accordance with Figure A3.5 of Prerelease 'Planning for Bush Fire Protection 2018' and be clearly signposted as a dead end;
- Traffic management devices shall be constructed to facilitate access by emergency services vehicles;
- A minimum trafficable width of 5.5 metres shall be provided;
- A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches shall be provided;
- Curves shall have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress;
- Maximum grades shall not exceed 15 degrees and average grades shall not be more than 10 degrees;
- Crossfall of the pavement shall be no more than 10 degrees;
- Roads shall not traverse through a wetland or other land potentially subject to periodic inundation (other than flood or storm surge);
- The internal road surfaces and bridges shall have a capacity to carry fully loaded fire fighting vehicles (15 tonnes).

#### Evacuation and Emergency Management

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

#### Design and Construction

New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and Section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

The maintenance shed shall be constructed entirely from non-combustible materials.

#### Landscaping

Landscaping within the asset protection zones shall comply with the principles as outlined within Appendix 5 of 'Planning for Bush Fire Protection 2006'.

### **Fees, Charges and Contributions**

#### **7. Contribution Toward Provision or Improvement of Amenities or Services**

In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* – Sect 7.11 and the Lake Macquarie City Council *Development Contributions Plan Glendale Contributions Catchment - 2015*, the monetary contributions in the attached Contributions Schedule shall be paid to Council for the purposes identified in that Schedule.

From the date this determination is made until payment, the amounts of the contributions payable under the preceding clause shall be indexed and adjusted at the close of business on:

- a) 14 August,
- b) 14 November,
- c) 14 February, and
- d) 14 May;

in each year in accordance with indexation provisions within the Contributions Plan and Directions issued under the *Environmental Planning and Assessment Act 1979* – Sect 7.17. The first date for indexation shall occur on the first abovementioned date after the Notice of Determination becomes effective.

The contributions payable shall be the amounts last indexed and adjusted in accordance with the above. However, if no amount has been indexed and adjusted because the first date for indexation and adjustment has not arrived, the contributions payable shall be those as set out in the table below.

The contributions shall be paid to Council as follows:

- a) Development Applications involving subdivision – prior to the release of the Subdivision Certificate;
- b) Development Applications involving building work – prior to the release of the first Construction Certificate;
- c) Development Applications involving both subdivision and building work – prior to the release of the Subdivision Certificate or first Construction Certificate, whichever occurs first;
- d) Development Applications where no Construction Certificate or Subdivision Certificate is required – prior to the commencement of any construction work or prior to any occupation, whichever occurs first;
- e) Complying Development Certificates - prior to any work authorised by the application or certificate commencing.

It is the professional responsibility of the Certifying Authority to ensure the monetary contributions have been paid to Council in accordance with the above provisions.

Please note that payments made by cheque or electronic transfer - the release of any documentation shall be subject to the clearing of those funds.

Indexation details are available from Council's Development Contribution Section.

A copy of the Lake Macquarie City Council *Development Contributions Plan Glendale Contributions Catchment - 2015* is available on Council's website, or a copy is available at Council's Administrative Building during Council's opening hours.

## CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
GC-Roads-Capital-R001/R004/R007/R010-CPI	\$53,117.07
GC-Roads-Land-R001/R004/R007/R010-LVI	\$1,487.47
GC-Public Transport Facilities-CPI	\$3,302.22
GC-Plan Preparation & Administration-CPI	\$28,397.09
<b>TOTAL</b>	<b>\$86,303.85</b>

### Conditions to be satisfied prior to the issue of the Construction Certificate

The person having the benefit of the consent shall comply with each of the following conditions prior to the issue of a Construction Certificate.

Any documentation required to be submitted for the Construction Certificate shall be submitted to the Certifying Authority unless otherwise specified.

### 8. Stormwater Disposal - Stormwater Detention and Harvesting

A Stormwater Detention and Harvesting Plan shall be submitted. The plan shall be generally in accordance with the approved Engineering Plans.

The stormwater plans approved by this development consent are not approved for construction.

The stormwater plans shall comply with the following:

- a) Stormwater shall be disposed of through a piped system designed in accordance with *Australian Standard AS 3500* by a suitably qualified professional. The design shall be undertaken by a practising Civil Engineer deemed to be suitably experienced by Council and qualified so as to be accepted as a Member of the Institution of Engineers Australia or a Registered Surveyor deemed to be suitably experienced by Council shall be accepted as qualified to prepare plans for drainage works (excluding flood control structures and bridges). Qualifications demonstrating the above may be requested by Council. Stormwater detention measures shall be designed to ensure the development does not increase upstream or downstream flood levels for all recurrence intervals up to and including the 1% Annual Exceedance Probability.
- b) Detention storage shall be calculated and designed in accordance with *Australian Rainfall and Runoff 2019* and the Lake Macquarie City Council guideline – *Handbook for Drainage Design Criteria* and shall conform to the specifications and standards contained in *Development Control Plan 2014 Engineering Guidelines*.
- c) Stormwater harvesting measures shall be designed in accordance with the *Development Control Plan 2014 Water Cycle Management Guideline*.

Stormwater drainage plans shall include details of the harvesting system, including rainwater tank details, pump details and reticulation diagrams.

- d) The location of a permanent metal sign (minimum dimensions 150mm x 220mm) shall be detailed on the plans in a visible location near the detention orifice plate or onsite detention entry with the following wording:.

THIS IS AN ONSITE STORMWATER DETENTION  
SYSTEM REQUIRED BY LAKE MACQUARIE CITY  
COUNCIL.

It is an offence to reduce the volume of the tank or basin or  
to interfere with the orifice plate that controls the outflow.

The base of the outlet control pit and the debris screen shall  
be cleaned of debris and sediment on a regular basis.

This plate shall not be removed

#### 9. Geotechnical Report Compliance

The recommendations of the approved Report on Geotechnical Investigation ~~t~~ shall be complied with.

Any works undertaken in relation to the development shall embody all relevant recommendations of the Report on Geotechnical Investigation.

The engineering plans shall be certified as being designed in accordance with the approved Report on Geotechnical Investigation.

#### 10. Parking Areas and Access Ways

A design plan for parking areas and access ways shall be submitted. The design shall include pavement design, stormwater drainage, line marking and signage. The design shall meet the standards nominated in *Development Control Plan 2014, Engineering Guidelines* and *Australian Standard AS2890*.

#### 11. Driveway Design

A design plan for the driveway to the garage or car parking area of the development shall be submitted. The design shall be in accordance with the following requirements: ~~and Council Standard Drawing: EGSD-104 (available from Councils website).~~

- a) The driveway design levels at the front boundary shall be obtained from Council's Asset Management department prior to design of the driveway.
- b) The design plan shall include a driveway longitudinal section, incorporating the design level provided by Council and other construction details (i.e. concrete thickness and reinforcement).

c) The design shall be in accordance with Council Standard Drawing: EGSD-104 (available from Councils website) and/or AS 2890.2:2002 as applicable.

**Commented [AR6]:** As requested by the applicant, the modification to this condition provides clarity regarding the standards to be applied

- ~~c) In accordance with AS 2890.2:2002 the maximum gradient of any driveway or ramp shall not exceed 1V:6.5H (15.4%).~~
- ~~d) Internal driveways or ramps shall be in accordance with AS 2890.1:2004 and/or AS 2890.2:2002 as applicable.~~
- ~~d) Where changes of grade occur, suitable transitions shall be designed to meet the Design Vehicle Ground Clearance Diagrams in Figure A1 of AS2890.2:2002.~~

## 12. Construction Certificate

Prior to the commencement of building work or subdivision work, a Construction Certificate shall be obtained.

Note: If the Construction Certificate is issued by a Certifying Authority that is not Council it shall be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval. (Clause 142(2) *Environmental Protection Authority Regulation 2000*).

## 13. Erosion and Sediment Control

A final Erosion and Sediment Control Plan or Soil and Water Management Plan shall be submitted. The plan shall contain information required for the area of disturbance of the development or its distinct and separate stages in accordance with *Development Control Plan 2014*.

The final plan shall include a signed and dated Statement of Compliance stating (in full):

- a) This plan has been developed, certified and signed off by an appropriately qualified and experienced professional in erosion and sediment control;
- b) The plan complies with the requirements for the area of disturbance in accordance with *Development Control Plan 2014*;
- c) The plan and associated documents, calculations and drawings, have been prepared to a standard which, if properly implemented, shall achieve the water release criteria of 50mg/L of total suspended solids (TSS); and
- d) All erosion and sediment control measures are in accordance with *Development Control Plan 2014*.

## 14. Vehicles Access Crossing and Kerb Layback

An approval for the vehicle access crossing and kerb layback under s138 of the *Roads Act 1993* is required and "Application for Access to Property" shall be obtained from Council.

A paved vehicular access including kerb layback from the property boundary to the street shall be designed in accordance with Councils Standard Drawings: *EGSD-103*, *EGSD-201* or *EGSD-104* (available from Councils website).

#### 15. Car Parking and Allocation of Spaces

Plans demonstrating a total of ~~34-26~~ new car parking spaces in accordance with *Australian Standard AS/NZS 2890* shall be submitted.

**Commented [AR7]:** Incorrect reference

A maximum of 20 parking spaces shall be allocated for staff.

**Commented [AR8]:** As requested by applicant to ensure staff car parking is provided in safe and secure locations

#### 16. Screening of Service Infrastructure

Service infrastructure (~~i.e.~~ electrical kiosks, downpipes, mechanical ventilation, etc) shall be integrated into the site and/or building and not be visually offensive (in the opinion of the Certifier) to Northville Drive.

Plans demonstrating the appropriate location and design of service infrastructure shall be submitted for approval.

#### 17. Disability Access Requirements

Plans shall be submitted demonstrating the recommendations contained in the approved Statement of Compliance for Access for People with a Disability.

#### 18. Vegetation Management Plan and Implementation

A person qualified in natural vegetation management, ecology or bush regeneration shall prepare a Vegetation Management Plan (VMP) in consultation with Council's Development Planner Flora and Fauna.

The VMP shall be prepared in accordance with the *Lake Macquarie City Council Guideline for Vegetation Management Plans*.

The VMP shall be submitted, to and approved by Council's Development Planner Flora and Fauna.

The VMP shall apply to the northern extent of the site, adjoining Northville Drive, between Trees T001 and T025 (as identified in the approved Arboriculture Impact Assessment Report), and shall restore and rehabilitate the extent of Endangered Ecological Community Lower Hunter Spotted Gum - Ironbark Forest.

The VMP shall demonstrate plantings that are reflective of characteristic species of Lower Hunter Spotted Gum - Ironbark Forest (EEC) and shall include the following canopy tree species to maintain species diversity and replace the locally native species to be removed:

- White Mahogany (*Eucalyptus acmenoides*),
- Smooth-barked Apple (*Angophora costata*),
- Red Ironbark (*Eucalyptus fibrosa*), and
- Grey Gum (*Eucalyptus punctata*).

## **19. Acoustic Certification**

Plans shall be certified as being designed in accordance with the approved Acoustic Report.

## **20. Waste Management and Garbage Storage Areas**

Details of the waste management arrangements shall be submitted to demonstrate all waste streams can be serviced by a private waste contractor (i.e. general waste, special waste, medical, etc).

Details of the garbage washing and bin storage area shall be submitted demonstrating:

- a) Adequate facilities provided in a screened location within the premises for the separate storage of recyclable, non-recyclable and putrescible material.
- b) The garbage washing and bin storage area constructed of, or lined with materials that are durable, impervious to moisture, and capable of being easily cleaned.
- c) Supply of hot and cold water.
- d) Area is roofed and the floor bunded, graded and drained to a sump connected to the sewer in accordance with the requirements of the Hunter Water Corporation.

## **21. Construction and Fit-out of Food Premises**

Plans shall be submitted demonstrating food premises complies with the following:

### **a) General Construction**

The fit-out of areas used for food preparation, storage or display, shall comply with the requirements of the *Food Act 2003*, *Food Regulation 2010*, and *Australian Standard AS4674 Design, construction and fit-out of food premises*.

Note: Particular attention shall be paid to:

- i. Routing of plumbing and electrical conduit
  - ii. Installation of hand wash basins and cleaners sinks
  - iii. Construction of floors, walls and ceilings
  - iv. Finishes of floors, walls and ceilings
  - v. Cool room construction
  - vi. Installation of fixtures fittings and equipment
  - vii. Toilet facilities and airlocks
  - viii. Installation of light fittings
  - ix. Installation of floor wastes
  - x. Ventilation and exhaust systems
- ### **b) Plans and Specifications**



Plans and specification shall demonstrate compliance with the *Food Act* and Regulations, and relevant Australian Standards.

c) Mechanical Ventilation

Installation of any mechanical ventilation systems shall comply with the provisions of Part 2 of the *Australian Standard AS1668*.

d) Partition Wall Construction

Any partition wall (that do not extend to the ceiling), sills or other ledges located within food preparation areas shall be splayed on top at an angle of 45 degrees to prevent storage of articles and reveal build-up of food waste, dirt, grease or other visible matter.

e) Waste Traps

Any bucket traps, grease traps and associated sewer connections shall be installed in accordance with the requirements of Hunter Water Corporation.

**22. Loading Dock and Driveway**

Details of the loading dock and driveway area shall be submitted.

The loading dock and driveway shall be graded and drained to a collection sump for the control of any spillages or cleaning waste generated.

Wastes shall be directed to the sewer in accordance with the requirements with the Hunter Water Corporation.

**23. Details of Kitchen and Laundry Facilities**

Plans shall be submitted demonstrating compliance with the applicable Australian Standards for the kitchen and laundry ventilation systems.

**24. Crime Prevention Through Environmental Design Requirements**

Plans demonstrating the recommendations of the approved Crime Prevention Through Environmental Design Report relevant to the building and site (not recommendations applicable to the operation of the development) shall be submitted.

**25. Fencing Details**

Plans of all new fencing associated with the development shall be submitted to Council for approval.

**26. Fire Sprinklers**

Details demonstrating a fire sprinkler system designed in accordance with Clause 55 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 shall be submitted.

## 27. Screens to Western Facing Balconies

Plans demonstrating inclusion of appropriate devices to minimise solar heat load ~~operable shading screens~~ to western facing ~~facades balconies~~ shall be submitted to Council for approval.

~~Screens shall demonstrate the ability of balconies to be protected from western sunlight.~~

**Commented [AR9]:** As requested by the applicant, the modification to this condition provides flexibility in achieving the desired outcome (minimise impact of western sun)

## 28. Details for Retaining or Batter to Car Parking

To enable the extended car parking adjacent to the medical centre to drain to existing stormwater management infrastructure in the site, retaining or battering will be required.

Details of the retaining or battering shall be submitted to Council for approval.

## 29. Contaminated Land Remediation Action Plan

Further investigations shall be undertaken in accordance with the approved Preliminary Site Investigation (Contamination).

Where required, a Remediation Action Plan (RAP) shall be prepared and a copy of the RAP provided to Council.

The RAP shall be prepared by a suitably qualified and experienced contaminated land consultant, to the satisfaction of Council and in accordance with:

- a) *Guidelines for Consultants Reporting on Contaminated Sites* (NSW Office of Environment and Heritage 2011)
- b) *Managing Land Contamination Planning Guidelines SEPP 55–Remediation of Land* (Department of Urban Affairs and Planning and NSW EPA 1998).

## 30. Pedestrian refuge and ramp to new access

Plans demonstrating the design of the pedestrian refuge and pram ramps in accordance with Australian Standards 1742 and LMCC Standard Drawing EGSD-102 to the new vehicle access to Northville Drive shall be submitted to Council for approval.

### Conditions to be satisfied prior to the issue of the Public Works Certificate

The person having the benefit of the consent shall comply with each of the following conditions prior to the issue of the Public Works Certificate for works within the public domain.

A Public Works Certificate is issued under s138 of the Roads Act 1993.

### 31. Roadways and Drainage Works Standards – Public Domain

All works within the public domain shall be designed and constructed in accordance with the following publications (as amended or updated), as applicable:-

- a) *Australian Rainfall and Runoff*, 1987.
- b) *Development Control Plan 2014* and supporting guidelines.
- c) *AUSTROADS Guide to Road Design Guide*.
- d) Roads and Maritime Services *Delineation Guidelines*.
- e) *Managing Urban Stormwater documents (2004)* by Landcom.
- f) *The Constructed Wetlands Manual* - Department of Land and Water Conservation, 1998.
- g) *WSUD Technical Design Guidelines for South East Queensland*.
- h) *Healthy Waterways – Water by Design Guidelines*.
- i) Australian Standards including, but not limited to:-
  - i. *AS1428 - Design for Access and Mobility, Part 1 General Requirements for Access and Part 4 Tactile Indicators*,
  - ii. *AS2890 - Off Street Parking*

Where any inconsistency exists between these documents the relevant standard to be adopted shall be verified in writing with Council.

### 32. Public Works Certificate for Works

An application for a Public Works Certificate and the associated fee shall be submitted to Council.

The application shall include detailed engineering plans and specifications (including a Design Certification Report and Checklists in accordance with *the Lake Macquarie City Council Engineering Guidelines*) relating to the works.

### 33. Linemarking and Signposting

The engineering design plans submitted with the Public Works Certificate application shall include details of linemarking and sign posting.

All regulatory linemarking and sign posting on public roads shall be submitted to Council's Traffic Facilities and Road Safety Committee for approval. The works shall not commence until approved by the Committee.

### 34. Pavement Standards

Residential road pavements shall be designed in accordance with *A Guide To The Design Of New Pavements For Light Traffic* - AUSTROADS 2006. Main and industrial road pavements shall be designed in accordance with *Pavement Design, A Guide to the Structural Design of Road Pavements* - AUSTROADS 2012.

Designs for road pavements shall be prepared by a geotechnical consultant and shall be submitted to Council with the Public Works Certificate application.

Where work shall be undertaken within a classified Main Road the pavement design shall also be submitted to the Roads and Maritime Services for its approval prior.

### 35. Compliance Certificate for Works

An application for a Compliance Certificate and the associated application fee shall be submitted to Council prior to the commencement of works identified on the respective Public Works Certificate.

### 36. Application Fees for Required Certificates

Applications for the following Certificates shall be submitted. For Council to process applications for these certificates the following fees shall be payable:

<b>Public Works Certificate</b>	<b>Please contact Council for fees</b>	Plus <b>\$75</b> (inc GST) Archival Fee
<b>Compliance Certificate</b>	<b>Please contact Council for fees</b>	Plus <b>\$75</b> (inc GST) Archival Fee

Applications for these certificates shall be lodged on the approved application form and be accompanied by the appropriate fee.

Where the development includes public domain construction works valued at \$25,000.00 or more, the person having the benefit of the consent shall pay the Long Service Levy, as detailed in the *Building and Construction Industry Long Service Payments Scheme*. The Levy shall be paid prior to the issue of the Public Works Certificate. The Levy shall be paid directly to the Long Service Payments Corporation or to Council as agent for the Corporation. The Levy rate is 0.35% of the cost of building and construction works.

The above fees are current for the 2019/2020 financial year and are subject to change each financial year without notice. Confirmation of the relevant fee shall be obtained from Council prior to the lodgement of any application.

#### Conditions to be satisfied prior to the commencement of works

The person having the benefit of the consent shall comply with each of the following conditions prior to the commencement of works.

### 37. Details Required Prior to Commencement of Works within the Public Domain (PWC)

Construction works in accordance with this development consent shall not commence until:-

- a) a Public Works Certificate has been issued by Council

- b) the person having the benefit of the development consent has given at least two days notice to Council of the intention to commence works.

In accordance with Council's authority under Section 138 of *The Roads Act 1993*, a Private Certifier shall not issue a Public Works Certificate for any works within an existing public road. A Public Works Certificate application shall be lodged with Council for the works.

A fee for applications for Public Works Certificates shall be required to be paid in accordance with Council's fees and charges for Public Works Certificates.

### 38. Construction Management Plan for Works within Public Road Reserve (PWC)

The contractor engaged to undertake the construction works within the public domain shall provide a Construction Management Plan (CMP) to Council, a minimum of seven days prior to commencing any works. The CMP shall be submitted to the City Projects Department at the following email address [projectmanagementpat@lakemac.nsw.gov.au](mailto:projectmanagementpat@lakemac.nsw.gov.au). The CMP shall be approved by Council prior to works commencing on site. The CMP shall set out the construction approach for the works and should seek to minimise disruption to the local community.

As a minimum, the CMP must address the following areas:

#### Health and Safety

- a) Public safety, amenity and site security;
- b) Traffic Control and Management;
- c) Pedestrian management;
- d) Construction hours;
- e) Noise control;
- f) Contractor vehicle parking;
- g) Locating existing utilities and services;
- h) Health and Safety requirements.

#### Environment

- a) Air quality management;
- b) Erosion and sediment control- base information, monitoring and management;
- c) Waste management;
- d) Material stockpiling;
- e) Vegetation management;
- f) No go zones;
- g) Heritage management (if applicable).

#### Quality

- a) Submission of current insurance certificates;
- b) Work method description;
- c) Construction equipment to be used;
- d) Inspection and testing requirements;
- e) CCTV survey of pipework;

- f) Earthworks methodologies;
- g) Haulage routes;
- h) Retaining structure construction methodologies;
- i) Concrete jointing methodologies;
- j) Subsoil drainage installation methodologies;
- k) Stormwater drainage infrastructure installation methodologies;
- l) Stormwater Quality Improvement Device installation methodologies;
- m) Road construction methodologies;
- n) Accessways and footway construction methodologies;
- o) Landscaping installation methodologies;
- p) Utility and services installation methodologies
- q) Construction and installation methodologies of other structures not otherwise covered above.

All works on site shall be undertaken in accordance with the approved CMP.

#### **39. Notification to Neighbours**

Written notification shall be provided to landowners and residents who live adjacent to the proposed development or who may be impacted by the proposed works. The notification shall be provided a minimum of seven days prior to commencement of works. The notification shall include the expected date of commencement of works and a brief description of the works.

#### **40. Filling Importation and Compaction**

Prior to works commencing, documentary evidence shall be provided to Council demonstrating the proposed fill material is either:

- a) Virgin excavated natural material (VENM) as defined under the provisions of the *NSW Protection of the Environment Operations Act 1997*; or
- b) The material is from a known origin and composition, free of contamination from manufactured chemicals, process residues, building debris, sulfidic ores, or other foreign matter; or
- c) Fill which has been characterised and validated by a suitably qualified and experienced site contamination consultant, in accordance with the NSW Office of Environment and Heritage publication *Contaminated Sites - Sampling Design Guidelines* dated September 1995.

Prior to works commencing, written certification from a suitably qualified geotechnical engineer that the material is suitable for the proposed use on the site, shall be provided to Council. Only that material certified by the geotechnical engineer shall be imported to the site.

#### **41. Works Within a Public Road Reserve**

Approval is granted to open a grassed or natural surface footpath for the installation of all water services, cables, or mains. Upon completion of the work, the footpath shall be restored to its original state and no hazards shall remain that may impact on the public.

For any other works within the road reserve, an approval under s138 of the *Roads Act 1993* shall be obtained from Council. The road shall not be opened until the approval has been issued.

#### **42. Erosion and Sediment Control**

Appropriate erosion and sediment controls shall be installed in accordance with *Development Control Plan 2014*.

#### **43. Hoarding and Construction Site Safety Fencing**

Construction site safety fencing and/or hoarding shall be provided in accordance with SafeWork NSW requirements. Such fencing and/or hoarding shall be erected wholly within the property boundary unless prior approval from Council is obtained.

Council approval is required to install hoarding, site fencing or overhead protective structures over or adjoining a public place i.e. a footpath or a Public Reserve. No work shall commence until written approval is obtained.

#### **44. Building Waste**

An area for the containment of building waste materials shall be provided within the boundaries of the building site, above natural or excavated ground level, by a screened area of silt stop fabric or shade cloth, having minimum dimensions of 2.4 x 2.4 x 1.2 metres high OR equivalent size waste disposal bin.

#### **45. Asbestos**

Prior to commencing demolition of buildings containing asbestos, a commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring 400mm x 300mm (see below) shall be erected in a prominent visible position on the site in accordance with *AS1319 Safety Signs for the Occupational Environment*.



The person entitled to act on this consent shall notify adjoining residents in writing five working days prior to the demolition.

#### **46. Dial Before You Dig (Advice)**

Prior to commencement of work, the free national community service "Dial Before You Dig" shall be contacted on 1100 regarding the location of underground services in

order to prevent injury, personal liability and even death. Enquiries shall provide the property details and the nearest cross street/road.



#### **47. Availability of Community Facilities During Construction**

Prior to commencement of works, including demolition works, temporary community facilities shall be made available within the site.

The temporary facilities are not required following the issue of the Occupation Certificate for the Community Hub.

#### **48. Construction Environmental Management Plan – Private Land**

A Construction Environmental Management Plan (CEMP) shall be prepared for the development and approved by the Principal Certifying Authority.

The CEMP shall include, but not be limited to, details to show how the construction process will be managed, showing the expected timeframes for each building phase.

A minimum of the following shall be addressed in the CEMP:

- A Vehicle Movement Plan and Traffic Control Plan.
  - It shall be prepared with the intention of minimising impact on the operation of the road network during construction.
  - The traffic control plan shall be prepared to meet the requirements of the Roads and Maritime Services (RMS) "Roads and Traffic Authority - Traffic Control at Work Sites" manual June 2010.
  - The plan should demonstrate:
    - primary vehicle routes;
    - specific details on the transportation of fill;
    - potential road closures;
    - control of vehicles, pedestrians and cyclists at the site access;
    - safety of road users;
    - parking associated with employees, contractors and site personnel; with specific note that construction personnel shall not obstruct the operation of the public road network;
    - access to and from the work site;
    - delivery of equipment and materials;
- Storage of equipment and materials;
- Timing and hours of work;



- Acoustic and vibration management and timetabling measures;
- Erosion and sedimentation control and dust management procedures.

#### **49. Temporary Construction Access Road**

A temporary construction access shall be provided in the same location as the new permanent vehicle access to Northville Drive.

An approval under Section 138 of the *Roads Act 1993* shall be obtained for the temporary construction access.

**Commented [AR10]:** Whilst it was also proposed, the original condition set did not clearly specify the provision of this, and the necessary approvals and timing.

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#### **Conditions to be satisfied during demolition and construction works**

The person having the benefit of the consent shall comply with each of the following conditions during demolition and construction works.

#### **49-50. Traffic Control Standards**

For the duration of work being carried out as part of this development, the Applicant shall ensure that traffic control is undertaken in accordance with the requirements of *Australian Standards AS 1742 - Manual Uniform Traffic Control Services – Parts 1, 2 and 3*.

#### **50-51. Excavation and Retaining**

Only retaining walls indicated on the approved plans shall be constructed under this consent, unless otherwise specific in this consent.

No additional excavation/fill shall occur outside the area as shown on the approved plans.

No fill or retaining walls shall be located within any drainage easement located upon the subject property.

Retaining walls, footings and associated drainage works shall be located wholly within the subject property boundaries and shall be connected to the existing stormwater system or other approved stormwater system on the subject property.

**Note:** Some retaining walls are able to be erected without consent, as Exempt or Complying Development pursuant to *State Environmental Planning Policy Exempt and Complying Development Codes 2008*. Prior to erection of any retaining wall not approved under this consent, reference to the *State Environmental Planning Policy Exempt and Complying Development Codes 2008* shall be undertaken to ascertain whether approval is required.

#### **51-52. Geotechnical Report Compliance**

The recommendations of the approved Geotechnical Report shall be complied with.

Any works undertaken in relation to the development shall embody all relevant recommendations of the Geotechnical Report.

Where the Report on Geotechnical Investigation prepared for this development requires inspections, a suitably qualified Engineer shall inspect the works at the stages specified in that report.

#### **52-53. Filling Importation and Compaction**

All fill shall be placed in accordance with the standards specified in Table 5.1 of AS 3798-2007 *Guidelines on Earthworks for Commercial and Residential Developments*.

#### **53-54. Works Within a Public Road Reserve**

When works are being undertaken within a public road reserve, all necessary precautions shall be taken to protect the public while work is in progress, this shall include traffic control in accordance with *Australian Standard AS1742 – Manual Uniform Traffic Control Services – Parts 1, 2 and 3*.

#### **54-55. Landscape Works**

Landscape works shall be constructed in accordance with the approved Landscape Plans and specification and the following,

- A minimum of 27 native trees with minimum pot size of 25 litres shall be planted as per approved Planting Key Plan LP00 in the street setback between the existing vehicle access and new vehicle access. These trees shall comprise approximately equal percentages of the following species:
  - *Angophora costata*,
  - *Eucalyptus crebra*,
  - *Corymbia maculata*,
  - *Syncarpia glomulifera*,
  - *Eucalyptus acmenoides*,
  - *Eucalyptus fibrosa*, and
  - *Eucalyptus punctata*.

Ground covers and mass mulching as scheduled shall be planted around the base of each tree.

- A minimum of 24 native trees with minimum pot size of 25 litres shall be planted as per approved Planting Key Plan LP00,
  - immediately west of the new vehicle access, and
  - immediately south of the new internal roadway, and
  - immediately west of the building.

**Commented [AR11]:** As requested by applicant, inclusion of 'approximately' provides more flexibility

These trees shall comprise approximately equal percentages of the following species:

- *Angophora costata*,
- *Eucalyptus crebra*,
- *Corymbia maculata*,
- *Syncarpia glomulifera*,
- *Eucalyptus acmenoides*,
- *Eucalyptus fibrosa*, and
- *Eucalyptus punctata*.
- A minimum of 30 trees with minimum pot size of 40 litres shall be planted as per approved Planting Plans LP03, LP02 and LP01, along Poplar Drive. These trees shall comprise,
  - 27 *Brachychiton* 'Bella Pink',
  - three *Elaeocarpus* 'Prima Donna', and
  - two *Magnolia* 'Little Gem'.

Internal street trees shall have all pot stakes, labels and wire/rubber/plastic tags removed.

- Trees planted along the eastern elevation of the building and Masters Drive shall comprise,
  - two trees *Angophora costata*, and
  - two *Corymbia maculate*, and
  - six *Brachychiton* 'Bella Pink' as scheduled.
- All landscape planting works shall be implemented under the full supervision of a contractor with a current NSW Department of Fair Trading endorsed license in Structural Landscaping.
- All paving works shall be implemented under the full supervision of a contractor with a current NSW Department of Fair Trading endorsed license in Structural Landscaping, Building or Minor Trade – Paving.
- Landscape works shall conform to planting densities as scheduled, with all plants at nominated pot sizes and spacing's and be maintained for a minimum of 52 weeks to achieve continuous healthy growth.
- A hard garden retaining edge (timber or concrete) shall be installed to all planting areas adjoining turf surfaces with the exception of the front setback.
- All planted areas shall be covered with minimum 100mm mulch to aid plant establishment.

All disturbed areas shall be revegetated or rendered erosion resistant in accordance with *Development Control Plan 2014 Guidelines – Erosion Prevention and Sediment Control Guidelines* as soon as practical, and no later than the timeframes specified in *Managing Urban Stormwater: Soils and Construction The Blue Book 4th Edition*, Landcom, 2004.

#### **56-57. Topsoil and Stockpiles of Materials**

Topsoil shall only be stripped from approved ~~areas~~ development footprint. It may be stockpiled onsite for re-use during site rehabilitation and landscaping. Stockpiles of any material including but not limited to, soil, sand, aggregate, and spoil, stored on the site that is capable of being moved by water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb, and/or road surface. Suitable erosion and sediment controls shall be installed. The stockpile shall be treated so its surface is resistant to water and wind erosion. No stockpiles shall be located on the public footpath or road reserve without prior written approval from Council.

**Commented [AR12]:** Requested by the applicant to provide clarity

#### **57-58. Erosion and Sediment Control**

All erosion and sediment controls shall be appropriately managed throughout the development to prevent pollution until the land is considered erosion resistant.

Any pollution from site shall be cleaned up immediately and appropriate repairs made to onsite controls.

The final plan shall include a signed and dated Statement of Compliance stating (in full):

- a) This plan has been developed, certified and signed off by an appropriately qualified and experienced professional in erosion and sediment control;
- b) The plan complies with the requirements for the area of disturbance in accordance with *Development Control Plan 2014*;
- c) The plan and associated documents, calculations and drawings, have been prepared to a standard which, if properly implemented, shall achieve the water release criteria of 50mg/L of total suspended solids; and
- d) All erosion and sediment control measures are in accordance with *Development Control Plan 2014*.

#### **58-59. Contaminated Land Remediation and Validation**

Where remediation works are required, the site shall be remediated in accordance with the approved Remediation Action Plan (RAP).

#### **59-60. Excavation – Aboriginal Relics**

Should any Aboriginal relics be discovered then all excavations or disturbance to the area shall cease immediately and the Department of Planning, Industry and Environment, shall be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*.

All necessary approvals from the Department of Planning, Industry and Environment shall be obtained and a copy provided to Council prior to works recommencing.

#### **60-61. Vegetation Management Plan and Implementation**

Implementation of the VMP shall commence immediately upon any construction work commencing and shall be carried out in accordance with the VMP approved schedule of works.

#### **61-62. Tree Protection Measures**

Tree protection measures shall be implemented for the development in accordance with approved Arboriculture Impact Assessment Report, and the following condition.

Trees and native vegetation shall be retained and protected in accordance with *Development Control Plan 2014 – Tree Preservation and Native Vegetation Management Guidelines* (Section 6) and *Australian Standard AS4970-2009 – Protection of Trees on Development Sites*, unless they have been specifically identified for removal on the approved plans or documentation.

Tree protection measures shall include the following:

- a) Tree Protection Zones (TPZ) of a minimum of three metres shall be established around all trees identified to be retained.
- b) A 1.8 metre **temporary** high chain mesh fence shall be erected along the perimeter of each TPZ, on the development site, prior to works commencing and shall remain intact until construction is completed.
- c) Any excavation within the vicinity of an identified TPZ shall be carried out by hand, with all care taken not to damage tree roots. If tree roots greater than 30mm are found during works that need to be severed, they shall be cut with a saw (not ripped) under the supervision of a suitably qualified AQF5 arborist or horticulturalist.
- d) TPZs shall be mulched to a depth of 100mm using organic mulch.
- e) Fences around TPZs shall be sign posted to warn of its purpose (sign example under AS4970).
- f) Storage of materials, building waste, excavated spoil, cement or any other harmful materials is not permitted within TPZs.
- g) Any minor hand pruning of trees shall be carried out in accordance with *Australian Standard AS4373-2007 – Pruning of Amenity Trees*, by a suitably qualified AQF3 arborist or horticulturalist.

Note: A separate application shall be made to Council in accordance with *State Environmental Planning Policy – SEPP (Vegetation in Non-Rural Areas) 2017*, for the removal of any other trees or native vegetation. This includes application for the removal of any understory vegetation or the stripping of ground cover vegetation that is outside those areas approved for construction.

#### **62-63. Aboriginal Heritage**

The person having the benefit of the consent shall notify any contractors and persons involved in undertaking subsurface disturbance works, that it is an offence under Section 86 of the *National Parks and Wildlife Act 1974* to harm or desecrate an Aboriginal object unless that harm or desecration is subject of an approved Aboriginal Heritage Impact Permit (AHIP).

Should any objects be discovered, all excavations or disturbance to the area shall cease immediately and the Department of Planning, Industry and Environment shall be notified.

All necessary approvals shall be obtained from the Department of Planning, Industry and Environment and copies provided to Council prior to works recommencing.

#### **63-64. Unobstructed Footpath Access**

The person having the benefit of the consent shall maintain unobstructed footpath access within the public road reserve at all times. Building materials shall not be placed or stored within the road reserve.

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

#### **64-65. Dust Suppression**

During the extraction, removal, and transportation of material associated with the works, the person having the benefit of the consent shall ensure that airborne dust is contained within the work site or transport vehicles, and does not impact on the amenity of the surrounding environment.

Effective environmental controls and practices shall be implemented and maintained to the satisfaction of Council or the Certifying Authority.

#### **65-66. Noise - Construction Sites**

The operating noise level of construction site operations, including machinery, plant and equipment when measured at any affected premises, shall comply with the recommendations of the approved Acoustic Report, and the requirements of the NSW Office of Environment and Heritage publication *Interim Construction Noise Guideline July 2009*.

##### **Approved Construction Times**

- a) The approved hours for construction of this development are –
  - Monday to Friday - 7.00am to 6.00pm.
  - Saturday – 8am to 1pm.
- b) No construction work shall take place on Sundays or Public Holidays.

##### **Construction Periods in Excess of 26 Weeks**

- a) If the construction period is in excess of 26 weeks, a Noise Management Plan shall be provided to Council prior to the issue of the first construction certificate. Such plan shall be prepared with the assistance of a suitably qualified acoustic engineer, indicating whether the use of machinery, plant and equipment during those operations can be completed without causing offensive noise (as defined in the *Protection of the Environment Operations Act 1997*) in the neighbouring area. The Noise Management Plan shall be complied with at all times during the construction period and shall identify any mitigation measures to control noise, noise monitoring techniques and reporting methods, likely potential impacts from noise and a complaints handling system.
- b) Operational times may be amended with the written advice of Council's General Manager or delegate.

#### **66-67. Construction Site Vibration**

Vibration on surrounding land from construction site operations shall comply with the Office of Environment and Heritage publication *Assessing Vibration: a technical guideline February 2006*.

#### **67-68. Building Waste**

The enclosure or bin shall be maintained for the term of the construction to the completion of the development.

The enclosure or bin shall be regularly cleaned to ensure proper containment of the building wastes generated on the site.

#### **68-69. Site Amenities**

Toilet facilities shall be available or provided at the work site before works begin and shall be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet shall:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an approved on-site effluent disposal system under the *Local Government Act 1993*, or
- c) be a temporary chemical closet.

#### **69-70. Erosion and Sediment Controls**

Should any sediment from the site be deposited outside the site, such as, from vehicle tyres or a broken bag, it shall be removed from the road or gutter immediately.

Erosion and sediment controls shall be effectively maintained until the site is made erosion resistant.

#### **70.71. Asbestos**

All works removing asbestos containing materials shall be carried out by a suitably licensed asbestos removalist duly licensed with SafeWork NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License, which ever applies, and a current SafeWork NSW Demolition License where works involve demolition.

Measures shall be in place in accordance with *SafeWork NSW* guidelines and the *Occupational Health and Safety Regulations 2001*. Work shall not commence or continue until all necessary safeguards required by SafeWork NSW are fully in place.

Asbestos waste shall only be disposed of at a landfill site authorised to receive such waste and copies of receipts received from such disposal kept and made available for inspection by Council during normal working hours and upon the giving of reasonable notice.

Note: Council's Awaba Waste Management Facility can accept asbestos for a fee, provided the material is safely secured in accordance with the relevant guidelines. At least 24 hours prior notice shall be given to allow an area to be prepared for disposal.

#### **74.72. Demolition**

Demolition shall only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no demolition shall be carried out at any time on a Sunday or a public holiday.

All demolition work shall be carried out strictly in accordance with *Australian Standard AS 2601-1991: The Demolition of Structure*.

Waste materials (including excavation, demolition and construction waste materials) shall be managed on the site and then disposed of at an approved waste management facility or other facility which has current development consent for the importation of waste material. During construction all vehicles entering or leaving the site shall have their loads covered, and shall be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

**Commented [AR13]:** The applicant has indicated that further testing has been undertaken and it is anticipated excess excavation spoil is likely to comprise coal.

Providing an additional option for waste to be disposed of to an approved facility (i.e. coal washing facility) reduces the overall volume of fill going to landfill.

#### **72.73. Removal, Management and Transportation of Fill**

All excavated fill material that shall be removed from the site shall only be distributed to:

- a) A NSW Office of Environment and Heritage licensed waste disposal facility. A copy of the receipts from the waste disposal facility shall be kept and shall be provided to the Certifying Authority prior to the issue of the Final Occupation Certificate, or authorised officer of Council upon request; or
- b) A site or facility which has a current development consent for the importation of fill material. A copy of the current development consent for the site to which the material is proposed to be distributed shall be provided to the Certifying Authority prior to the issue of the Final Occupation Certificate, or authorised officer upon request.

All removed excavated material shall be transported and disposed of in accordance with the NSW Office of Environment and Heritage guidelines applicable at the time of removal.



#### **73.74. CPTED Requirements**

The recommendations of the CPTED Report shall be implemented.

#### **Conditions to be satisfied prior to issue of an Occupation Certificate**

The person having the benefit of the consent shall comply with each of the following conditions prior to the issue of the Occupation Certificate, Interim or Final, as stated in each condition.

#### **74.75. Works as Executed Plan – Public Domain Works**

An electronic copy of the Works as Executed Plans, certified by the Consulting Civil Engineer or Registered Surveyor supervising the works shall be supplied to Council.

The Works as Executed Plan shall, in addition to construction details, show limits and depths of filling, locations of service conduits and street names.

#### **75.76. Compliance Certificate for Works**

All public domain construction works required for the development shall be completed and a Compliance Certificate shall be obtained from Council for these works. The Compliance Certificate shall certify that all public domain construction works and associated development have been constructed in accordance with this Development Consent, the Public Works Certificate and all other standards specified in this consent.

#### **76.77. Prior to the issue of the Final Occupation Certificate**

Prior to the issue of the Final Occupation Certificate, the earthworks, retaining walls and driveways shall be completed to the satisfaction of the Certifying Authority.

#### **77.78. Geotechnical Report Compliance**

Prior to the issuing of the Interim or Final Occupation Certificate, whichever comes first, the suitably qualified Engineer who inspected the works shall provide written confirmation the constructed works are in accordance with the recommendations of the Report on Geotechnical Investigation prepared for the development.

#### **78.79. Fix Damage Caused by Construction Works**

Any damage to a public road or associated structures caused as a consequence of the construction works shall be made good to the satisfaction of Council.

Any disused kerb and gutter and footpath crossing shall be removed and replaced with full kerb and gutter in accordance with Council's standards.

These works shall be undertaken prior to the issue of the Final Occupation Certificate.

#### **79-80. Parking Areas and Access Ways**

All parking areas and access ways shall be fully constructed and sealed in accordance with the approved Construction Certificate plans, prior to the issue of the Interim or Final Occupation Certificate, whichever comes first.

#### **80-81. Driveway Construction**

Prior to the issue of the Interim or Final Occupation Certificate, whichever comes first, the driveway to the garage or car parking area of the development shall be constructed in accordance with the approved Construction Certificate plan.

#### **81-82. Works Within a Public Road Reserve**

Where a road surface has been disturbed or damaged the calculated road restoration fee shall be paid to Council. Evidence shall be provided the relevant fee has been paid prior to the issue of the Final Occupation Certificate.

#### **82-83. Stormwater Disposal - Stormwater Detention and Harvesting**

All drainage works shall be carried out in accordance with the approved Construction Certificate plans.

Prior to the issue of an Interim or Final Occupation Certificate, whichever comes first, a Works As Executed Plan shall be prepared by a surveyor and submitted to the Certifying Authority that demonstrates compliance with the approved Construction Certificate. If there are any changes from the Construction Certificate these shall be highlighted in a different colour on the plan and certification shall be provided from the design engineer the changes do not affect the stormwater design outcomes.

#### **83-84. Landscape Works**

At the completion of landscape works, the consulting Landscape Architect who prepared the documentation shall submit to the Certifying Authority a Landscape Compliance Report.

This report shall certify shrub and tree species, pot size, and planting densities and landscape area ~~set out~~<sup>stout</sup> comply with approved documentation and practical completion of the landscaping works has occurred.

This report shall certify any required street trees are planted specifically as per the nominated locations on the approved documentation and these conditions, and have edging constructed as per the *Lake Macquarie City Council Landscape Standard Drawings March 2019*.

The Certifying Authority shall not issue the Final Occupation Certificate without receipt of the Landscape Compliance Report.

#### **84-85. Occupation Certificate**

The development shall not be occupied or used prior to the issuing of a Final Occupation Certificate or Interim Occupation Certificate by the Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

#### **85-86. Prior to the issue of the First Occupation Certificate**

Prior to the issue of the First Occupation Certificate, the earthworks, retaining walls and driveways shall be completed to the satisfaction of the Certifying Authority.

#### **86-87. Commencement of the Use of the Land – Housing for Seniors or People with a Disability**

The development shall be occupied in accordance with the requirements of Chapter 3 Part 1 Clause 18 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first a restriction as to user shall be registered against the title of the property on which development shall be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to which this application relates to the kinds of people referred to below. The development shall only be occupied by:

- a) Seniors, or people who have a disability,
- 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 under *SEPP (Housing for Seniors or People with a Disability) 2004*.

#### **87-88. Contaminated Land Remediation and Validation**

Where remediation works are required, a suitably qualified and experienced Contaminated Land Consultant shall validate the site has been remediated. Validation shall be provided in accordance with the *Guidelines for Consultants Reporting on Contaminated Sites* (NSW Office of Environment and Heritage 2011). The validation report shall include a clear statement the consultant considers the site to be suitable for the approved use.

Note: Certification from the person who carried out remediation works shall be provided to Council in accordance with the requirements of Clause 18 of *State Environmental Planning Policy No 55 - Remediation of Land*.

#### **88-89. Vehicles Access Crossing and Kerb Layback**

Prior to the issue of the Final Occupation Certificate, the paved crossing shall be completed for the building, at the owner's cost.

#### **89-90. Car Parking**

All car parking spaces, line marking and signage shall be completed prior to the issue of the Interim or Final Occupation Certificate, whichever comes first.

#### **90-91. Bicycle Parking**

Secure bicycle parking/storage shall be provided within proximity to the main entrance into the building.

#### **91-92. Fencing**

All fencing approved by this consent shall be completed prior to the issue of an interim or final Occupation Certificate, whichever occurs first.

#### **92-93. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 – Design Verification**

Independent verification from an accredited access consultant shall be submitted to the Certifying Authority certifying the development has been constructed in accordance with the *State Environmental Planning Policy*, prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first.

#### **93-94. Vegetation Management Plan and Implementation**

Written approval from Council's Development Planner Flora and Fauna shall be submitted to the Certifying Authority demonstrating that VMP outcomes, including the VMP works schedule and nest box requirements (where applicable) have been met.

#### **94-95. Demolition**

At the completion of the works and prior to the issue of the Final Occupation Certificate, the work site shall be left clear of waste and debris and the site shall be grassed or otherwise rendered erosion resistant.

#### **95-96. Acoustic Certification**

Prior to the issue of the Interim or Final Occupation Certificate, whichever comes first, written confirmation shall be provided from a suitably qualified acoustic consultant certifying works have been completed in accordance with the recommendations of the approved Acoustic Report prepared for the development and the development is capable of operating in accordance with the design criteria.

#### **96-97. Removal, Management and Transportation of Fill**

For all excavated fill material that has been removed from the site during construction:

- a) A copy of the receipts from the waste disposal facility shall be kept and provided to the Certifying Authority prior to the issue of the Final Occupation Certificate, or authorised officer of Council upon request; or
- b) A copy of the current development consent for the site to which the material has been distributed shall be provided to the Certifying Authority prior to the issue of the Final Occupation Certificate, or authorised officer upon request.

#### **97-98. Noise – Ongoing Operation of Machinery, Plant and Equipment**

Certification from a suitably qualified acoustic consultant shall be submitted prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, demonstrating the Laeq (15 minute) operating noise level of machinery, plant, equipment, or any other operational noise source, when measured at the boundary of another premises, complies with either the amenity or intrusiveness criteria calculated in accordance with the NSW Environment Protection Authority *Noise Policy for Industry 2017*.

#### **98-99. Certification of Food Premises Fit-out**

Prior to the issue of the Interim or Final Occupation Certificate, whichever comes first, the food premises shall be inspected by an appropriately qualified person who shall certify the premises, including the construction and installation of all equipment, fixtures, fittings and finishes therein, complies with *the Food Act 2003, Food Regulation 2010*, and *Australian Standard AS 4674 Design, construction and fit-out of food premises*.

#### **99-100. Provision of Services**

Details demonstrating access to meals, cleaning services, personal care, and nursing care services shall be provided to the Seniors Housing development in accordance with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

#### **Operational Conditions**

The person having the benefit of the consent shall comply with each of the following conditions during the operation of the development.

#### **100-101. Landscape Works –Oper**

All landscape works required under this consent shall undergo an establishment maintenance period of a minimum of 52 weeks to achieve continuous healthy growth improving amenity and aesthetics over the site and meeting the aims for development in the zone.

All landscaping shall then be permanently maintained in good condition in accordance with the approved landscape plan and the adopted *Development Control Plan 2014 Guidelines – Landscape Design Guidelines*.

#### **401-102. Use and Allocation of Car Parking**

No spaces shall be marked, signposted or otherwise identified as being for the sole use of staff only, unless otherwise specified in this consent.

Any future strata subdivision plan relating to the development shall be consistent with the car parking allocation in this consent.

#### **402-103. Advertising Structures and Signs**

Development consent shall be obtained from Council prior to the erection of any advertising structures or signs on the site. This requirement does not apply to any exempt, complying, or previously approved signage.

#### **403-104. Lighting**

Any lighting installed shall comply with *Australian Standard AS4282-1997*.

#### **404-105. External Storage of Products**

The external storage or display of any products on the development site is not permitted.

#### **405-106. External Material Reflection**

External cladding materials such as roofs, walls and windows shall have low-reflective properties.

#### **406-107. Vegetation Management Plan and Implementation**

Implementation of the VMP shall be carried out in accordance with the VMP approved schedule of works for a minimum 3 year period.

Annual monitoring statements shall be provided to Council's Development Planner Flora and Fauna verifying compliance with the VMP.

Implementation of the VMP may cease once outcomes of the VMP have been met, the works schedule completed and written approval for the completion of works has been obtained from Council's Development Planner Flora and Fauna.

Outcomes of the VMP shall be maintained in perpetuity.

#### **407-108. Onsite Loading Facility**

The on-site loading facility shall be kept clear of goods and is not permitted to be used for any storage purposes, including garbage storage.

All loading operations associated with servicing the site, shall be carried out within the boundaries of the site, and shall not obstruct other properties, access driveways, public roads or footpaths.

#### **408-109. Noise - Sleep Arousal**

The L1 (one minute) operating noise level during night time hours of the premises, when measured at the window of any affected residential dwelling, shall comply with the NSW Environment Protection Authority (EPA) sleep disturbance criteria, calculated in accordance with the NSW EPA Noise Policy for Industry 2017.

#### **409-110. Liquid Gaseous Wastes, Emissions and Odour Control**

Emissions shall be responsibly managed at all times, so as not to cause a danger to public health or loss of amenity or damage to the environment.

Any liquid gaseous wastes, emissions or odours shall be controlled and disposed of in accordance with the *NSW Protection of the Environment Operations Act 1997* and *Regulations 1997*, as amended.

Where it is proposed to treat and discharge waters to the Hunter Water Corporations Sewer, formal approval from the Corporation shall be obtained.

#### **440-111. Emissions – kitchen and laundry**

Operation of kitchen and laundry ventilation systems shall comply with applicable Australian Standards.

There shall be no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the development.

#### **441-112. Noise – Ongoing Operation of Machinery, Plant and Equipment**

The Laeq (15 minute) operating noise level of machinery, plant, equipment, or any other operational noise source, when measured at the boundary of another premises, shall comply with either the amenity or intrusiveness criteria calculated in accordance with the NSW Environment Protection Authority *Noise Policy for Industry 2017*.

For assessing amenity criteria, the area shall be categorised in accordance with the guidelines outlined in Chapter 2 of that Policy.

#### **442-113. Acoustic Certification**

At 90 days of operation a suitably qualified acoustic consultant shall test, measure and certify the development is operating, at that time, in accordance with the approved Acoustic Report.

**443-114. Bunded Spillage Areas**

Chemicals stored in bulk form, or work areas where spillages are likely to occur, shall be bunded in accordance with the NSW Environment Protection Authority manual *Bunding and Spill Management*.

**444-115. Medical / Pathological Waste**

Any contaminated medical or pathological wastes stored on the premises shall be secured in approved containers and disposed of by a registered contractor, in accordance with the requirements of the NSW Department of Health and the NSW Office of Environment and Heritage.

**445-116. Garbage Storage Areas**

Adequate arrangements shall be made for the regular removal and disposal of waste materials.

**446-117. Crime Prevention Through Environmental Design - Operational**

The ongoing operation of the development shall comply with the recommendations of the approved Crime Prevention Through Environmental ~~Design~~Design Report.

**1. Provision of Services**

Access to meals, cleaning services, personal care, and nursing care services in accordance with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 shall be provided in perpetuity.

**447-118. Data collection of new vehicle access**

Vehicle and pedestrian data counts shall be collected to determine use of the new vehicle access to the site from Northville Drive.

Data collection shall commence immediately following the issue of the Occupation Certificate (Interim or Final) and shall be continuous for a period of 12 months.

Where the data demonstrates that upgrading of the intersection to is required as per *Austroads Guide to Traffic Management Part 6 – Intersections, Interchanges and Crossings (April 2019), Section 2.3.6 – Warrants for BA, AU and CH Turn Treatments, Figure 2.25 (c)*, recommendations of the proposed treatment required shall be submitted to Council within 12 months from the finalisation of data collection.

Where upgrading works are required, Council will advise in writing the requirements of the upgrading, timeframes, and any other requirements.