

APPENDIX A

JRPP

2010HCC018 – Lake Macquarie 886/2010

Retirement Village 40-48 Burton Road, Mount Hutton

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 is to ensure, to Council's satisfaction, the objects of the Environmental Planning and Assessment Act 1979 (as amended) are achieved:

- (a) To encourage:
 - (i) 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;
 - (ii) The promotion and co-ordination of the orderly and economic use of development of land;
 - (iii) The protection, provision, and co-ordination of communication and utility services;
 - (iv) The provision of land for public purposes;
 - (v) The provision and co-ordination of community services and facilities;
 - (vi) 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;
 - (vii) Ecologically Sustainable Development; and
 - (viii) 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.

1. Prescribed Conditions

- (a) The work must 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 must 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 principal 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 is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal 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 that the information notified under (d) becomes out of date, further work must not be carried out unless the Principal 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

This development consent incorporates plans/and or documents referenced and stamped:

- (a) Development Consent No. 886/2010
- (b) Plans Reference:

Architectural Drawings; prepared by: EJE Architecture; Project no. 8572			
Drawing No.	Issue	Name of Plan	Date
A01	Revision 3	Site Plan	December 2010
A02	Revision 3	Site Elevations	December 2010
A03	Revision 3	Block 1 – Floor Plan & Elevations	December 2010
A04	Revision 3	Block 2 – Floor Plan & Elevations	December 2010
A05	Revision 3	Block 3 – Floor Plan & Elevations	December 2010
A06	Revision 3	Block 4 – Floor Plan & Elevations	December 2010
A07	Revision 3	Block 5 – Floor Plan & Elevations	December 2010

A08	Revision 3	Block 6 – Floor Plan & Elevations	December 2010
A09	Revision 3	Block 7 – Floor Plan & Elevations	December 2010
A10	Revision 3	Block 8 – Floor Plan & Elevations	December 2010
A11	Revision 3	Block 9 – Floor Plan & Elevations	December 2010
A12	Revision 3	Block 10 – Floor Plan & Elevations	December 2010
A13	Revision 3	Block 11 – Floor Plan & Elevations	December 2010
A14	Revision 3	Block 12 – Floor Plan & Elevations	December 2010
A15	Revision 3	Block 13 – Floor Plan & Elevations	December 2010
A16	Revision 3	Block 14 – Floor Plan & Elevations	December 2010
A17	Revision 3	Block 15 – Floor Plan & Elevations	December 2010
A18	Revision 3	Block 16 – Floor Plan & Elevations	December 2010
A19	Revision 3	Block 17 – Floor Plan & Elevations	December 2010
A20	Revision 3	Floor Plan & Elevations (Maintenance Shed, Mens Shed, Bin Enclosure)	December 2010
A21	Revision 3	Site Sections	December 2010
A22	Revision 3	Staging Plan	December 2010

Landscape Drawings; prepared by: Terras Landscape Architects; Project no. 8572			
Drawing No.	Issue	Name of Plan	Date
06	Revision F	Tree Assessment Plan	20-12-2010
07	Revision F	Tree Retention/Removal Plan	20-12-2010
08	Revision F	Masterplan	20-12-2010
09	Revision F	Typical Rear Yard: Sun/Shade Detail	20-12-2010
10	Revision F	Community Centre Detail	20-12-2010
11	Revision F	Southern Boundary Typical Detail	20-12-2010
12	Revision F	Communal Area Typical Detail	20-12-2010
13	Revision F	Northern Setback Typical Detail	20-12-2010
14	Revision F	Plant Schedules	20-12-2010
15	Revision F	Plant Schedules	20-12-2010
16	Revision F	Materials & Finishes	20-12-2010
00	Revision A	Landscape Fence Plan	21-2-2011

R01	Revision 2	Aerial Street Perspective View	August 2010
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External Finishes Boards: EJE Architecture; Project no. 8572	
Pallet Name	Date
Community Centre – Kendel Park Environmental Village Colour and Materials	December 2010
Façade A1 and A2 – Kendel Park Environmental Village Colour and Materials	December 2010
Façade B1 and B2 – Kendel Park Environmental Village Colour and Materials	December 2010
Façade C1 and C2 – Kendel Park Environmental Village Colour and Materials	December 2010
Façade D1 and D2 - Kendel Park Environmental Village Colour and Materials	December 2010
Façade E1 and E2 - Kendel Park Environmental Village Colour and Materials	December 2010
Façade F1 and F2 - Kendel Park Environmental Village Colour and Materials	December 2010

Engineer Drawings; prepared by: Northrop Engineers; Project no. NL100073			
Drawing No.	Issue	Name of Plan	Date
C01 DA	D	Erosion & Sediment Control Plan	20-12-2010
C02 DA	D	Concept Stormwater & Levels Site Plan	20-12-2010
C03 DA	D	Concept Stormwater & Levels Part Plan, Sheet 1 of 3	20-12-2010
C04 DA	D	Concept Stormwater & Levels Part Plan, Sheet 2 of 3	20-12-2010
C05 DA	D	Concept Stormwater & Levels Part Plan, Sheet 3 of 3	20-12-2010
C06 DA	D	Civil Details Sheet 1	20-12-2010
C07 DA	C	Civil Details Sheet 2	20-12-2010
C08 DA	B	Civil Details Sheet 3	20-12-2010
C09 DA	B	Flooding Extents Plan	20-12-2010

(c) Document Reference:

Document	Reference	Author	Date
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Concept Stormwater Management Plan & Flooding Assessment	NL100073_E01_(c)	Northrop Engineers	18-12/2010
Flooding Report	W4864/V1	Cardno Pty Ltd	20-12-2010
Acoustic Report	10582/3669	Spectrum Acoustics	9-9-2010
Disability Access Report	1039 – Issue B	Lindsay Perry (access + architecture)	26-5-2010
Flora & Fauna Assessment	103239	RPS Group	May 2010
Targeted Soil Investigation Report	Kendel Park Mount Hutton	Pacific Environmental	19-5-2010
Social Impact Statement	10-152	BBC Consulting Planners	December 2010

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

- (i) Any amendments in RED on the approved plans or documents;
- (ii) Any notes, markings, or stamps on approved plans or documents;
- (iii) Any conditions contained in this consent.

3. Staged Development

The staging of Development Consent No. 886/2010 requires the following works to be undertaken as designated:

Stage 1

Construction of units 1 to 14, which includes a temporary Community Centre in unit 7, and associated road works, infrastructure and landscaping works.

Provision of services (water, sewer, electricity) to the site.

Landscaping works along the western, northern and eastern boundaries.

Partly construct the detention basin to enable stage 1 stormwater connection.

Stage 2

Construction of units 15 to 19 and associated road works, infrastructure and landscaping works.

Complete construction of the detention basin.

Stage 3

Construction of units 20 to 27 and associated road works, infrastructure and landscaping works.

Construction of Permanent Community Centre and associated road works, infrastructure and landscaping works.

Convert the temporary Community Centre in unit 7 to a residential unit.

Stage 4

Construction of units 28 to 30 and units 37 to 41 and associated road works, infrastructure and landscaping works.

Construction of the Men's Shed and Maintenance Shed.

Stage 5

Construction of units 31 to 36 and 42 to 51 and associated road works, infrastructure and landscaping works.

Completion of the site road network, infrastructure and landscaping works.

The stages of the development shall commence within three (3) months of issuing any Interim Occupation Certificate or Occupation Certificate, whichever is issued first, for the previous stage of the development.

All conditions of consent shall apply to all stages of the development unless specifically indicated within a condition.

4. Construction Certificate

Prior to the commencement of work for the construction of a building or structure, it will be necessary to obtain a Construction Certificate.

Note: If the Construction Certificate is issued by a Principal Certifying Authority that is not Council it will be necessary to lodge the Construction Certificate and other approved documents with Council a minimum two days prior to the commencement of work.

5. Section 50 Certificate

Prior to the issue of the first Construction Certificate, a certificate of compliance under **Section 50** of the **Hunter Water Act 1991** for this development shall be submitted to the Principal Certifying Authority.

6. Prior to the issue of the Occupation Certificate

Prior to the issue of any interim Occupation Certificate or Occupation Certificate, whichever is issued first, for each stage, the earthworks, retaining walls and driveways associated with each stage shall be completed to the satisfaction of the Principal Certifying Authority.

7. Occupation Certificate

Prior to the occupation and/or use of a new or altered building, an interim Occupation Certificate or final Occupation Certificate, whichever is issued first, shall be issued by the Principal Certifying Authority.

8. Commencement Of The Use Of The Land

Commencement of the use of the land identified in this consent for the purposes approved by this consent, shall not commence until all conditions of this consent have been complied with and an Occupation Certificate has been issued.

This consent restricts occupation of this development to seniors or people who have a disability, people who live in the same household as seniors or people who have a disability, and/or staff employed to assist in the administration of and provision of services to housing provided under the development consent.

A Restriction as to User shall be placed on the title of the lots comprising the consolidated development site pursuant to Section 88B of the Conveyancing Act to give effect to the following:

The development shall only be occupied by:

- (a) Seniors, or people who have a disability, and
- (b) people who live within the same household with seniors or people who have a disability.

9. Mine Subsidence Board Requirements

The Mine Subsidence Board has granted their conditional approval of this development subject to:

- The final drawings, to be submitted prior to commencement of construction, are to contain a certification by a qualified structural engineer, to the effect that any improvements, constructed to meet the specifications of such final drawings, will be safe, serviceable and repairable, taking into account the following mine subsidence parameters:
 - (a) Maximum vertical subsidence of 200mm.
 - (b) Maximum ground strains of ± 2 mm/m.
 - (c) Maximum tilt of 1.5 mm/m.
- Architectural plans submitted to the Mine Subsidence Board for approval must show the location and detailing of articulation/control joints in brickwork, taking into consideration the above subsidence parameters and the requirements of the building code of Australia.
- On completion of all building work, a certification is required by a qualified structural engineer to the effect that all improvements have been constructed in compliance with the plans approved by the Board.

10. The Department of Environment, Climate Change and Water (NSW Office of Water) Requirements

A Construction Certificate shall not be issued over any part of the site requiring a Controlled Activity Approval, until a copy of the Controlled Activity Approval has been provided to the Principle Certifying Authority and Council.

The NSW Office of Water have granted their conditional approval of this development subject to the following General Terms of Approval:

Plans, standards and guidelines

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 886/2010 and provided by Council to the NSW Office of Water:
 - (i) Statement of Environmental Effects for Proposed Retirement Village, "Kendel Park Environment Village", 40-48 Burton Road, Mount Hutton. Prepared by deWitt Consulting, Job No.910, dated June 2010.
 - (ii) Kendel Park Environmental Village, for proposed Seniors Living Retirement Village Development. Lot 11 & 12 DP830292 No's 40 & 48 Burton Road, Mount Hutton. Prepared by EJE Architecture, Project No. 8572, Sheets A00-A11 Revision 2, dated August 2010.

- (iii) Kendel Park Environment Village for Burton Road Mount Hutton. Prepared by Northrop Consulting Engineers Pty Ltd. Job No. NL100073, Drawing No's C00 DA to C06 DA, Issue A, dated 2 June 2010.

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

2. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank of South Creek.
3. The consent holder must prepare or commission the following documentation to the satisfaction of the NSW Office of Water and include within any application for a CAA:
 - (i) Vegetation management Plan;
 - (ii) Works Schedule;
 - (iii) Erosion and Sediment Control Plan;
 - (iv) Soil and Water Management Plan.
4. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at <http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx>
 - (i) Vegetation Management Plans;
 - (ii) Riparian Corridors.
5. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

Rehabilitation and maintenance

6. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.

Access-ways

- 10 The consent holder must design and construct all ramps, stairs, access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the creek or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.

Disposal

- 14 The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to creek banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

Drainage and Stormwater

- 15 The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSSW Office of Water.

Erosion control

- 17 The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

Excavation

- 18 The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

Creek Bed and Bank Protection

- 22 The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain a riparian corridor from the highest bank of the creek for the length of the site directly affected by the controlled activity in accordance with a plan approved by the NSW Office of Water.

11. Rural Fire Service Requirements

The Rural Fire Service has no objection to the proposal subject to the following:

This is deemed to be a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants.

1. At the commencement of building works a 54 metre asset protection zone to the east of the dwellings shall be provided and maintained as outlined within Appendices 2 & 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document 'Standards for asset protection zones'. (Note: in forested areas a portion of the APZ may be maintained as an outer protection zone as specified in Table A2.7 of PBP).

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

2. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area.

3. Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.

4. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack.

5. All dwellings within 100 metres from the riparian zone shall comply with Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' BAL-12.5 & s.A3.7 Addendum Appendix 3 of 'Planning for Bush fire Protection'.

Landscaping

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

12. Development for the Purpose of Retirement Villages

In accordance with Clause 41 of the Lake Macquarie Local Environmental Plan 2004 the development shall be serviced with reticulated water, sewerage and electricity.

13. Hunter Water Requirements

The development shall be constructed in accordance with the Hunter Water Corporation requirements.

14. Energy Australia Requirements

The development shall be constructed in accordance with Energy Australia requirements.

15. Contribution To Provision Of Services (Sec. 94)

- (a) In accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and the Lake Macquarie Section 94 Contributions Plan No. 1 – City Wide - Charlestown Catchment 2004 (as amended), the monetary contributions in the attached Contributions Schedule shall be paid to Council for the purposes identified in that Schedule.
- (b) From the date this determination is made until payment, the amounts of the contributions payable under the preceding clause will be indexed and adjusted at the close of business on:
 - 14 August,
 - 14 November,
 - 14 February, and
 - 14 May

in each year in accordance with the Consumer Price Index published by the Australian Bureau of Statistics and the provisions of the Lake Macquarie Section 94 Contributions Plan No. 1 – City Wide - Charlestown Catchment 2004 (as amended).

The first date for indexation and adjustment shall be the date above which is closest to but follows the date on which the Notice of Determination becomes effective.

- (c) The contributions payable will be the amounts last indexed and adjusted in accordance with Clause (b) 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 in clause (a) above.
- (d) The contributions shall be paid to Council as follows:
- Development Applications involving subdivision – prior to the release of the Subdivision Certificate.
 - Development Applications involving building work – prior to the release of the first Construction Certificate.
 - Development Applications involving both subdivision and building work – prior to the release of the Subdivision Certificate or first Construction Certificate, whichever occurs first.
 - Development Applications where no Construction Certificate or Subdivision Certificate is required – prior to the release of the development consent or prior to Occupation.

Please note that should payment be made by cheque or electronic transfer the release of any documentation will be subject to the clearing of those funds.

Consumer Price Index details are available from Council's Community Planning Department and the Australian Bureau of Statistics.

A copy of the Lake Macquarie Section 94 Contributions Plan No. 1 – City Wide - Charlestown Catchment 2004 (as amended) is available for inspection at the Council's Administrative Building during Council's ordinary office hours.

16. Consolidation of Lots

(Stage 1) Lot 11 and Lot 12, DP 830292 shall be consolidated.

The final plan of consolidation shall be approved prior to the issue of a final occupation certificate, and shall be registered at the Land Property Information Office.

17. Construction Management Plan

A Construction Management Plan shall be prepared and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

This plan shall detail the construction process, contractors carparking, timing and impacts and how these will be ameliorated.

It shall be prepared with the intention of causing minimal impact to adjoining land owners and traffic operations.

18. Fix Damage Caused by Construction Works

The applicant shall make good any damage or injury caused to a public road or associated structures including footpaths, drains, kerb and gutter and utility services caused as a consequence of the development works.

Any disused kerb and gutter and footpath crossing shall be removed and replaced with full kerb and gutter to match adjoining kerb and gutter to the satisfaction of Council.

19. Hoardings and Construction Site Safety Fencing

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

The applicant shall apply to Council for approval 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 is to commence until written approval is obtained.

20. Earthworks & Erosion Control

A Soil and Water Management Plan (SWMP) for each stage shall be submitted prior to the issue of the first Construction Certificate for each stage and approved by the Principal Certifying Authority. The SWMP shall comply with the provisions of DCP No. 1 Section 2.1.11 Erosion Prevention and Sediment Control.

The approved SWMP showing detailed runoff and erosion control measures (both temporary and permanent) shall be implemented on the subject site prior to the construction of each stage of the approved development. The SWMP shall be implemented to the satisfaction of Council or the Principal Certifying Authority prior to the commencement of works, and during constructions.

The plan must incorporate (without being limited to):-

- the provisions of DCP No. 1 Section 2.1.11 Erosion Prevention and Sediment Control;
- minimise disturbance of existing stabilised land or areas of vegetation outside of the limits of the development,
- upslope interception of uncontaminated stormwater run-off with diversion drains/ bunds around disturbed areas;
- appropriate sediment interception measures (catch drains, contour banks, detention basins, settling ponds, straw bale or gabion barriers, sediment traps, (silt/sediment fences etc), sufficient to prevent sediments, contaminants, and other debris leaving the site or entering downstream drainage lines;
- regular maintenance of erosion control works and sediment control measures;
- satisfactory disposal of intercepted sediments and other contaminants; and
- long-term stabilisation procedures, including proposed vehicle accessways/parking areas, which can be incorporated in a landscape rehabilitation plan if appropriate.

NOTE: Failure to comply with these requirements may lead to Council instituting legal proceedings under the Protection of the Environment Operations Act 1997.

21. Demolition

Demolition work shall be carried out only between the hours of 7:00am to 5:00pm Mondays to Fridays and 8:00am to 1:00pm Saturdays. No work is to be carried out on Sundays or public holidays.

Council's road and footpath shall not be damaged or obstructed at any time.

No trees shall be removed from the site unless they are shown for removal on the approved plans, or separately approved by Council.

Erosion and sediment control measures shall be installed and maintained in accordance with Development Control Plan 1 – Principles of Development.

The site shall be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

Temporary toilet facilities shall be provided during the course of demolition in accordance with Council's requirements ie. chemical closet or temporary sewer connection. Separate application shall be made to Council where a chemical closet is proposed.

All demolition work shall be carried out strictly in accordance with Australian Standard AS 2601—1991: The Demolition of Structures and as in force at 1 July 1993.

Demolition work, as defined within Chapter 10 of the Occupational Health and Safety Regulation 2001, shall be undertaken by a suitably licensed contractor.

22. Site Amenities

Throughout the course of building or demolition works on the site, toilet facilities shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet shall be installed as follows:

- (i) in a sewerred area, connect the temporary builder's service to the Hunter Water Corporation's sewerage system in accordance with such authority's requirements prior to commencing building operations.
- (ii) Where the connection of the builder's toilet to the Hunter Water Corporation's sewer is impractical, an application to approve the use of a chemical closet is to be made to Council accompanied with the appropriate fee for approval.

23. Waste Management

A Waste Management Plan shall be submitted and approved by the Principal Certifying Authority prior to the issue of the first Construction Certificate. The Waste Management Plan shall comply with the provisions of Lake Macquarie City Council's Guidelines, Volume 1 – Waste Management Guidelines (LMCC 2004).

24. Building Waste

Prior to any construction work commencing, containment of building waste materials generated by the building process 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.

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

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

Appropriate provision is to be made to prevent wind blown rubbish escaping from the containment.

25. Dial Before You Dig

Prior to commencement of work, the free national community service "Dial Before You Dig" shall be contacted on 1100 or by fax on 1200652077 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.



26. Road Openings

Prior to the opening or disturbance of a bitumen or gravel road, the applicant shall apply to Council for a Road Opening Permit. The road shall not be opened until a Permit has been issued by Council. The applicant shall pay to Council the calculated road restoration fee prior to the issue of an Occupation Certificate.

The applicant is given permission to open a grassed or natural surface footpath for the installation of all water services, cables or mains. Upon completion of the work, the applicant shall restore the footpath to its original state and ensure that there are no hazards that may impact on the public.

All precautions must be taken to protect the public while work is in progress. The applicant shall ensure that traffic control is undertaken in accordance with Australian Standard AS1742 – Manual Uniform Traffic Control Services – Parts 1, 2 and 3.

27. Unobstructed Footpath Access

The applicant 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, the applicant shall obtain written approval from Council prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The applicant shall signpost and maintain the area in a way that ensures public safety at all times.

28. Operational Waste Management

Evidence of contractual arrangements with either a private contractor or Lake Macquarie City Council for the collection of waste and recycling materials for the site shall be included with the Construction Certificate.

A centralised waste bin store shall be provided in accordance with the approved plans.

Waste collection vehicles shall enter and exit the site in a forward direction and collect waste from the centralised waste bin store.

Individual dwellings/units shall have two half sized bins, one for general waste and the other for recyclable waste.

29. Excavation & Retaining

Only retaining walls indicated on the approved plans shall be constructed under this consent.

No additional excavation/fill is to 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 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 (SEPP). Prior to erection of any retaining wall not approved under this consent, reference to the SEPP should be undertaken to ascertain whether approval is required.

30. Excavation – Historical Relics

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area shall stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the Heritage Act, 1977.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

31. Filling Importation and Compaction

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

- Uncontaminated virgin excavated natural material (VENM) as defined under the provisions of the NSW Protection of the Environment Operations Act 1997; or
- 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
- Fill which has been characterised and validated by a suitably qualified and experienced site contamination consultant, in accordance with the NSW Department of Environment, Climate Change and Water publication "Contaminated Sites - Sample Design Guidelines".

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.

Written details are to be kept of address of the origin of the fill; quantities, dates, and times of delivery from each location; registration numbers and driver's identification details; and laboratory test results/consultants reports.

The applicant shall arrange for all fill to be placed in accordance with the standards specified in Table 5.1 of AS 3798-2007 "Guidelines on Earthworks for Commercial and Residential Developments."

32. Removal, Management And Transportation Of Fill

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

- (i) A NSW Department of Environment, Climate Change and Water licensed waste disposal facility. A copy of the receipts from the waste disposal facility shall be kept and shall be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate, or authorised officer upon request; or
- (ii) A site which has a current development consent for the importation of fill material. A copy of the current development consent for the proposed site to which the material is to be distributed must be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate, or authorised officer upon request.

All removed excavated material shall be transported and disposed of in accordance with the New South Wales Department of Environment Climate Change and Water guidelines.

33. Topsoil and Stockpiles of Materials

Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.

Stockpiles of topsoil, sand, aggregate, spoil or other material stored on the site that is capable of being moved by running water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb, and/or road surface. Suitable sediment and erosion control devices shall be installed prior to the stockpile being created. The stockpile shall be treated so its surface is erosion resistant to wind and water action.

34. Dust Suppression

During the extraction, removal, and transportation of material associated with the demolition and construction works, the applicant 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 Principal Certifying Authority.

35. Asbestos

If asbestos is encountered during construction or demolition work, even if the works are partial demolition (eg one wall), measures must be in place in accordance with WorkCover NSW guidelines. Work shall not commence until all the necessary safeguards required by WorkCover NSW are fully in place.

Contractors who are licensed for asbestos disposal by WorkCover NSW must only carry out the removal and disposal of asbestos from demolition and construction sites.

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 applicant shall notify adjoining residents in writing five (5) working days prior to the demolition.

Asbestos waste must only be disposed of at a landfill site authorised to receive such waste.

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

36. Emissions

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

37. Noise - Construction Sites

The operating noise level of construction site operations, including machinery, plant and equipment when measured at any affected premises, shall be evaluated and comply with the requirements of the NSW Department of Environment Climate Change and Water publication "Interim Construction Noise Guideline" July 2009.

Construction Time Restrictions

Monday to Friday, 7.00am to 6.00pm.

Saturday, 7.00am to 1.00pm if inaudible on residential premises, otherwise: 8.00am to 1.00pm.

No construction work to take place on Sundays or Public Holidays.

Construction Periods in Excess of 26 Weeks

If the construction period is in excess of 26 weeks, the applicant shall provide Council with a Noise Management Plan prior to the first Construction Certificate, 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 to neighbourhood.

Operational times may be amended with the written advice of Council's General Manager or delegate.

38. Construction Site Vibration

Vibration on surrounding land from construction site operations shall comply with the NSW Department of Environment, Climate Change and Water publication "Assessing Vibration: a technical guideline" February 2006.

39. Contaminated Land - Remediation Action Plan

(Stage 1) The Targeted Soil Investigation prepared by Pacific Environmental dated 19th May 2010 identified contaminated fill on site.

Prior to issue of the first Construction Certificate it will be necessary for a Remediation Action Plan (RAP) to be submitted to Council. The RAP shall be prepared in accordance with the NSW Department of Environment Climate Change and Water (DECCW) "Guidelines for Consultants Reporting on Contaminated Sites" and the Department of Urban Affairs and Planning Guidelines "Managing Land Contamination: Planning Guidelines - SEPP55 - Remediation of Land"

The RAP shall also be peer reviewed by a DECCW Accredited Site Auditor and include a statement issued by that auditor certifying that the RAP is practical and the site will be suitable, after remediation, for the proposed use.

40. Contaminated Land Remediation and Validation

(Stage 1) Prior to issue of the first Occupation Certificate, the site shall be remediated, validated, and a statement shall be provided to Council from a DECCW Accredited Site Auditor certifying that the site is suitable for the proposed use.

41. Fire Hydrant- Residential

To ensure that fire fighting facilities are available to safeguard the occupant and protect the buildings the Environmental Planning and Assessment Act 1979 requires the issues of fire fighting facilities to be addressed as part of any development application.

In some instances, a fire hydrant may be required to be installed on the subject land to ensure that no part of any residential building is more than 120 metre from a hydrant.

42. Flood Levels

Council records indicate that the land is likely to be or has been affected by flooding.

The development shall be constructed in accordance with the minimum levels specified on the approved plans. Where the floor levels are not at, or above, the Probable Maximum Flood (PMF) levels the floor level shall be adjusted. ie all floors shall be at least 500 mm clear of the 100 year flood level or at least equal to the PMF (whichever is higher).

Upon completion of the concrete formwork and/or timber floor frame, the finished floor level(s) shall be verified by a registered surveyor and a certificate confirming compliance with the approved plans submitted to the principal certifying authority prior to work proceeding.

The pouring of concrete and/or the fixing of flooring is not to proceed until approval is granted by the principle certifying authority that the floor level has been verified by a registered surveyor and the floor level complies with the minimum floor levels stated on the approved plans.

A certificate of finished floor height by a registered surveyor shall be submitted prior to the issue of an occupation certificate for each stage.

43. Flood Response Strategy

(Stage 1) The applicant's shall engage a suitable qualified engineer to formulate a Flood Response Strategy for the development. The Strategy shall outline the actions that are required to be taken by residents in the event of flooding of the site. ie should they evacuate or stay in their homes? When to evacuate? If evacuating, where to, path to get there etc.

The Strategy shall be submitted to Council. No Occupation Certificate shall be issued until the Strategy is to the satisfaction of Council Officers.

44. Stormwater Detention and Harvesting

The applicant shall include stormwater plans and supporting calculations for the development with the Construction Certificate application in accordance with the following:-

- Stormwater shall be disposed of through a piped system designed in accordance with Australian Standard AS 3500 by a suitably qualified professional. Qualifications shall be in accordance with Part DQS.06 of Council's Engineering Guidelines.
- Stormwater detention measures shall be constructed and maintained to ensure that the development does not increase upstream or downstream flood levels,
- Detention storage shall be calculated and designed in accordance with "Australian Rainfall and Runoff 1987" and the Lake Macquarie City Council guideline – "Handbook for Drainage Design Criteria" and shall conform to the specifications and standards contained in the LMCC Engineering Guidelines.
- Stormwater harvesting measures shall be constructed and maintained in accordance with clause 2.5.4 of DCP 1 (and supporting guidelines). Stormwater drainage plans shall include details of the harvesting system (eg. rainwater tank and pump details plus reticulation diagrams).

All drainage works shall be carried out in accordance with the approved plans. A **Works As Executed Plan** that shows that the works comply with the Construction Certificate Drainage Plans shall be provided to the Principal Certifying Authority before the issue of any **Occupation Certificate**.

The Works as Executed Plan shall be endorsed by a Registered Surveyor or the designing Engineer.

45. Traffic Management Plan

A Traffic Management Plan prepared by a suitably qualified and experienced Traffic Engineer shall be lodged with Council for approval prior to release of the Construction Certificate. The Traffic Management Plan is to specifically address:

- (i) Vehicular access to the proposed development during the construction phase; and
- (ii) The management of parking of construction workers vehicles during the construction phase.

Note, the purpose of the Traffic Management Plan is to ensure minimal disturbance to residents of the area.

46. Vehicles Access Crossing

(Stage 1) The applicant is required to apply to Council for approval to install a paved vehicular access across the footpath area to Council's standards. The paved crossing must be completed prior to occupation of the buildings at the owners full cost.

Prior to the commencement of work on the site the applicant is required to contact Council for footpath levels so that a suitable driveway can be constructed to provide vehicular access onto the site.

The installation of the paved vehicular access crossing is to be carried out under the supervision of Council.

The applicant must provided Council two (2) working days notice in advance to inspect the formwork prior to pouring the vehicular access.

47. Parking Areas & Access Ways

All parking areas and access ways shall be designed, constructed, sealed and drained in accordance with the standards nominated in Council's Development Control Plan 1 Volume 1 and 2 Engineering Guidelines and the Australian Standard 2890. All parking areas and access ways, linemarking and signage shall be completed prior to the issue of the first Occupation Certificate.

48. Driveway Design and Construction

The driveway to the garages or car parking areas of the development shall be designed and constructed in accordance with the following requirements below:

- (i) The Driveway Longitudinal Section, shall be submitted to the Principal Certifying Authority for approval with the Construction Certificate.
- (ii) The maximum gradient of the driveway shall not be steeper than 1V:5H (20%).
- (iii) Suitable transition areas a minimum of 2 metres long shall be provided at the entry to the garage or car parking area in accordance with AS 2890.1:2004.

49. Car Parking and Allocation of Spaces

A total of 81 car parking spaces shall be constructed in accordance with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 "Parking facilities Part 1: Off-street car parking" and Council's Development Control Plan and maintained on the land in accordance with the Approved Plans.

The spaces shall be allocated in the following proportions:

60 - Residential

- | | | |
|----|---|------------------------|
| 19 | - | Residential – Visitors |
| 2 | - | Disabled car spaces |

The car parking spaces are to be identified on-site by line-marking and must be numbered upon the completion of the works. The car parking provided shall only be used in conjunction with the uses contained within the development.

The required visitor car parking spaces shall be clearly marked and signposted for use by visitors. Visitor car parking spaces shall be assigned to the common property should the development be strata subdivided. Visitor car parking spaces shall be available to visitors at all times.

The required disabled car parking spaces shall be clearly marked and signposted for use by disabled persons.

50. Bicycle Parking racks

To encourage the use of alternate transport modes, two secure bicycle parking/storage areas shall be provided, each to accommodate three (3) bicycles. One facility must be located in close proximity to the Community Centre entrance and the other in close proximity to the rear recreation area. The bicycle parking racks are to be highly visible and well illuminated to minimise the likelihood of theft and vandalism. The installation and dimensions of the facility shall be in accordance with Austroads Part 14 - Bicycle Standards. These works shall be completed prior to the issue of the final Occupation Certificate.

51. Communal Mini Bus

(Stage 3) A communal mini bus shall be provided on site for the development prior to the first Occupation Certificate. A parking space, opposite the Community Centre, in accordance with the approved plans, shall be provided.

52. Roadways and Drainage Works Standards for Works on Public Roads

The Applicant shall arrange for all relevant works to be designed and constructed in accordance with the following publications (as amended or updated), as applicable:-

- a) Australian Rainfall and Runoff, 1987.
- b) AUSTROADS Guide To Traffic Engineering Practice.
- c) DCP 1 (Volumes 1 and 2) and supporting guidelines.
- d) Roads and Traffic Authority Road Design Guide.
- e) Roads and Traffic Authority Interim Guide To Signs and Markings.
- f) Managing Urban Stormwater documents (2004).by Landcom.
- g) The Constructed Wetlands Manual - Department of Land and Water Conservation, 1998.
- h) Subdivision Code
- i) Australian Standards including, but not limited to:-
 - AS1428 - Design for Access and Mobility, Part 1 General Requirements for Access and Part 4 Tactile Indicators,
 - AS2890 - Off Street Parking

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

53. Details Required Prior to Commencement for Works on Public Road

(Stage 1) Construction works in accordance with this development consent shall not commence until:-

- (a) 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 work have been endorsed with a **Construction Certificate** by :-

- (i) Council, or
 - (ii) an appropriately Accredited certifier accredited in accordance with the Building Professionals Board Accreditation Scheme, and

An Application For A Construction Certificate Can Only Be Made To Lake Macquarie City Council For All Works On Existing Public Roads (In Accordance With Council's Authority Under The Roads Act).

- (b) the person having the benefit of the development consent:-
 - (i) has appointed a Principal Certifying Authority, and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment, and
- (c) the person having the benefit of the development consent has given at least two (2) days notice to Council of the intention to commence works.

54. Notice of Commencement of Works for Works on Public Road

(Stage 1) Construction works shall not commence until a meeting between the contractor and a representative of the Principal Certifying Authority (PCA) has taken place on site.

The PCA may require up to seven days notice in writing prior to such meeting taking place.

The notice shall also include the names of the contractor undertaking construction and the developer's supervising officer.

55. 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.

56. Notification to Neighbours

Written notification shall be given by the Applicant to landowners and residents who live adjoining and adjacent to the proposed development or who may be affected by the proposed works. The notification should include the expected date of commencement of works and a brief description of the works.

57. Works as Executed Plan for Works on Public Road

(Stage 1) An electronic copy of the Works as Executed Plans, certified by the Consulting Civil Engineer supervising the works or the Registered Surveyor in charge and certified by the Principal Certifying Authority, shall be supplied to the Council. Where applicable a Registered Surveyor's Certificate certifying that all pipes have been laid within the easements shown on the Final Plan of Subdivision shall also be submitted. The Works as Executed Plan shall, in addition to construction details, show limits and depths of filling, locations of service conduits and street names.

Note that a works as executed plan plotted on film will only be accepted where the original engineering design was hand drawn and not drafted using CAD software.

The Works as Executed Plan shall be submitted as accompanying documentation to the Compliance Certificate application for the road works.

58. Kerb & Guttering

(Stage 1) Kerb and guttering, shoulder sealing and associated drainage works shall be constructed along the full length of the street frontage of the development site where no kerb and guttering currently exists. A detailed plan shall be submitted to the accredited certifier with the Construction Certificate for Stage 1. No works shall commence prior to the issue of the Construction Certificate.

A certificate shall be issued by the Principal Certifying Authority stating that the work has been undertaken in accordance with the Lake Macquarie City Council's Guidelines supporting Development Control Plan No. 1 – Volume 2.

59. Concrete Footpath

(Stage 1) Concrete footpaving 1.2 metres wide shall be constructed along the full length of the street frontage of the development site and extent to the intersection of Glad Gunson Drive and Burton Road. At the intersection a kerb ramp (in accordance with AS1428.1) shall be constructed where the footpaving would meet the existing kerb. Another kerb ramp shall be constructed within the kerb to facilitate crossing of Burton Road to access the nearby bus stop on the western side of Burton Road.

Footpath paving shall consist of plain concrete, 80mm thick, with a broom or wood float finish. No works shall commence prior to the issue of a Construction Certificate.

A certificate shall be issued by the Principal Certifying Authority stating that the work has been undertaken in accordance with the Lake Macquarie City Council's Guidelines supporting Development Control Plan No. 1 – Volume 2.

60. Bus Shelter

(Stage 1) A Bus Shelter, concrete hard stand area & seat shall be provided for the subject development at the cost of the proponents.

The bus shelter shall be located at the existing bus stop that is at the front of the site on Burton Road. The shelter shall be designed and constructed in accordance with Council's Construction Specification and Standard Drawings. The shelter shall be finished in the colour nominated by Council's City Design section.

Bus shelter installation is to conform with the Disability Discrimination Act guidelines, and include the supply and installation of a seat within the shelter, Tactile Ground Surface Indicators (TGSI's) in accordance with AS 1428.4:2002 and a concrete slab extending from the shelter to the kerb. Details of the location (as in distance from kerb, J-pole, etc.) and construction (as in the shape of the slab, cross falls, retaining walls) of the bus shelter slab shall be forwarded to Council's Transportation Planning Section for approval prior to the lodgement of any construction certificate for the installation of the bus shelters.

The bus shelter structure shall be manufactured and installed in accordance with Council's standard bus shelter documentation. Any proposed amendments to the manufacture of the bus shelter shall be forwarded to Council's City Design Section for approval prior to the lodgement of any construction certificate for the installation of the bus shelters.

The existing bus stop that is adjacent to the site, on the opposite side of Burton Road, shall be upgraded. This upgrading shall consist of a concrete hard stand area, Tactile Ground Surface Indicators (TGSI's) and a bus seat.

61. Pavement Standards

(Stage 1) Residential road pavements shall be designed in accordance with "A Guide To The Design Of New Pavements For Light Traffic" - AUSTRROADS 1998. Main and Industrial road pavements are to be designed in accordance with "Pavement Design, A Guide to the Structural Design of Road Pavements" - AUSTRROADS 1992. Designs for road pavements shall be submitted to and approved by the Council or a Private Certifier prior to road pavements being constructed. Where work is to be undertaken within a classified Main Road the pavement design shall also be submitted to the Roads and Traffic Authority for its approval prior to the commencement of works.

62. Survey Control Marks Interference for Works on Public Road

(Stage 1) The Applicant shall submit a statement from a Registered Surveyor verifying that the works did not interfere with any survey control marks OR the Applicant shall submit verification that the Survey Control Branch of the Department of Lands has been advised of any marks which will be destroyed and an undertaking that the requirements of the Survey Control Branch will be complied with.

63. Compliance Certificate for Works for Works on Public Road

(Stage 1) The Applicant shall obtain and submit a **Compliance Certificate/s** to certify that all construction works and associated development have been constructed in accordance with this Development Consent, the **Construction Certificate** and all other standards specified in this consent.

64. Application Fees for Required Certificates for Works on Public Roads

(Stage 1) The Applicant shall obtain any certificates as required to satisfy the conditions of this Consent.

For Council to process applications for these certificates the following fees would be payable:

Construction Certificate	\$600	Plus \$50 Archival Fee	(inc GST)
Compliance Certificate	\$800	Plus \$50 Archival Fee	(inc GST)

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

Where the development includes construction works valued at \$25,000.00 or more, the applicant must pay the Long Service Levy, as detailed in the Building and Construction Industry Long Service Payments Scheme. The Levy must be paid prior to the issue of the Construction Certificate. The Levy may 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 application fees are subject to change each financial year without notice and confirmation should be obtained from Council prior to the lodgement of any application.

65. Buildings & Structures

Buildings and structures shall be constructed using materials in accordance with the 'External Finishes Boards' by EJE Architecture titled Kendel Park Environmental Village Colour and Materials Pallet, Project 8572. All external cladding materials such as roofs, walls and windows shall have low-reflective properties.

Pallets

Community Centre
Façade A1 and A2
Façade B1 and B2
Façade C1 and C2
Façade D1 and D2
Façade E1 and E2
Façade F1 and F2

Details to be submitted with the Construction Certificate.

66. Building Sustainability Index (BASIX) Certificate

The applicant shall construct the dwelling in accordance with the Building Sustainability Index (BASIX) certificate number 335613M, dated 13 September 2010 and submitted with the application.

Should there be any changes to the specifications of the proposed dwelling (eg: colour, insulation, etc), except where restricted or excluded by any condition of consent, an amended/new BASIX Certificate can be relied upon as having complied with this condition.

A copy of any amended/new BASIX Certificate shall be submitted by the Principal Certifying Authority to Council within fourteen days of the receipt of the BASIX Certificate.

Prior to issue of the first Occupation Certificate, certification of compliance with the BASIX Certificate is to be provided to the Principal Certifying Authority.

67. Noise

The Laeq (15 minute) operating noise level of machinery, plant and equipment when measured at the boundary of the worst affected residential premises shall comply with either the amenity or intrusiveness criteria calculated in accordance with the NSW Department of Environment Climate Change and Water Industrial Noise Policy. For assessing amenity criteria, the area shall be categorised in accordance with the guidelines outlined in Chapter 2 of the Policy.

Prior to the issue of the first Occupation Certificate, certification from a suitably qualified acoustic consultant shall be submitted to the Principal Certifying Authority, demonstrating compliance with the above.

68. Acoustic Design

Council has reviewed, considered and relied on the information provided in the acoustic report prepared by Spectrum Acoustics, Ref: 10582/3669 dated 9 September 2010 when assessing this development.

The recommendations contained in this acoustic report shall be incorporated into the design and construction of the development.

69. Disability Access Requirements

Access for people with disabilities must be provided to kerb ramps and footpaths along the street frontage by means of a continuous path of travel in accordance with Australian Standard AS 1428.1.

The applicant is advised that legislation exists to promote the provision of services, which enable people with a disability to maximise their potential, further their integration in the community and achieve positive outcomes.

To ensure that the above outcomes are achieved the following legislation is relevant:

- The NSW Disability Services Act 1993
- The Commonwealth Disability Discrimination Act 1992
- NSW Anti Discrimination Act 1977.

For further information please consult:

- Human Rights and Equal Opportunity Commission
- NSW Anti Discrimination Board.

70. Tactile Indicators

The development shall have tactile indicators installed in accordance with AS 1428.4.

Note that the areas of the development to have tactile indicators installed are varied and include kerb ramps and footpaths along the street frontage; carpark pedestrian crossings (street frontage and internal); lifts; stairways; ramps.

71. Disability Access Design Audit

The applicant shall submit a disability access design audit for the development, which has been certified by an accredited access consultant certifying the development's compliance to:

- the Building Code of Australia;
- the Disability Discrimination Act 1992 in relation to the provision of equity in access for disabled persons; and
- the recommendations of the Disability Access Report, by Lindsay Perry (Access + Architecture) dated 26 May 2010 having been adopted.

This certification shall be submitted to the Principal Certifying Authority with the application for a Construction Certificate.

Note:

- a) Compliance with the Building Code of Australia only, can still leave a building professional or building owner in contravention of the Disability Discrimination Act 1992.
- b) The Association of Consultants in Access Aust Inc 326 Autumn Street, HERNE HILL, VIC. 3218. Ph (03) 5221 2820 www.access.asn.au are able to provide further information.

72. Retirement Village – Design Certification

The development shall be constructed in accordance with State Environmental Planning Policy (Housing for Seniors and/or People with a Disability) 2004.

Independent verification from an accredited access consultant shall be submitted to the Principal Certifying Authority certifying that the development has been constructed in accordance with the SEPP, prior to the issue of the first Occupation Certificate..

73. Retention of Trees Native Vegetation (Development)

All native vegetation on the site shall be retained and protected unless it:

- has been identified for removal on the approved plans or documentation; or
- has been identified for selective removal by the NSW Rural Fire Service.

Note: In accordance with Clause 34 of Council's Local Environmental Plan 2004 :

- trees or native vegetation on the site that are in close proximity to the approved buildings (ie; within 0 to 5 metres of the approved building) may also be removed provided they have not been identified for specific retention in any of the approved plans or documentation.
- an application shall be made to Council in accordance with Clause 34 of Council's LM LEP 2004 for the removal of any other trees or native vegetation. This includes application for the removal of any understorey vegetation or the stripping of ground cover vegetation that is outside those areas approved for construction.

All reasonable measures shall be undertaken to protect all other native vegetation on the site and on adjoining lands from damage during construction. Such measures shall include but not be limited to:

- installing exclusion fencing (eg; No Go tape, helicopter tape or orange mesh) around vegetation that adjoins the construction area to minimise damage to vegetation that is to be retained. Exclusion fencing is to be installed prior to commencement of works and maintained in good working order for the duration of works;
- prohibiting compaction and the placement of fill within 5 metres of trees and native vegetation that are to be retained;
- keeping all vehicles, construction materials and refuse within areas approved for buildings, structures, access ways and car parks;
- limiting the number of access points;
- Salvaging useable trees and shrubs which are felled for re-use, either in log form, or as woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots and stumps may only be disposed of at an approved site;
- Notifying all contractors, sub-contractors, and personnel of vegetation protection requirements of this condition prior to commencement of site works and construction.

74. Hollow Bearing Tree Removal

The applicant shall engage a qualified and experienced ecologist to supervise installation of nest boxes and removal of any hollow bearing trees to ensure mitigation against any native animal welfare issues.

Nest boxes shall be provided on a one for one basis for every natural hollow removed by the development. Details to be provided with Construction Certificate application. All nest boxes shall be installed prior to the issue of commencement of works and at least one month prior to vegetation clearance on the site. The nest boxes shall also be monitored to determine their usage and carry out repairs or replacement (as required) on a biannual basis for a minimum period of two (2) years following installation.

Removal of trees with habitat hollows shall be undertaken to take place outside the breeding periods of the threatened species likely to be impacted. Any hollow-bearing trees shall be felled in one (1) to two (2) metre section, beginning at the top of the crown. Lengths cut from the tree(s) shall be in a manner that will preserve the hollow(s) with each section inspected and appropriately treated to minimise impact to fauna.

75. Habitat Restoration Plan

Prior to the commencement of works the applicant shall prepare, submit and gain approval from Council's Development Ecologist a Habitat Restoration Plan (HRP) for the proposed habitat protection areas and buffers to the development. The HRP shall be prepared by a suitably qualified and experienced ecologist and will integrate with the required Landscape Plan and Erosion Control Plans. The applicant shall demonstrate, to Council's Development Ecologist's satisfaction, how this integration has occurred.

In preparing the HRP the applicant shall have due regard to the following specific and required components of the HRP:

- A suitably qualified and experienced professional bush regeneration contractor shall be engaged to carry out any revegetation planting, restoration and maintenance weed control specified in the HRP.
- The minimum qualifications and experience required for the bush regeneration contractor are a TAFE Certificate 2 in Bushland Regeneration and two years demonstrated experience (for site supervisor) and a TAFE Certificate 2 in Bushland Regeneration and one year demonstrated experience (for other personnel). In addition the site supervisor shall be eligible for full professional membership of the Australian Association of Bush Regenerators (AABR).
- The mulch/tubgrindings generated from the removal and thinning of native trees associated with the development is/are to be re-used in restoring the habitat protection areas as required.
- Any plant stock used in landscaping shall be supplied from provenance specific seed/material collected from within the Lake Macquarie catchment area. Non-provenance specific material is prohibited.

76. Fauna Management

Native fauna shall be appropriately managed during clearing and construction phases of the approved works. In this regard, an appropriately licensed fauna ecologist shall be employed to advise and supervise the clearing of trees. Where, in spite of precautions, wildlife is injured, the fauna ecologist shall take the necessary action to treat the animal, which may include veterinary treatment or transfer of the animal to a volunteer wildlife carer group such as W.I.R.E.S or Wildlife Arc.

77. (Stage 1) – Native Vegetation Act

Prior to the issue of the first Construction Certificate, the applicant is to provide evidence from the Hunter – Central Rivers Catchment Authority that an approved Property Vegetation Plan (PVP) under the Native Vegetation Act has been issued in relation to the Retirement Village. A copy of the PVP shall be submitted to Council, for their records.

78. Category 3 Landscaping

Landscaping shall be implemented/installed in accordance with the approved landscape plans and documentation.

All landscape works shall be carried out by members of the Landscape Contractors Association of Australia and implemented under the full supervision of the appropriately qualified landscape consultant until the Landscape Compliance Report is received by the Principal Certifying Authority.

The site shall be landscaped with all disturbed ground being rendered erosion resistant to Council's satisfaction.

All landscaping shall be permanently maintained in accordance with Section 2.7.2 of Development Control Plan 1.

79. Landscape Construction Certification Package

The following information shall be provided in landscape Construction Certification submission package prior to the issue of the first Construction Certificate:

- Specific protection measures for existing trees provided by qualified arborist (Diploma of Horticulture {Arboriculture} AQF Level 5); and
- Detailed pavement treatment for pedestrian footpath, driveway and any other feature common areas.

80. Plant Quality and Density

All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).

All trees shall be installed at the proposed sizes in the approved landscape plans. The requirements for height, calliper and trunk clearance for advanced trees are as below:

Container Size	Height (above container)	Caliper (at 300mm)	Clear Trunk Height
75 litre	2.2 – 2.4 metres	40-45 mm	1.4 metres

Understorey planting within landscape buffer areas shall be at minimum 3 plants per sqm at 150 mm pot size.

81. Landscaping Early Establishment

Planting in areas nominated below shall be completed and maintained to the satisfaction of the Landscape Consultant for a minimum of six (6) months prior to issue of the first Occupation Certificate for Stage 1. Once planting is completed, these areas shall be protected by 1800mm high temporary fencing for the duration of construction for the future stages.

Descriptions are based on the Landscape Masterplan by Terras Landscape Architects (job no 8572.5 revision F). The nominated areas are:

- Buffer Planting (including the areas along Burton Road Street frontage and site northern boundary)
- Riparian Zone
- Creekline Regeneration Zone

Should the plants be adversely affected by construction works after the completion of planting works, the damaged plants shall be immediately replaced.

82. Landscape Compliance Report

The Landscape Consultant that produced Landscape Construction Documentation and Specification or an equally qualified person shall submit a **Landscape Compliance Report** for **each development stage** that details the relevant inspections and submissions, and certifies that the finished works comply with the approved Landscape documentation and specification prior to the issue of the first Occupation Certificate for each development stage.

The certification shall outline any minor defects, which shall be rectified, and any specific landscape maintenance requirements during the maintenance period.

83. Landscape Maintenance Report

The Landscape Consultant that produced Landscape construction Documentation and Specification or an equally qualified person shall submit two **Landscape Maintenance Reports** (one at 26 weeks and one at 52 weeks after practical completion) for **each development stage** that certifies that at 26 and 52 weeks after Practical Completion the works were being satisfactorily maintained.

84. Screen Fencing

The applicant shall erect internal and boundary fencing in accordance with the approved Landscape Plans.

85. (Stage 1) - Identification Signage

Details of the identification sign are to be submitted to the Principal Certifying Authority for approval prior to release of the first Construction Certificate.

The details of the sign are to comply with the approved concept plans in terms of dimensions and location, and Part 2.7.7 of DCP No 1.

86. Directional Signage and Pavement Marking

Internal intersection priorities and road bends be delineated with appropriate signposting and line marking in accordance with relevant Australian Standards.

87. Lighting

A lighting plan shall be submitted to the Principle Certifying Authority for approval prior to release of the Construction Certificate that:

- (i) shall be designed so as to ensure minimal glare onto adjoining properties or roadways.
- (ii) comply with the relevant Australian and New Zealand Lighting Standards.
- (iii) a lighting maintenance policy shall be established.
- (iv) lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels as per Australian and New Zealand Lighting Standard 1158.1 - Pedestrian.
- (v) Sensor lighting shall be installed around the Maintenance Shed, Men's Shed and Caravan Store area.

88. Crime Prevention through Environmental Design

- Directional signage shall be provided throughout the development. The signage is to be clear, legible and useful, to aid way finding throughout the site.
- Community Centre, Maintenance Shed, Men's Shed and Caravan Store to have a security alarm systems fitted, with remote monitoring and response.
- Wheelie bins are to be secured so they cannot be used as a climbing aid.

- CCTV shall be installed in and around the Community Centre.
- Landscaping shall not inhibit natural surveillance (block sight lines) or provide concealment and entrapment opportunities.
- Glass within the Community Centre shall be laminated to enhance the physical security of the doors and windows.
- Fire exit doors to the development shall be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.
- The main entry/exit doors to individual dwellings/units shall be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorised access to the dwelling/unit.
- The windows to individual dwellings/units shall be fitted with key operated locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the dwelling/unit.
- Security screen doors shall be fitted to all dwelling/unit entry and exit doors.
- A long term maintenance plan shall be developed. This is to cover maintenance of vegetation, graffiti management and malicious damage. Graffiti is to be removed within twenty four (24) hours and lighting, if damaged or broken to be restored within forty eight (48) hours.

Documents and plans submitted with the Construction Certificate shall demonstrate that these security measures have been implemented.

89. Social Impact Assessment

Council has reviewed and considered the information provided in the Social Impact Assessment (SIA) prepared by BBC Planners, Ref: 10-152 dated December 2010 when assessing this development.

The recommendations contained in the SIA, Section 7 (Mitigation of Impacts), shall be implemented in the development.

90. Construction and Operation of Food Premises

a) Construction of Food Premises

The fit-out of rooms 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 should be paid to:

- Routing of Plumbing & Electrical Conduit
- Installation of hand wash basins and cleaners sinks
- Construction of Floors, Walls and Ceilings
- Finishes of Floors, Walls and Ceilings
- Cool room construction
- Installation of fixtures fittings and equipment
- Toilet facilities and airlocks

- Installation of light fittings

Any application for Construction Certificate shall be accompanied by plans and specification demonstrating compliance with the Act and Regulations, and Australian Standards.

b) Certification Prior to Occupation Certificate

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

c) Mechanical Ventilation

Installation of any mechanical ventilation system(s) shall comply with the provisions of Part 2 of the Australian Standard AS1668.

d) Partition Wall Construction

Any partition walls that do not extend to the ceiling 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.

General Terms of Approval

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

- Mine Subsidence Board
- Rural Fire Service
- The Department of Environment, Climate Change and Water (NSW Office of Water)