

Recommended Conditions of Consent DA/2233/2010

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. Conditions and Staging

Each condition of this consent applies to each stage of the development except where otherwise specified in the condition.

3. Inspections

The person having the benefit of the consent shall ensure that critical stage inspections are carried out and notify the Principal Certifying Authority giving adequate notice of the time that each stage of the building/development is ready for inspection.

Note: Failure to have a critical stage inspection conducted by the PCA will constitute a breach of the *Environmental Planning and Assessment Act 1979*. Penalties may apply.

Additional inspections required under other legislation:

- Food Shops - floor, wall, ceiling finishes (prior to fitting and fixtures) to be carried out, by an “authorised officer”, as defined in the Food Act 2003
- Food Shop Completion to be carried out, by an “authorised officer”, as defined in the Food Act 2003 prior to opening of the premises
- Hairdressing Premises Inspection - by Council prior to opening of the premises
- Skin Penetration Premises inspection - by Council prior to opening of the premises
- Inspection of Vehicular Access to Property across Footpath (prior to pouring concrete) – Section 138 Roads Act 1993

4. 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: Peter Dalton Architects Pty Ltd			
Name of Plan	Drawing Number	Revision	Date
Site 1/2000	A100	3	25 October 2012
Site 1/1000	A101	1	25 October 2012
Site 1/500	A102	3	25 October 2012
Site Sections 1	A106	1	26 October 2012
Site Sections 2	A107	1	26 October 2012
Staging Plan	A108	B	18 October 2012
Community Centre Level 1	A200	1	24 October 2012
Community Centre Level 2	A201	1	24 October 2012
Community Centre Elevations	A202	1	24 October 2012
Building Type A	A300	4	26 October 2012
Building Type B	A310	C	26 October 2012
Building Type C	A320	C	26 October 2012
Building Type D	A330	C	26 October 2012
Building Type E	A340	1	26 October 2012

**Landscape Plans prepared by: Moir Landscape Architecture;
Project Number. 0755**

Name of Plan	Sheet	Issue	Date
Coversheet and LMCC Checklist	1 of 16	F	30 October 2012
Site Analysis Plan	2 of 16	E	30 October 2012
Photographic Analysis Plan	3 of 16	E	30 October 2012
Design Principles / Precedent Images / Street Trees	4 of 16	F	30 October 2012
Master Plan	5 of 16	F	30 October 2012
Long Site Sections	6 of 16	F	30 October 2012
Detail / Section – Public Facilities	7 of 16	F	30 October 2012
Sections / Artists Impressions – Public Facilities	8 of 16	F	30 October 2012
Playground and Community Garden	9 of 16	F	30 October 2012
Lakeside Treatment	10 of 16	F	30 October 2012
Internal Park with Disabled Access and Open Parklands	11 of 16	F	30 October 2012
Internal Pocket Parks and Passive / Rest Nodes	12 of 16	F	30 October 2012
Entry Feature and Signage	13 of 16	F	30 October 2012
Entry Road	14 of 16	F	30 October 2012
Residential Lots	15 of 16	F	30 October 2012
Images	16 of 16	F	30 October 2012

**Concept Engineering Plans prepared by: ADW Johnson;
Project Number: 238111**

Name of Plan	Number	Revision	Date
Site Plan	002	F	26 October 2012
Detail Plan – Sheet No. 1	003	F	26 October 2012
Detail Plan – Sheet No. 2	004	F	26 October 2012
Road Longitudinal Section Entry Road	005	F	26 October 2012
Road Longitudinal Section Road No. 1 (Sheet 1 of 2)	006	F	26 October 2012
Road Longitudinal Section Road No. 1 (Sheet 2 of 2)	007	F	26 October 2012
Road Longitudinal Section Road No. 2 and 3	008	F	26 October 2012
Road Longitudinal Section Road	009	F	26 October 2012

No. 4			
Road Longitudinal Section Road No. 5	010	F	26 October 2012
Typical Road Cross Sections	011	F	26 October 2012
Indicative Servicing Plan	012	F	26 October 2012
Earthworks Plan	013	F	26 October 2012
Site Sections (Sheet 1 of 2)	014	F	26 October 2012
Site Sections (Sheet 2 of 2)	015	F	26 October 2012

Soil and Water Management Plans prepared by: ADW Johnson; Project Number: 238111			
Name of Plan	Number	Revision	Date
Soil and Water Management Plan Stage 1 (Sheet 1 of 2)	016	H	28 November 2012
Soil and Water Management Plan Stage 1 (Sheet 2 of 2)	017	H	28 November 2012
Soil and Water Management Plan Stage 2	018	H	28 November 2012
Soil and Water Management Plan Stage 3	019	H	28 November 2012
Soil and Water Management Plan Stage 4	020	H	28 November 2012
Soil and Water Management Plan Stage 5	021	H	28 November 2012
Soil and Water Management Details (Sheet 1 of 2)	022	H	28 November 2012
Soil and Water Management Details (Sheet 2 of 2)	023	H	28 November 2012

(b) Documentation:

- Odour Impact Assessment by Advitech, Job Number J0120299, Revision 1, dated 29 October 2012
- Geotechnical Report, Number 39870, prepared by Douglas Partners Pty Ltd, dated 12 October 2012
- Crime Risk Assessment of Michael Huggett dated July 2010
- Disability Access Report, Number 1035, prepared by Lindsay Perry Access and Architecture, dated 26 October 2012
- Acoustic Assessment, Number 7987-702.2, by Hunter Acoustics, dated 21 November 2012

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

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

5. Staged Development

The staging of Development Consent DA/2233/2010 requires the following works to be undertaken in numerical stage order as designated below:

Stage 1 shall consist of:

- sewer, power and water connection for the site;
- earthworks associated with this stage of the development;
- construction of units 13 to 23;
- a temporary community centre;
- construction of roads and footpaths to service buildings from Marmong Street;
- construction of footpath to Woodrising Shopping Centre;
- visitor parking located within the stage boundaries;
- landscaping and recreation areas surrounding Stage 1 works and the entrance to the site, and
- the APZ to the whole of the development.

Stage 1 shall commence first.

Stage 2 shall commence after completion of Stage 1 or at the same time as Stage 1 and shall consist of:

- earthworks associated with this stage of the development;
- construction of units 24 to 31 and
- associated infrastructure and landscaping.

Stage 3 shall commence after completion of Stage 2 or at the same time as Stage 2 and shall consist of:

- earthworks associated with this stage of the development;
- construction of units 1 to 12;
- construction of permanent community centre and bowling green;
- conversion of temporary community centre to an independent living unit, and
- associated infrastructure and landscaping.

Stage 4 shall commence after completion of Stage 3 or at the same time as Stage 3 and shall consist of:

- earthworks associated with this stage of the development;
- construction of units 31 to 38, and
- associated landscaping and infrastructure.

Stage 5 shall commence after completion of Stage 4 or at the same time as Stage 4 and shall consist of:

- earthworks associated with this stage of the development;
- construction of units 39 to 47, and
- remaining landscaping and infrastructure.

6. 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 Principal Certifying Authority that is not Council it will be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval. (Clause 142(2) EPA Regulation 2000).

7. 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 Principal 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.

8. Commencement of the Use of the Land – Retirement Village

Commencement of the use of the land identified in this consent for the purposes approved by this consent shall not commence until all relevant conditions, for each development stage, of this consent have been complied with and an interim Occupation Certificate for Occupation Certificate has been issued for the respective stage, whichever occurs first.

This consent restricts occupation of this development to people aged over 55, people who live in the same household as people aged over 55 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 lot prior to the issue of the first Occupation Certificate for Stage 1 pursuant to Section 88B of the Conveyancing Act to give effect to the following:

The development shall only be occupied by:

- (a) seniors, which are any of the following:

- people aged 55 or more years,
 - people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided,
 - people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.
- (c) people who live within the same household with seniors defined above, and
- (d) staff employed to assist in the administration of and provision of services.

9. NSW Rural Fire Service General Terms of Approval

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. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the property around the building shall be managed as follows 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":
 - north east for a distance of 40 metres as an inner protection area and 20 metres as an outer protection area;
 - north west for a distance of 50 metres as an inner protection area and 20 metres as an outer protection area;
 - south for a distance of 40 metres as an inner protection area and 20 metres as an outer protection area;
 - south west for a distance of 40 metres as an inner protection area and 20 metres as an outer protection area;
 - west for a distance of 50 metres as an inner protection area and 20 metres as an outer protection area;
 - and east for a distance of 40 metres as an inner protection area and 20 metres as an outer protection area.

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. To achieve this the following conditions shall apply:

2. Water, electricity and gas are to comply with section s4.1.3 and 4.2.7 of "Planning for Bush Fire Protection 2006" .

Access

The intent of measures for property access is to provide safe access to / from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

3. The existing Hunter Water access which comprises a 28 metre right of way will have an 8 metre sealed roadway with the remaining 20 metres managed providing suitable space for crews to work with equipment about the vehicle.
4. The access road will be managed as an APZ.
5. The proposed development will have a perimeter road providing access throughout the development site and easy access for emergency services to all the surrounding vegetation.
6. The whole development site including the perimeter road and access road will be provided with hydrants in accordance with AS 2419.

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. To achieve this, the following conditions shall apply:

7. A Bush Fire Emergency Evacuation Plan is to be prepared in accordance with the NSW Rural Fire Service document "Guide for Developing a Bush Fire Emergency Evacuation Plan".

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bushfire attack. To achieve this, the following conditions shall apply:

8. New construction to the residential buildings and community centres shall comply with Section 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 Addendum Appendix 3 of "Planning for Bush Fire Protection 2006".

Landscaping

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

10. Mine Subsidence Board General Terms of Approval

The Mine Subsidence Board has granted their conditional approval of this application subject to the following conditions:

1. A copy of the final plans shall be provided to the Mine Subsidence Board prior to construction commencing.
2. Improvements shall be designed to comply with all relevant standards and the Building Code of Australia.
3. 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 requirements of the Building Code of Australia.

This approval is current for two years.

11. Hunter Water Corporation - Section 50 Certificate

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

12. Servicing of Development

The development shall be serviced with reticulated water, sewerage and electricity.

13. Ausgrid Requirements

Prior to the issue of the first Construction Certificate and prior to earthworks commencing, the requirements of Ausgrid shall be obtained. All works shall comply with the requirements of Ausgrid.

14. Hunter Water Corporation Easements

Prior to the commencement of any works on the site and prior to the issue of the first construction certificate for the development, evidence of legal agreement must be provided to Council that demonstrates agreement between Hunter Water Corporation and the owner of the site for the relocation of easements and assets on the site required to be relocated to accommodate the development.

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 (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 (2004).

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 issue of the first Certificate of Occupancy, whichever occurs first.

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 (2004) is available for inspection at the Council's Administrative Building during Council's ordinary office hours.

16. Geotechnical Report Compliance

The recommendations of the Geotechnical Report No. 39870 prepared by Douglas partners Pty Ltd dated 12 October 2012 shall be complied with. Any works undertaken in relation to the development shall embody all the relevant recommendations of the Geotechnical Report.

Where the geotechnical report requires inspections, a geotechnical engineer shall inspect the works at the stages as specified in that report.

Prior to the issue of the first Construction Certificate, all construction and engineering plans shall be certified as being designed in accordance with the approved Geotechnical Report by a suitably qualified structural / civil engineer. The Geotechnical Engineer will certify in writing that after the completion of construction works, all developed areas of the site, including the area to be

reclaimed and the banks of the existing pond have a slope stability risk that is acceptable for residential development.

17. Site Classification of Lots

The Application shall arrange for a suitably experienced Geotechnical Consultant to determine the site classification of each proposed lot in accordance with AS 2870-2011 (as revised). The site classifications shall be provided to Council prior to the issue of the construction certificate for each respective dwelling.

18. Category 3 Landscaping

Landscaping shall be implemented and installed in accordance with the approved landscape plans and documentation as prepared by Moir Landscape Architecture, Revision F, Issue F dated 30 October 2012.

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.

At the completion of landscape works, the landscape consultant who supervised the works shall submit to the Principal Certifying Authority a Landscape Compliance Report that establishes satisfactory completion of the landscaping works approved by this consent.

All landscaping shall be permanently maintained in accordance with Section 2.7.2 of *Lake Macquarie City Council Development Control Plan 1*.

19. Excavation – Aboriginal Relics

Should any Aboriginal relics be discovered then all excavations or disturbance to the area shall cease immediately and the NSW Office of Environment and Heritage, shall be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*.

All necessary approvals from the NSW Office of Environment and Heritage shall be obtained and a copy provided to Council prior to works recommencing.

20. Acoustic Certification

Council has reviewed, considered and relied on the information provided in the acoustic report prepared by Hunter Acoustics reference number 7987-702.2 dated 21 November 2012 when assessing this development.

The person entitled to act upon this consent shall ensure that the recommendations contained in this acoustic report are incorporated into the design and construction of the development.

A suitably qualified acoustic consultant shall be engaged to assist with the preparation of the final building plans and specifications to ensure compliance with any acoustic conditions and that no other noise nuisance is created to the

neighbourhood. This is to include the potential noise impact to residents of the development from all mechanical plant and equipment.

Upon completion of the works and prior to the issue of the each interim or final Occupation Certificate, whichever occurs first, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified acoustic consultant certifying that the works have been completed in accordance with their requirements and the development or proposed use is capable of operating in accordance with the design criteria.

At 90 days after this issue of the final occupation certificate a suitably qualified acoustic consultant shall test, measure and certify that the development is operating in accordance with the approved acoustic report.

21. Contaminated Land Remediation and Site Audit Statement

The site shall be remediated under the guidance and supervision of the Contaminated Land Consultant and in accordance with the Remediation Action Plan (RAP) prepared by Douglas Partners project number 39870.03, dated 17 April 2012. The responsibilities, procedures, and management plans detailed in the RAP shall be complied with throughout the remediation process and construction of the development.

Prior to the issue of an occupation certificate the site shall be validated and an Environmental Management Plan (EMP) prepared by the Contaminated Land Consultant. The EMP shall be reviewed and approved by a NSW EPA Accredited Site Auditor and a copy submitted to Council.

A Site Audit Statement shall be prepared by the Site Auditor and shall be provided to Council clearly indicating that the site is suitable for the intended use. Any conditions included in the Site Audit Statement shall form part of Councils consent.

Section 88B notation

A Section 88B notation shall be placed on the title of the land prior to the issue of the first construction certificate for the development, stating that an Environmental Management Plan is in place for the on-going management of contaminates. Council shall be the party required to release, vary or modify the restriction.

22. Odour Control at the Marmong Point Wastewater Pump Station

Prior to the issue of the first interim or first final Occupation Certificate for stage one, the person entitled to the benefit of this consent shall comply with the requirements of the Hunter Water Corporation for the modification of the wet well covers and vent system at the Marmong Point Wastewater Pump Station to control the impact of odours on residents within the development.

23. Demolition and Construction Waste Management Plan

A Demolition and Construction Waste Management Plan shall be prepared, submitted and approved by the Principal Certifying Authority prior to the issue of the first construction certificate for Stage 1 of the development, and prior to

the commencement of any works on site. The Waste Management Plan shall comply with the provisions of Lake Macquarie City Council's Guidelines, Volume 1 – Waste management Guidelines (LMCC 2004).

24. 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 first construction certificate for Stage 1 of the development.

Waste collection vehicles shall enter and exit the site in a forward direction.

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

An Operational Waste Management Plan shall be prepared and approved by the Principal Certifying Authority prior to the issue of the first construction certificate for the development, and prior to the commencement of any works on site.

25. Village Management Plan

The Retirement Village shall provide access to meals, cleaning, emergency assistance, and a transport service for the residents of the Retirement Village. The access shall be provided prior to the issue of the first Occupation Certificate, interim or otherwise, for Stage 1 and be continually provided thereafter for the development in all its Stages; and:

- (a) The Retirement Village shall be managed in accordance with the Retirement Villages Act 1999 and Retirement Villages Regulation 2009.
- (a) A plan of management for the retirement village shall be submitted and approved by Council prior to the issue of the first Occupation Certificate, interim or otherwise, for Stage 1 of the development and is to detail the social elements of the Retirement Village operations, including any on-site or off-site site management, and arrangements for access to medical and allied health services, as well as personal care services (such as meals and cleaning). This plan shall address and include detail on:
 - (i) maintenance of a Resident Directory which details and outlines village issues and procedures;
 - (i) the provision of personal care services associated with domestic duties and accessing other services;
 - (ii) onsite services available for less mobile residents to access the community facilities on site, including the community building, pool, community garden, bus and other recreation areas;
 - (iii) the provision of motorised transport carts around the site;
 - (iv) a housekeeping service;
 - (v) the provision of home delivered meals as required;

- (vi) the provision of transport services (mini bus, taxi, hire cars etc); provision of a shuttle bus service to assist residents access to Glendale, Toronto, Woodrising and Fassifern Station. A minimum of two services departing the village shall be offered before 12:00 noon, and one service departing after 12:00 noon. Details of return services shall also be provided. . A minimum nine seater vehicle is to provide these services. Proposed details of services and ways in which residents can have input into determining the times and frequency of services is to be provided
- (vii) use of the community building, by residents and external parties;
- (viii) the community facilities and vehicle/s available for use;
- (ix) details pertaining to nearby shopping areas, GP surgeries and recreational areas;
- (x) the maintenance of the landscaped areas and recreation facilities within the site, and
- (xi) how residents will have input into determining service levels.
- (b) The essential criteria for the appointment of the Site Manager shall include a requirement for the appointee to have knowledge of the range of support services available to the residents of the Retirement Village as they age.
- (c) Access to meals shall be provided to all residents of the Retirement Village and this service shall be available to all residents of all stages of the development in perpetuity. Access to home delivered meals shall be available 7 days per week, from 7am to 8pm. A commercial agreement shall be entered into by the Retirement Village and the respective meal provider(s) and be in operation in perpetuity of the operation of the development.
- (d) Access to cleaning services shall be provided to all residents of the Retirement Village and this service shall be available to all residents of all stages of the development in perpetuity. The cleaning service shall be available Monday to Friday, during normal business hours. A commercial agreement shall be entered into by the Retirement Village and the respective cleaning provider(s) and be in operation in perpetuity of the operation of the development.
- (e) Access to the provision of personal medical alert devices shall be provided to the residents of the Retirement Village and this service shall be available to all residents of all stages of the development in perpetuity. This access shall involve the provision of personal necklace and bracelet devices. A commercial agreement shall be entered into by the Retirement Village and the respective personal medical alert device provider(s) and be in operation in perpetuity of the operation of the development.
- (f) Access to General Practitioners (GP) shall be provided to all residents of the Retirement Village and this service shall be available to all residents of all stages of the development in perpetuity. This access shall include in house and home visits. Should the resident require transport to the Medical Service, this shall be arranged by the Site Manager.

- (g) A communal mini bus shall be provided on site for the development in perpetuity prior to the issue of the first Occupation Certificate for Stage 1. The Site Manager shall ensure the mini bus is available to all the residents of all stages of the development. The frequency of the outings shall be subject to final agreement with the residents of the retirement village; however, a minimum of two outings per week shall be available to the residents of the Retirement Village. A parking space for the mini bus, opposite the Community Centre, in accordance with the approved plans, shall be provided.
- (h) Residents of the village shall be provided with a 'Welcome Pack' prior to occupying the development, detailing the services (and hours, contact details) available to them in the village, and nearby commercial centres.
- (i) A service directory shall be provided to the residents of the Retirement Village, prior to occupying the development, detailing the optional services available to residents (eg meal provision, housekeeping, transport) and the process for arranging access to these services. This service directory shall also include contact details for local community support and general practitioner services.
- (j) An activity/outing program for resident activities on site, within the Community Centre and/or off site shall be provided to all residents of the Retirement Village prior to occupying the development and on a continuing basis as the program changes.
- (k) The development and implementation of a 'welcome program' shall be provided to the residents to begin the process of building relationships between new and existing residents. This shall involve an ongoing program of events including community BBQ's and initial support for social clubs and activities.
- (l) The residents of the Retirement Village shall be provided with the opportunity to participate in the decision process in determining the service provider(s) for the development and the type of activities and/or services to be available to the residents of the Retirement Village.
- (m) The residents of the village will present a valuable pool of volunteers to assist community organisations and health and welfare services. This should be promoted and assisted by the village's Site Manager.
- (n) The proponent shall communicate details of the construction phase of the proposal to local residents, including details of phasing, types of works, hours of operation, and truck movement times, routes, and any problems experienced to be addressed through direct phone contact with the contractor.
- (o) An emergency response intercom or similar device shall be installed in each dwelling in the Retirement Village before the issue of an Occupation Certificate, whether interim or otherwise, for the Stage in which the dwelling is situated. The intercom/device shall be operable at all times. The intercom/device shall be monitored by the Site Manager (or authorised agent) at all times so that when operated by the resident, the Site Manager (or authorised agent) will be directly informed of the emergency and be able to provide the occupier of the dwelling with immediate emergency assistance.

26. Dilapidation Survey Report

Prior to the commencement of works on the land, a dilapidation survey report prepared by a suitably qualified practising engineer, of properties and existing public infrastructure potentially affected by the proposed development as well as over the public road system that will be used for the haulage of fill to the site, shall be lodged with Council and submitted to the Principal Certifying Authority.

The dilapidation survey report shall locate the area within which the damage may be potentially caused to nearby properties and the road system as a result of the carrying out of filling and construction works pursuant to this consent. The report is to include a description of the location and nature of any existing observable defects to existing public infrastructure, including a photographic record.

A final Dilapidation Survey Report shall be prepared by a suitably qualified practising engineer at the completion of the works for each stage, to ascertain if any structural or cosmetic damage has occurred to the road system specified in the earlier report. A copy of the report shall be submitted to Council and the Principal Certifying Authority. Any damage to the public road system shall be repaired, to the satisfaction of Council, prior to the issue of the Final Occupation Certificate.

27. Haulage Routes

The person entitled to act upon this consent shall submit to Council, in writing, details of the proposed haulage routes to be used during construction works. These details must be submitted a minimum of seven days before the commencement of haulage operations. No haulage operations shall take place prior to the approval of the routes by Council. The haulage routes shall not be varied without the approval of Council.

The person entitled to act upon this consent shall maintain and restore the haulage route roads, as near as possible, to their original condition.

28. Construction Management Plan

A Construction Management Plan (CMP) shall be prepared for the development and shall specify operational details to minimise any potential impact to adjoining or adjacent properties. The CMP shall include, but not be limited to, details to show how the construction process will be managed for both the on-site and external areas, showing the expected timeframes for each building phase.

The CMP shall be prepared and approved by the Principle Certifying Authority prior to commencement of works on site and prior to the issue of the first construction certificate.

The following matters shall be addressed, to Council's satisfaction, in the CMP:

- (a) construction vehicles, access and parking;
- (b) traffic management and traffic control;
- (c) primary vehicle routes;

- (d) specific details on the transportation of fill;
- (e) potential road closures;
- (f) control of vehicles, pedestrians and cyclists at the site access;
- (g) safety of road users;
- (h) parking associated with employees, contractors and site personnel, which is to be contained within the site;
- (i) access to and from the work site;
- (j) delivery and storage of equipment and materials;
- (k) hours of work;
- (l) timing of works;
- (m) acoustic management and timetabling measures;
- (n) vibration management;
- (o) dust management procedures;
- (p) waste management infrastructure;
- (q) erosion and sedimentation management controls; and,
- (r) hoardings and pedestrian management.

The CMP shall include 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.

Fill deliveries shall only occur between 7:00am and 6:00pm Monday to Friday and 7:00am to 1:00pm Saturdays, with no fill movements on Sundays, at night-time or on public holidays. Fill deliveries during school term must also be restricted to exclude the peak school periods of 8:00am – 9:30am and 2:30pm – 4:00pm as there are three schools located in the immediate vicinity on the proposed traffic route. The maximum number of truck loads of fill per day shall be limited to 30, that is 1800m³ of fill per day. Full details shall be provided in the CMP.

A monthly update/newsletter to residents living within the vicinity of the construction works shall be provided. The update/newsletter shall include, as a minimum, updates on the progress of the construction, future timetabling of works on-site, a record of any complaints received to the construction works and actions taken by the development/applicant to remedy. The update/newsletter shall also inform residents of the inspection regime of the proposed development.

All construction car parking associated with the development shall be located within the boundaries of the site, details to be provided in the CMP.

29. Disability Access Requirements

Access for people with disabilities must be provided from the buildings 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 drop off / pick up places for the community bus shall be nominated on the construction certificate plans. Seating compliant with AS 1428.2 shall be provided at each bus stop location, on site.

Disability parking, complying with AS 2890.6 shall be provided in close proximity to the community centre and pool building.

The internal design of the community facilities shall comply with AS 1428.1; details shall be provided in the construction certificate documentation.

Provision of seating at the half way point along the internal path from the units to Marmong Street and along the footpath to Woodrising Shopping Centre shall be provided, this seating shall comply with AS 1428.2, and shall be completely clear of the pathway so that it does not cause an obstruction.

Pathways through the village shall comply with AS1428. Seating along the pathways shall also comply with AS1428.

Lighting of all pathways is to be adequate for nighttime use, and shall be in accordance with the relevant Australian Standard.

The internal design of the dwellings shall comply with AS 4299; details are to be provided in the construction certificate documentation.

Internal design of community facilities shall comply with AS 1428.1; details are to be provided in the construction certificate documentation.

Note: Additional 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.

The following legislation may be 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.

30. Crime Prevention Through Environmental Design

The development shall comply with the recommendations of the Crime Risk Assessment: 135a Marmong Street Marmong Point dated July 2010 by Michael Huggett.

Directional signage to enhance way finding shall be installed prior to the issue of the first occupation certificate for each stage. The signage is to be clear, legible and useful, to aid way finding throughout the site.

Signage shall be provided at the entry/exit points and throughout the development to assist users and warn intruders they will be prosecuted.

Signage shall be provided on the fire exit doors of the community building warning users that the doors are to be used for emergency purposes only.

Entries to the development and to communal areas shall be legible, inviting, well defined and re-enforced by fencing or walls. Signage shall be provided at the entry / exit points and throughout the development to assist users and to warn intruders they will be prosecuted for unlawful entry. Signage to the visitor parking shall be provided. Signage shall be provided on the fire exit doors in the community areas warning users that the doors are to be used for emergency purposes only.

All community buildings shall have a security alarm system fitted with remote monitoring and response.

Pedestrian pathways, roadways, car parks and recreational areas shall be appropriately lit. A lighting maintenance policy shall be provided for the development and shall be included in the long-term maintenance plan. Bollard style lighting controlled by daylight sensors shall be provided along all pedestrian walkways. Lighting shall be in accordance with the Australia New Zealand Lighting Standard 1158; this standard requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.

Raised pedestrian crossing points shall be appropriately signposted particularly where internal walkways cross road intersections.

The pedestrian crossing at the main entry point shall be appropriately marked as a pedestrian crossing.

CCTV shall be installed in and around the community building, pool and activities areas with a recording device that records video continuously. The system shall be monitored whilst ever the pool is open. This system shall be fitted prior to the issuing of a occupation certificate

Landscaping shall not inhibit natural surveillance (block sight lines) or provide concealment and entrapment opportunities. Landscaping close to the building shall be regularly maintained to ensure branches cannot act as a natural ladder to gain access to higher parts of the building. All vegetation along the sides of the main pathways, are to be stepped from lowest to highest and shall be maintained to not exceed 600mm in height. Where native grasses such as Dianella 'Border Silver' and Lomandra Tanika form a barrier along side walkways, the height of the plantings is not to exceed 600mm to prevent concealment opportunities.

The proposed boulevard of plane trees in permeable paving is to have low-level limbs and branches removed to a height of 1800mm to improve sightlines and reduce the risk of concealment.

Glass within the community building shall be laminated to enhance the physical security of the doors and windows

Fire exit doors to the development and main entry / exit doors to the individual units shall be fitted with single cylinder locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to the development. The windows to individual units should also be fitted with key operated locksets

(Australia and New Zealand Standard – Lock Sets) to restrict unauthorised access to the unit.

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.

Wheelie bins are to be secured so they cannot be used as a climbing aid.

Graffiti shall be removed within 72 hours, and lighting, if damaged or broken shall be restored within 48 hours.

A detailed long term management plan outlining the maintenance of the subject matter of the preceding sub paragraphs of this condition and all of the recommendations in the Crime Risk Assessment by Michael Huggett dated July 2010, shall be submitted to Council for approval prior to the issue of the first Construction Certificate for the development. The plan shall be implemented by the person entitled to the benefit of this consent at no cost to the Council. The long-term maintenance plan shall be complied with at all times.

31. Lighting

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

- (a) is designed so as to ensure minimal glare onto adjoining properties or roadways;
- (a) complies with the relevant Australian and New Zealand Standards;
- (b) contains a lighting maintenance policy;
- (c) ensures crime risk and fear is considered when selecting lamps and lighting levels as per Australian and New Zealand Lighting Standard 1158.1 – Pedestrian, and
- (d) provides sensor lighting to be installed around the communal facilities and car parking areas.

32. Stormwater Disposal - Stormwater Design and Harvesting

The Stormwater Design and Harvesting system submitted with any Construction Certificate shall be generally in accordance with the plans approved by the Development Consent prepared by ADW Johnson Pty Ltd, Ref: 238111 Amendment F dated 26 October 2012 and must comply with the following:

- a. Roof 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.

- b. 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).
- c. Stormwater quality controls including gross pollutant traps and biofiltration swales shall be designed in accordance with the requirements of DCP 1;
- d. Pipes shall be provided along the main access road to ensure existing surface water flows to the endangered ecological community are maintained.

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first:

- i. All drainage works shall be carried out generally in accordance with the approved Construction Certificate plans.
- ii. A Works As Executed Plan is to be submitted to the Principal Certifying Authority that shows any changes (in different colour) to the approved Construction Certificate plans and endorsed by a registered surveyor.
- iii. Certification by the engineer is to be submitted to the Principal Certifying Authority that any changes comply with the requirements (a), (b), (c) and (d) as shown above. Note: This may be shown on the Works As Executed Plan.

33. Construction of Footpath to Woodrising Shops

The person entitled to the benefit of this consent shall construct the whole of the footpath from the development, across Council owned land to the Woodrising Shopping Centre. The footpath must be constructed to meet the disability access standards and in accordance with Council's requirements for footpath construction.

Council shall not be liable for the costs associated with the construction of the footpath.

The footpath shall be constructed prior to the completion of Stage 1 of the development and prior to the commencement of Stage 2 of the development.

34. Commencement of the Use of the Land

The approved use of the land shall not commence until all relevant conditions of this consent have been complied with and a Final or Interim Occupation Certificate has been issued. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

35. Works within Land Zoned 7(1) Conservation (Primary)

No works are to occur over that part of the land zoned 7(1) Conservation (Primary).

36. Retention of Trees and Native Vegetation (Development)

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

- (a) has been identified for removal on the approved plans or documentation; or
- (b) has been identified for selective removal by the NSW Rural Fire Service; or
- (c) is a tree or native vegetation, on the site, that is within close proximity to the approved buildings (ie; within 0 to 5 metres of the approved building) and provided it has not been identified for specific retention in any of the approved plans or documentation.

A separate application shall be made to Council in accordance with Clause 34 of Lake Macquarie City Council 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:

- (a) installing exclusion fencing around vegetation that adjoins the construction area to minimise damage to vegetation that is to be retained. Exclusion fencing shall be installed prior to the issue of the first Construction Certificate or if no Construction Certificate is necessary, prior to the commencement of works and maintained in good working order for the duration of works. The person having the benefit of the consent shall notify Councils Development Planner Flora and Fauna when exclusion fencing has been installed.
- (b) prohibiting compaction and the placement of fill within 5 metres of trees and native vegetation that are to be retained;
- (c) keeping all vehicles, construction materials and refuse within areas approved for buildings, structures, access ways and car parks;
- (d) limiting the number of access points;
- (e) 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;
- (f) Notifying all contractors, sub-contractors, and personnel of vegetation protection requirements of this condition.

37. Hollow Bearing Tree Removal

A qualified ecologist or wildlife carer shall supervise installation of nest boxes and removal of any hollow bearing trees to ensure mitigation against any native animal welfare issues.

Nest boxes are to be installed at a ration of 1:1 for every habitat hollow removed and are to be of a design suitable for species that may be residing in trees marked for removal. Nest boxes are to be of a design consistent with '*Nest Boxes for Wildlife - A Practical Guide (Franks, 2006)*' and of durable material (ie; marine ply or equivalent). Nest boxes shall be monitored to determine their usage and repairs or replacement (as required) carried out on an annual basis for a minimum period of two years following installation. The qualified ecologist or wildlife carer shall provide Council's Development Planner Flora and Fauna with a written report of the species detected and the condition of nest boxes following completion of the following stages:

- Removal of hollow bearing trees and Installation of nest boxes, and
- Annual monitoring/maintenance of nest boxes.

Removal of trees with habitat hollows shall be undertaken in either March, April, September or October, to minimise impact to threatened species that could breed and or hibernate within hollows on site. Any hollow-bearing trees shall be felled in one to two metre sections, 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.

38. Vegetation Management Plan and Implementation

A person qualified in natural vegetation management, ecology or bush regeneration shall be retained to 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 prior to the issue of the first construction certificate.

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. 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 approval for the completion of works has been obtained from Council's Development Planner Flora and Fauna.

A Bank Guarantee shall be lodged with Council for a sum equivalent to the cost of implementing the VMP and as agreed to by Council prior to issue of the construction certificate. From the Bank Guarantee the Bank will be required to pay Council, an amount equivalent to the cost of VMP work not implemented or not maintained for the period as specified in the VMP.

39. 88B Instrument

The Registered Proprietor of the land shall provide an instrument under Section 88B of the Conveyancing Act setting out terms of easements and/or restrictions as to user as may be required by conditions of this consent. Council is to be the party empowered to release, vary or modify those (and only those) easements and/or restrictions required by conditions of this development consent.

The restriction is to include specific restrictions for the biodiversity offset areas. The extent of the biodiversity-offset area shall be for all land zoned 7(2) Conservation (Secondary) on site that is not affected by the approved Development Footprint or associated Asset Protection Zones and as agreed to by Council. The restriction is to ensure that vegetation and fauna habitat within the biodiversity offset area is protected in perpetuity and managed in accordance with the Vegetation Management Plan.

40. Native Vegetation Act

Clearing of native vegetation on this site shall be in accordance with the Native Vegetation Act. Clearing of native vegetation on the site shall not commence until the Catchment Management Authority has been contacted and all necessary approvals have been obtained.

41. Floor Levels - Flooding

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

The development shall comply with the Flood Study prepared by Worley Parsons for the development. Floor levels for the development shall be constructed in accordance with the minimum Australian Height Datum (AHD) levels as shown on the approved plans.

Upon completion of the concrete formwork for the floor or the timber floor frame, a registered surveyor shall survey the finished floor level to Australian Height Datum (AHD) and provide a certificate to the Principal Certifying Authority, which confirms the finished floor level.

The pouring of concrete floor slabs or the fixing of flooring shall not proceed until the Principal Certifying Authority provides documentation to the effect that the Principal Certifying Authority is satisfied that the finished floor level will comply with the approved plans.

42. Building Sustainability Index (BASIX) Certificate

The development shall be constructed in accordance with a current Building Sustainability Index (BASIX) certificate.

Should there be any changes to the specifications of the development (e.g. colour, insulation, etc), except where restricted or excluded by any condition of consent, an amended/new BASIX Certificate shall be obtained and may 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 the issue of an Interim or Final Occupation Certificate, whichever occurs first, certification of compliance with the BASIX Certificate shall be provided to the Principal Certifying Authority.

43. Erosion Controls

Where a Soil and Water Management Plan or an Erosion and Sediment Control Plan prepared for the development in accordance with Council's Development Control Plan No. 1 as part of the Development Application process, all works must be carried out in accordance with that Plan. The Principal Certifying Authority or Council may approve minor additional works/changes.

No more than 2.5 hectares of the site shall be exposed to erosion at any time.

The applicant shall arrange for a detailed record of the erosion and sediment controls on the site to be maintained during construction works. The record shall be updated on a daily basis and shall contain details on the conditions of the controls, all maintenance and cleaning undertaken.

The Plan and records must be available for inspection by the Principal Certifying Authority and Council during normal working hours.

Where required, plans and calculations for erosion controls shall be submitted prior to the issue of a Construction Certificate and the works shall be completed as part of the initial construction work in the first stage of the development.

Existing Pond Partial Reclamation

The applicant will submit with the Construction Certificate, a detailed plan for works within the existing pond as required for the works including the Community Centre and Bowling Green. This plan must contain full details on erosion and sediment control measures to be used.

The applicant shall also submit with the Existing Pond Partial Reclamation Plan, a Statement of Compliance, stating that:

- ♦ The Plan has been developed by an appropriately qualified professional in erosion and sediment control;
- ♦ The Plan complies with the requirements for erosion and sediment control as set out in LMCC's DCP No. 1;
- ♦ The Plan and associated documents, calculations and drawings, have been prepared to a standard, which, if properly implemented, will achieve the water release criteria of 50mg/L of Total Suspended Solids (TSS) as identified in LMCC DCP No.1 and The Blue Book (Managing Urban Stormwater – Soils and Construction. Landcom, 2004); and
- ♦ All erosion and sediment control measures are in accordance with the latest version of The Blue Book (Managing Urban Stormwater – Soils and Construction. Landcom, 2004) or other current recognised industry standard for erosion and sediment control for Australian conditions.

44. Management of Site - Erosion Prevention and Sediment Control

All disturbed areas shall be revegetated or rendered erosion resistant in accordance with *Section 2.1.11 of Lake Macquarie City Council Development Control Plan 1* 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*.

45. Dial Before You Dig

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 should provide the property details and the nearest cross street/road.



46. Hoarding 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 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.

47. 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.

48. Noise and Vibration - Construction Sites

A Noise Management Plan (NMP) shall be provided to and approved by Council prior to the issue of the first construction certificate. The NMP shall be prepared with the assistance of a suitably qualified acoustic engineer and in accordance with the NSW EPA publications "Interim Construction Noise Guideline" July 2009 and, "Assessing Vibration – a technical guideline" 2006.

The NMP shall be complied with at all times during the earthworks and construction period and shall identify potential impacts from noise and vibration mitigation measures to control noise; noise monitoring techniques and reporting methods, and a complaints handling system.

Construction Time Restrictions

Monday to Friday, 7.00am to 6.00pm.

Saturday, 8:00am to 1:00pm.

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

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

49. No works on adjoining Public Reserve

The public reserve adjoining the site shall not be affected by site works, construction materials stockpiles, waste, building products and debris, site sheds, spoil placement or the like. No access for vehicles, machinery or goods to the site shall be gained across the public reserve without a written license from Council. All costs associated with such a license shall be payable by the person having the benefit of the consent.

50. Traffic Control Standards

For the duration of work being carried out as part of this development, the person entitled to act upon this consent 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.

51. Parking Areas and 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, line marking and signage shall be completed prior to the issue of an Occupation Certificate.

52. 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. No stockpiles of topsoil, sand, aggregate, spoil or other material shall be located on the public footpath or road reserve.

53. Standards For Housing and Community Facilities

The development shall be provided with a continuous path of travel to an adjoining public road, internal road, and driveway from each dwelling.

All community facilities shall be provided access in accordance with AS1428.1 such that a person using a wheelchair can use the facilities associated with the development.

Pathway lighting:

- a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and
- b) must provide at least 20 lux at ground level.

Letter boxes:

- a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and
- b) must be lockable, and
- c) must be located together in one or more central locations adjacent to the street entry.

Private car accommodation:

- a) all residential car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and
- b) 5% of the total number of car parking spaces shall be designed to enable the width of the spaces to be increased to 3.8 metres, and
- c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.

Each entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.

Interior of all buildings:

- a) Internal doorways must have a minimum clear opening that complies with AS 1428.1.
- b) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.
- c) Circulation space at approaches to internal doorways must comply with AS 1428.1.

At least one bedroom within each dwelling must have:

- a) an area sufficient to accommodate a wardrobe and a bed sized as follows:
 - I. in the case of a dwelling in a hostel—a single-size bed,
 - II. in the case of a self-contained dwelling—a queen-size bed, and
- b) a clear area for the bed of at least:
 - I. 1,200 millimetres wide at the foot of the bed, and
 - II. 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and

- c) 2 double general power outlets on the wall where the head of the bed is likely to be, and
- d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and
- e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and
- f) wiring to allow a potential illumination level of at least 300 lux.

At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:

- a) a slip-resistant floor surface,
- b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,
- c) a shower that complies with AS 1428.1, (does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility) except that the following must be accommodated either immediately or in the future:
 - I. a grab rail,
 - II. portable shower head,
 - III. folding seat,
- d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,
- e) a double general power outlet beside the mirror.

Each dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.

Balconies and external paved areas must have slip-resistant surfaces.

Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.

Switches and power points must be provided in accordance with AS 4299.

All living rooms in the self-contained dwellings must have:

- a) a circulation space in accordance with clause 4.7.1 of AS 4299, and
- b) a telephone adjacent to a general power outlet.

All living rooms and dining rooms must have wiring to allow a potential illumination level of at least 300 lux.

Each kitchen in a self-contained dwelling must have:

- a) a circulation space in accordance with clause 4.5.2 of AS 4299, and
- b) a circulation space at door approaches that complies with AS 1428.1, and
- c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:
 - I. benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),

- II. a tap set (see clause 4.5.6),
- III. cooktops (see clause 4.5.7), except that an isolating switch must be included,
- IV. an oven (see clause 4.5.8), and
- d) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
- e) general power outlets:
 - I. at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and
 - II. one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.

Each self-contained dwelling must have a laundry that has:

- a) a circulation space at door approaches that complies with AS 1428.1, and
- b) provision for the installation of an automatic washing machine and a clothes dryer, and
- c) a clear space in front of appliances of at least 1,300 millimetres, and
- d) a slip-resistant floor surface, and
- e) an accessible path of travel to any clothes line provided in relation to the dwelling.

Each self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.

A garbage storage area must be provided in an accessible location.

54. Bus Shelter

Stage 1: Two bus shelters, concrete hardstand area and seat shall be provided for the development at no cost to Council.

The bus shelters shall be located at the following sites and shall be finished in the nominated colour nominated by Council's City Design section and in accordance with Council's Construction Specification and Standard Drawings.

Shelter 1: Eastern side of Marmong Street Marmong Point within close proximity to the development at a location agreed by Council.

Shelter 2: Western side of Marmong Street Marmong Point within close proximity to the development at a location agreed by Council.

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 (TGSIs) 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 Infrastructure 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 bush shelters shall be provided prior to the end of construction of Stage 1 and prior to the commencement of Stage 2.

55. Tactile Indicators

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

Note: 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 and ramps.

56. Classification of Fill Material

The applicant shall provide Council with documentary evidence 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.

The material is to be from 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 Environment Protection Authority publication "Contaminated Sites - Sample Design Guidelines".

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.
- Laboratory test results/consultants reports.

57. Restriction of Site Access to Prevent Unauthorised Filling

The property entry and exit points shall be secured at all times to prevent the unauthorised entry of vehicles, and to ensure that the site manager can control and prevent dumping of waste and potentially contaminated material whilst fill material is being imported or managed on site.

58. Filling Importation and Compaction

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

- (a) Uncontaminated 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.

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 and available for inspection by the Principal Certifying Authority or Council upon receipt of a written request.

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."

59. Removal, Management and Transportation of Fill

All excavated fill material that is to 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 Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or authorised officer of Council upon request; or
- (b) A site 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 must be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, 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.

60. 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 Principal Certifying Authority.

61. Building Waste

Prior to any construction work commencing, 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.

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.

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

62. Roadways and Drainage Works Standards

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) WSUD Technical Design Guidelines for South East Queensland
- i) Subdivision Code
- j) 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.

63. Details Required Prior to Commencement

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 this 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 days notice to Council of the intention to commence works.

64. Construction of Kerb and Gutter and Associated Works

The person entitled to benefit from this consent shall construct in Marmong Street kerb and gutter and associated road pavement, road shoulders and footpaving including drainage and adjustment to existing constructions in accordance with the provisions of the publications and standards identified in this consent for the frontage of the development.

No works shall commence on site prior to the issue of a Construction Certificate.

65. Pavement Standards

Residential road pavements shall be designed in accordance with "A Guide to the Design of New Pavements for Light Traffic" - AUSTROADS 1998. Main and Industrial road pavements are to be designed in accordance with "Pavement Design, A Guide to the Structural Design of Road Pavements" - AUSTROADS 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 their approval prior to the commencement of works.

66. Driveway Design and Construction - Residential

The driveway to the garage or car parking area of the development shall be designed and constructed in accordance with the following requirements and Council's Standard Drawings: EGSD-201 and EGSD-202 (available from Council's 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 Driveway Longitudinal Section, incorporating the design level provided by Council and other construction details (i.e. concrete thickness and reinforcement), shall be submitted to the Principal Certifying Authority for approval with the Construction Certificate.
- (c) The maximum gradient of the driveway shall not be steeper than 1V:5H (20%).
- (d) Suitable transition areas a minimum of 2 metres long shall be provided at the front boundary and at the entry to the garage or car parking area in accordance with AS 2890.1:2004.

67. Works on a Road

Prior to the carrying out of any works on a road, the person having the benefit of the consent shall apply to Council for an approval under s138 of the Roads Act 1993. The road shall not be opened until the approval has been issued. The person having the benefit of the consent shall pay to Council the calculated road restoration fee prior to the issue of an occupation certificate.

The person having the benefit of the consent 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 footpath shall be restored 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. Traffic control shall be undertaken in accordance with Australian Standard AS1742 – Manual Uniform Traffic Control Services – Parts 1, 2 and 3.

68. Notice of Commencement of Works

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.

In accordance with Section 81A(4) the PCA must be given at least two 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.

69. 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.

70. 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:

- (a) in a sewered area, connect the temporary builder's toilet facility to the Hunter Water Corporation's sewerage system in accordance with such authority's requirements prior to commencing any building work.
- (b) where the connection of the toilet facility 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. Such approval shall be obtained prior to the issue of a Construction Certificate.

71. Swimming Pool

The pool safety barrier shall comply and be constructed in accordance with the provisions of the *Swimming Pools Act 1992*, *Swimming Pools Regulation 2008* and Australian Standard AS-1926-2007.

A switchboard shall not be installed within or above the swimming pool zone or spa pool zone nor within a sauna, pursuant to AS 3000 - 2007 - Electrical Installations.

Swimming pool waste water shall be disposed to comply with the following:

Sewered Area

Backwashing systems, emptying and waste water from vacuuming systems, shall discharge into the sewerage system in accordance with the Hunter Water Corporation requirements.

Unsewered Area

A waste water management plan approved by the Principal Certifying Authority.

The swimming pool/spa water recirculation and filtration system installation shall comply with AS 1926.3-2003 Swimming pool safety - Water recirculation systems.

72. Swimming Pool/Spa Motor and Pump

All swimming pool plant shall be sited and/or sound insulated so as to minimise emission of noise to adjoining properties. No offensive noise (as defined by the *Protection of the Environment Operations Act 1997*) shall be emitted by swimming pool plant.

Note:

Under the provisions of the *Protection of the Environment Operations (Noise Control) Regulations 2000*, a person must not cause or permit a swimming pool or spa pump to be used on residential premises if noise is audible within a habitable room of any other residential premises regardless of whether any door or window to that room is open:

- (a) before 8am or after 8pm on any Sunday or public holiday;
- (b) before 7am or after 8pm on any other day.

73. Fire Hydrant- Residential

All Class 1 buildings shall be provided with fire hydrants in accordance with AS2419.1-2005.

Fire hydrant details demonstrating compliance with AS2419.1-2005 shall be provided to the Certifying Authority prior to the approval of the construction certificate.

74. Lighting

Any lighting shall be installed to ensure minimal glare and light spill onto adjoining properties or roadways. Lighting shall comply with Australian Standard AS4282-1997.

75. 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 Office of Environment and Heritage Protection Manual – “Bunding and Spill Management.”*

76. Design Verification

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 disability access requirements of this consent. The written certification shall be provided to the Principal Certifying Authority prior to the issue of the last Interim or Final Occupation Certificate, for each stage.

77. Garbage Storage Areas

The garbage washing and bin storage area shall be constructed of, or lined with materials that are durable, impervious to moisture, and capable of being easily cleaned.

The storage area shall be supplied with hot and cold water, roofed and the floor bunded, graded and drained to a sump, which shall be connected to the sewer in accordance with the requirements of the Hunter Water Corporation.

Construction details shall be provided to the Principal Certifying Authority prior to the issue of the first construction certificate.

Adequate facilities shall be provided in a screened location within the premises for the separate storage of recyclable and non-recyclable material and arrangements shall be made for the regular removal and disposal of those materials.

78. Construction and Operation of Food Premises

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 the first construction certificate shall be accompanied by plans and specification demonstrating compliance with the Act and Regulations, and Australian Standards.

Certification Prior to Occupation Certificate

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first 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"*.

Mechanical Ventilation

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

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.

79. Fix Damage Caused by Construction Works

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 construction works shall be made good at the cost of the person with the benefit of the consent.

Any disused kerb and gutter and footpath crossing shall be removed and replaced with full kerb and gutter in accordance with Council's standards to match finished adjoining kerb and gutter. All replacement works are to be completed to the satisfaction of Council prior to the issue of an Occupation Certificate at the cost of the person with the benefit of the consent.

80. Noise – Entertainment

The operating noise level of the functions and entertainment provided on the premises shall comply with the following:

- (a) The LA10 noise level emitted from the premises shall not exceed the LA90 background noise level in any octave band frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 7:00am and midnight at the boundary of any affected residential premises.
- (b) The LA10 noise level emitted from the premises shall not exceed the LA90 background noise level in any octave band frequency (31.5Hz - 8kHz inclusive) between midnight and 7:00am at the boundary of any affected residential premises.

Notwithstanding compliance with the above, the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of midnight and 7:00am.

For the purpose of this condition, the LA10 is taken as the average maximum deflection of the noise emission from the premises.

A 5dB penalty shall be provided for any noise with a low frequency tone between 31.5Hz – 250Hz.

81. Noise – Ongoing Operation of Machinery, Plant and Equipment

The Laeq (15 minute) operating noise level of machinery, plant and equipment when measured at the boundary of the nearest residential premises shall comply with either the amenity or intrusiveness criteria calculated in accordance with the NSW Office of Environment and Heritage Industrial Noise

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

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

82. 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 Office of Environment and Heritage sleep arousal criteria, calculated in accordance with Chapter 19 of the NSW Office of Environment and Heritage Noise Control Manual.

General Terms of Approval

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

Mine Subsidence Board

NSW Rural Fire Service

Total Section 94 Schedule for DA/2233/2010

CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
Toronto Catchment - OSA Land	\$404,348.20
Toronto Catchment - RF - Capital	\$255,787.90
Toronto Catchment - CF - West Lake - Capital	\$5,473.54
Toronto Catchment - CF - West Lake - Capital	\$61,236.37
Toronto Catchment - Management	\$9,188.44
	TOTAL \$736,034.45

Stage 1 of DA/2233/2010

CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
Toronto Catchment - OSA Land	\$82,124.03
Toronto Catchment - RF - Capital	\$51,951.10
Toronto Catchment - CF - West Lake - Capital	\$1,111.69
Toronto Catchment - CF - West Lake - Land	\$12,430.54
Toronto Catchment - Management	\$1,866.19
	TOTAL \$149,483.55

Stage 2 of DA/2233/2010

CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
Toronto Catchment - OSA Land	\$62,654.69
Toronto Catchment - RF - Capital	\$39,634.93
Toronto Catchment - CF - West Lake - Capital	\$9,490.02
Toronto Catchment - CF - West Lake - Land	\$848.14
Toronto Catchment - Management	\$1,423.77
	TOTAL \$114,051.55

Stage 3 of DA/2233/2010

CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
Toronto Catchment - OSA Land	\$107,408.04
Toronto Catchment - RF - Capital	\$67,945.59
Toronto Catchment - CF - West Lake - Capital	\$16,268.61
Toronto Catchment - CF - West Lake - Land	\$1,453.95
Toronto Catchment - Management	\$2,440.75
	TOTAL \$195,516.94

Stage 4 of DA/2233/2010

CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
Toronto Catchment - OSA Land	\$71,605.36
Toronto Catchment - RF - Capital	\$45,297.06
Toronto Catchment - CF - West Lake - Capital	\$10,845.74
Toronto Catchment - CF - West Lake - Land	\$969.30
Toronto Catchment - Management	\$1,627.17
	TOTAL \$130,344.63

Stage 5 of DA/2233/2010

CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
Toronto Catchment - OSA Land	\$80,556.03
Toronto Catchment - RF - Capital	\$50,959.19
Toronto Catchment - CF - West Lake - Capital	\$12,201.46
Toronto Catchment - CF - West Lake - Land	\$1,090.46
Toronto Catchment - Management	\$1,830.56
	TOTAL \$146,637.70