

## **APPENDIX A – CONDITIONS OF DEFERRED COMMENCEMENT APPROVAL**

### **PART A – DEFERRED COMMENCEMENT CONDITION**

Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended), this is a deferred commencement condition. The consent is not to operate until the Applicant satisfies the Council that:

#### **Registration of an Easement to Drain Water**

The Applicant shall acquire and create an easement to drain water, from Basin 6 to Seaham Street. The easement shall have a minimum width of 3.0 metres. The easement shall benefit Lake Macquarie City Council, and Council shall be identified as the party empowered to release vary or modify the easement. The Applicant shall provide Council with evidence that the easement has been registered with Land and Property Information NSW.

The Applicant shall satisfy the deferred commencement condition listed in Part A, within 12 months from the date of issue of the deferred commencement consent. The consent will lapse if the condition is not satisfied within this period.

### **PART B - CONDITIONS OF CONSENT APPLICABLE AFTER SATISFACTION OF DEFERRED COMMENCEMENT CONDITION**

#### **SECTION 1 – ADMINISTRATIVE CONDITIONS**

**Unless noted otherwise, conditions of consent shall apply to each stage of the development.**

##### **1A. 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, and
- (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, and
- (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, and
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

## **1B. Compliance with Conditions**

The approval comprises the application, the plans, and the documents set out in the paragraph below and the conditions of consent. The proposed development may only proceed in accordance with these documents.

The development shall be carried out in accordance with the conditions of consent and the following documents (as may be varied by the conditions of consent):-

### 1) Plans Reference

- (a) Subdivision Lot Layout Plans prepared by Brown Consulting Pty Ltd, reference L05016.009 sheets 1 – 7 Issue 6 dated 16 December 2011.
- (b) Road, Drainage and Site Works Plans prepared by Brown Consulting Pty Ltd, reference L05016.009 Drawings 000 – 004, 101 – 105, 301 – 311, 401 – 423 & 501 – 544 Revision 4 dated 20 December 2011.
- (c) Building Envelope Plan Lot 822 prepared by ADW Johnson, reference 37548 dated 8 July 2011.
- (d) Proposed Shared Footpath Plan prepared by ADW Johnson, reference 37548 dated 4 August 2011.

## 2) Document / Report Reference

- (a) Statement of Environmental Effects prepared by ADW Johnson, reference 37548 dated December 2010.
- (b) Landscape Master Plan Report & Vegetation Management Plan prepared by Moir Landscape Architecture, reference 0609 Issue F dated 27 January 2011.
- (c) Indigenous and Non Indigenous Heritage Assessment prepared by Mills Archaeological and Heritage Services Pty Ltd dated January 2011.
- (d) Statement of Heritage Impact prepared by EJE Heritage, reference 8527-HA-001 dated 27 January 2011.
- (e) Traffic Report prepared by Brown Consulting Pty Ltd, reference L05016.009-r01 dated January 2011.
- (f) Noise Impact Assessment prepared by Vipac, reference 29N-11-0075-TRP-470930-1 dated 22 May 2012.
- (g) Stormwater Concept Plan prepared by Brown Consulting, reference L05016.009-01 dated June 2011.
- (h) Slope Stability Investigation prepared by Douglas Partners, reference 39794.04 dated June 2011 and Addendum Letter dated 24 June 2011.
- (i) Preliminary Geotechnical Assessment prepared by Douglas Partners, reference 39794.04 December 2010.

- (j) Species Impact Statement prepared by Niche Environment and Heritage, reference 10-020 dated January 2011.
- (k) Water and Waste Water Strategy prepared by Hunter Water Australia, reference 2962 dated 5 January 2009.
- (l) Bushfire Protection Assessment prepared by Australian Bushfire Protection Planners Pty Ltd, reference B101414-1 dated 3 December 2010.
- (m) Visual Impact Assessment prepared by Moir Landscape Architecture, reference 0676 Issue C dated 27 January 2011.
- (n) Assessment of Significance for Commonwealth Threatened Species Matters prepared by Niche Environment and Heritage dated 15 August 2011.
- (o) Heritage Interpretation Strategy prepared by EJE Heritage, reference 8527-IS-001 dated August 2011.
- (p) Heritage and Urban Design Guidelines prepared by Robertsdays dated June 2012.
- (q) Watercourses – Additional Information prepared by ADWJohnson dated May 2011.
- (r) Social Impact Assessment prepared by Key Insights Pty Ltd, dated June 2011.
- (s) Acquisition Letter prepared by Hammersmith Pty Ltd, dated 19 September 2011.
- (t) SEPP 1 Objection prepared by ADW Johnson, dated December 2011.
- (u) Preliminary Contamination Assessment Lot 103 and 105 DP1000408 and Lot E DP938528 West Wallsend prepared by Douglas Partners Pty Ltd, reference 39794.04 Document 2 (Rev 1) dated December 2010.
- (v) Preliminary Contamination Assessment Lot 15 DP 849003 West Wallsend prepared by Douglas Partners Pty Ltd, reference 39794.06 Document 1 dated December 2011.
- (w) Stability Assessment of Butterfly Cave prepared by Douglas Partners, reference 39794.05 dated 19 December 2011.
- (x) Stormwater Concept Plan Addendum Report prepared by Brown Consulting, reference 05016.009 dated 28 November 2011.
- (y) Visual Impact Assessment Addendum 1 prepared by Moir Landscape Architecture, reference 0676 dated 21 December 2011.

(z) Stormwater Concept plan Addendum Report – Dam Safety Committee prepared by Brown Consulting, reference L05016.09 dated 11 May 2012.

(aa) Review of Sidra Modelling prepared by Brown Consulting, reference L05016.012 dated 23 May 2012.

(bb) Response to Planning Report prepared by Moody & Doyle prepared by ADW Johnson Pty Ltd dated May 2012.

It is the responsibility of the Applicant to meet all expenses incurred in undertaking the development including expenses incurred in complying with conditions imposed by this consent.

It is the Applicant's responsibility to provide all Compliance Certificates, documentation and other evidence to verify that the conditions and requirements imposed by this consent have been complied with.

#### **1C. General Terms of Approval**

The applicant shall comply with general terms of approval granted by the following bodies:

- Mine Subsidence Board
- NSW Rural Fire Service
- Department of Environment, Climate Change & Water – (Aboriginal Cultural Heritage)
- NSW Office of Water

#### **1D. Office of Environment & Heritage Concurrence**

The applicant shall comply with the requirements and conditions of approval detailed in Attachment A of the Office of Environment & Heritage correspondence reference Doc12/3212; FIL09/13990-03 dated 22 March 2012, and attached to this consent.

#### **1E. Controlled Activity Approval**

The Applicant shall comply with the Controlled Activity Approval granted by the NSW Office of Water for this development. A copy of the Department's approval, under the Water Management Act 2000, is attached to this consent.

**1F. Mines Subsidence Board Concurrence**

The Applicant shall comply with the approval granted by the Mines Subsidence Board for this development. A copy of the Board's approval is attached to this consent.

**1G. Bushfire Safety Authority from RFS**

The Applicant shall comply with the requirements of the Bushfire Safety Authority from Rural Fire Service attached to these conditions of consent.

**1H. Amendments to Subdivision Plan**

The subdivision plan shall be amended prior to the issue of a Construction Certificate, to the satisfaction of council and as follows:

Lots 651 – 657, Basin 3, and Road 1 (Chainage 1125 – end) shall be deleted.

The width of Lot 650 shall be increased to accommodate an appropriate asset protection zone as determined by a qualified bushfire consultant, and approved by the NSW Rural Fire Service.

**1I. Application Fees for Required Certificates**

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

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

Stage 1

Construction Certificate	\$ 10269	Plus \$50 Archival Fee	(inc GST)
Compliance Certificate	\$ 13374	Plus \$50 Archival Fee	(inc GST)
Subdivision Certificate	\$ 2657	Plus \$50 Archival Fee	(inc GST)

Stage 2

Construction Certificate	\$ 8768	Plus \$50 Archival Fee	(inc GST)
Compliance Certificate	\$ 11223	Plus \$50 Archival Fee	(inc GST)
Subdivision Certificate	\$ 7046	Plus \$50 Archival Fee	(inc GST)

#### Stage 3

Construction Certificate	\$ 11442	Plus \$50 Archival Fee	(inc GST)
Compliance Certificate	\$ 15057	Plus \$50 Archival Fee	(inc GST)
Subdivision Certificate	\$ 8778	Plus \$50 Archival Fee	(inc GST)

#### Stage 4

Construction Certificate	\$ 9136	Plus \$50 Archival Fee	(inc GST)
Compliance Certificate	\$ 13099	Plus \$50 Archival Fee	(inc GST)
Subdivision Certificate	\$ 4505	Plus \$50 Archival Fee	(inc GST)

#### Stage 5

Construction Certificate	\$ 12322	Plus \$50 Archival Fee	(inc GST)
Compliance Certificate	\$ 16310	Plus \$50 Archival Fee	(inc GST)
Subdivision Certificate	\$ 7508	Plus \$50 Archival Fee	(inc GST)

#### Stage 6

Construction Certificate	\$ 13013	Plus \$50 Archival Fee	(inc GST)
Compliance Certificate	\$ 17388	Plus \$50 Archival Fee	(inc GST)
Subdivision Certificate	\$ 6699	Plus \$50 Archival Fee	(inc GST)

#### Stage 7

Construction Certificate	\$ 10527	Plus \$50 Archival Fee	(inc GST)
Compliance Certificate	\$ 15095	Plus \$50 Archival Fee	(inc GST)

Subdivision Certificate	\$ 3581	Plus \$50 Archival Fee	(inc GST)
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#### Stage 8

Construction Certificate	\$ 7614	Plus \$50 Archival Fee	(inc GST)
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Compliance Certificate	\$ 10899	Plus \$50 Archival Fee	(inc GST)
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Subdivision Certificate	\$ 3119	Plus \$50 Archival Fee	(inc GST)
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#### Stage 9

Construction Certificate	\$ 10347	Plus \$50 Archival Fee	(inc GST)
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Compliance Certificate	\$ 13295	Plus \$50 Archival Fee	(inc GST)
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Subdivision Certificate	\$ 2772	Plus \$50 Archival Fee	(inc GST)
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Applications for these certificates should be lodged on the approved application form and accompanied by the appropriate fee.

Where the development includes construction works valued at \$25,000.00 or more, the applicant must pay the Long Service Levy, as detailed in the Building and Construction Industry Long Service Payments Scheme. The Levy must be paid prior to the issue of each relevant Construction Certificate. The Levy may be paid directly to the Long Service Payments Corporation or to Council as agent for the Corporation. The Levy rate is 0.35% of the cost of building and construction works.

**The above application fees are subject to change each financial year without notice and confirmation should be obtained from Council prior to the lodgement of any application.**



## **SECTION 2 – PRIOR TO COMMENCEMENT OF WORKS**

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

### **2B. 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) Subdivision Code
- i) Australian Standards including, but not limited to:-
  - AS1428 - Design for Access and Mobility, Part 1 General Requirements for Access and Part 4 Tactile Indicators,

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

## **2C. Aboriginal Cultural Heritage Management Plan**

Prior to the issue of the first Construction Certificate, the applicant shall provide council with an Aboriginal Cultural Heritage Management Plan in accordance with the requirements detailed within point 5 of Attachment A of the General Terms of Approval granted by Department of Environment Climate Change & Water, reference DOC11/8225; FIL 10/519. The ACHMP shall be submitted to Council and the Department of Environment Climate Change and Water (or its successor) for approval.

## **2D. Heritage Interpretation Strategy**

Prior to the issue of the first Construction Certificate, the applicant shall provide detailed design documentation in accordance with the concepts proposed within the Heritage Interpretation Strategy prepared by EJE Heritage. The documentation shall be endorsed by a suitably qualified Heritage Architect prior to submission to council for approval.

## **2E. Erosion Controls**

A Soil and Water Management Plan (SWMP) shall be submitted to council as part of the Construction Certificate Application for each stage. The SWMP shall comply with the provisions of DCP No. 1 Section 2.1.11 Erosion Prevention and Sediment Control.

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

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

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

The applicant shall also submit with the SWMP, a Statement of Compliance, stating that:

- The Plan has been developed by an appropriately qualified professional in erosion and sediment control, or similar;
- The plan complies with the requirements of a SWMP 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 Managing Urban Stormwater – Soils and Construction. Landcom, 2004; and
- All erosion and sediment control measures are in accordance with the latest version of Managing Urban Stormwater – Soils and Construction. Landcom, 2004.

Please note: The *Protection of the Environment Operations Act 1997* makes it an offence to allow sediments to enter, or be placed, into any waters or drain used to receive or pass rainwater. Severe penalties exist for offences against the Act, including on-the-spot fines of up to \$1,500 for individuals and \$3,000 for Corporations. Non-compliance with the conditions of Development Consent is a breach of the *Environmental Planning and Assessment Act 1979* and may attract fines.

## **2F. Dilapidation Survey**

Prior to the commencement of works (including demolition) 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, 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 and neighbouring properties as a result of the carrying out of demolition or construction works pursuant to this consent. The report is to include a description of the location and nature of any existing observable defects to the properties and existing public infrastructure, including a photographic record.

## **2G. Landscaping Works**

The Applicant shall undertake landscaping works in general accordance with the plans prepared by Moir Landscape Architecture.

Detailed landscape plans shall be prepared by a consultant that meets the requirements of the LMCC Development Control Plan No. 1 Section 2.7.2 – Landscape - Categories of Development – Category 3.

No planting shall take place prior to the approval of the final landscaping plan by a Construction Certificate.

Please note that any street trees to be planted shall be at least of a 75 – 100 litre pot size.

## **2H. Street Tree Planting**

The street tree planting shall comply with Council's standard drawing *LSD-PLA-004-V01 - Subdivision Street Tree Planting in turf with Footpath* in Lake Macquarie Landscape Design Guidelines. Details of street tree planting shall be included in the Construction Certificate documentation.

## **2I. Gross Pollutant Trap**

The Applicant shall design and construct permanent Gross Pollutant Traps and Trash Racks. The design shall be in accordance with the requirements of DCP 1(Volume 2 – Engineering Guidelines Part 3). Provision shall be made for maintenance access roads and maintenance vehicle parking.

All Gross Pollutant Traps shall be designed to have a pollutant storage volume in excess of the 6 months pollutant loading from the catchment in its developed state (i.e. require routine maintenance at an interval of greater than 6 months).

Satisfactory plans and calculations for such Gross Pollutant Trap and Trash Rack shall be submitted prior to the issue of the Construction Certificate for each stage.

The applicant shall include a "Maintenance Plan" with the Construction Certificate documentation, in accordance with Council's "Stormwater Treatment Framework & Stormwater Quality Improvement Device Guidelines".

## **2J. Water Quality Control Facilities**

The Applicant shall design and construct permanent Stormwater Quality Facilities generally in accordance with the design and plans prepared by Brown Consulting.

Plans and calculations for such Stormwater Quality Control Facilities shall be submitted for approval prior to the issue of the Construction Certificate for each stage. The plan shall also include details of the extent and location of fencing (Council shall be contacted for a copy of the standard detail of the fencing. NB this standard detail may be updated from time to time), provide details of maintenance access and details of landscaping and species for the facility and their surrounds.

The plans for the facility shall detail the construction stages, i.e. the plans shall detail the design of the facility as a sediment basin and the plans shall detail the design of the facility in its final form.

The applicant shall include a "Maintenance Plan" with the Construction Certificate documentation, in accordance with Council's "Stormwater Treatment Framework & Stormwater Quality Improvement Device Guidelines".

Construction Sequencing shall be as follows:-

- Phase 1 - The facility shall be constructed to operate as a sediment basin initially. All final inlet and outlet structures shall be installed at this stage (unless alternate arrangements have been made prior with Council agreement). The facility shall be maintained as a sediment basin until the catchment draining to it has been substantially developed (eg 90% of the lots have had housing constructed on them and their respective landscaping and lawn areas are established).
- Phase 2 - To enable release of the final plan of subdivision, that contains the facility, a bank guarantee shall be established. The bank guarantee shall be to the value of 1.5 times the value of the capital works & landscaping and 2 years maintenance (the value of bank guarantee to be agreed in consultation with Council Officers).
- Phase 3 – Once the catchment has been substantially developed, the sediment basin shall be decommissioned and the final approved facility constructed and landscaped.

- Phase 4 – The bank guarantee shall be released not less than 2 years after the completion of the facility and establishment of landscaping to the satisfaction of Council.

## **2K. Show Lots Clear of 100 Year Flood Level**

The Applicant shall show by calculations and plans that all lots are clear of the 1:100 year flood level. This condition shall also apply to lots which would be affected by substantial overland flow, which may necessitate the carrying out of works to ensure properly drained and flood free conditions.

The Applicant shall supply the above calculations and plans showing the limit of the 1:100 year flood prior to the issue of each Construction Certificate.

Note: Lots that are not 500mm clear of the 1:100 year flood level will be subject to floor height control.

## **2L. Stormwater Detention Required**

The Applicant shall show that the development does not increase the peak stormwater discharge or limits of upstream and downstream flooding for floods over the range of 1:1 years to 1:100 years by the inclusion of stormwater detention controls. Designs shall incorporate maintenance access roads and fencing in accordance with Council's standard requirements.

Plans and calculations for such stormwater controls shall be submitted prior to the issue of each Construction Certificate and the works shall be completed as part of the initial construction work in each stage of the development which has a catchment contributing to the basin.

## **2M. Disposal to Watercourse or Council Easement**

The Applicant shall make arrangements for stormwater to be disposed of to either an existing Council drainage system or natural watercourse. Where applicable, the Applicant shall obtain for lodgement with Council written authority from affected owners agreeing to the discharge of stormwater across their properties prior to the issue of each Construction Certificate.

The Applicant shall subsequently create easements to drain water in favour of Council over those properties, prior to, or at the time of registration of the Final Plan of Subdivision.

## **2N. Interallotment Drainage Pipelines**

The Applicant, shall identify any lots that do not drain directly to Council's stormwater drainage systems. For these lots the Registered Proprietor of the land shall arrange for the provision of interallotment drainage pipelines. All stormwater shall be disposed of to either an existing formed Council drainage system or a natural watercourse. Where applicable, the Applicant shall obtain for lodgement with Council written authority from affected owners agreeing to the discharge of stormwater across their properties prior to the issue of a Construction Certificate for the works.

## **2O. Construction of Kerb and Gutter and Associated Works**

The Applicant shall construct kerb and gutter and associated road pavement, road shoulders, drainage and adjustment to existing constructions, in accordance with the provisions of the publications and standards identified in this consent, to the following locations:

- The entire length of the southern side of Fegan Street ( to be constructed as part of Stage 5)
- The eastern side of Robertson Street between Carrington Street and Wallace Street (to be constructed as part of Stage 8)
- As identified in “West Wallsend Road Drainage & Site Works” plans prepared by Brown Consulting (to be constructed as a part of each stage).

No works shall commence on site prior to the issue of the Construction Certificate for each stage and the works for each stage shall be complete prior to the issue of the Subdivision Certificate for that stage.

## **2P. Linemarking and Signposting**

The applicant shall arrange for the provision of linemarking and sign posting as follows:-

1. Any signposting and linemarking associated with the two required Pedestrian Refuges, in accordance with Australian Standards or RTA Guidelines;



2. Any regulatory signposting required as part of the Shared Pathway around the site.
3. Any other signposting relating to regulatory signposting or linemarking associated with the proposal.

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

## **2Q. Pavement Standards**

Main and Industrial road pavements are to be designed in accordance with "Pavement Design - A Guide to the Structural Design of Road Pavements (Austroads 2004)."

Residential road pavements shall be designed in accordance with "Pavement Design for Light Traffic – A supplement to Austroads Pavement Design Guide (Austroads Publication No. AP-T36-06)

Roundabout pavements shall be of rigid concrete construction in accordance with Council's Engineering Guidelines.

Designs for road pavements shall be submitted to and approved by the Council or a Private Certifier prior to road pavements being constructed. Where work is to be undertaken within a classified Main Road the pavement design shall also be submitted to the Roads and Traffic Authority for its approval prior to the commencement of works.

## **2R. Battleaxe - Residential (passing)**

The Applicant shall construct the access corridor/s to all battleaxe allotments, with a 25mm thick hot-mix bitumen sealed gravel pavement (minimum 150mm gravel thickness), or a concrete drive (minimum 125mm thickness reinforced with F72 mesh), 2.7 metres wide (passing laneways {5.5 metres wide by 15 metres total length} to be provided every 50 metres with conduits under the widening for services), for full length from kerb and gutter, or constructed road carriageway, and the remaining sections of the corridor shall be top dressed with 50mm of topsoil and grass sodded; all the work to be adequately drained and completed, with any necessary retaining walls.

Where the development site falls to the street (front) a drainage line shall be constructed from the existing kerb and gutter (or table drain) to the top end of the battle axe drive to

facilitate drainage connection for a dwelling on the battle axe lot. A drainage pit shall be constructed at this top end. The drainage line shall be 150 mm diam for the full length of the driveway. At the front boundary (and within the lot) a pit shall be constructed and twin 90 mm diam pipes laid from the pit to the kerb/table drain.

All works are to be in accordance with Council's DCP 1, Engineering Guidelines and the Department of Housing Construction Specification. Separate application shall be made to Council's Customer and Technical Services Section, in writing, for footpath levels to construct the driveway across the footpath.

## **2S. Submit Road Names for Approval**

Proposed new road names shall be submitted to Council and approved prior to the issue of a Construction Certificate.

Note that Council cannot release the Subdivision Certificate unless the proposed public roads have been named in accordance with clause 162 of the Roads Act 1993. The Roads Act requires that the Geographical Names Board be given at least one month's notice of the proposed name(s).

## **2T. Land Stability - Geotechnical Report**

The Applicant shall comply with the recommendations of the Preliminary Geotechnical Assessment prepared by Douglas Partners, reference 39794.04 dated December 2010 and the Slope Stability Assessment prepared by Douglas Partners, reference 39794.04 dated June 2011. Any works proposed to be undertaken in relation to the application shall embody all the relevant recommendations of the Geotechnical Consultants.

All engineering plans shall be endorsed by and carry the original signatures of the Geotechnical Consultants (ie not photocopies). The endorsement shall state that the proposed works are in accordance with the recommendations of the Geotechnical Report, prior to the issue of each Construction Certificate.

## **2U. Shared Pedestrian Pathway to Portland Street**

The applicant shall design and construct a 3m wide reinforced concrete shared pedestrian pathway from Withers Street to the intersection of Portland Street and George Booth

Drive. The route for the shared pathway is to be generally in accordance with the Proposed Shared Pathway Plan prepared by ADW Johnson, reference 37548 dated 4 August 2011. The cycleway shall include controlled pedestrian and cyclist facilities across George Booth Drive. These facilities shall be either grade separated or directed to the proposed traffic signals at the George Booth Drive/Portland Street intersection. The applicant shall obtain approval from the NSW Roads and Maritime Services (RMS) prior to the issue of the Construction Certificate. The works are required to be completed to the satisfaction of council and the RMS prior to the issue of the Subdivision Certificate which results in the creation of 100 cumulative lots for the development.

## **2V. Stabilisation of Loose Boulders**

The applicant shall comply with the recommendations of the Slope Stability Assessment prepared by Douglas Partners, reference 39794.04 dated June 2011. Construction Certificate documentation shall identify any loose boulders and include remedial measures to minimise the likelihood of dislodgement and/or measures to protect down slope properties.

Any works proposed to be undertaken shall embody all the relevant recommendations of the Geotechnical Consultants. All engineering plans shall be endorsed by and carry the original signatures of the Geotechnical Consultants (i.e. not photocopies) prior to the issue of the subdivision certificate.

## **2W. Dial Before You Dig**

It is highly recommended that prior to commencement of work that you contact the free national community service "Dial before you Dig" on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.



## **2X. Detailed Contaminated Land Investigation**

Prior to the issue of the first Construction Certificate the applicant shall provide a Detailed Contaminated Land Investigation and Remedial Action Plan (RAP) prepared by a qualified contaminated land consultant. The consultant shall certify that the site, after remediation, will be suitable for the intended use of residential development.

## **2Y. Bus Shelters**

Six Bus Shelters shall be provided for the subject development at the cost of the proponents. The Bus Shelters shall be installed prior to the release of the Subdivision Certificate for the nominated Stage, set out below.

The bus shelters shall be located at the following sites and be designed and finished in the nominated colour in accordance with Council's standard bus shelter documentation (location to be determined by Infrastructure Planning, colour to be determined by City Design prior to issue of the relevant Construction Certificate)

Shelter 1: Appletree Road, West Wallsend on east side, to be completed Stage 3

Shelter 2: Appletree Road, West Wallsend on west side, to be completed Stage 3

Shelter 3: Withers Street, West Wallsend on east side, to be completed Stage 5 .

Shelter 4: Withers Street, West Wallsend on west side, to be completed Stage 5

Shelter 5: Carrington Street, West Wallsend on south side, to be completed Stage 8

Shelter 6: Carrington Street, West Wallsend on north side, to be completed Stage 8

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 Transportation Planning Section for approval prior to the lodgement of any Construction Certificate for that stage of development.

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.

## **2Z. Roadways, Accessways And Footways**

The Applicant shall construct pedestrian refuges at the following locations:-

On Appletree Road, West Wallsend, between the proposed Stage 3 and the West Wallsend High School. This Pedestrian Refuge shall be constructed prior to the release of the Subdivision Certificate for Stage 3.

On Withers Street, West Wallsend in the vicinity of H/No. 72 / 83 Withers Street. This shall be designed and constructed with the intersection adjacent to H/No.72 Withers Street, prior to the release of the Subdivision Certificate for Stage 3.

All works shall be designed and constructed in accordance with relevant Australian Standards and RTA guidelines, with plans submitted to Council's Traffic Facilities and Road Safety Committee for assessment. No works shall commence on site prior to the issue of the relevant Construction Certificate.

## **2AA. Service of Public Utilities**

The Applicant shall service all lots in the subdivision with water, sewer, underground electricity and underground telephone facilities to the requirements of and by arrangements with the relevant supply authorities and company. The applicant shall liaise with AGL in relation to the future reticulation of gas in the subdivision.

Where required by the Commonwealth Government's *Fibre in New Development's Policy*, the applicant shall arrange for the installation of optical fibre cabling in accordance with the NBN Co. Limited's specification.

## **2BB. Construction Management Plan – Protection of Butterfly Caves**

Prior to the issue of a Construction Certificate for Stages 7 and 9, the applicant shall provide Council a Construction Management Plan detailing the construction methods to be followed during construction, to protect the integrity of the butterfly caves. The Construction Management Plan shall be endorsed by a suitably qualified Geotechnical Engineer and shall be generally in accordance with the recommendations contained within

“Stability Assessment of “Butterfly Cave”” prepared by Douglas Partners, reference 39794.05 dated 19 December 2011.

## **SECTION 3 – DURING CONSTRUCTION**

### **3A. Application for Compliance Certificate for Works**

If Council is the certifying authority for the works then prior to commencement of works the Applicant shall complete and submit a Compliance Certificate application (and payment of associated fees) to Council.

### **3B. 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.

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

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

### **3C. Notification to Neighbours**

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

### **3D. Haulage Routes**

The Applicant 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 Applicant shall maintain and restore the haulage route roads, as near as possible, to their original condition.

### **3E. Erosion Controls (Large Sites)**

Erosion and Sediment Control Works shall be undertaken in accordance with the approved Soil and Water Management Plan. 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 and all maintenance and cleaning undertaken.

The record must be available for inspection by the Principal Certifying Authority during normal working hours.

The works shall be completed as part of the initial construction work in the first stage of the development. Minor additional works may be approved by the Principal Certifying Authority during construction works.

### **3F. Erosion Control Sign**

The Applicant shall supply and erect Council's standard Erosion Control Sign as detailed in Standard Drawing No. 3403/1. The sign shall be erected in a prominent location near the entrance to the development prior to the commencement of earthworks.

### **3G. Discovery of Historical Relics**

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

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

### **3H. Compliance with Remedial Action Plan**

All siteworks shall be carried out in accordance with the terms and recommendations of the Remedial Action Plan, including but not limited to handling and disposal of materials, environmental monitoring and controls, material testing, and waste classification.

### **3I. Noise Control**



All possible steps shall be taken to silence construction equipment and the operating noise level of plant and equipment shall not give rise to "offensive noise" as defined by the Protection of the Environment Operations Act 1997.

The operating noise level of machinery, plant and equipment during construction site operations shall comply with Chapter 171 of the NSW EPA's Noise Control Manual.

Construction operations shall be confined between the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm Saturday. If construction operations are inaudible within occupied residential properties then the work period may be extended on Saturdays to 7.00am to 1.00pm. No construction work shall take place on Sundays or Public Holidays.

Should it be necessary to use mechanical rock breakers or conduct blasting then these operations shall be confined between the hours of 9.00am and 3.30pm Monday to Friday (excluding any Public Holiday).

#### Noise Level Restrictions

- (i) Construction period of 4 weeks and under:-

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20dB(A).

- (ii) Construction period greater than 4 weeks:-

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10dB(A).

### **3J. Retention of Trees Native Vegetation**

Trees and other vegetation may only be removed from the site of road, drainage, bushfire mitigation and regrading works as approved in the Construction Certificate. An application shall be made to Council in accordance with Clause 34 of Council's LMLEP 2004 for the removal of any other trees. 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:

- Clearing in accordance with Section 3.5 Tree Clearing Protocol of Appendix E of the SIS (Coast Ecology 2010);
- installing exclusion fencing (eg; No Go tape, helicopter tape or orange mesh) around vegetation that adjoins the construction area to minimise damage to vegetation that is to be retained. Exclusion fencing is to be installed prior to commencement of works and maintained in good working order for the duration of works;
- prohibiting compaction and the placement of fill within 5 metres of trees and native vegetation that are to be retained;
- keeping all vehicles, construction materials and refuse within areas approved for buildings, structures, access ways and car parks;
- limiting the number of access points;
- Salvaging useable trees and shrubs which are felled for re-use, either in log form, or as woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots and stumps may only be disposed of at an approved site;
- Notifying all contractors, sub-contractors, and personnel of vegetation protection requirements of this condition.

### **3K. Hollow Bearing Tree Removal & Glider Pole Installation**

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

Nest Boxes recommended in *Appendix E Flora and Fauna Plan of Management (FFPoM)* of the SIS are to be installed. This includes relocation of hollow bearing limbs and installation of nest boxes at a ratio of >1:1. Nest boxes are to be of a design suitable for species that may be residing in trees marked for removal and are also to include 12 owl roosting trees and 28 bat roost boxes. 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). All nest boxes shall be installed at least one month prior to vegetation clearance on the site so that fauna residing in habitat trees marked for removal have alternate refuge available. 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 (2) 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
- 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 (1) to two (2) 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.

Glider poles as per Section 3.8.1 of the FF PoM are to be installed within 12 months of issue of the Construction Certificate.

### **3L. Flora Fauna Plan of Management Implementation**

The applicant shall engage a person qualified in natural vegetation management, ecology or bush regeneration to implement the Flora Fauna Plan of Management (VMP) of Appendix E of the SIS.

Implementation of the VMP shall commence immediately upon approval of the Construction Certificate 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.

As per SIS concurrence conditions, funding is to then be provided to the owner of the West Wallsend lands to maintain the condition of this vegetation (ie; that has been achieved as a result of implementing the VMP), in perpetuity.

### **3M. Grassing**

The Applicant shall grass areas of the site disturbed by works so as to prevent erosion. All disturbed areas shall be revegetated as soon as practical, and no later than the times specified in Landcom's – Managing Urban Stormwater documents (2004).

Kikuyu grass shall not be used in areas adjoining native bushland or in drainage lines or channels.

### **3N. Landscape Construction**

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.

### **3O. Traffic Control Standards**

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

### **3P. Installation of Service Pipes**

The Applicant shall ensure that all public utility service pipes, mains and conduits are laid and/or installed in all new roads and existing roads, where work is required in existing roads, as part of the construction and drainage works associated with the Subdivision.

The Applicant shall also install conduits to cater for the installation of natural gas services to each proposed lot in conjunction with road and drainage works.

### **3Q. Street Lighting**

The Applicant shall provide street lighting for the development to the satisfaction of Ausgrid and in accordance with the road classification. The road classification shall be determined by Council and Ausgrid.

The street lighting provided shall include any necessary upgrading of the lighting of the intersection of any new roads with existing roads.

### **3R. Erection of Street Signs**

The Applicant shall supply and erect new street name signs in accordance with the requirements of Council's standard design requirements.

### **3S. Earthworks**

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

The inspection and testing of fill shall be at the responsibility level set out below, as defined in Appendix B of AS 3798-2007.

Fill Area	Responsibility Level
Water retaining embankments	1
Road embankments (greater than 2m high)	1
Road embankments (less than 2m high)	2*
Residential allotments	1
Industrial/Commercial allotments	1

\* Level 1 may be used if desired by the applicant.

### **3T. Fix Damage Caused by Construction Work**

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

### **3U. Demolition**

Demolition work shall be carried out only between the hours of 7.00am to 5.00pm Mondays to Fridays and 8.00am to 5.00pm Saturdays. No work is to be carried out on Sundays or public holidays.

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

No trees shall be removed from the site, unless approved by Council and shown on the approved plans.

Erosion and sediment control measures shall be installed and maintained in accordance with Council's Development Control Plan No. 1, a copy of which is available from Council's Administrative Offices.

The site is to be grassed and otherwise rendered erosion resistant immediately upon completion of demolition.

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

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

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

### **3V. Construction Site Safety Fencing**

Construction site safety fencing shall be provided around areas of building demolition to prevent unauthorised access to the construction site.

### **3W. Site Amenities**

Throughout the course of demolition operations on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be installed as follows:

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

### **3X. Asbestos**

If asbestos is encountered during demolition work, measures must be in place in accordance with WorkCover NSW guidelines. Work must not commence until all the necessary safeguards required by WorkCover NSW are fully in place.

You must be licensed to remove and handle asbestos, if asbestos greater than 10m<sup>2</sup> is proposed to be removed. Failure to comply with this can result in fines being issued.

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

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



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

Asbestos waste must only be disposed of at a landfill authorised to receive such waste. Council's Awaba Waste Management Facility can accept asbestos, for a fee, which must be safely secured in accordance with the relevant guidelines. At least 24 hours prior notice must be given to allow an area to be prepared for disposal. The Awaba Waste Management Facility can be contacted on (02) 4959 3337.

### **3Y. Removal, Management And Transportation Of Fill**

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

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

All excavated material is to be removed, transported and disposed of in accordance with the NSW Environment Protection Authority guidelines.

### **3Z. Dust Suppression**

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

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

### **3AA. Construction Site Vibration**

Construction works on Stages 7 and 9 shall be undertaken in accordance with the recommendations contained within the Construction Management Plan for protection of the “butterfly caves”.



## **SECTION 4 – PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

### **4A. Final Plan Submission**

The Applicant shall submit an application for a Subdivision Certificate accompanied by an original copy of the Final Plan of Subdivision and four (4) copies, for each stage of the development. The location of all buildings and/or other permanent improvements shall be indicated on one (1) full-size print. When all conditions of the Development Consent relating to this subdivision have been satisfactorily complied with the Subdivision Certificate will be issued.

### **4B. 88B and 88E Instrument**

The Registered Proprietor of the land shall provide an instrument under Section 88B and 88E of the Conveyancing Act setting out terms of easements, restrictions as to user and/or positive covenants 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. Council shall be the Prescribed Authority for all Section 88E Instruments, including the Section 88E Instrument for the West Wallsend offset lands.

### **4C. Building Design Guidelines**

The applicant shall prepare an instrument under Section 88E of the Conveyancing Act, setting the terms of a Public Positive Covenant, which requires development and landscaping on all lots within the subdivision to comply with the “Heritage and Urban Design Guidelines” prepared by Robertsday dated June 2012. The 88E instrument shall be submitted to Council prior to the issue of the Subdivision Certificate and shall be registered at the time of registration of the Final Plan of Subdivision. The restriction shall be worded as follows:

i) All building works and fencing shall be designed and constructed in accordance with the guidelines contained within the “Heritage and Urban Design Guidelines” prepared by Robertsday dated June 2012. The landowner shall plant and maintain landscaping in

accordance with the guidelines contained within the “Heritage and Urban Design Guidelines” prepared by Robertsday dated June 2012.

#### **4D. Heritage Interpretation Strategy Compliance**

Prior to the issue of the Subdivision Certificate for Stages 1 to 3 inclusive, heritage interpretation works as approved in the Construction Certificate shall be completed to the satisfaction of council.

#### **4E. Building Envelope Lot 822**

Prior to the issue of the Subdivision Certificate for Stage 8, the applicant shall include a “Restriction as to User” on Lot 822 to define the building envelope detailed on Lot 822 Building Envelope plan prepared by ADW Johnson dated 8 June 2011. The terms of the restriction shall be set out in an instrument under Section 88B of the Conveyancing Act. Council shall be identified as the party authorised to release, vary or modify the Restriction.

#### **4F. Compliance Certificate for Works**

The Applicant shall obtain and submit a Compliance Certificate for each stage of the development, to certify that all construction works and associated development have been constructed in accordance with this Development Consent, the Construction Certificate and all other standards specified in this consent.

#### **4G. Stormwater Pipeline Compliance**

The applicant shall provide internal verification, utilising Closed Circuit TV, of the integrity of all stormwater pipes to confirm no pinched rings, open joints beyond manufacturer’s limits, fractures or damages to pipe. The timing of this verification shall be in agreement with the Principal Certifying Authority supervising the work.

#### **4H. Landscape Compliance**

Prior to the issue of each Subdivision Certificate, the landscape consultant who prepared the Landscape Construction Documentation shall submit to the Principal Certifying Authority a Landscape Compliance Report that certifies the satisfactory completion of the landscaping works approved by this consent. The report shall also detail any minor

defects and any specific landscape maintenance requirements during the maintenance period.

The Applicant shall lodge a cash bond or Bank Guarantee with the Council for the sum of \$99.25/street tree and \$10,000.00/detention basin. The monies will be released 12 months after planting, providing Council is satisfied that the landscaping has established.

**4I. Dedication of Lots as Drainage Reserve**

The Applicant shall dedicate Lots 123, 261, 376 & 565 to Council as drainage reserve at no cost to Council. The dedication shall take place at the time of registration of the Final Plan for the associated stage.

The Applicant shall clear all rubbish, noxious plants, weeds, exotic plants and hazardous trees from the area to be dedicated as drainage reserve and undertake landscaping works to the satisfaction of Council prior to the dedication of the lots.

**4J. Works as Executed Plan**

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

**4K. Public Utilities Compliance**

A letter of compliance from each service authority and service company shall be submitted to Council prior to the issue of each Subdivision Certificate.

**4L. Utilities Layout**

The Applicant shall submit to the Principal Certifying Authority a utilities layout plan showing the location of mains, associated installations and service conduits prior to the issue of each Subdivision Certificate.

#### **4M. Council Stormwater Easements**

The Applicant shall create easements to drain water in favour of Council over those properties that will contain pipes and / or overland flow paths (minimum 3 metres wide or the width of the 100 year flow path, whichever is greater), that will convey public stormwater. The easements shall be created prior to, or at the time of registration of the Final Plan of Subdivision. Council shall be identified as the party authorised to release, vary or modify the easements.

#### **4N. Interallotment Drainage Easements**

Where interallotment drainage pipelines have been provided, associated easements to drain water 2 metres wide burdening the affected lots and benefitting the allotments served shall be created prior to, or at the time of registration of the Final Plan of Subdivision. Council is to be the party empowered to release, vary or modify the easement.

Any existing dwellings shall be connected to the interallotment drainage system to the satisfaction of the PCA.

#### **4O. Dedication of Roads**

The Applicant shall arrange, at the time of registration of the Final Plan of Subdivision, for the dedication of the proposed new roads to the public at no cost to Council.

All public roads that are to be dedicated shall be fully constructed in accordance with the standards identified in this consent.

#### **4P. Right of Access – Easement for Services**

In accordance with the Conveyancing Act 1919 (as amended), the Applicant shall arrange for Rights of Access and Easements for Services to be created over the access corridors serving battleaxe lots in favour of the lots serviced thereby.

#### **4Q. Easement for Support**

The Applicant shall arrange for the creation of an "easement for support" on the Final Plan of Subdivision submitted to cover all fill embankments that extend into lots if the side

slopes are steeper than one (1) in three (3) and such embankments are in excess of six hundred (600)mm in height.

#### **4R. Survey Control Marks Interference**

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

#### **4S. Geotechnical Report on Filling**

Prior to the issue of the Subdivision Certificate for each stage, the Applicant shall submit a report from a suitably experienced Geotechnical Testing Authority confirming that all filling complies with AS 3798 - 2007 "Guidelines on Earthworks for Commercial and Residential Developments".

The report shall contain a plan showing the location, depth and classification of all filling in relation to the proposed new lot boundaries.

#### **4T. 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 Subdivision Certificate for each stage.

#### **4U. Final Dilapidation Report**

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

#### **4V. Demolition or Relocation of Structure**

The existing mines residence and associated structures shall be demolished or relocated prior to the issue of the Subdivision Certificate for Stage 1.

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

#### **4W. Noise Attenuation to future dwellings**

Prior to the issue of the Subdivision Certificate for the relevant stages, a “Restriction As To User”, under Section 88B of the Conveyancing Act 1919, shall be placed on Lots 101 – 122, 201 – 213, 250 - 260 and 822, to the effect that any dwelling on the lots shall have suitable treatments designed and installed to achieve internal comfort levels and building siting in accordance with AS2107:2000 Recommended Sound Level and Reverberation Times for Building Interiors and AS3671:1989 Road Traffic Noise Intrusion Building Siting and Construction. All noise attenuation shall be generally in accordance with the Acoustic Report No. 29N-11-0075-TRP-470930-1 dated May 2012, prepared by Vipac.

Lake Macquarie City Council shall be identified as the party empowered to release, vary or modify the restriction.

#### **4X. Building Setback Restriction for Lots in Vicinity of Animal Structures**

Prior to the issue of the Subdivision Certificate for relevant stages, a “Restriction As To User”, under Section 88B of the Conveyancing Act 1919, shall be placed on each lot located within 9m of any existing horse stable, cattery or other similar animal type structure. The restriction shall be to the effect that “No dwelling shall be constructed within 9m of the rear boundary of the subject lot”.

Lake Macquarie City Council shall be identified as the party empowered to release, vary or modify the restriction.

#### **4Y. Land Contamination Compliance**

Prior to the issue of the Subdivision Certificate for each stage. A recognised contaminated land consultant shall certify that the land has been remediated in

accordance with the approved Remedial Action Plan (RAP) and that the site is suitable for the intended use of residential development.

#### **4Z. Section 50 Certificate**

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

Advice: Council does not forward notification of the subdivision approval to the Hunter Water Corporation. It is the Applicants responsibility to make all pertinent arrangements with the Hunter Water Corporation.

#### **4AA. 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 Contributions Plan No. 1 – City Wide (2004), 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 on:
  - 15 August,
  - 15 November,
  - 15 February, and
  - 15 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 Contributions Plan No. 1 – City Wide (2004).

The first date for indexation and adjustment shall be 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 prior to the endorsement of the subdivision certificate for each stage.

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

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

## **CONTRIBUTION FEE SCHEDULE**

<b>DESCRIPTION</b>	<b>FEE AMOUNT</b>
<u>Stage 1</u>	
Glendale Catchment - OSA Land	\$167,653.00
Glendale Catchment - RF Capital	\$125,644.00
Glendale Catchment - CF - North Lake - Capital	\$49,843.00
Glendale Catchment - CF - North Lake - Land	\$17,290.00
Glendale Catchment - Management	\$3,800.00
<u>Stage 2</u>	
Glendale Catchment - OSA Land	\$479,009.00
Glendale Catchment - RF Capital	\$358,982.00
Glendale Catchment - CF - North Lake - Capital	\$142,410.00
Glendale Catchment - CF - North Lake - Land	\$49,401.00
Glendale Catchment - Management	\$10,856.00
<u>Stage 3</u>	
Glendale Catchment - OSA Land	\$598,761.00



Glendale Catchment - RF Capital	\$448,728.00
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Glendale Catchment - CF - North Lake - Capital	\$178,012.00
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Glendale Catchment - CF - North Lake - Land	\$61,752.00
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Glendale Catchment - Management	\$13,570.00
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Stage 4

Glendale Catchment - OSA Land	\$311,356.00
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Glendale Catchment - RF Capital	\$233,339.00
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Glendale Catchment - CF - North Lake - Capital	\$92,566.00
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Glendale Catchment - CF - North Lake - Land	\$32,111.00
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Glendale Catchment - Management	\$7,056.00
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Stage 5

Glendale Catchment - OSA Land	\$510,943.00
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Glendale Catchment - RF Capital	\$382,915.00
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Glendale Catchment - CF - North Lake - Capital	\$151,904.00
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Glendale Catchment - CF - North Lake - Land	\$52,695.00
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Glendale Catchment - Management	\$11,580.00
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Stage 6

Glendale Catchment - OSA Land	\$399,174.00
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Glendale Catchment - RF Capital	\$299,152.00
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Glendale Catchment - CF - North Lake - Capital	\$118,675.00
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Glendale Catchment - CF - North Lake - Land	\$41,168.00
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Glendale Catchment - Management	\$9,047.00
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Stage 7

Glendale Catchment - OSA Land	\$231,521.00
Glendale Catchment - RF Capital	\$173,508.00
Glendale Catchment - CF - North Lake - Capital	\$68,831.00
Glendale Catchment - CF - North Lake - Land	\$23,877.00
Glendale Catchment - Management	\$5,247.00

Stage 8

Glendale Catchment - OSA Land	\$215,554.00
Glendale Catchment - RF Capital	\$161,542.00
Glendale Catchment - CF - North Lake - Capital	\$64,084.00
Glendale Catchment - CF - North Lake - Land	\$22,231.00
Glendale Catchment - Management	\$4,885.00

Stage 9

Glendale Catchment - OSA Land	\$183,620.00
Glendale Catchment - RF Capital	\$137,610.00
Glendale Catchment - CF - North Lake - Capital	\$54,590.00
Glendale Catchment - CF - North Lake - Land	\$18,937.00
Glendale Catchment - Management	\$4,161.00

**TOTAL \$6,729,590.00**