

## 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. 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.

### 3. Approved Documentation

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

(a) Plans Reference:

Architectural Drawings prepared by Imagescape Design Studios; Project Number AAC02:			
Name of Plan	Drawing Number	Issue	Date
Title Sheet	A 001 TS	6	28 June 2011
Heritage and Cultural Precinct Plan	A 002 PL	6	11 February 2011
Landuse Plan	A 003 PL	6	11 February 2011
Access Plan	A 004 PL	6	11 February 2011
Topographical Analysis	A 005 PL	6	11 February 2011
Existing Site Plan	A 006 PL	6	11 February 2011
Proposed Staging Plan	A 007 PL (A)	6	26 July 2011
Kressville Activity Centre Site Plan	A 021 PL	8	6 June 2011
Kressville Activity Centre Floor Plan	A 022 PL	6	11 February 2011
Kressville Activity Centre Roof Plan	A 023 PL	6	11 February 2011
Kressville Activity Centre Elevations	A 024 EL	8	6 June 2011
Kressville Activity Centre Elevations	A 025 EL	8	6 June 2011
Kressville Activity Centre Sections	A 026 SE	6	11 February 2011
Kressville Activity Centre Sections	A 027 SE	6	11 February 2011
Stage 1 -South West Site Plan	A 100 PL (A)	6	26 July 2011
Stage 1 – North East Site	A 101 PL (A)	6	26 July 2011

Plan			
Proposed Stage 1 Site Elevations	A 102 EL	8	24 June 2011
Proposed Stage 1 Site Elevations	A 102a EL	8	22 June 2011
Proposed Stage 2 Site Elevations	A 103 EL	8	22 June 2011
Site Sections	A 104 SE	8	22 June 2011
Site Sections	A 105 SE	8	22 June 2011
Typical House Type A Plan Elevations and Sections	A 106 PL	8	6 June 2011
Typical House Type B Plan Elevations and Sections	A 107 PL	8	6 June 2011
Typical House Type C Plan Elevations and Sections	A 108 PL	8	6 June 2011
Typical House Type D Plan Elevations and Sections	A 109 PL	8	6 June 2011
Typical House Type E Plan Elevations and Sections	A 110 PL	8	6 June 2011
Site Plan – Stage 2	A 200 PL (A)	6	26 July 2011
Landscape Concept Plan	L 300 PL	8	22 June 2011
Landscape Analysis	L 301 PL	8	26 August 2010
Landscape Analysis	L 302 PL	6	11 February 2011
Hardscaping Plan – Stage 2	L 304 PL	8	22 June 2011
Hardscaping Plan – Stage 1 North	L 305 PL	8	22 June 2011
Hardscaping Plan – Stage 1 South	L 306 PL	8	22 June 2011
Planting Plan - Stage 1 North	L 307 PL	8	22 June 2011
Planting Plan – Stage 1 South	L 308 PL	8	22 June 2011
Planting Plan – Stage 2	L 309 PL (A)	8	22 June 2011

Fence Detailing	L 310 DT	6	11 February 2011
Drying Courtyard Screen Details	L 312 DT	6	11 February 2011
Landscape Construction Details	L 315 DT	8	22 June 2011

Engineering Drawings prepared by MPC Consulting Engineers; Project Number 10-256:

Name of Plan	Drawing Number	Issue	Date
Civil Works Cover Sheet	C01.00	4	14 February 2011
Sedimentation and Erosion Control Plan Sheet 1	C02.00	3	14 February 2011
Sedimentation and Erosion Control Plan Sheet 2	C02.10	3	14 February 2011
Sedimentation and Erosion Control Plan Sheet 3	C02.20	3	14 February 2011
Sedimentation and Erosion Control Plan Sheet 4	C02.30	2	14 February 2011
Sedimentation and Erosion Control Details	C03.00	2	14 February 2011
Stormwater Plan Sheet 1	C 04.00	5	14 February 2011
Stormwater Plan Sheet 2	C 04.10	5	14 February 2011
Stormwater Plan Sheet 3	C 04.20	4	20 May 2011
Sedimentation and Erosion Control Plan	C100.00	3	14 February 2011
Sedimentation and Erosion Control Plan	C200.00	2	14 February 2011
Stormwater Plan and Detail	C300.00	3	14 February 2011
Stormwater Plan Sheet 4	C04.30	2	14 February 2011
Stormwater Details	C04.50	3	14 February 2011

(b) Document Reference:

Document	Reference	Author	Date
Stormwater Management Plan	10-256	MPC Consulting Engineers	February 2011
Crime Risk Assessment	No ref	Imagescape Design Studios	8 February 2011
Landscape Design Report	No ref	Imagescape Design Studios	10 February 2011
Colour Board and Legend	P-06	Imagescape Design Studios	11 February 2011
Noise Impact Assessment	0121666RP01	ERM	September 2010
Bushfire Hazard Assessment Report	110090	BC & BHS	9 September 2010
Social Impact Assessment	No ref	Third Dimension	10 September 2010
Access Audit – Kressville Activity Centre and Independent Living Units A-E	No ref	ILC Access	5 July 2011
Statement of Heritage Impact	No ref	Carste Studio	March 2011

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.

#### 4. Staged Development

The staging of Development Consent No. 171/2011 requires the following works to be undertaken as designated:

### *Stage 1*

- Demolition of existing units 1-14 and 75-78;
- Construction of units 1A, 1-14, 75-78 and associated road works, pathways, infrastructure and landscaping;
- Internal refurbishment of the existing Administration Building and part demolition;
- Construction of the Activity Centre and associated car parking, infrastructure, pathways, and landscaping;
- Extension of Cypress Close to intersect with Wattle Drive; and
- Construction of boundary fencing along Freemans Drive.

### *Stage 2*

- Demolition of existing units 15, 16, 21 to 31, 33, 34, 42-45, 79 and 80; and
- Construction of units 21-31, 33-34, 42-45 and 79 and associated road works, pathways, infrastructure and landscaping.

Stage 2 of the development shall commence within three (3) years of issuing any Interim Occupation Certificate or Occupation Certificate, whichever is issued first, for Stage 1 of the development.

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

#### **5. Construction Certificate**

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

#### **6. 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.

#### **7. Occupation Certificate**

Prior to the occupation and/or use of a new or altered building, an Occupation Certificate must be issued by the accredited certifier.

#### **8. 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.

**9. Commencement of the Use of the Land – Housing for Seniors or People with a Disability**

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

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

- (a) Seniors, or people who have a disability,
- (b) People who live within the same household with seniors or people who have a disability,
- (c) Staff employed to assist in the administration of and provision of services to housing provided under SEPP (Housing for Seniors or People with a Disability) 2004.

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

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

**11. Hunter Water Requirements**

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

**12. NSW Rural Fire Service General Terms of Approval**

The NSW Rural Fire Service has granted general terms of approval for the development on the 18 April 2011.

Their response is a deemed bushfire safety authority as required under Section 100B of the Rural Fires Act 1997 and is issued subject to the following numbered conditions:

*Water and Utilities*

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:



- i. Extension to the water, electricity and gas supplies shall comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

#### *Evacuation and Emergency Management*

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

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

#### *Landscaping*

- iii. Landscaping within the site shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

### **13. Construction Management Plan**

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

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

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

### **14. Consolidation of Lots**

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, Lot 9 Sec 2 DP 3533, Lot 10 DP3533, Lot 8 DP 3534, Lots 1-3 DP 3534, Lot 11 DP 3533, Lot 12, Sec 2 DP 3533 and Lot 16, DP 129155, shall be consolidated and registered at the Land and Property Management Authority and a copy of the registered plan shall be provided to Council.

### **15. Waste Management Plan**

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

### **16. Garbage Storage Areas**

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

### **17. 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.

## **18. Car Parking and Allocation of Spaces**

**(Stage 1)** A total of 18 car parking spaces shall be constructed on the site in accordance with the minimum requirements of the Australian Standard AS/NZS 2890 as current at the time of construction, and maintained on the land in accordance with the approved plans.

The spaces shall be allocated in the following proportions:

Administration Building & Activity Centre	15 spaces
Disabled car spaces	3 spaces

The car parking spaces are to be identified on-site by line marking and must be numbered. The car parking provided shall only be used in conjunction with the Administration Building and Activity Centre.

The required disabled car parking spaces must be provided as shown in red on the approved plan, "Kressville Activity Centre Site Plan," Plan No. A021PL, Issue 8, prepared by Imagescape Design Studios and dated 6 June 2011.

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

All designated car parking spaces shall be available for use by employees and visitors during the business hours of the approved development. No spaces shall be marked, signposted or otherwise identified as being for the sole use of staff only. The spaces shall not be fitted with any equipment serving to render the car park inaccessible at any time, such as bollards, roller doors, or the like.

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

## **19. Parking Areas & Access Ways**

All parking areas and access ways shall be constructed, sealed and drained in accordance with the standards nominated in Lake Macquarie City Council's Development Control Plan No. 1 and the associated Engineering Guidelines.

## **20. Traffic Requirements**

### **(Stage 1)**

#### *Roadmarking*

Give-way signs and marked intersection lines are required across Cyprus Close and Paperbark Drive at Wattle Drive. Details of design, including signage, shall be incorporated within engineering plans to be approved by the Principal Certifying Authority prior to the issue of the first Construction Certificate for Stage 1.

#### *Pedestrian Crossings*

The existing concrete median on Central Road must be removed and replaced with a pedestrian refuge in the same location, which will allow pedestrians to cross Central Road, focussing on one direction of traffic flow at a time. Ramps and adequate warning signs indicating 'Aged' pedestrians are to be provided in advance of the refuge.

The existing pedestrian crossing on Central Road at Wattle Drive must be removed and relocated approximately 15 metres north, and installed in accordance with Australian Standard 1742.10:2009.

To improve pedestrian safety, both pedestrian crossings must be raised. Details of design, including signage, shall be incorporated within engineering plans to be approved by the Principal Certifying Authority prior to the issue of the first Construction Certificate for Stage 1.

### **(Stage 2)**

#### *Traffic Management*

The applicant shall arrange for the installation of bollards and/or landscaping or other suitable vehicle barrier and "No Through Road" signage to be located at the end of the existing driveway off Grevillea Close as shown in red on approved plan Stage 2 – Site Plan, Plan No. A 200 PL (A), Issue 6, prepared by Imagescape Design Studios and dated 26 July 2011.

The barrier is to prevent through traffic accessing Grevillea Close from Boronia Circle, however may be designed to permit emergency vehicle and pedestrian access.

Details of design, including signage, shall be incorporated within engineering plans to be approved by the Principal Certifying Authority prior to the issue of the first Construction Certificate for Stage 2.

## **21. Bus Shelter Upgrade**

**(Stage 1)** The existing bus stop and shelter that is adjacent to the site, located near the corner of Freemans Drive and Central Road, must be upgraded prior to the issue of an Interim Occupation Certificate or Final Occupation Certificate, whichever is issued first for Stage 1 of the development. This upgrading shall consist of a concrete hard stand

area extending from the shelter to the kerb, Tactile Ground Surface Indicators (TGSIs) and any other necessary changes to comply with the Disability Discrimination Act requirements.

## **22. 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.



## **23. Excavation – Non Indigenous Relics**

Should any relics be discovered then all excavations or disturbance to the area shall cease immediately and the Heritage Council of NSW shall be notified in accordance with Section 146 of the *Heritage Act 1977*.

All necessary approvals shall be obtained from the Heritage Council of NSW and copies provided to Council prior to works recommencing.

## **24. 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.

## **25. Earthworks & Erosion Control**

An Sedimentation and Erosion Control Plan (ESCP) shall be submitted prior to the issue of the Construction Certificate and approved by the accredited certifier. The ESCP shall comply with the provisions of DCP No. 1 Section 2.1.11 Erosion Prevention and Sediment Control.

The approved ESCP 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 ESCP 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, (silt/sediment fences etc), sufficient to prevent sediments, contaminants, and other debris leaving the site or entering downstream drainage lines;
- regular maintenance of erosion control works and sediment control measures;
- satisfactory disposal of intercepted sediments and other contaminants; and
- long-term stabilisation procedures, including proposed vehicle accessways/parking areas, which can be incorporated in a landscape rehabilitation plan if appropriate.

## **26. Erosion & Sediment Controls**

Prior to the commencement of work on the site, erosion and sediment control shall be installed in accordance with Council's Guidelines for Erosion and Sediment Control and the Blue Book (Landcom, 2004) as follows:

- (a) Sediment fence consisting of 1.5m tall driven pickets at 2.5m maximum intervals with Geotextile filter fabric securely attached to the pickets with the base of the fabric entrenched a minimum 150mm below undisturbed ground surface and/or straw bales fixed in a 100mm deep trench and held in position with stakes driven 600mm into the ground. Ensure any star pickets are fitted with safety caps. The use of shade cloth for this purpose is not satisfactory.
- (b) The site entrance/exit shall be constructed where identified on the site plan submitted with the DA. It shall have a minimum width of 3 metres with a surface of compacted aggregate (minimum 30mm to a max of 75mm) or a sealed surface. Where the sediment fence joins onto the site access, construct a hump in the access to divert water to the sediment fence.
- (c) Provision of a blue metal filled groin adjacent to the kerb inlet. The groin shall be 900 mm long by 200 mm diameter to be filled with 10-18 mm blue or crushed rock.
- (d) Material stock pile area (eg. sand or soil) shall be contained with a silt fence installed as per condition (a).
- (e) Any other directions given by Council's Sediment and Erosion Control Officer.

Should any soil or sediment escape from the building site (for example from vehicle tyres) it is to be cleaned off the roadway or gutter immediately to ensure it can not enter the drainage system. Any nearby drainage pit must be protected with blue metal sausages.

These controls are to be effectively maintained throughout the construction and post construction phase until the site's groundcover is measured at 90%. Failure to comply with these requirements may lead to Council instituting legal proceedings under the *Protection of the Environment Operations Act 1997*.

**27. Topsoil**

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

**28. Stockpiles of Topsoil**

Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by running water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb or road surface.

**29. Filling**

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

No additional fill shall be placed outside the area as shown on the approved plans, except with prior development consent or where the filling complies with the provisions for exempt development of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

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

**30. Runoff Detention And Sediment Interception Measures**

Prior to commencement of works, runoff detention and sediment interception measures shall be applied to the land to reduce flow velocities and to prevent topsoil, sand, aggregate, road base, spoil or other sediment escaping from the site or entering any downstream drainage easements or natural watercourses.

**31. Stormwater Disposal**

**Stormwater Detention and Harvesting**

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

- Stormwater shall be disposed of through a piped system designed in accordance with Australian Standard AS 3500 by a suitably qualified professional. Qualifications shall be in accordance with Part DQS.06 of Council's Engineering Guidelines.
- Final design drawing submitted for a **Construction Certificate** shall be generally in accordance with the strategy demonstrated by the Concept Stormwater Management Plans by MPC Consulting Engineers Ref:10-256 submitted in support of the application.
- Stormwater detention measures shall be constructed and maintained to ensure that the development does not increase upstream or downstream flood levels,
- Detention storage shall be calculated and designed in accordance with "Australian Rainfall and Runoff 1987" and the Lake Macquarie City Council guideline – "Handbook for Drainage Design Criteria" and shall conform to the specifications and standards contained in the LMCC Engineering Guidelines.
- Stormwater harvesting measures shall be constructed and maintained in accordance with clause 2.5.4 of DCP 1 (and supporting guidelines). Stormwater drainage plans shall include details of the harvesting system (eg. rainwater tank and pump details plus reticulation diagrams).

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

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

### **32. Fix Damage Caused By Construction Works**

The Applicant shall make good any damage or injury caused to a public road or associated structures including drains, kerb and gutter and utility services caused as a consequence of the development works. Any disused gutter and footpath crossing shall be removed and replaced with full kerb to match adjoining kerb to the satisfaction of the Principal Certifying Authority.

### **33. Construction Site Safety Fencing**

Construction site safety fencing must be provided around the construction area to prevent unauthorised access to the construction site.

### **34. Building Waste**

Suitable provision for the containment of building waste materials generated by the building process, shall be provided within the boundaries of the building site prior to

any construction work being commenced above natural or excavated ground level, as follows:-

- (a) Such containment measures are to be either by means of a screened area of silt stop fabric or shade cloth, having dimensions of 2.4 x 2.4 x 1.2 metres high OR equivalent size waste disposal bin;
- (b) The provision of a suitable enclosure or bin shall be maintained for the term of the construction to the completion of the project;
- (c) The enclosure or bin shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.

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

### **35. 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.

### **36. 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.



### 37. Asbestos

If asbestos is encountered during construction or 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.

### 38. Site Amenities

Throughout the course of building 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 sewered 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.

### **39. Removal, Management And Transportation Of Fill**

The excavated fill material is to be removed and 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.

### **40. 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.

### **41. Environmental Management**

#### **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.

#### **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).

## **42. Roads And Drainage Construction Works**

### **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,
  - 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.

### **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.

#### **Construction of Kerb and Gutter and Associated Works**

The Applicant shall construct all new roads with 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.

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

### **43. Traffic Management**

#### **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 its approval prior to the commencement of works.

#### **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.

### **Notification to Neighbours**

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.

### **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.

### **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.

### **Works as Executed Plan**

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

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

### **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.

### **Compliance Certificate for Works**

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

### **Application Fees for Required Internal Road Construction 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:

<b>Construction Certificate</b>	<b>\$ 1000</b>	Plus <b>\$50</b> Archival Fee	(inc GST)
<b>Compliance Certificate</b>	<b>\$ 1250</b>	Plus <b>\$50</b> Archival Fee	(inc GST)

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

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

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

#### **44. Disability Access Requirements**

Access for people with disabilities must be provided from the building(s) 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.

**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.

#### **45. Hours of Operation – Activity Centre**

Following commencement of occupation, the Activity Centre shall operate or trade only between the times stated as follows:

Mondays to Thursdays 9am to 5pm;

Fridays and Saturdays 9am to 10pm;

Sundays and Public Holidays 10am to 4pm.

Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.

A “No Alcohol Policy” must be in place for the Activity Centre as detailed in the approved Noise Impact Assessment, Ref. 0121666RP01, prepared by ERM and dated September 2010.

#### **46. Colour Scheme**

Buildings and structures shall be constructed using materials in accordance with the Colour Board and the associated Colour board Legend (P-06) prepared by Imagescape Design Studios, which forms part of the approved documentation for development consent 171/2011. All external cladding materials such as roofs, walls, and windows shall have low-reflective properties.

#### **47. Building Sustainability Index (BASIX) Certificate**

The applicant shall construct the dwellings in accordance with the Building Sustainability Index (BASIX) certificate number, Ref 319364M\_02 dated 23 March 2011 for Stage 1 and Building Sustainability Index (BASIX) certificate number, Ref 322152M dated 21 October 2010 for Stage 2 submitted with the application.

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

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

Prior to issue of an occupation certificate, certification of compliance with the BASIX Certificate is to be provided to the Principal Certifying Authority.

#### **48. Safety and Security Requirements**

**(Stage 1)** The following conditions must be met by the development to ensure safety and security for residents:

- i. A Lighting Plan showing all locations of proposed lighting and lighting details are required to be submitted and approved by the Principal Certifying Authority prior to the issue of the first Construction Certificate.
- ii. The front entry door of Unit Type A and Unit Type B must be provided with a glass panel, in a location where the resident can easily see who is approaching before they open the door. Details of the entry doors must be submitted and approved by the Principal Certifying Authority prior to the issue of the first Construction Certificate.
- iii. A maintenance plan must be prepared for the site which details maintenance of vegetation, graffiti management, litter control and malicious damage. The plan must include a policy that graffiti is to be removed within 24 hours, and lighting, if damaged or broken is to be restored within 48 hours. The plan is to be submitted and approved by the Principal Certifying Authority prior to the issue of an interim Occupation Certificate or a final Occupation Certificate, whichever occurs first.

#### **49. 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.

#### **50. Privacy Screens**

**(Stage 1)** A privacy screen must be installed around the outdoor area of Unit 9 and Unit 10, which adjoin Cypress Close as shown in red on the approved plan, "Hardscaping Plan – Stage 1 North," Plan No.L305PL, Issue 8, prepared by Imagescape Design Studios and dated 22 June 2006.

**(Stage 1)** A privacy screen must be installed between the outdoor areas of proposed Unit 1A and existing units 32 and 32A as shown in red on the approved plan "Hardscaping Plan – Stage 1 South," Plan No.L306PL, Issue 8, prepared by Imagescape Design Studios and dated 22 June 2006.

**(Stage 1 and 2)** All privacy screens for the development are to be in accordance with the detail of the drying courtyard screens shown on approved plan, "Drying Courtyard Screen Details," Plan No. L312DT, Issue 6, prepared by Imagescape Design Studios



and dated 11 February 2011. All privacy screens must be installed prior to the issue of an Interim or Final Occupation Certificate for the development, whichever occurs first.

#### **51. Category 3 Landscaping**

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

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

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*.

#### **52. Planting of Canary Island Palms**

The four (4) Bangalow Palms (*Archontophoenix cunninghamiana*) proposed at the entrance of Central Road and adjacent to the Administration Building car park shall be replaced with four (4) Canary Island Palms (*Phoenix canariensis*) as shown in red on the approved plan, Planting Plan – Stage 1 North, Plan No. L 307 PL, Issue 8, prepared by Imagescape Design Studios and dated 22 June 2011. The Canary Island Palms must be a minimum 75 litre container size.

#### **53. Landscape Reporting Requirements**

##### **Landscape Compliance Report**

The Landscape Consultant that produced the Landscape Construction Documentation and Specification shall submit a **Landscape Compliance Report**, to the Principal Certifying Authority prior to the issue of an interim Occupation Certificate or Final Occupation Certificate, whichever occurs first, that details the below inspections and submissions and certifies that the finished works comply with the approved Landscape documentation and specifications. The certification is to outline any minor defects, which must be rectified and any specific landscape maintenance requirements during the maintenance period.

The following inspections shall be carried out during the construction phase:

- Excavation of tree pits with root barrier and sub-surface drainage installed, prior to installation of the trees;
- Tree delivery prior to installation. Note: If desired, arrangements may be made to inspect trees prior to delivery to assist in avoiding rejection due to poor quality (NB inspection will still be required on site prior to installation);

- Completion of unit paving and finished concrete surfaces; and
- Completion of furniture installation.

The Landscape Consultant may delegate the inspections and production of this report to a local Consultant with equivalent qualifications where approval to do so is gained in writing by Council prior to issue of the first Construction Certificate.

### **Landscape Maintenance Report**

The Landscape Consultant that produced the Landscape Construction Documentation and Specification shall submit two **Landscape Maintenance Reports** (one at 26 weeks and one at 52 weeks after practical completion) to the Principal Certifying Authority to certify that at 26 and 52 weeks after Practical Completion the works have been satisfactorily maintained.

The Landscape Consultant may delegate production of these report to a local Consultant with equivalent qualifications where approval to do so is gained in writing by Council prior to issue of the first Construction Certificate.

### **54. Fencing**

**(Stage 1)** The proposed fencing shown on approved plan, Fence Detailing, Plan No. L310 DT, Issue 6, prepared by Imagescape Design Studios and dated 11 February 2011 must be provided with square capping above the concrete blockwork sections.

### **55. Emissions**

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

### **56. Advertising Structures and Signs**

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