

**JOINT REGIONAL PLANNING PANEL**  
**(Hunter Region)**

<b>JRPP No</b>	<b>JRPP Reference Number 2011HCC11</b>
<b>DA Number</b>	<b>DA/263/2011</b>
<b>Local Government Area</b>	<b>Lake Macquarie</b>
<b>Proposed Development</b>	<b>Seniors Living Housing</b>
<b>Street Address</b>	<b>11A Dobell Drive, Wangi Wangi</b>
<b>Applicant/Owner</b>	<b>Wangi District Workers Club</b>
<b>Number of Submissions</b>	<b>Sixteen (Five additional since JRPP deferral)</b>
<b>Recommendation</b>	<b>It is recommended that DA/263/2011 be approved, subject to the conditions contained in Appendix A to this report.</b>
<b>Report by</b>	<b>Andrew Leese, Senior Development Planner</b>

## **REPORT - DA/263/2011**

### **JRPP – 2011HCC11**

**Proposal:** Seniors Living Housing - under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

**Address:** 11A Dobell Drive, Wangi Wangi  
Lot 1 DP 652386

**Applicant:** Wangi District Workers Club

**Owner:** Wangi District Workers Club

**Lodged:** 3 March 2011

**Value:** \$11 million

**Consent Authority:** Joint Regional Planning Panel (JRPP)

**Referral Agencies:** Mine Subsidence Board

**Exhibition:** 14 March 2011 to 28 March 2011

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#### **PRECIS**

This application went before the Hunter JRPP on 15 September 2011. At that meeting Council staff made the following recommendation:

- (A) That DA/263/2011 be deferred for a period of up to twenty eight days to permit:
1. The lodgement of amended plans with the deletion of units 30, 37 and 8;
  2. The lodgement of amended plans showing the retention of tree No 10, adjacent Building J;
  3. The lodgement of plans showing the location of any required sub-station on the site; and
  4. The lodgement of plans / information showing details of retaining walls and fencing.
- (B) After consideration of the requested details, conditions of approval be drafted by LMCC for JRPP members consideration
- (C) If the applicant fails to submit plans or the requested details are not supported, reasons for refusal be drafted by LMCC for JRPP members consideration.

After the site visit, public comment and consideration, the JRPP made the following resolution:

- (a) the applicant be granted 28 days to permit:

1. The lodgement of amended plans with the deletion of units 30, 37 and 8;

2. The lodgement of amended plans showing the retention of tree No 10, adjacent Building J;
3. The lodgement of plans showing the location of any required substation on the site; and
4. The lodgement of plans / information showing details of retaining walls and fencing.
5. The applicant to undertake a risk assessment for the LPG tank located on site in relation to State Environmental Planning Policy No 33 Hazardous and Offensive Industry and its requirements. The lodgement of any amended plans is to be made if the proposal needs to be redesigned or LPG tank relocated as an outcome of this assessment.
6. The applicant provide a traffic management plan in relation to ensuring safe movements to Dobell Drive, including the prohibition of turn right movements out of the basement car park to Buildings A and B.
7. The applicant provide additional information to that provided in the Disclosure Statement to satisfy all the requirements of Clauses 26 and 40 of the SEPP (Housing for Seniors or People with a Disability) 2004.
8. The applicant and Council should consider the provisions of SEPP 19.

b) The details are to be submitted to Council and a recommendation made to a subsequent meeting of the Joint Regional Planning Panel, as soon as is practicable.

c) Council to provide comments on the legality of the section 94 contributions.

The following report details the applicant's and Council's responses to these matters only. The original précis and assessment reports are now appendices to this report.

- **The lodgement of amended plans with the deletion of units 30, 37 and 8:**

The application was not supported, due to the bulk and scale of the proposed development. It was acknowledged that with the removal of three of the proposed 41 units, namely units 30 (Building A), 37 (Building B), 8 (Building C), the application could be supported.

The applicant has submitted amended plans with the removal of these three units in line with the JRPP request. These plans are considered acceptable and identified as the approved plans in the recommended conditions. See condition No 3.

- **The lodgement of amended plans showing the retention of tree No 10, adjacent Building J:**

A fourth unit was considered problematic in terms of the three storey presentation to the street. It is considered acceptable on the basis of the retention of a tree on site to reduce visual impact.

The applicant has amended the plans showing the tree to be retained.

- **The lodgement of plans showing the location of any required substation on the site:**

Energy Australia had indicated the possibility that a sub-station may be required for the development. Council sought to have its proposed location known prior to determination, so that its location will not adversely affect the streetscape, local or internal residential amenity.

The applicant has provided comments from their electrical consultants:

After investigating the current and available power supply for Wangi Shores I have found the following

- The substation on site (55314) has currently a capacity of 630amps, I have attached a copy of the certified Energy Australia plans which show the substation layout and capacity. If required and the sub[station] can be upgraded from 630amps to 800 amps.
- There is a photo attached which shows the current location of the substation in relation to the existing switchboard which was all installed in stage 1 to accommodate the both stage 1 and the future stages
- The plans for the switchboard (which are attached ) show that the switchboard was designed and built to cater for future expansion . After visiting the site on the 30/9/11, I can confirm that the switchboards are as per the attached drawings
- I have done a maximum demand for the total development(existing and future) which takes into account 90 dwellings, community centre and general power/lighting for the site. As per the attached printout it shows that the maximum demand for the site is under 550amps for each phase which is under the 630amps which is currently available.

In summary I believe that the current supply is adequate for proposed development. Even if the supply is upgraded at the substation to 800amps, both the service mains and the main switchboard have been designed and installed to cater for this.

In line with these comments, no substation should be required on the site. However, a condition is recommended that Energy Australia endorse the supply of power to the proposed development prior to the issue of a construction certificate and a that a modification application be lodged with Council if a new substation is to be located on the site. See condition No 58.

- **The lodgement of plans / information showing details of retaining walls and fencing:**

Council's Landscape Architect had requested these plans. A one page site plan was lodged with Council and forwarded to the Landscape Architect for comment on 3 November 2011. Additional information was requested and supplied. These plans showed the location and details of the boundary fencing and location of split face concrete blockwork retaining walls. On 28 November 2011 Council's Landscape Architect concluded their comments recommending conditions for approval. These have been included in the consent. See condition No 19.

- **The applicant to undertake a risk assessment for the LPG tank located on site in relation to State Environmental Planning Policy No 33 Hazardous and Offensive Industry and its requirements. The lodgement of any amended plans is to be made if the proposal needs to be redesigned or LPG tank relocated as an outcome of this assessment:**

SEPP 33 requires Council to consider hazardous storage establishments, which include LPG tanks.

The applicant provided a letter from Origin Energy, who presently service the 1 x 4.5kl gas tank on the site. This letter was referred to Council's Environmental Health section when this letter was received for comment. The officers indicated that an LPG tank is considered potentially hazardous when it exceeds 16kl. (Table 3 of the SEPP 33 Guidelines 2011.) If the applicant has to increase the tank to 7.5kl, as noted in the letter from Origin Energy, it will still not be considered hazardous. Accordingly, as the existing tank or a larger 7.5kl tank is not considered potentially hazardous, a preliminary hazard analysis (Part 3 SEPP 33) is not required.

AS2430 Classification of hazardous areas - Flammable gases, sets out acceptable distances, eg away from dwellings, that the tank must comply with. The existing tank does not satisfy these distances. However, the tank can easily be moved within the area between buildings H, J and I to comply with these standards. As such, a condition is recommended that any LPG tank located within the area between buildings H, J and I comply with the relevant aspects of AS2430, (generally 6 metres). See condition No 8.

- **The applicant provide a traffic management plan in relation to ensuring safe movements to Dobell Drive, including the prohibition of turn right movements out of the basement car park to Buildings A and B:**

While this matter was considered by the applicant's and Council's traffic engineer, concerns were raised on site with the speeds of drivers and poor sight lines available to generally elderly drivers leaving the site, in particular right hand movements out of the basement car park to Buildings A and B. In line with these comments, the applicant's traffic engineer has provided a strategy that requires:

*A raised triangular island to be provided in the access adjoining the Dobell Drive carriageway; the island could be DA approval conditioned for inclusion in the detailed design plans when submitted to Council for approval prior to construction. The triangular island would direct all existing traffic to the left and be supported by standard Keep Left sign plus the regulatory ONLY sign*

*installed on that island, both facing the existing traffic. There would be no restriction put on inward traffic in this revised access design."*

Accordingly, a condition has been recommended along the lines of the traffic consultant's response above. See recommended condition No 7.

- **The applicant provide additional information to that provided in the Disclosure Statement to satisfy all the requirements of Clauses 26 and 40 of the SEPP (Housing for Seniors or People with a Disability) 2004.**

Clause 26 of the SEPP HSPD states the consent authority:

must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:

- (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and
- (b) community services and recreation facilities, and
- (c) the practice of a general medical practitioner.

The SEE lodged with the application and the Disclosure Statement indicates that the site can comply with subclauses 1 (a) and (b). In relation to subclause 1 (c) the applicant has provided details regarding provision of medical services as follows:

- Morisset Medical Clinic Ph 49734266 – have 3 doctors all are taking new patients
- Waratah Medical Services (Morisset) Ph 49731126 – have 2 doctors, 1 is taking new patients
- Bonnells Bay Surgery Ph 49705255 – have 7 doctors, 3 taking new patients
- Westlakes Medical Centre (Rathmines) Ph 49751500 – 3 doctors, 1 taking new patients
- Toronto General Practice Ph 49591288 – 7 doctors books closed but are taking names for waiting list
- Wangi Surgery Ph 49751455 – 1 doctor, taking new patients
- Warners Bay Medical Centre Ph 4987877 – 6 doctors, 5 taking new patients

- **The applicant and Council should consider the provisions of SEPP 19.**

SEPP 19 is entitled 'Bushland in Urban Areas'. It's aim is "*to protect and preserve bushland within the urban areas...*" Cl 9 (2) of the SEPP requires Council to consider:

- (d) the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland, and
- (e) any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.

In this regard, the area of land to the north-west of the site is zoned for open space. The environmental impact on this area will be negligible, with the proposed buildings set well back (7 to 25m) from the area of open space and the overall development having limited impacts on the integrity of the existing trees located within the reserve.

- **The details are to be submitted to Council and a recommendation made to a subsequent meeting of the Joint Regional Planning Panel, as soon as is practicable.**

It is noted that the minutes of the original JRPP meeting were officially finalised on 30 September 2011. While the minutes were available on-line from this date the applicant was formally notified by Council of the minutes on 25 October 2011. Final comments in relation to fencing/retaining wall details and legal opinion on s.94 contributions were finalised by 28 November 2011. This report was then completed for submission to the JRPP.

- **Council to provide comments on the legality of the section 94 contributions.**

An opinion was sought on the ability to levy s.94 on the entire number of dwellings proposed or those additional to the 2002 DA approval. The legal opinion has been forwarded to the JRPP Secretariat. Accordingly, a condition regarding s.94 has been imposed, with a levy for 12 x 2 bedroom dwellings, based on an occupancy rates for senior living developments. This contribution is \$95,567.69. See condition No 57.

### **Additional Submissions**

Five submissions were received by the JRPP and Council after the meeting date. The submissions were from residents who had previously commented on the proposal. The main issues raised in these submissions relate to:

- View loss
- 25% single storey component
- Trees
- Bulk and Scale
- Streetscape impact

These matters have been considered in the original merit assessment and deemed to be adequate.

### **Recommendation**

The applicant has provided sufficient information and details in relation to the matters of deferral. Accordingly, the matter is recommended for approval, subject to conditions, contained in Appendix A.

Andrew Leese  
**Senior Development Planner**  
**Lake Macquarie City Council**

***Appendices***

- A. Recommended Conditions of Approval
- B. DA Report (and appendices) to JRPP meeting of 15 September 2011
- C. Official Minutes of JRPP meeting of 15 September 2011



## Appendix A – Recommended Conditions of Approval

### 1. Prescribed Conditions

- (a) The work must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (b) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

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

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

## 2. Approved Documentation

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

(a) Plans Reference:

Architectural and Landscape Drawings; prepared by: Kevin Snell Architects; Project Number. 569			
Name of Plan	Drawing Number	Issue	Date
Locality Site Plan	DA0701	C	12.07.11
Part Site Plan	DA1001	D	12.07.11
Carpark Floor Plan	DA1101	D	12.07.11
Ground Floor Plan	DA1201	E	21.09.11
First Floor Plan	DA1301	E	21.09.11
First/Second Floor Plan	DA1302	D	21.09.11
Roof Plan	DA1401	E	21.09.11
Elevattions (sic) and Sections	DA1501	E	21.09.11
Elevattions (sic) and Sections	DA1502	F	21.09.11
Elevattions (sic) and Sections	DA1503	D	12/07.11
Landscape Plan (prepared by outdoor interests – job 11015)	L01	A	06.05.2011

(b) Document Reference:

Document	Reference	Author	Date
Statement of Environmental Effects	301017-00341	Worley Parsons	9 February 2011
Building Colour Scheme	Issue 1 21/7/11	Snell Architects	21 July 2011
Crime Risk Assessment	301017-00341	Tekton Holdings P L	6 May 2011
Acoustic Report Addendum	02-393-L3	Reverb Acoustics	15 May 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.

### **3. 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.

### **4. Earthworks & Erosion Control**

A Soil and Water Management Plan (SWMP) shall be submitted to Council as part of the Development Application. 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 The Blue Book (Managing Urban Stormwater – Soils and Construction. Landcom, 2004); and

♦ All erosion and sediment control measures are in accordance with the latest version of The Blue Book (Managing Urban Stormwater – Soils and Construction. Landcom, 2004).

**5. 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.

**6. 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.

**7. Traffic Management**

A raised triangular island to be provided in the driveway access to Buildings A and B to direct all exiting traffic to the left. A standard Keep Left sign plus the regulatory ONLY sign is to be installed on that island, both facing the exiting traffic.

Detailed design plans are to be submitted to Council for approval prior to issue of a Construction Certificate.

**8. LPG Tank**

The LPG tank located within the area between buildings H, J and I is to comply with the relevant aspects of AS2430.

**9. Stormwater Disposal**

**Stormwater Detention and Harvesting**

The applicant shall include stormwater plans and supporting calculations for the development with the Construction Certificate application. The stormwater design shall be generally in accordance with the design prepared by Michael Fitzgerald consulting Engineers Pty Ltd, reference number 07/3090 dated June 2011 and in accordance with the following:-

- Stormwater shall be disposed of through a piped system designed in accordance with Australian Standard AS 3500 by a suitably qualified professional. Qualifications shall be in accordance with Part DQS.06 of Council's Engineering Guidelines.
- Stormwater 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.

#### **10. Geotechnical Report Compliance**

The Applicant shall comply with the recommendations of the Geotechnical Report No. 31561.04 prepared by Douglas Partners Pty Ltd dated 30 March 2010. Any works proposed to be undertaken in relation to the application shall embody all the relevant recommendations of the Geotechnical Consultants. All construction plans shall be endorsed by and carry the original signatures of the Geotechnical Consultants prior to the issue of a **Construction Certificate**.

The applicant shall provide the Principal Certifying Authority with written confirmation from the Geotechnical Engineer that all remediation work identified in the report has been undertaken prior to the issue of an Occupation Certificate.

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

Any damage or injury caused to a public road or associated structures including footpaths, drains, kerb and gutter and utility services caused as a consequence of the construction works shall be made good at the cost of the person with the benefit of the consent.

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

#### **12. Dilapidation Survey Report**

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.

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 Occupation Certificate.

**13. Retention of Trees and Native Vegetation (Building)**

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

- (a) has been identified for removal on the approved plans or documentation; or

A separate application shall be made to Council in accordance with Clause 34 of Lake Macquarie City Council LEP 2004 for the removal of any other trees or native vegetation. This includes application for the removal of any understorey vegetation or the stripping of ground cover vegetation that is outside those areas approved for construction.

**Note:** In accordance with Clause 34 of *Lake Macquarie City Council Local Environmental Plan 2004* trees or native vegetation on the site that are in close proximity to the approved buildings (ie; within 0 to 5 metres of the approved building) may also be removed provided they have not been identified for specific retention in any of the approved plans or documentation.

**14. Topsoil and Stockpiles of Materials**

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

Stockpiles of topsoil, sand, aggregate, spoil or other material stored on the site that is capable of being moved by running water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb, and/or road surface. Suitable sediment and erosion control devices shall be installed prior to the stockpile being created. The stockpile shall be treated so its surface is erosion resistant to wind and water action. No stockpiles of topsoil, sand, aggregate, spoil or other material shall be located on the public footpath or road reserve.

**15. Disposal of Excess Fill**

Any excess fill arising from the proposed development shall be deposited at a Council approved site. Notification and prior arrangement to this Council approved site may be required prior to any fill being deposited. The details of the composition and volume of the fill and the site of disposal are to be forwarded to Council prior to issue of a Construction Certificate.

**16. Importation of Fill**

Prior to the importation of any fill onto the site, such material shall be validated from a contamination perspective to ensure the imported fill is suitable for the proposed land use. Fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage.

All fill imported onto the site is to be validated by the following methods during remediation or earthmoving works.

- (a) Documentation from a suitably qualified person (geotech engineer or occupational hygienist), which certifies that the material is not contaminated

based upon analysis of the material or the known past history of the site where the material is obtained; and /or

(b) Sampling and analysis of the fill material should be conducted in accordance with the *EPA Sampling Design Guidelines (1995)* to ensure that the material is not contaminated.

#### **17. 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*.

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

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

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

#### **19. Retaining Walls and Boundary Fencing**

A suitably qualified Arborist shall be appointed to supervise the construction of the retaining walls near Tree 23 and Tree 29 and the fence to eastern boundaries, especially during excavation works.

The proposed 'picket' fencing shall not exceed 1.5 metres in height. Any fencing is to be located a minimum of 1 metre away from tree trunks and concrete footings are to be outside structural root zones.

The Landscape Plan is to be updated with fencing and retaining wall amended details, (as shown in plans DA7401 issue B dated 11.11.11), prior to this issue of a CC. A copy is to be forwarded to Council with any CC documentation.

All costs associated with the removal and replacement of any fence shall be borne by the person with the benefit of the consent and not the relevant neighbouring property owners.

Fourteen days written notice shall be given to any relevant neighbouring property owner of the intention to erect the boundary fencing.

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

A total of 96 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:

Residential	84
Residential – Visitors	12

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 uses contained within the development and except as provided for in these conditions are not to be used other than by an occupant or tenant of the development.

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

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

Visitor car parking spaces shall be assigned to the common property should the development be strata subdivided.

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.

## **21. Parking Areas and Access Ways**

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

## **22. 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.

## **23. 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.

## **24. Disability Access Design Audit**

A disability access design audit which has been certified by an accredited access consultant shall be submitted, certifying the development's compliance with the Building Code of Australia and the Disability Discrimination Act 1992 in relation to the provision of equity in access for disabled persons.

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



**Note:**

- (a) Compliance with the Building Code of Australia only, can still leave a building professional or building owner in contravention of the Disability Discrimination Act 1992.
- (b) The Association of Consultants in Access Aust Inc at [www.access.asn.au](http://www.access.asn.au) may be able to provide further information.

**25. Ausgrid Requirements**

Prior to the issue of the first Construction Certificate, any requirements of Ausgrid shall be obtained and a copy of the such requirements shall be lodged with Council and the Principal Certifying Authority. All works shall comply with the requirements of Ausgrid.

**26. Building Sustainability Index (BASIX) Certificate**

The applicant shall construct the dwelling in accordance with the Building Sustainability Index (BASIX) certificate number 356695M, dated 24 January 2011 and submitted with the application.

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

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

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

**27. Supporting of Adjoining Building**

All excavations and backfilling shall be executed in a safe and workmanlike manner and in accordance with appropriate professional standards.

All excavations shall be properly guarded and protected to prevent them from being dangerous.

If an excavation extends below the footings of a building on an adjoining allotment of land, the person causing the excavation to be made shall, at their own expense, comply with the requirements of Part 3.1.1.3 Building Code of Australia; and

- (a) preserve and protect such building from damage; and
- (b) if necessary underpin and support such building in an approved manner.

The person causing the excavation to be made shall, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of their intention to do so to the owner of the adjoining allotment of land and shall at the same time furnish to such owner particulars of the work proposed to be done.

**28. 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.

#### **29. Backfill**

All retaining structures shall be backfilled with free draining granular material and incorporate subsurface drainage at the base of the wall.

All surface and subsurface drainage water shall be collected and disposed of to either an interallotment drainage easement, an existing Council drainage system or a natural watercourse.

#### **30. Building Waste**

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

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

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

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

#### **31. No works on adjoining Public Reserve**

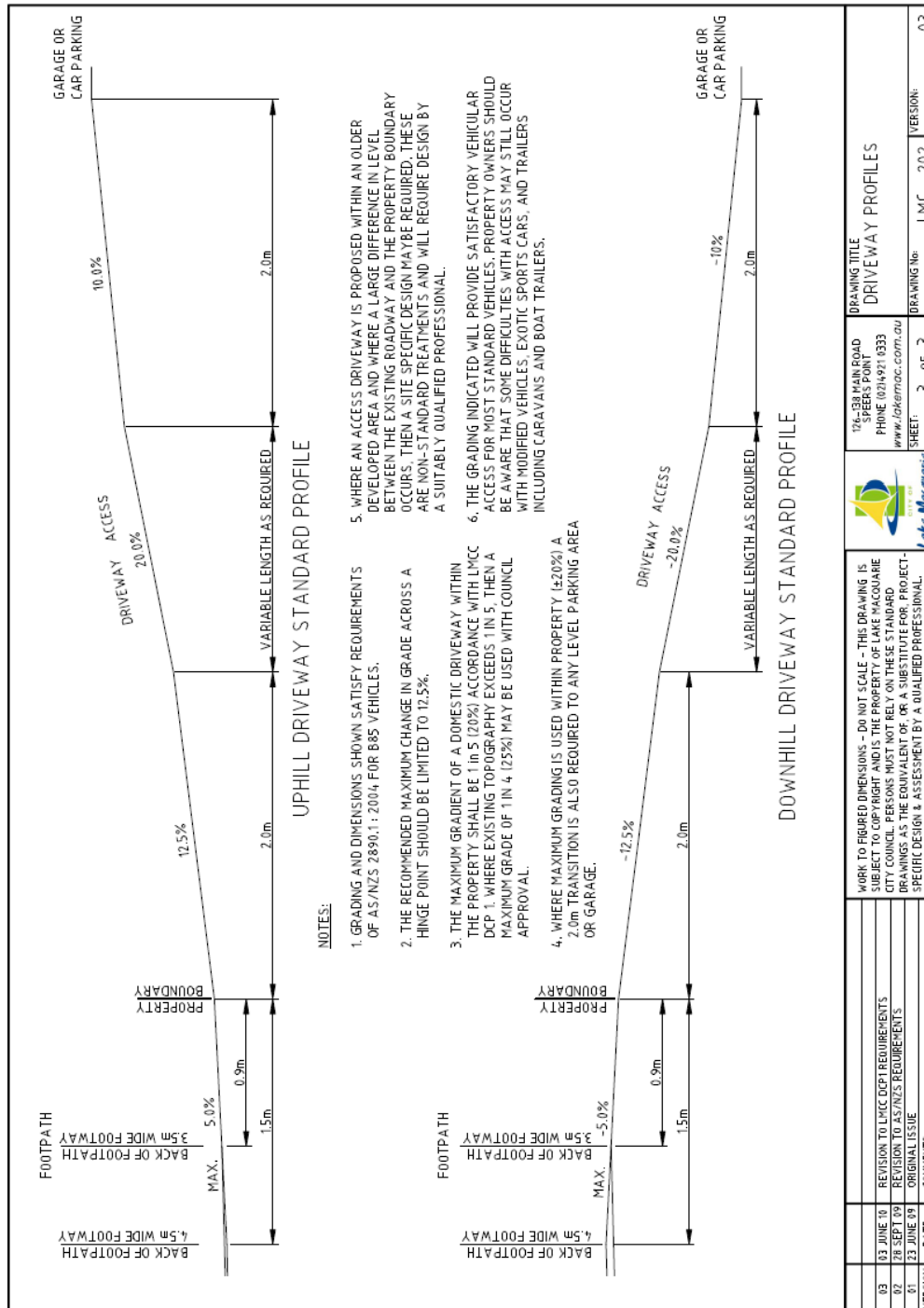
The public reserve adjoining the site shall not be affected by site works, construction materials stockpiles, waste, building products and debris, site sheds, spoil placement or the like. No access for vehicles, machinery or goods to the site shall be gained across the public reserve without a written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

#### **32. Driveway Design and Construction**

The driveway to the garage or car parking area of the development shall be designed and constructed in accordance with the following requirements and the Standard Drawing LMC-202 shown below:

- (a) The Driveway design levels at the front boundary shall be obtained from Council's Asset Management Department prior to design of the driveway.
- (b) The Driveway Longitudinal Section, incorporating the design level provided by Council and other construction details (i.e. concrete thickness and reinforcement), shall be submitted to the Principal Certifying Authority for approval with the Construction Certificate.

- (c) The maximum gradient of the driveway shall not be steeper than 1V:5H (20%).
- (d) Suitable transition areas a minimum of 2 metres long shall be provided at the front boundary and at the entry to the garage or car parking area in accordance with AS 2890.1:2004.
- (e) Prior to undertaking construction of the driveway within the road reserve, the construction formwork and reinforcing must be inspected and approved by Council.



### 33. Driveway Design and Construction (Driveway Extension)

The maximum gradient of the new extension to the driveway to any new/existing garage, carport and/or carparking area shall not exceed 1:5. Suitable transition zones a minimum of two metres long shall be provided at the connection to any garage or car parking area in accordance with AS 2890.1:2004.

The connection to the existing driveway, should the existing driveway exceed 1:5, shall have a transition zone of 1:8 over two metres to the new driveway extension in accordance with AS 2890.1:2004.

In respect to the construction of the new driveway:

- (a) a longitudinal section of the driveway shall be submitted to the Principal Certifying Authority for approval indicating the roadway level, the kerb and gutter invert level and the garage, carport and/or carparking area level prior to the issue of the first Construction Certificate.
- (b) a longitudinal section showing work as executed levels shall be submitted to the Principal Certifying Authority certifying that the driveway has been constructed in accordance with approved longitudinal section prior to the issue of the first Occupation Certificate.

#### **34. Road Openings**

The applicant is hereby given permission to open a road/footpath for the installation of all water services, cables or mains. Upon completion of the work, you shall return the surface to a safe condition.

All precautions must be taken to protect the public while work is in progress.

Prior to carrying out an opening, please contact Council's Customer Service Centre on 4921 0333 to advise when the works will be carried out.

Restoration fees will apply.

#### **35. Unobstructed Footpath Access**

Throughout the construction of the approved development on the land, Councils' footpath is to be kept clear of any materials, refuse, skip bins or the like under any circumstances to allow unobstructed access by pedestrians.

Where it is not possible to store materials, refuse, skip bins or the like on the site, it will be necessary to make an application to Councils' Asset Management Department, to erect barricades and the like, to provide safe pedestrian access.

Note - Fees are payable as set out in Council's Pricing Policy.

#### **36. Effluent Disposal**

Prior to the issue of the first Construction Certificate, approval shall be obtained under Section 68 of the *Local Government Act 1993*, for the installation of an on-site sewage management system.

The application shall be submitted to Council together with the design details, site assessment report and payment of the prescribed fee.

Following installation of the approved on-site sewage management system, an "application to operate" the system, under the provisions of section 68 of the

*Local Government Act 1993*, shall be submitted to and approved by Council, prior to use of the system.

No Occupation Certificate shall be issued until the system has been completed and inspected by Council and an "approval to operate" the system has been issued.

### **37. Site Amenities**

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

Each toilet shall be installed as follows:

- (a) in a sewered area, connect the temporary builder's toilet facility to the Hunter Water Corporation's sewerage system in accordance with such authority's requirements prior to commencing any building work.
- (b) where the connection of the toilet facility to the Hunter Water Corporation's sewer is impractical, an application to approve the use of a chemical closet is to be made to Council accompanied with the appropriate fee for approval. Such approval shall be obtained prior to the issue of a Construction Certificate.

### **38. Swimming Pool**

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

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

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

#### **Sewered Area**

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

#### **Unsewered Area**

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

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

### **39. Swimming Pool/Spa Motor and Pump**

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

**Note:**

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

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

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

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

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

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

#### **41. 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.

#### **42. 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.



#### **43. Noise - Construction Sites**

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

#### **Construction Time Restrictions**

Monday to Saturday, 7.00am to 5.00pm.

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

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

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

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

#### **44. Acoustic Certification**

Council has reviewed, considered and relied on the information provided in the acoustic report prepared by Reverb Acoustics project number 02-393-R1 dated November 2002 including Addendums 02-393-L2 dated March 2010, and 02-393-L3 dated May 2011, when assessing this development.

The applicant shall ensure that the recommendations contained in this acoustic report are incorporated into the design and construction of the development.

An acoustic consultant shall be engaged to assist with the preparation of the final building plan and specifications to ensure compliance with any acoustic conditions and that no other noise nuisance is created to the neighbourhood.

Upon completion of the works, a certificate shall be provided from an acoustic consultant certifying that the works have been completed in accordance with their requirements prior to the issue of an Occupation Certificate.

At three (3) months of commencement of occupation, a certificate shall be provided from an acoustic consultant, certifying that the acoustic performance detailed in the approved acoustic report has been achieved.

#### **45. Acoustic Design & Certification**

Prior to the issue of a construction certificate, Council will require a statement from a recognised acoustic consultant, certifying that the proposed machinery, plant and equipment has a maximum allowable sound power level in accordance with the recommendations outlined in section 6.2 of the acoustic report 02-393-R1 dated November 2002 prepared by Reverb acoustics; and/or details of acoustic enclosures, to ensure that the operating noise level of the equipment complies with its operating criteria at the boundary of any residential premises.

**46. 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.

**47. 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.

**48. Noise - Sleep Arousal**

The L1 (one minute) operating noise level during night time hours of the premises when measured at the window of any affected residential dwelling shall comply with the NSW Environment Protection Authority sleep arousal criteria, calculated in accordance with Chapter 19 of the NSW Environment Protection Authority, Environmental, Noise Control Manual.

**49. Noise - Entertainment**

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

The L10 noise level emitted from the premises shall not exceed the L90 background noise level in any octave band frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 7.00am and midnight at the boundary of any affected residential premises.

The L10 noise level emitted from the premises shall not exceed the background noise level in any octave band frequency (31.5Hz - 8kHz inclusive) between midnight and 7.00am at the boundary of any affected residential premises.

Notwithstanding compliance with the above, the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

For the purpose of this condition, the LA10 can be taken as the average maximum defection of the noise emission from the premises.

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

**50. Noise – Time Restrictions**

The provision of garbage services and bulk collection shall be carried out between the hours of 7:00am to 6:00pm Monday to Friday

The outdoor pool, provided for visitors and residents, is only to be used during daytime and evening hours of:

7:00am to 10pm Monday to Saturday.

8:00am to 10pm Sundays and Public Holidays

The workshop shall only operate during daytime hours between 8am to 5:00pm.



### **51. Bund Spillage Areas**

Chemicals stored in bulk form, or work areas where spillages are likely to occur, are to be suitably banded in accordance with the NSW Environment Protection Authority, Environment Protection Manual – “Bunding and Spill Management.”

### **52. Emissions**

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

### **53. Washbay Construction & Usage**

Any washing, degreasing or steam cleaning of vehicles, plant, engines, mechanical equipment or parts are to be carried out within an approved, wash bay or vessel designated for this use, and is not be carried out elsewhere on the site.

The wash bay must be roofed, and the floor area banded, graded and drained to a suitable floor sump. Wastewater must be pumped to an oil separator for treatment and discharged to the sewer with the approval of the Hunter Water Corporation.

If sewer is not available to the premises, wastewater may be discharged to a storage tank for collection and disposal by a NSW Environment Protection Authority licensed waste removal contractor.

### **54. Garbage Storage Areas**

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

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

Construction details shall be provided to Council prior to the issue of a construction certificate.

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

### **55. 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) 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 of Works in a Public Road**

Construction works located within a public road reserve and 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 undertake the following construction works.

- The applicant shall construct in Puna Avenue, along the full frontage of the development site, kerb and gutter and associated road pavement, road shoulders and footpaving including drainage and adjustment to existing constructions.
- The applicant shall construct concrete footpaving 1.2 metres wide in Dobell Drive from the existing footpaving to the north of the site to the pedestrian refuge to the south of the site.

All works shall be designed and constructed 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**.

### **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.

### **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.

## **56. 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.

### **Compliance Certificate for Works**

The Applicant shall obtain and submit a **Compliance Certificate/s** to the PCA to certify that all construction works in the public road reserve have been constructed in accordance with this Development Consent, the **Construction Certificate** and all other standards specified in this consent. The Occupation Certificate shall not be issued until the Compliance Certificate has been provided to the PCA.

### **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 for works within the road reserve the following fees would be payable:

**Construction Certificate           \$ 750.00   Plus \$50 Archival Fee   (inc GST)**

**Compliance Certificate           \$ 960.00   Plus \$50 Archival Fee   (inc GST)**

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

**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.**

**57. Contribution To Provision Of Services (Sec. 94)**

(a) In accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and the Lake Macquarie Section 94 Contributions Plan No. 1 – City Wide - Toronto Catchment 2004 (as amended), the monetary contributions in the attached Contributions Schedule shall be paid to Council for the purposes identified in that Schedule.

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

- 14 August,
- 14 November,
- 14 February, and
- 14 May

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

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

(c) The contributions payable will be the amounts last indexed and adjusted in accordance with Clause (b) above. However, if no amount has been indexed and adjusted because the first date for indexation and adjustment has not arrived, the contributions payable shall be those in clause (a) above.

(d) The contributions shall be paid to Council as follows:

- Development Applications involving subdivision – prior to the release of the Subdivision Certificate.
- Development Applications involving building work – prior to the release of the first Construction Certificate.

- Development Applications involving both subdivision and building work – prior to the release of the Subdivision Certificate or first Construction Certificate, whichever occurs first.
- Development Applications where no Construction Certificate or Subdivision Certificate is required – prior to the release of the development consent or prior to Occupation.

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

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

A copy of the Lake Macquarie Section 94 Contributions Plan No. 1 – City Wide - Toronto Catchment 2004 (as amended) 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>
Toronto Catchment - OSA Land	\$52,502.78
Toronto Catchment - RF - Capital	\$33,212.78
Toronto Catchment - CF - West Lake - Capital	\$7,950.89
Toronto Catchment - CF - West Lake - Land	\$710.78
Toronto Catchment - Management	\$1,190.26
<b>TOTAL \$95,567.69</b>	

### **58. Electrical Substation**

Energy Australia shall endorse the supply of power to the proposed development prior to the issue of a construction certificate. If an additional electrical substation is to be located on the site, a section 96 modification application is to be lodged with Council for consideration.