

APPENDIX D

Draft Recommended Conditions: DA-2012/419

Integrated Development Application No: DA-2012/419

Land to which the Application relates:

Lots 103 DP 881682: 2/90 Vale Street, Birmingham Gardens (Vale Street Site)

Part Lot 10 DP1149782, 8/475 Sandgate Road, Shortland (Lorna Street Site)

Lot 151 DP 1143683, 4/50A Queen Street, Waratah (Hunter Water Chichester Pipeline Lot)

Part Lot 101 DP 881682 - now Part Lot 1 DP1188100 (University Land)

Proposed Development: CONCEPT STAGED DEVELOPMENT FOR SENIORS HOUSING, GOLF COURSE AND ASSOCIATED WORKS

Determination:

In accordance with section 83B of the Environmental Planning and Assessment Act 1979 the Development Application has been determined by granting of **CONSENT** by the Hunter and Central Coast Joint Regional Planning Panel subject to the conditions specified below:

A. REASONS FOR CONDITIONS

- A1. The conditions of this consent have been imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979. The conditions relate to any matter referred to in Section 79C(1) of relevance to the development the subject of the consent and are imposed to ensure that the development is undertaken in an orderly manner, with acceptable impacts on the natural and built environment.

B. CONCEPT APPROVAL

- B1. Except where modified by conditions of this consent, the concept approval for the development comprises the following stages. Each stage will require a future detailed development application.

Note: the following staging amends the proposed staging submitted with the development application.

Stage 1: Contamination Remediation Works of the 'Lorna Street site' (Lot 10 DP 1149782)

DA may also include associated golf course design and works applicable to this land indicated in Stage 4.

Stage 2: 'Vale Street site' (Lot 103 DP 881682) - Contamination Remediation Works, if required

DA may also include associated golf course design and works applicable to this land indicated in Stage 3.

Stage 3: 'Vale Street site' (Lot 103 DP 881682) - Golf Course Redesign Works

Golf Course redesign of this site may be staged to accommodate the initial Stage of the Seniors Living Development (Stage 5a)

Stage 4: 'Lorna Street site' (Lot 10 DP 1149782) - Golf course design and works

Stage 5: Seniors Living Development

Stage 5 must not commence until the works required by Stages 1 and 2 are fully complete.

If the construction of Stage 5 is to be undertaken in separate stages, then the first stage (referred to within this Consent as Stage 5a) must comprise (but not be limited to) the following works:

- access road upgrade
- relocation of the 16 golf club parking spaces
- Residential Care Facility (with associated communal services and facilities)
- self care housing (apartments and villas)
- waste transfer facility.

Occupation of the subsequent stages will not be permitted until Stage 5a is fully complete.

Stage 6: Subdivision of the Seniors Living Development

Stage 6 must not occur until Stage 5a is complete and an occupation certificate has been issued.

C. INTEGRATED DEVELOPMENT CONDITIONS

C1. The following conditions have been imposed by the relevant approval bodies in relation to the development relating to the required approvals and must be addressed in the applicable Stage of the proposed development:

C(i). Section 91 of Water Management Act 2000 (Department of Primary Industries - Office of Water)

The following General Terms of Approval apply for work requiring a Controlled Activity Approval under Section 91 of the *Water Management Act 2000* (issued by the Department of Primary Industries - Office of Water, Ref 20ERM2012/0380 dated 8 May 2013, adopting the same numbering)

Plans, standards and guidelines

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 2012/419 and provided by Council to the NSW Office of Water.

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

2. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the lake identified.
3. The consent holder must prepare or commission the preparation of:
 - i. Vegetation Management Plan
 - ii. Works Schedule
 - iii. Erosion and Sediment Control Plan
 - iv. Soil and Water Management Plan
 - v. Amendments to Plans-Provision of 20m riparian buffer around all SEPP 14 wetlands and any other waterfront land.
4. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's Guidelines located at www.nsw.gov.au/Water-Licensing/Approvals/default.aspx
 - i. Vegetation Management Plans
 - ii. Laying pipes and cables in watercourses
 - iii. Riparian Corridors
 - iv. In-Stream works
 - v. Outlet structures
 - vi. Watercourse crossings
5. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

Rehabilitation and maintenance

6. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
7. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approve by the NSW Office of Water.

Reporting requirements

8. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.

Security deposits

9. The consent holder must provide a security deposit (bank guarantee or cash bond)- equal to the sum of the cost of complying with the obligations under any approval-to the NSW Office of Water as and when required.

Access-ways

10. N/A

11. The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.

Bridge, causeway, culverts, and crossing

12. The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the lake or waterfront land, other than in accordance with the plan approved by the NSW Office of Water.
13. N/A

Disposal

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

Drainage and Stormwater

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

Erosion Control

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

Excavation

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

Maintaining river

20. N/A
21. N/A

River bed and bank protection

22. The consent holder must establish a 20m wide riparian corridor/buffer along all SEPP 14 wetlands and any other waterfront land in accordance with a plan approved by the NSW Office of Water. The 20m riparian zone must be restored and managed to provide an ecological buffer to the existing wetlands, and consist of fully structured locally occurring ecotones. All riparian buffers are to be suitably fenced or otherwise separated from the golf course and any other development areas.

23. The consent holder must prepare a Riparian Management Plan, which outlines the proposed future management of the riparian buffers and wetlands. This Riparian Management Plan must be submitted to the NSW Office of Water as part of any application for a controlled activity approval as required by these General Terms of Approval.

Plans, standards and guidelines

- 24. N/A
- 25. N/A
- 26. N/A
- 27. N/A

C(ii). Section 100B Rural Fires Act 1997 (Rural Fire Service)

A deemed bush fire safety authority was issued by the Rural Fire Service under Section 100B of the *Rural Fires Act 1997*, subject to the following conditions (Ref: Our Ref: D12/1038; DA12051583301 MH; dated 8 June 2012, adopting the same numbering):

Asset Protection Zones

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

1. At the commencement of building works and in perpetuity the property around any building to a distance of 70 metres to the southern elevation, is to be maintained as an inner protection area (IPA) as outlined within sections 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

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

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

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions are to apply:

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

Evacuation and Emergency Management

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

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

Design and Construction

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

5. New construction is to comply with Section 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

D. APPROVED DOCUMENTATION

- D1 The development is to be implemented in accordance with the plans and supporting documents set out in Attachment 1 to this consent, except where modified by any conditions of this consent.
- D2 In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

E. LIMITS ON THE CONSENT

- E1 This consent does not authorise any components of the Concept Approval (including building works or subdivision) to be carried out without further approvals and consents being obtained.
- E2 This concept approval does endorse the following aspects for future development applications:
- a) overall site areas for golf course and seniors living development;
 - b) general location of residential care facility building, self care apartment buildings and self care housing (including maximum heights) (Note: future development applications may incorporate minor amendments to the design, location or orientation of housing, roads etc, except where modified by any conditions of this consent.)
- E3. This consent does not authorise:
- a) the final siting of buildings and dwelling/density yield or total floor area;
 - b) any tree removal - the conceptual approval acknowledges large scale tree removal will be required within the development footprint, however detailed analysis of tree removal will be required at each DA stage (refer conditions H8, H9, H10, and M8);
 - c) landscaped areas (which may need to be increased/altered - refer conditions H8, H9, H10, and M8).

F. STAGING

- F1. Future development applications are to be submitted to the consent authority having regard to the staging identified in Condition No. B1, and the carrying out of development is to be sequenced according to the staging works identified in Condition No. B1.

G. GENERAL CONDITIONS THAT RELATE TO ALL STAGES AND/OR REQUIREMENTS FOR FUTURE DEVELOPMENT APPLICATIONS - AGENCY/AUTHORITY REQUIREMENTS

G(i) NSW Department of Transport (Roads and Maritime Services)

The following conditions apply as required by the NSW Department of Transport pursuant to Clause 104 of *State Environmental Planning Policy (Infrastructure) 2007* (Ref: SF2012/012622/1; CR2013/0050043; dated 16 August 2013):

- G1. A signalised pedestrian crossing and associated civil works is to be provided on the northern leg of the Sandgate Road/Vale Street intersection. Related civil works on other legs of the intersection are to be provided to Roads and Maritime Services (RMS). requirements to ensure the safe movement of pedestrians across this new crossing. These works are to be at full cost to the developer.

Note: The proposed development will result in an increased number of trips on foot and mobility aids between Vale Street and the Shortland shopping area. A pedestrian facility on the northern leg of the Sandgate Road/Vale Street intersection will increase safety for these pedestrians. Council should ensure that the developer is required to provide a combined footpath/cycle path between the proposed development and the required signalised pedestrian crossing.

- G2. All work is to be designed and constructed in accordance with the Austroads *Guide to Road Design 2009* (with RTA supplements), the RTA *Traffic Signal Design Guide*, and relevant Australian Standards to the satisfaction of RMS and Council.
- G3. As pedestrian traffic control signals and ancillary works are required, the developer will be required to enter into Works Authorisation Deed (WAD) with the RMS. RMS will exercise its powers under Section 87 of the *Roads Act 1993* (the Act) and the functions of the roads authority, to undertake the traffic signal and ancillary civil works in accordance with Section 64, 71, 72 and 73 of the Act, as applicable, for all works under the WAD.
- G4. Prior to issuing a construction certificate **for Stage 5** of the proposed development, the developer will be required to enter into a WAD with the RMS for all road works on Sandgate Road and pedestrian traffic control signals including ancillary works.
- G5. Prior to issuing any occupation certificate (interim or final) or any occupation of the premises for the proposed development **(Stage 5)** the developer will be required to complete all road works and traffic controls signals, including ancillary works, under the WAD to practical completion, as determined by RMS.

- G6. All works are to be carried out at full cost to the developer and at no cost to RMS to Council, to RMS and Council requirements.

Note: Further advice regarding the WAD is provided in the Advisory Notes at the end of this Consent.

G(ii) TransGrid/AusGrid: Works Adjacent to electricity or transmission line (Applicable to Golf Course works - Stages 3 and 4)

- G7. Future proposed works associated with the golf course that are located in the area adjacent to the existing TransGrid easement (which runs parallel to the Great Northern Railway) must be indicated on a detailed survey plan prepared by a registered surveyor which shows easement boundaries, tower locations, and distances of any proposed works from the easement and the towers. This survey plan must be submitted to Transgrid for review prior to submission of the associated development applications. Any works within the easement area will require the prior written approval of TransGrid.

G(iii) Hunter Water: Chichester Trunk Gravity Main (CTGM)

- G8. The developer is to replace the section of the CTGM at the crossing to ensure that there is no future impact to the main's operation. This replacement is to be undertaken prior to any construction traffic traversing the pipeline corridor. As the CTGM is a critical part of Hunter Water's infrastructure, the timing and duration of replacement of the section of CTGM will need to be discussed with and approved by Hunter Water.
- G9. Clear and unfettered access is to be provided to the CTGM both during and after construction.
- G10. The development is to comply with the general design requirements contained in Hunter Water's design standards (WSA03) HWC Edition) regarding the location of services and roads around/crossing watermains. Services crossing the CTGM (both existing and future) are to be a minimum of 600mm clear of the main(s).
- G11. The CTGM is most likely to be renewed (either duplicated or replaced) in the short to medium term, and adequate protection for both the current and new pipe is to be provided at the service crossing.
- G12. Landscaping is not to be undertaken within the pipeline corridor, due to the condition of the existing main and the need to construct a new main in the corridor.

Note: This will impact on the landscaping required by Conditions No. H8, H9, H10 and M8.

- G13. For any construction over any Hunter Water assets, being land containing the CTGM or easements containing sewer or water mains, the Developer will be required to apply for and obtain a formal construction license for the proposed works with the submission a "works as executed" plan providing full details and information on the completed works.

G14. Access rights (being formal Easement for Right of Carriageway) for the service/road crossings will need to be negotiated with Hunter Water prior to the lodgement of the relevant development application.

Note: Further advice regarding the CTGM is provided in the Advisory Notes at the end of this Consent.

G(iv) Australian Rail Track Corporation (ARTC)

G15. Stormwater: Stormwater from the development must not affect the rail corridor. The applicant must submit details of stormwater disposal to Council for approval for all Stages which demonstrates that the flow of stormwater toward the rail corridor will not be increased by the proposed development.

G16. Fencing: The boundary of the site with the rail corridor must be fenced with a 1.8m mesh fence to prevent unauthorised entry.

H. GENERAL CONDITIONS THAT RELATE TO ALL STAGES AND/OR REQUIREMENTS FOR FUTURE DEVELOPMENT APPLICATIONS - OTHER REQUIREMENTS

Ecology

H1. Future applications are to include details of a nest box installation program to compensate for removal of hollow-bearing trees in accordance with the Flora and Fauna Assessment prepared by RPS dated March 2012. The submitted nest box installation program is to identify the following:

- a) Location of the proposed nest boxes
- b) Proposed on-going monitoring and maintenance of nest boxes.
- c) felling details
- d) confirmation of an ecologist to be present during clearing.

H2. Future applications to address tree-removal recommendations of the Flora and Fauna Assessment prepared by RPS dated March 2012, including precautions to be implemented during vegetation clearance to avoid negative impacts upon the remnant vegetation within the study area.

H3. Future applications are to include a stormwater plan which demonstrates how stormwater and surface drainage from the site will be appropriately managed to prevent impacts on the *State Environmental Planning Policy 14 – Coastal Wetlands* (quality and quantity of pre-development water flows).

H4. Future applications are to include details of a weed management plan to control and manage flora listed under the Noxious Weeds Act 1993 and other invasive species. The submitted weed management plan is to identify the following:

- a) Identification and measures of disposal of invasive species
- b) Management of the site during and after construction to prevent growth of noxious weeds.

- H5. Future applications are to include a sediment and erosion control plan prepared in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the "Blue Book") published by Landcom, 2004. Sediment and nutrient controls will be required to prevent pollutants, sediment and seed dispersal into the Ecologically Endangered Community vegetation.

Sewage Management

- H6. Future applications are to include an investigation of the connection of the existing golf course maintenance shed to the sewer of the Hunter Water Corporation.

Acid Sulfate Soils

- H7. Future applications are to include an assessment of acid sulfate soil potential at the site and/or submission of an acid sulfate soils management plan in accordance with the New South Wales Acid Sulfate Soil Management Advisory Committee's 'Acid Sulfate Soil Manual'.

Site and Landscape Plans

- H8. Each future development application for each stage must provide a detailed site survey/site analysis, site plan (existing and proposed) and landscape plan in accordance with the relevant Council requirements as applicable at the time the associated DA is lodged. Site features, including but not limited to all existing vegetation, opportunities for tree retention and associated tree retention value assessment/arborist report, proposed changes to ground levels, proposed tree species, roof garden details, etc.
- H9. The development must, where possible, retain high value trees (particularly within the green space areas and spine road/cul-de-sac roads of the Seniors Living Development), and strong justification for removal of high value trees will be required. This may impact on the density/dwelling yield as identified within the concept staged development application. Refer also Condition M8.
- H10. Each future development application for each stage must detail all proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required under the conditions of this consent are to be detailed on a comprehensive landscape design plan and specification. The required comprehensive landscape design plan and specifications is to be provided and is to include details of the following:
- a) cross sections through the site where appropriate
 - b) proposed contours or spot levels
 - c) botanical names
 - d) quantities and container size of all proposed trees
 - e) mature tree height of all proposed trees
 - f) shrubs and ground cover
 - g) details of proposed soil preparation
 - h) mulching and staking
 - i) treatment of external surfaces and retaining walls where proposed
 - j) drainage, location of taps and

- k) appropriate maintenance periods.

Utilities

H11. Written evidence that satisfactory arrangements can be made with the relevant authorities for the provision of water supply, sewerage, electricity supply and telecommunications is to be submitted with the relevant stages of the proposed development.

Traffic, Access and Parking - Consultation with University of Newcastle

H12. Development applications for each stage are to address via a traffic report and traffic management plan the impacts on the operation of the land owned by the University of Newcastle (Lot 1 DP 1188100), particularly in respect of road design, easements, management of traffic, access and parking during construction and following completion of the development stages. This will particularly be applicable to Stage 5 (Seniors Living Development), where parking management measures may be required, for example, to ameliorate any potential adverse impacts to the available parking spaces for University occupants by any increased parking patronage by golf club patrons. This may include, for example, provision of car parking spaces wholly within the golf course land which may impact on the future golf course design and use of golf course land. The traffic management plan is to address the ongoing operation of the seniors living development.

These reports for each stage are to be approved by the University of Newcastle and this written approval is to be lodged with each Development Application stage.

Flooding and Stormwater

H13. Each future Development Application for each stage must comply with the applicable water efficiency, flood management and drainage/stormwater management requirements of Council that apply at the time of submission of each application.

I. CONDITIONS RELATING TO FUTURE STAGE ONE (1) DEVELOPMENT APPLICATION: CONTAMINATION REMEDIATION WORKS OF THE 'LORNA STREET SITE' (LOT 10 DP 1149782)

Note: The development application for this stage may also incorporate the golf course design and works applicable to this land indicated in Stage 4.

11. As part of the future development application for Stage 1, a revised Remedial Action Plan prepared in accordance with the Environment Protection Authority's (EPA) '*Guidelines for Consultants Reporting on Contaminated Sites*' and certified by the appointed EPA accredited Site Auditor is to be submitted to the relevant consent authority. The revised Remedial Action Plan is to address the Review Comments and Conclusions and Recommendations from the Interim Advice #1 prepared by Ian Gregson dated 10 April 2013.
12. Confirmation of the extent of the remediation works and proximity to the SEPP 14 Wetland is required. Refer also to buffer requirements within the General Terms of Approval by the Office of Water (Condition C1 C(i) 22).

J. CONDITIONS RELATING TO FUTURE STAGE TWO (2) DEVELOPMENT APPLICATION: 'VALE STREET SITE' (LOT 103 DP 881682) - CONTAMINATION REMEDIATION WORKS (IF REQUIRED)

Note: The development application for this stage may also incorporate the golf course re-design and works applicable to this land indicated in Stage 3.

- J1. Additional investigations as recommended in the Phase 1 Environmental Site Assessment prepared by RCA Australia dated January 2013 is to be submitted to the relevant consent authority as part of any future development application lodged for Lot 103 DP 881682 known as 90 Vale Street, Birmingham Gardens and Lot 151 DP 1143683 known as 50A Queen Street, Waratah (the Vale Street site).
- J2. If the additional investigations identify remediation works are required, then a Remedial Action Plan prepared in accordance with the Environment Protection Authority's (EPA) '*Guidelines for Consultants Reporting on Contaminated Sites*' and certified by the appointed EPA accredited Site Auditor is to be submitted to the relevant consent authority.

K. CONDITIONS RELATING TO FUTURE STAGE THREE (3) DEVELOPMENT APPLICATIONS: 'VALE STREET SITE' (LOT 103 DP 881682) - GOLF COURSE REDESIGN WORKS

Note: The golf course redesign works applicable to this site may be "sub-staged" to accommodate the initial Stage of the Seniors Living Development (Stage 5a), however Stage 5a must not commence until the necessary remediation works identified in Stage 2 (if applicable) are complete.

- K1. As part of any future development application lodged for Lot 103 DP 881682 known as 90 Vale Street, Birmingham Gardens and Lot 151 DP 1143683 known as 50A Queen Street, Waratah ('the Vale Street site) additional investigation as recommended in the Phase 1 Environmental Site Assessment prepared by RCA Australia dated January 2013 is to be submitted to the relevant consent authority.

L CONDITIONS RELATING TO FUTURE STAGE FOUR (4) DEVELOPMENT APPLICATIONS: 'LORNA STREET SITE' (LOT 10 DP 1149782) - GOLF COURSE DESIGN AND WORKS

- L1. The future development application/s for the golf course on the Lorna Street site must include an overall detailed site landscaping masterplan which addresses the landscape design having regard to the site constraints/limitations imposed by the required land remediation for the development and including the following:
 - a) height of trees appropriate to the Lorna Street site (having regard to rehabilitation/capping at various depths)
 - b) a detailed site analysis which considers retention of existing trees
 - c) a landscape buffer which softens/minimises visual impact of seniors living development as viewed from the golf course. The buffer must be wholly located within the proposed golf course and not rely on landscape buffer to be provided within the proposed seniors living development site boundary.

M. CONDITIONS RELATING TO FUTURE STAGE FIVE (5) DEVELOPMENT APPLICATIONS: SENIORS LIVING DEVELOPMENT

- M1. A Construction Certificate for any works associated with the future Stage 5 development application must not be issued until the remediation works required by Stages 1 and 2 (if relevant) are fully complete and certification to this effect by the appointed EPA Accredited Site Auditor being submitted to the relevant consent authority.
- M2. If the construction of Stage 5 is to undertaken as further divided stages, then the first stage (referred to within this Consent as Stage '5a') must comprise (but not be limited to) the following works:
- a) access road upgrade
 - b) relocation of the 16 golf club parking spaces
 - c) Residential Care Facility (with associated communal services and facilities)
 - d) self care housing
 - e) waste transfer facility.
- M3. Occupation of the subsequent stages will not be permitted until Stage 5a is fully complete and an Occupation Certificate is issued for all works.

Urban Design

- M4. Each development application for the Seniors Living Development must demonstrate design excellence. Streetscapes of the proposed self care housing (villas and townhouses) must not result in repetitive streetscapes comprising identical and/or similar housing designs. A variety of roof forms, and design solutions utilising high quality materials, textures and colour schemes must be submitted for each stage.

Noise

- M5. Each future development application for the proposed seniors living buildings is to include a report from a suitably qualified acoustical consultant certifying the design of the buildings meets the requirements and standards applicable at the time of lodgement. The proposed acoustic measures must not be lesser than those recommended with the Acoustic Assessment prepared by RCA Acoustics dated 10 April 2013.

Seniors Housing

- M6. Future development applications for the Seniors Living Development will need to comply with the provisions of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (NSW) or the applicable version of the "senior housing" environmental planning instruments at the time of lodgement. In particular the following clauses may require alterations to submitted concept design and/or the provision of detailed information:
- a) amelioration of land use conflicts and management measures with the existing registered club (Clause 23);
 - b) provision of a private mini-bus; pathway gradients (Clause 26);
 - c) design principles (Clauses 33-39);

- d) standards for self contained dwellings (Clause 42);
- e) on site services - to be provided in the first stage of the development (Stage 5a) (Clause 44).

M7. The proposed seniors housing development is to be occupied exclusively by 'seniors or people who have a disability, people who live within the same household with seniors or people who have a disability or staff employed to assist in the administration of and provision of services' as defined under Clause 18(1) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (NSW).

Landscaping and Vegetation

M8. The first development application for the Seniors Living Development (stage 5a) is to include an overall detailed site landscaping masterplan for the entire Senior Living development site which must address the following:

- a) a detailed site analysis which considers retention of existing trees
- b) a landscape buffer which softens/minimises visual impact of seniors living development as viewed from the golf course. The buffer should be located within the proposed seniors living development site boundary
- c) the areas of landscaping and deep soil zones must achieve a meet the minimum 30% of the total area of the senior living development area.

This area must not include the golf course site, which is intended to be subdivided from the parcel of land and will have future separate ownership and ongoing management.

The 30% landscape area must incorporate a combination of existing vegetation and compensatory planting of additional trees.

Traffic, Access and Parking

M9. The further development application for Stage 5a must include details addressing the construction of the following works for access to the site:

- a) 8.0m wide access road and 1.5m wide accessible concrete pathway over the length of the proposed Right of Way. The pathway being designed in accordance with AS 1428 .1 incorporating appropriate wheelchair passing areas at regular intervals;
- b) widening of the 8.0m wide access road at the intersection with the NEIR Facility access road to adequately cater for coach and heavy vehicle entry/exit
- c) construction of a car park for sixteen (16) vehicles to replace the existing Golf Club car park.
- d) the compensatory replacement of any existing trees removed to allow these works;

All works are required to be completed to the required standards specified by Council as applicable at the time the development application is lodged.

M10 The developer entering into a suitable maintenance agreement with a qualified service agent for the servicing of the sewer pump station and associated infrastructure and written evidence of such an agreement being provided to Council prior to any occupation of future Stage 5a development application of the concept development.

Notes:

1. The pump station is to be registered with Council's Environmental Unit and an appropriate annual fee paid to Council for the operation of this unit.
2. The pump station structure is to include electronic monitoring to detect any malfunctions, facilitating early rectification and thereby reducing the potential for overflows.

M11. The developer providing an appropriate overflow relief structure for the sewer pump station in accordance with the Hunter Water Corporations Standard Detail Ref: SCP-500 and a turfed swale drain, such being addressed within any future Stage 5a development application.

M12. Full compliance with the requirements of the Roads and Maritime Services, as outlined in the Service's letter, dated 16 August 2013 (also refer to Condition G(i)) and such being completed and/or satisfied prior to any occupation of Stage 5a of the proposed concept development. In this regard, the following issues are to be addressed:

- a) provision of a pedestrian crossing phase and associated civil works on the northern leg of the Sandgate Road and Vale Street traffic signals.
- b) upgrade of the existing pedestrian crossing phases inclusive of civil works at the Sandgate Road and Vale Street traffic signals to ensure compliance with current road standards.

Full details are to be submitted with the required Section 138 application.

N CONDITIONS RELATING TO FUTURE STAGE SIX (6) DEVELOPMENT APPLICATIONS: SUBDIVISION OF THE SENIORS LIVING DEVELOPMENT

N1. A Subdivision Certificate must not be issued until a final Occupation Certificate for, at a minimum, Stage 5a has been issued.

N2. Subdivision Certificates must not be issued until completion of the Seniors Living Housing and issue of an Occupation Certificate for the applicable stage(s).

O. ADVISORY MATTERS

1. Future Development Applications

Each stage of the concept development will require separate development applications that will be assessed under the applicable legislation and planning policies at the time.

2. State Environmental Planning Policy (SEPP) No. 55 - Contamination And Remediation

- a) A detailed assessment under SEPP 55 is required to be undertaken as part of each subsequent development application for each stage of the concept development, and

- b) Whether the consent authority will be satisfied as required under clause 7 and thus able to grant consent to a subsequent stage of the development is not known in the absence of the assessment as part of the concept DA. Consent to carry out a subsequent stage accordingly may not be granted.

3. State Environmental Planning Policy (SEPP) No. 14: Coastal Wetlands

- a) The remediation works associated with Stage 1 (Lorna Street site) may trigger Clause 7 of *State Environmental Planning Policy (SEPP) 14 - Coastal Wetlands*, making these works "designated development". Whether the consent authority will be satisfied as required under Clause 7 and thus able to grant consent to a subsequent stage of the development is not known in the absence of the assessment as part of the concept DA. Consent to carry out a subsequent stage accordingly may not be granted.

4. NSW Department of Transport (Roads & Maritime Services) relating to Works Authorisation Deed (WAD) - Advice to the Developer

- a) Following development consent, early discussion with the RMS is recommended. RMS will initiate the WAD process by sending out a letter and information pack on receipt of the Notice of Determination, including the name and contact details of the Project Manager.
- b) As the WAD process, including acceptance of design documentation and construction can take considerable time, you should allow sufficient lead time within the project development program to ensure that all documentation and works are completed in advance of occupation. RMS will not consider granting concurrence to occupation until it is satisfied all documentation and works under the WAD have been completed.
- c) Authorisation to commence construction will only be granted when RMS is satisfied that all requirements under the WAD have been met by the developer, including RMS fees and charges, an unconditional bank guarantee for the full value of the works, detailed design documentation, environmental assessment, road occupancy license, among other matters. RMS will issue a letter to the developer advising of this authorisation.
- d) Any property acquisition/dedication required to accommodate the State road works/traffic control signals associated with the proposed development is to be at full cost to the developer, including all legal and survey costs. This land is to be dedicated by the developer as public road reserve in favour of the Council, as the owner.
- e) Part of the developers' timeline should make provision for RMS to satisfy its obligations under the *Environmental Planning and Assessment Act 1979* (EP&A Act) to assess the environmental impact of the works within the road reserve. Further investigation and assessment to that undertaken for the development consent may be required to the satisfaction of RMS, under Part 5 of the EP&A Act.
- f) It is recommended that the developer use design consultants with the experience and knowledge of the RMS design requirements, in particular the Austroads Guide to Roads Design 2009 (with RTA supplements) and relevant Australian Standards.
- g) A fact sheet providing further information on the WAD process can be obtained from the RMS Private Developments Website at:
http://www.rta.nsw.gov.au/roadprojects/community_environment/private_developments.html
- h) Construction on a State road and/or traffic control signals requires the engagement of and RMS pre-qualified contractor. A list of pre-qualified contractors can be found on the RMS website:
<http://www.rms.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>

5. Hunter Water: Chichester Gravity Main (CTGM)

- a) The developer should note the proximity of the CTGM to the proposed aged care facility and residents. Whilst catastrophic failures of these types of pipelines are rare, given the size of this main, if a failure occurred, there would likely be a large volume of water released until the main could be isolated.
- b) The developer should also be aware of the HWC Easement containing the Sewer Rising Main and an effluent water main which traverses the land in an uneven corridor from west to east between the pond and the lake-and that no construction will be permissible over any part of the easement without Hunter Water formal approval.
- c) Hunter Water is concerned that suitable ingress and egress options need to be further explored by the developer of this proposal as the additional emergency egress point was being planned to traverse a further HWC Easement for major water pipeline on the north western boundary and through a noted swamp area to the main road.

ATTACHMENT 1 - RELEVANT PLANS AND DOCUMENTS

ORIGINALLY SUBMITTED INFORMATION

Statement of Environmental Effects prepared by City Plan Services dated April 2012 and Appendices as follows:

- Appendix 1: Detailed Surveys of Shortland Waters Golf Club, Vale Street, Shortland (Project Surveyors; Drawing Nos. B1014-1; B1014-2, Being Lot 103 in DP881682, Showing general detail and site levels. Date of Survey July 2011)
- Appendix 2: Approved Eco-Tourism Development Masterplan (EJE Architects, Dated 26.07.06)
- Appendix 3: Site Compatibility Certificate (Correspondence between New Castle City Council and NSW Department of Planning, Dated 01/12/2010)
- Appendix 4: Concept Plans (BHI Architects)
- Appendix 5: Landscaping Concept Report and Plans (Blackburne Jackson Design)
- Appendix 6: Concept Development – Schedule of Areas (BHI Architects)
- Appendix 7: Proposed Golf Course Works Plan (Richard Chamberlain Golf Design)
- Appendix 8: Schedule of Conceptual Golf Course Works (City Plan Services)
- Appendix 9: Proposed Golf Course Works- Staging Plans (Richard Chamberlain Golf Design, Shortland Waters Golf Course Staging of Golf Course Construction Works, March 28 2012; Existing Golf Holes; Stage 1A Works; Stage 1B Works; Stage 2 Works)
- Appendix 10: Flora & Fauna Assessment (By RPS; Version/Date: Final/March 2012; Report No. PR109381)
- Appendix 11: Phase 1 Environmental Site Investigation (By RCA Australia; Ref # 7875a-401/1; January 2012);
- Appendix 12: Remedial Action Plan (By RCA Australia; Ref # 7875-401/1; January 2012)
- Appendix 13: Comment on Contamination Issues-Development Footprint (By RCA Australia; Ref # 7875a-402/0; 20 March 2012)
- Appendix 14: Physical Infrastructure & Stormwater Report; By Worley Parsons; Ref # 301020-03876-CI-REP-0002-C; 11 April 2012)
- Appendix 15: Golf Course Designer Statement (By Richard Chamberlain Golf Design; 20 March 2012)
- Appendix 16: AHIMS Search Results (Service ID 59354, 59351, 59352; 22 December 2011)
- Appendix 17: Lorna Street Survey- Extent of Water (By Project Surveyors; 5 December 2011)
- Appendix 18: Bushfire Threat Assessment-Golf Course Works (By Firebird ecoSultants; 13 January 2012)
- Appendix 19: Bushfire Threat Assessment- Residential Development (By Firebird ecoSultants; Final 2 April 2012)
- Appendix 20: Traffic Impact Assessment (Better Transport Futures Mark Waugh; Proposed Retirement Residential Development; Final Version 3; 2 April 2012)
- Appendix 21: Pre-DA Lodgement Meeting Minutes (By Newcastle City Council; 16 December 2011)

ADDITIONAL INFORMATION 1

Applicant's Response to NCC's Request for Information for DA2012/419 (By City Plan Services dated 30 April 2013) and following attachments:

- Attachment 1: Table responding to each item within Council's request for information Shortland Waters-Response to NCC's Request for Information
- Attachment 2: SWGC Liquor License Details (NSW Government Independent Liquor and Gaming Authority; Key Liquor License Details recorded as at 3 May 2012)
- Attachment 3: Site Height Analysis Section (By BHI Architects; Revision A; Dated 22 January 2013)
- Attachment 4: Acoustic Assessment (By RCA Acoustics; Ref # 9534 401.1; Dated 10 April 2013)
- Attachment 5: Bushfire Certification Letter (By FPA Australia and Firebird ecoSultants; Dated 18 February 2013)
- Attachment 6: *Eucalyptus scoparia* Location Map (By RPS; Dated 15 January 2013)
- Attachment 7: Phase 1 Environmental Site Assessment (Golf Course) (By RCA Australia; Ref # 7875a 401/2; Dated January 2013)
- Attachment 8: Groundwater Investigation Report (By RCA Australia; Ref # 7875-402/0; Dated September 2010)
- Attachment 9: Remedial action Plan (Lorna St) (By RCA Australia; Ref # 7875-104/2; Dated January 2013)
- Attachment 10: Site Audit-Interim Advice #1 (Review of Existing Reports and Remediation Strategy; By GHD; Ref # 22/16703/101982; Dated 10 April 2013)
- Attachment 11: Approximate Location of Private Pump Station (Concept Plan/ Urban Structure Plan; By BHI Architects; Dated 29 March 2012; Revision D)
- Attachment 12: Autoturn Simulation- 8.8m Vehicles
- Attachment 13: Autoturn Simulation- 11m Vehicles
- Attachment 14: Autoturn Simulation- 14.5m Vehicles
- Attachment 15: Site Plan (Cycleway Connection) (By BHI Architects; Dated 22 January 2013; Revision A)
- Attachment 16: Site Compatibility Certificate (By NSW Government Planning and Infrastructure; Ref 13/01856; Dated 8 March 2013)
- Attachment 17: University Letter of Consent (By Brok Glenn of the University of Newcastle Australia; Dated 19 April 2013)

Correspondence from Applicant to Council - Contamination Issues (By City Plan Services dated 25 September 2013)

ADDITIONAL INFORMATION 2

Response 1: Contamination/Remediation Issue

Addressed in City Plan Services correspondence received and dated 9 January and associated attachments:

1. Summary of Contamination Status and Council Consultation
2. Legal Advice from HWL Ebsworth Lawyers, dated 4 December 2013 and 7 January 2014.

Response 2: SEPP 14 Wetland, Site Compatibility Certificate (SCC) and Subdivision Issue

Addressed in City Plan Services correspondence received and dated 21 January 2014 and associated attachments:

1. SEPP 14 and remediation extent map
2. Site Compatibility Certificate (SCC) (8 March 2013)
3. Map showing SCC as considered by Department of Planning and Infrastructure.

INFORMATION SUBMITTED TO OFFICE OF WATER WITH COPY TO COUNCIL AND CONSULTANT

City Plan Services Letter to Office of Water dated 28 February 2013 and following attachments:

- Attachment 1- Location Plan
- Attachment 2- Overall Concept Site Plan, by BHI Architects Dated 5 April 2012 revision C
- Attachment 3- Golf Courses as Water Quality Buffers, by e par Pty Ltd
- Attachment 4a- Detail Survey Golf Course, by Project Surveyors dated 4 August 2011 Revision B
- Attachment 4b- Detail Survey Lorna Street, by Project Surveyors dated 4 August 2011 Revision B
- Attachment 4c-Detailed Survey- Lorna St, Extent of Water, by Project Surveyors dated 5 December 2011
- Attachment 5-Golf Course works (Extract) Overlaid on Aerial Image
- Attachment 6- Golf Course works (Extract) Overlaid Vegetation Community Map
- Attachment 7- Attachment 7- Plan of Proposed Golf Course Works, by Richard Chamberlain Golf Design
- Attachment 8-Physical Infrastructure & Stormwater Report, by Worley Parsons, and EcoNomics. Ref # 301020-03876-CI-REP-002-C dated 11 April 2012.
- Attachment 9- Standard Operating Procedure Fertiliser Management Chemical Nutrient Control, by e Par environment dated 10 September 2012
- Attachment 10- Standard Operating Procedure Spray Drift, by e Par environment dated 10 September 2012
- Attachment 11-Standard Operating Procedure Spraying Chemicals Wetting Agents, by e Par environment dated 10 September 2012
- Attachment 12-Remedial Action Plan, by RCA Australia dated January 2013 RCA ref # 7875-401/2
- Attachment 13- Standard Operating Procedure Erosion Sediment Control, by e Par environment dated 10 September 2012
- Attachment 14- Standard Operating Procedure Staff Environmental Induction, by e Par environment dated 10 September 2012
- Attachment 15- Standard Operating Procedure Wetland Management Protection, by e Par environment dated 10 September 2012