

## **DRAFT CONDITIONS OF CONSENT - DA/1058/2012**

### **Conditions of Consent**

(Approved subject to the conditions specified in this notice and in accordance with the stamped approved plans.)

### **Reason for the Imposition of Conditions**

The reason for the imposition of the following conditions is to ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved:

- (a) To encourage:
  - (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
  - (ii) The promotion and co-ordination of the orderly and economic use of development of land;
  - (iii) The protection, provision, and co-ordination of communication and utility services;
  - (iv) The provision of land for public purposes;
  - (v) The provision and co-ordination of community services and facilities;
  - (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
  - (vii) Ecologically Sustainable Development; and
  - (viii) The provision and maintenance of affordable housing.
- (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

### **1. Prescribed Conditions**

- (a) The work must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (b) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before

any building work authorised to be carried out by the consent commences.

- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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

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

## **2. Inspections**

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

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

### **Additional inspections required under other legislation:**

- Food Shops - floor, wall, ceiling finishes (prior to fitting and fixtures) to be carried out, by an "authorised officer", as defined in the Food Act 2003.

- Food Shop Completion to be carried out, by an “authorised officer”, as defined in the Food Act 2003 prior to opening of the premises.
- Hairdressing Premises Inspection - by Council prior to opening of the premises.
- Inspection of Vehicular Access to Property across Footpath (prior to pouring concrete) – Section 138 Roads Act 1993.

### 3. Approved Documentation

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

(a) Plans Reference:

| Name of Plan                                     | Prepared by   | Drawing Number | Issue | Date       |
|--|---------------|----------------|-------|------------|
| Cover Sheet                                      | Jackson Teece | DA000          | A     | 02.08.2012 |
| Site Analysis                                    | Jackson Teece | DA001          | A     | 02-08-2012 |
| Demolition Plan                                  | Jackson Teece | DA002          | A     | 02-08-2012 |
| Site Plan (Overall)                              | Jackson Teece | DA003          | A     | 02.08.2012 |
| Basement Floor Plan                              | Jackson Teece | DA100          | A     | 02.08.2012 |
| Ground Floor Plan                                | Jackson Teece | DA101          | B     | 19-09-2012 |
| First Floor Plan                                 | Jackson Teece | DA102          | B     | 19-09-2012 |
| Second Floor Plan                                | Jackson Teece | DA103          | B     | 19-09-2012 |
| Third Floor Plan                                 | Jackson Teece | DA104          | B     | 19-09-2012 |
| Roof Plan  | Jackson Teece | DA105          | A     | 02-08-2012 |
| RACF Resident Rooms & Apartment Type Floor Plans | Jackson Teece | DA200          | A     | 02-08-2012 |
| Elevations                                       | Jackson Teece | DA300          | A     | 02-08-2012 |
| Elevations                                       | Jackson Teece | DA301          | B     | 19-09-2012 |

|   |                             |               |   |            |
|---|-----------------------------|---------------|---|------------|
| Elevations  | Jackson Teece               | DA302         | A | 02-08-2012 |
| Ground Conditions Adjacent to Western Apartments    | Jackson Teece               | DA303         | A | 19-09-2012 |
| Northern Elevation Amendment of Northern Apartments | Jackson Teece               | DA304         | A | 19-09-2012 |
| Sections  | Jackson Teece               | DA400         | A | 02-08-2012 |
| Sections  | Jackson Teece               | DA401         | A | 02-08-2012 |
| Site Shadow Diagrams                                | Jackson Teece               | DA500         | A | 02-08-2012 |
| RACF Courtyard Shadow Diagrams                      | Jackson Teece               | DA501         | A | 02-08-2012 |
| RACF Courtyard Shadow Diagrams                      | Jackson Teece               | DA502         | A | 02-08-2012 |
| Basement Stormwater Management Plan                 | Northrop                    | C04DA         | B | 30-07-12   |
| Ground Floor Stormwater Management Plan             | Northrop                    | CO5DA         | B | 30-07-12   |
| First & Second Floor Stormwater Management Plan     | Northrop                    | C06DA         | A | 25-07-12   |
| Earthworks Plan                                     | Northrop                    | C07DA         | 1 | 25-07-12   |
| Landscape Development Application                   | Terras Landscape Architects | Sheet 1 to 21 |   | July 2012  |

(b) Document Reference:

| Document | Reference | Author | Date |
|----------|-----------|--------|------|
|----------|-----------|--------|------|

|   |   |                   |             |
|---|---|-------------------|-------------|
| Statement of Environmental Effects And Appendices 1 through to 25 (inclusive) | Statement of Environmental Effects – Proposed Community And Aged Care Complex, Corner Brighton Avenue and Cary Street, Toronto (Job No. 2031) | deWitt Consulting | August 2012 |
|---|---|-------------------|-------------|

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

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

#### **4. Construction Certificate**

Prior to the commencement of building work or subdivision work, a Construction Certificate shall be obtained.

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

#### **5. Occupation Certificate**

The development shall not be occupied or used prior to the issuing of a Final Occupation Certificate or Interim Occupation Certificate by the Principal Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

#### **6. Prior to the issue of Occupation Certificate**

Prior to the issue of an Interim or Final Occupation Certificate for each of Stage 1 and Stage 2, the earthworks, retaining walls and driveways pertaining to each stage shall be completed to the satisfaction of the Principal Certifying Authority.

#### **7. 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 for Stage 1, 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.

#### **Notice of Commencement of Works – Council Land**

Construction works shall not commence on Council Land until a meeting between the contractor and a representative of Council's Project Management Section has taken place on site.

Council may require up to seven days notice in writing prior to such meeting taking place. This meeting will outline the LMCC Quality Assurance requirements for the project.

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

#### **8. Staging**

The staging of the development is to be undertaken in accordance with the following:

##### Stage 1

- Independent Living Units & Basement Car Park
- Village Green
- Community Centre

##### Stage 2

- Residential Care Facility & Basement Car Park
- Central Driveway

#### **9. Aged Care Services – Independent Living Units**

Prior to the release of the Construction Certificate by the Principal Certifying Authority, a draft management plan regarding the provision of access to cleaning, meals and emergency assistance to residents of the Independent Living Units is to be submitted to Council's Community Planner (Ageing & Disabilities Services) for approval. The draft management plan is to address the provision of such services at both Stage 1 and Stage 2.

## **10. 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.

#### 11. Stormwater Disposal - Stormwater Detention and Harvesting

The Stormwater Detention and Harvesting system submitted with any Construction Certificate shall be generally in accordance with the plans approved by the Development Consent prepared by Northrop Engineers, Ref: C04DA to C06DA dated 30 July 2012 and must comply with the following:

- (a) Stormwater shall be disposed of through a piped system designed in accordance with Australian Standard AS 3500 by a suitably qualified professional. Qualifications shall be in accordance with Part DQS.06 of Council's Engineering Guidelines.
- (b) Stormwater detention measures shall be constructed and maintained to ensure that the development does not increase upstream or downstream flood levels.
- (c) Detention storage shall be calculated and designed in accordance with "Australian Rainfall and Runoff 1987" and the Lake Macquarie City Council guideline – "Handbook for Drainage Design Criteria" and shall conform to the specifications and standards contained in the LMCC Engineering Guidelines.
- (d) 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).

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

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

shall include details of the harvesting system (eg rainwater tank and pump details plus reticulation diagrams).

Engineering certification shall be provided that shows that all drainage works have been carried out in accordance with the approved plans before the issue of any Occupation Certificate.

#### 12. Concrete Footpath



Prior to the issue of an Interim or Final Occupation Certificate for Stage 1, a concrete footpath 1.2 metres wide shall be constructed along the full length of the Brighton Avenue frontage at the cost of the person having the benefit of the consent.

Prior to the issue of an Interim or Final Occupation Certificate for Stage 1, the applicant shall also construct a concrete Pedestrian Refuge on Brighton Avenue at Cary Street, to facilitate the movement of pedestrians across Brighton Avenue towards the Toronto shopping area. The Pedestrian Refuge is to be designed to not impede the movement of heavy vehicles into and out of Brighton Avenue at Cary Street.

Footpath paving shall be constructed in accordance with Lake Macquarie City Council Standard drawing EGSD-301.

An approval under s138 of the Roads Act 1993 shall be obtained from Council prior to the issue of any Construction Certificate for these works, or a Construction Certificate shall be obtained from Council. No works shall commence prior to the issue of a Construction Certificate.

Prior to the issue of the final Occupation Certificate a certificate shall be issued by the Principal Certifying Authority stating that the work has been undertaken in accordance with the Council's DCP 1 Volume 2 Engineering Guidelines.

### **13. Vehicles Access Crossing and Kerb Layback**

A paved vehicular access including kerb layback from the property boundary to the street shall be installed in accordance with Council's DCP 1 Volume 2 Engineering Guidelines and Councils Standard Drawings: EGSD-103, EGSD-201 or EGSD-104 (available from Councils website). An approval under s138 of the Roads Act 1993 shall be obtained from the appropriate roads authority prior to the issue of any Construction Certificate for those works. Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first the paved crossing shall be completed for the building, at the owner's cost.

Prior to the commencement of work the person having the benefit of the consent shall contact Council for footpath levels so that a suitable driveway can be constructed to provide vehicular access onto the site.

Any disused kerb and gutter and footpath crossing shall be removed and replaced with full kerb and gutter to match adjoining kerb and gutter to the satisfaction of Council.

### **14. Contaminated Land Remediation and Validation**

Prior to commencement of works associated with the built form of the development:

- (a) The site shall be remediated in accordance with the Remediation Action Plan (RAP), and
- (b) A suitably qualified and experienced contaminated land consultant shall validate that the site has been remediated. Validation shall be provided in accordance with the Guidelines for Consultants Reporting on Contaminated Sites (NSW Office of Environment and Heritage 2011).

Note: Certification from the person who carried out remediation works shall be provided to Council in accordance with the requirements of clause 18 of State Environmental Planning Policy No 55 - Remediation of Land.

## 15. Erosion Controls

- (a) Where an Erosion and Sediment Control Plan (ESCP) or a Soil and Water Management Plan (SWMP) including Notes and Legends, Stage Plans, Calculations and Details Sheets prepared for the development in accordance with Council's Development Control Plan No. 1 – and Landcom's – Managing Urban Stormwater documents (2004) as part of the Development Application process, all works must be carried out in accordance with that Plan or amended Plan. Minor additional works/changes may be approved by the Principal Certifying Authority or Council.
- (b) The applicant shall also submit with the ESCP/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 ESCP/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) or other recognised industry standard; and
  - \* All erosion and sediment control measures are in accordance with the latest version of The Blue Book (Managing Urban Stormwater – Soils and Construction. Landcom, 2004), or other recognised industry standard.
- (c) If Council is not the certifier, a copy of the ESCP/SWMP shall be submitted to Council **prior to work commencing on the site**. The Certifier shall ensure that the ESCP/SWMP is clearly in accordance with all of the above requirements.
- (d) Where required, plans and calculations for erosion and sediment control measures shall be submitted to Council prior to the issue of a Construction Certificate.
- (e) The Plan must show any proposed staging of the development.
- (f) All erosion and sediment control measures must be appropriate for the Sediment Type(s) of the soils onsite, in accordance with The Blue Book (Managing Urban Stormwater – Soils and Construction. Landcom, 2004), or other current industry standard. This includes sediment traps and lining of channels.
- (g) Installation of erosion and sediment control measures shall be completed as part of the initial construction work in the first stage of the development.

- (h) The Plan must incorporate sediment traps, including but not limited to, sediment fencing, straw bale sediment traps, and wrapped rock sediment traps.
- (i) No stage will commence, including topsoil removal and clearing of vegetation, unless a sediment basin to capture water from the stage has been completely constructed and signed off by an appropriate Council officer, in writing. Clearing may be undertaken in the location of the proposed sediment basin to allow its construction.
- (j) Where a sediment basin specified on the ESCP/SWMP will not be constructed, approval for works to commence in the catchment of the basin must be signed off by an appropriate Council officer, in writing prior to works commencing in the catchment of the basin.
- (k) Initial land-disturbing activities must be strictly limited to the establishment of the site compound, site entry/exit points, temporary drainage crossings and diversions (including stabilisation measures), haul road(s), perimeter sediment controls, and sediment basins (including emergency spillways). No area shall be grubbed of vegetation or stripped of topsoil until the associated sediment basin/trap(s) are constructed and fully operational.
- (l) All sediment basins and their associated emergency spillway must be constructed prior to any clearing of vegetation or stripping of topsoil in the catchment of the basin.
- (m) Prior to the issuing of a Construction Certificate, the Site Manager must obtain the relevant approvals from the relevant organisations to pump treated water from any existing detention basins or the sediment basin. Organisations, may include but not be limited to, Hunter Water, Council, and NSW Office of Water.
- (n) Prior to any forecast weather event likely to result in sediment laden runoff on the site, the Site Manager is to ensure that the existing detention basins/traps are dewatered to provide sufficient capacity to capture sediment laden water from the site prior to the weather event.
- (o) Any sediment laden water captured onsite must be treated to ensure the water quality is not be more than 50mg/L of Total Suspended Solids prior to its release from site. A sample of the released water must be kept onsite in a clear container with the date the sample taken. The water samples and records must be available for inspection by the Principal Certifying Authority and Council during normal working hours.
- (p) Prior to the controlled discharge (e.g. de-watering activities from excavations and sediment basins) of any water from the site during construction, the following water quality objectives must be achieved:
  - (i) total suspended solids (TSS) maximum 50mg/L;
  - (ii) turbidity (NTUs) maximum of 60 NTU;
  - (iii) water pH between 6.5 and 8.5 unless otherwise required by the Council; and
  - (iv) EC levels no greater than background levels.
- (q) Stockpiles of erodible material must be provided with an appropriate protective cover (synthetic or organic) if the materials are likely to be stockpiled for more than two (2) weeks.

- (r) No Aluminium based products may be used for settlement of dispersible fines onsite without the prior written permission from an appropriate Council Officer. The applicant must have a demonstrated ability to use such products correctly and without environmental harm prior to any approval.
- (s) The chemical/agent (flocculating/coagulants) used in Type D and Type F basins to treat turbid water captured in the basin must be applied in concentrations sufficient to achieve Council's water quality objectives, specified in these conditions, within the 5-day rainfall depth used to calculate the capacity of the basin, after a rainfall event.
- (t) All manufacturers instructions must be followed for the use of any chemicals/agents used onsite, except where approved by the responsible person or an appropriate Council Officer.
- (u) Sufficient quantities of chemicals/agents to treat turbid water (flocculating/coagulants) must be placed such that water entering the basin/sediment trap mixes with the chemical/agents and is carried into the basin/trap.
- (v) Any basin must be dewatered as soon as practical, once water captured in the basin achieves Council's water quality objectives, specified in these conditions.
- (w) Sufficient quantities of chemicals/agents to treat turbid water (flocculating/coagulants) must be securely stored on-site to provide for at least three complete treatments of all basins requiring chemically treatment onsite.
- (x) The Applicant must ensure that on each occasion a Type F or Type D basin was not de-watered prior to being surcharged by a following rainfall event, a report is presented to an appropriate Council officer within 5 days identifying the circumstances and proposed amendments, if any, to the basin's operating procedures.
- (y) Where more than one stage is to be developed at one time, or before the preceding stage is complete, the sediment basin(s) for these stages must have sufficient capacity to cater for all area directed to the basin(s).
- (z) All ESC measures must be inspected:
  - (i) at least daily (when work is occurring on-site); and
  - (ii) at least weekly (when work is not occurring on-site); and
  - (iii) within 24hrs of expected rainfall; and
  - (iv) within 18hrs of a rainfall event that causes runoff on the site).
- (aa) Where dust suppression is not considered by Council to be adequately controlled onsite, the applicant must investigate other dust suppression measures including the application of dust suppressants.
- (bb) The application of liquid or chemical-based dust suppression measures must ensure that sediment-laden runoff resulting from such measures (e.g. runoff of excess water) does not create a traffic or environmental hazard.
- (cc) The applicant shall arrange for a detailed record of the erosion and sediment controls on the site to be maintained during construction works. The record shall be updated on a weekly basis and shall contain details

on the conditions of the controls, all maintenance and cleaning undertaken.

- (dd) Council's Erosion and Sediment Control Officer must be notified within 5 working days of the initial erosion and sediment control measures being installed by telephone (0249210333), facsimile (0249587257) or by email (council@lakemac.nsw.gov.au).
- (ee) The ESCP/SWMP and its associated erosion and sediment control measures must be constantly monitored, reviewed, and modified as required to correct deficiencies. Council has the right to request changes if, in its opinion, the measures that are proposed or have been installed are inadequate to prevent pollution.
- (ff) Should any sediment laden water leave site either intentionally or unintentionally, the incident must be reported to Council's Customer Service Centre within 2 hours of the Site Manager becoming aware of the incident by telephone on 0249210333.
- (gg) No sand filled bags are to be placed outside the property including in gutters and on Council roads.
- (hh) Where a straw bale structure is used for erosion and sediment control, it must be constructed such that it captures water from site (to allow the water to filter through the structure). A spillway must be installed in the structure. The spillway height must be low enough to ensure captured water flows over the spillway before it flows around the ends of the structure.

## **16. Bushfire – General Terms of Approval**

The development for subdivision of land (that could lawfully be used for residential or rural residential purposes), or development for a special fire protection purpose (which has the same meaning as it has in Section 100B in the Rural Fires Act 1997) on bushfire prone land, shall conform to the specifications and requirements of:

- The guide "*Planning for Bush Fire Protection 2006*" ISBN 0 9585987 8 9, produced by the NSW Rural Fire Services; and
- If another document is prescribed by the regulations for the purposes of Section 79BA of the Environmental Planning and Assessment Act (as amended), that document; and
- The bush fire assessment prepared and approved for the subject development; and
- The following conditions provided by the Commissioner of the NSW Rural Fire Service (or their delegate) concerning measures to be taken with respect to the development to protect persons, property, and the environment from danger that may arise from a bush fire:

### Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- (a) At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

#### Evacuation and Emergency Management

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

- (b) An Emergency/Evacuation Plan is to be prepared, or the existing plan modified, to include the new facilities and be consistent with the NSW Rural Fire Service document 'Guidelines for the Preparation of Emergency/Evacuation Plan' detailing the following:
  - a. under what circumstances will the complex be evacuated;
  - 2) where will occupants be evacuated to;
  - 3) roles and responsibilities of persons co-ordinating the evacuation;
  - 4) roles and responsibilities of persons remaining with the complex after evacuation; and
  - 5) a procedure to contact the NSW Rural Fire Service District Office / NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to.

#### 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 shall apply:

- (c) Construction of the aged care facility building (the building closest to Cary Street) shall comply with Sections 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'.

### **17. Geotechnical Report Compliance**

The recommendations of the Geotechnical Report No. Geotwara21615AA-AE prepared by Coffey Geotechnics dated 1 August 2012 shall be complied with. Any works undertaken in relation to the development shall embody all the relevant recommendations of the Geotechnical Report.

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

Prior to the issue of the first Construction Certificate, all construction and engineering plans shall be certified as being designed in accordance with the approved Geotechnical Report by a suitably qualified structural / civil engineer.

## **18. 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.

## **19. Disability Access Requirements**

Access for people with disabilities must be provided from the building(s) to kerb ramps and footpaths along the street frontage, by means of a continuous path of travel in accordance with Australian Standard AS 1428.1.

**Note:** Additional legislation exists to promote the provision of services, which enable people with a disability to maximise their potential, further their integration in the community and achieve positive outcomes.

The following legislation may be relevant:

- The NSW Disability Services Act 1993
- The Commonwealth Disability Discrimination Act 1992
- NSW Anti Discrimination Act 1977.

For further information please consult:

- Human Rights and Equal Opportunity Commission
- NSW Anti Discrimination Board.

## **20. Tactile Indicators**

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

**Note:** The areas of the development to have tactile indicators installed are varied and include kerb ramps and footpaths along the street frontage; carpark pedestrian crossings (street frontage and internal); lifts; stairways and ramps.

## **21. 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:

- a. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004; and
- b. Disability Access Report by Lindsay Perry Access + Architecture dated 18 July 2012; and

- c. Building Code of Australia; and
- d. Disability Discrimination Act 1992; and
- e. the conditions of consent;

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.

Prior to the release of any Interim Occupation Certificate and any Final Occupation Certificate by the Principal Certifying Authority, a compliance Certificate certifying that the development has been constructed in accordance with the requirements of this condition is to be provided by an accredited access consultant.

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.

## **22. Accessibility**

Prior to the release of the Construction Certificate by the Principal Certifying Authority, a draft management plan addressing the following accessibility issues is to be submitted to Council's Community Planner (Ageing & Disabilities Services) for approval:

### Shuttle Service – Daily Access to Services and Facilities

A return Shuttle Service to and from the Seniors village to the local shopping centre and medical facilities is to operate a minimum of at least three times during each weekday. The timetable needs to be provided to residents to enable them to make medical appointments and transport connections.

### Minibus Service – Outings for Residents of Independent Living Units

The minibus service for ILU resident weekly outings is to be provided separate to the Shuttle Service.

### Community Centre

The accessible toilet to serve the Lap Pool is to include an accessible shower facility compliant with AS 1428.1.

### Access Control Gates & Doors

All access control gates and doors are to be compliant with AS1428.1.

## **23. 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.

## **24. Retention of Trees and Native Vegetation**

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

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

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

All reasonable measures shall be undertaken to protect all other native vegetation on the site and on adjoining lands from damage during construction. Such measures shall include but not be limited to:

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

- (e) Salvaging useable trees and shrubs which are felled for re-use, either in log form, or as woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots and stumps may only be disposed of at an approved site;
- (f) Notifying all contractors, sub-contractors, and personnel of vegetation protection requirements of this condition.

## **25. Category 3 Landscaping**

Landscaping shall be implemented/installed in accordance with the approved landscape plans and documentation as prepared by Terras Landscape Architects dated July 2012 as amended by approved document 'First Floor Plan' prepared by Jackson Teece DA102 Issue B dated 19-09-2012 (in regard to Cary Street deep soil planting interface).

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*.

## **26. Documentation of Landscape Works in the public Domain**

The applicant shall include Public Domain Plans and Public Domain Specification for all landscape work to be undertaken in the public domain with the Construction Certificate application in accordance with the following:

- The Public Domain Plans and Specification shall show only work proposed to be undertaken on public land (other work may be shown indicatively for reference purposes but must be clearly delineated).
- The Public Domain Plans and Specification must be in accordance with the approved DA plans.
- The Public Domain Plans and Specification shall be produced by a consultant that meets the requirements of the LMCC Development Control Plan No. 1 section 2.7.2 "Categories of Development".
- A Consultant's Declaration as detailed in LMCC Development Control Plan No. 1 section 2.7.2 shall be included on all documentation.
- The Public Domain Plans and Specification shall be approved by LMCC's Landscape Architect (Development Assessment & Compliance) prior to issue of the CC.
- The Public Domain Specification shall include a Tree Supply clause that complies with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).

- All documentation must comply with the version of the relative Public Domain Technical Guidelines that is current at the date of the CC application.
- The Public Domain Specification shall include the following contact details for Council's Coordinator of Project Management, contactable on 49210333. All landscape works within the Public Domain (road reserve) shall be coordinated with Council's Project Manager during the construction period.
- The Public Domain Specification shall include witness or hold points for the following inspections (where applicable) to be carried out by Council's Project Manager:
  - Commencement of Public Domain Works (witness point).
  - Set out of tree pits (witness point).
  - Excavation of tree pits with root barrier and sub-surface drainage installed (hold point).
  - Installation of each layer / horizon of growing medium (witness point).
  - Tree delivery prior to installation (hold point). Note: .if desired, arrangements may be made to inspect trees prior to delivery to assist in avoiding rejection due to poor quality (NB inspection will still be required on site prior to installation).
  - Commencement of tree planting (witness point).
  - Completion of tree planting, including installation of any guards / grates (witness point).
  - Completion of sub-base layer for concrete paths (witness point).
  - Completion of steel work prior to pour (pre-pour inspection) (hold point).
  - Completion of concrete pathway (witness point).
- The Public Domain Specification shall include a requirement for the following submissions to be made in a timely manner by the Contractor to Council's Project Manager:
  - Batch Certificates for all imported soil
  - Certification that trees comply with the Tree Supply Specification (as above).
  - Manufacturer's warranty and maintenance information for all proprietary products.
- The Landscape Consultant that produced Public Domain Plans and Specification shall submit a **Landscape Compliance Report** that details the above inspections and submissions and certify that the finished works comply with Public Domain Plans and Specification. The certification is to outline any minor defects which must be rectified and any specific landscape maintenance requirements during the maintenance period. The Landscape Consultant may delegate production of this report to a local

Consultant with equivalent qualifications where approval to do so is gained in writing prior to issue of the CC.

- The Landscape Consultant that produced Public Domain Plans and Specification shall submit a **Landscape Rectification Report** that certifies that the work requirements of the Landscape Compliance Report have been met. The Landscape Consultant may delegate production of this report to a local Consultant with equivalent qualifications where approval to do so is gained in writing prior to issue of the CC.
- The Landscape Consultant that produced Public Domain Plans and Specification shall submit two **Landscape Maintenance Reports** (one at 26 weeks and one at 52 weeks after practical completion) that certify that at 26 and 52 weeks after Practical Completion the works were being satisfactorily maintained. The Landscape Consultant may delegate production of this report to a local Consultant with equivalent qualifications where approval to do so is gained in writing prior to issue of the CC.

**Details Required Prior to Commencement of any work on Council Land or in the Public Domain**

Construction works in accordance with this development consent shall not commence until:-

- (a) detailed landscape plans and specifications (including a Design Report and Checklists in accordance with the Lake Macquarie City Council Landscape Guidelines) relating to the work have been endorsed with a **Construction Certificate** by :-
  - (i) Council,  
**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 has given at least two (2) days notice to Council of the intention to commence works.

**27. Works in the Public Domain**

A separate Construction Certificate is to be submitted to Lake Macquarie City Council for all landscape works within the Public Domain/Road Reserve.

**28. Management of Site - Erosion Prevention and Sediment Control**

All disturbed areas shall be revegetated or rendered erosion resistant in accordance with *Section 2.1.11 of Lake Macquarie City Council Development Control Plan 1* as soon as practical, and no later than the timeframes specified in *Managing Urban Stormwater: Soils and Construction "The Blue Book" 4<sup>th</sup> Edition, Landcom, 2004.*

**29. 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.

### **Compliance Certificate for Works – Public Land**

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

### **30. Consolidation of Lots**

Prior to the issue of an Interim or Final Occupation Certificate for Stage 1, whichever occurs first, Lot 13 Sec 13 DP 2505, Lot 11 Sec 13 DP 2505, Lot 12 Sec 13 DP 2505, Lot 10 Sec 13 DP 2505, Lot 2 DP 411096, Lot 11 DP 786365, Lot PTA DP 373735, Lot 12 DP 786365, Lot 19 Sec 13 DP 2505, Pt Lot PT20 Sec 13 DP 2505, Pt Lot B DP 308710, Lot 16 DP 658239, Lot 1 DP 1098464 and Lot 82 DP 210167 shall be consolidated and registered at the Land and Property Management Authority and a copy of the registered plan shall be provided to Council.

### **31. Relocation of Stormwater Pipeline and Provision of Council Easement**

The applicant shall relocate the existing public stormwater pipeline on the site, generally as shown in the design prepared by Northrop Engineers. The applicant shall demonstrate by engineering calculations that the relocation of the pipeline does not reduce the capacity of the drainage pipeline.

An easement to drain water, a minimum 3 metres wide shall be created at no cost to Council in favour of Council over the relocated pipeline.

The easement shall be registered on the title of the lot under Section 88B of the *Conveyancing Act 1919* as amended, prior to the issue of the first Construction Certificate.

Council shall be the authority with the power to release, vary or modify the terms of the easement.

The applicant shall provide Council with a Works As Executed plan for the pipeline prior to the issue of the first Occupation Certificate.

### **32. Construction Traffic Management Plan**

A Construction Traffic Management Plan (CTMP) is to be submitted to Council's Asset Management Department for approval prior to release of the first or any Construction Certificate by the Principal Certifying Authority. The CTMP is to be implemented prior to the commencement of works and maintained until the completion of each stage.

The CTMP is to include a Vehicle Movement Plan and Traffic Control Plan. It shall be prepared with the intention of minimising impact on the operation of the road network during construction and neighbouring properties.

### **33. Traffic and Access**

The construction and operation of the development is to comply with the following:

- (a) No on-street parking of delivery vehicles nor loading or unloading of goods is permitted.
- (b) Internal accesses and all parking facilities are to be compliant with AS 2890.1:2004 Part 1 as amended 2005: 'Off Street car parking' and AS 2890.2 Part 2: 'Off Street commercial vehicle facilities'.

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

A total of ninety two (92) 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 Aged Care Facility | 47 spaces |
| Residential Flat Building      | 45 spaces |

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

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

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 designated commercial and retail car parking spaces shall be available for use only by employees and clientele during the business hours of the approved development unless shown otherwise on the approved plans but are not to be used as public carparking. . No spaces shall be marked, signposted or

otherwise identified as being for the sole use of staff only. Non-residential spaces shall not be fitted with any equipment serving to render the car park inaccessible at any time, such as bollards, roller doors, or the like.

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

### **35. 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 AS2890. All parking areas and access ways, line marking and signage shall be completed prior to the issue of an Occupation Certificate.

The applicant shall ensure that the sight lines from the car park accesses at the property boundary meet the requirements set out in AS2890.1, Figure 3.3. This may require some relocation/adjustment of the eastern driveway.

The applicant shall ensure that free access to and from the ambulance bay is provided in the design, even when the drop off bay is occupied by vehicles.

Provision shall be made for all service vehicles and loading bays on the site. A loading area shall not be permitted in Brighton Avenue.

### **36. 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.

### **37. Boundary Fencing**

The boundary fencing of the site shall be erected in accordance with the Landscape Fence Plan with the exception of the pedestrian and vehicular gated access on the Main Entry Driveway. The erection of the fencing is to be completed prior to the release of an Interim or Final Occupation Certificate for Stage 1.

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 the relevant neighbouring property owner of the intention to erect the boundary fencing.

### **38. Advertising Structures and Signs**

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

**39. 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.

**40. Car Washing Bay**

The designated car washing bay(s) shall be constructed clear of the designated car parking spaces and driveways and shall be accessible at all times.

The designated car washing bay(s) shall be roofed, bunded and graded to a floor sump which drains to the Hunter Water Corporations (HWC) reticulated sewer in accordance with HWC requirements.

Prior to the issue of a Construction Certificate, plans and specifications for the proposed wash bay, including bunding, drainage and the installation of any proposed oil/waste separator, shall be submitted to the accredited certifier.

**41. Onsite Loading Facility**

The onsite loading facility shall be constructed clear of designated car parking spaces and driveways, must be kept clear of goods and must not be used for any storage purposes, including garbage storage.

All loading operations associated with servicing the site, must be carried out within the boundaries of the site, and must not obstruct other properties, access driveways, public roads or footpaths.

**42. Crime Prevention Through Environmental Design**

The development is to incorporate the following measures to achieve Crime Prevention Through Environmental Design outcomes:

Territorial Re-enforcement

- Directional signage is to be provided throughout the development. The signage is to be clear, legible and useful, to aid way finding throughout the area (particularly around the entry/car park area).
- Signage noting beware of emergency vehicles needs to be included at the parked ambulance and main entry intersection.

Lighting/Technical supervision

- Australian and New Zealand Lighting Standard 1158.1 requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.

Environmental Maintenance



- A long-term maintenance plan shall be prepared for the development. A copy of the plan shall be submitted to the Principal Certifying Authority and approved prior to the issue of the Final Occupation Certificate. The long-term maintenance plans shall be complied with at all times. The long-term maintenance plan shall cover maintenance of vegetation, lighting, graffiti management and malicious damage. Graffiti shall be removed within 72 hours, and lighting, if damaged or broken shall be restored within 48 hours.

#### Access Control

- The travel paths for pedestrians between the Independent Living Units and the Residential Care Facility is to be more clearly distinguishable particularly where pedestrians are traversing through the car park.
- Internally, rooms containing high value items (such as computers) are to be separately secured.
- Entry doors for the Independent Living Units to have a level of security incorporated such as a spy hole in the door or security or some level of identifying who is at the door.
- Entry doors are to be flush with the adjoining walls, no alcoves are permitted (this includes reference to the Independent Living Units).

The above requirements are to be incorporated into the plans submitted with the Construction Certificate and implemented prior to release of the Occupation Certificate by the Principal Certifying Authority.

### **43. Waste Collection**

#### Stage 1

A revised Site Waste Minimisation and Management Plan for Stage 1 of the development is to be submitted to Council's Development Assessment & Compliance Department for approval prior to release of the first or any Construction Certificate.

The revised plan is to address the removal of waste from the site as a temporary measure until the completion of Stage 2. The temporary measures must address EITHER collection by a private waste contractor or being able to service the Independent Living Units (Stage 1) OR submission of plans demonstrating compliant temporary waste measures in terms of access, manoeuvring, stormwater management and storage.

#### Stage 2

The Waste Collection for the Independent Living Units and the Residential Care Facility are to be undertaken in accordance with the 'Site Waste Minimisation and Management Plan' by Jackson Teece (Issue A) dated 30 July 2012.

### **44. 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.

**45. Hearing Augmentation**

Hearing augmentation is to be provided in accordance with AS 1428.5 to Multi Purpose Rooms in Residential Aged Care Facility and Community Hall prior to issuing of the Final Occupation Certificate by the Principal Certifying Authority.

**46. Security of Tenure**

Prior to the commencement of Demolition works or the release of the Construction Certificate by the Principal Certifying Authority, which ever comes first, the applicant is to obtain approval from Council's Coordinator of Social & Community Planning of the proposed Security of Tenure for existing residents of the 'Mountain View Apartments'. The Security of Tenure is to include details of accommodation, and maintenance of social and support networks.

**47. Security Gate Access**

The development is to provide/maintain unrestricted site access by deleting the security gate from within the main driveway.

**48. Heritage Interpretation Strategy**

An Interpretation Strategy focusing on the former St. Joseph's Catholic Church be prepared by a qualified Heritage Consultant and lodged with Council's Heritage Planner for approval, prior to the issue of a Construction Certificate.

The Interpretation Strategy approved by Council's Heritage Planner is to be implemented on site (to Council's Heritage Planner's approval) prior to the issue of an Occupation Certificate by the Principal Certifying Authority.

**49. EXCAVATION – ABORIGINAL RELICS**

Should any Aboriginal relics be unexpectedly discovered then all excavations or disturbance to the area are to stop immediately and the Department of Environment and Climate Change shall be informed in accordance with Section 89A of the National Parks and Wildlife Act, 1974.

**50. EXCAVATION – HISTORICAL RELICS**

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

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the

Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

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

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

Should there be any changes to the specifications of the development (e.g. colour, insulation, etc), except where restricted or excluded by any condition of consent, an amended/new BASIX Certificate shall be obtained and may be relied upon as having complied with this condition.

A copy of any amended/new BASIX Certificate shall be submitted by the Principal Certifying Authority to Council within fourteen days of the receipt of the BASIX Certificate. Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, certification of compliance with the BASIX Certificate shall be provided to the Principal Certifying Authority.

#### **52. Excavation and Retaining**

Only retaining walls indicated on the approved plans shall be constructed under this consent.

No additional excavation/fill is to occur outside the area as shown on the approved plans.

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

Retaining walls, footings and associated drainage works shall be located wholly within the subject property boundaries and shall be connected to the existing stormwater system or other approved stormwater system on the subject property.

**Note:** Some retaining walls are able to be erected without consent, as Exempt or Complying Development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP). Prior to erection of any retaining wall not approved under this consent, reference to the SEPP should be undertaken to ascertain whether approval is required.

#### **53. 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.

**54. 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.

**55. Driveway Design and Construction - Residential**

The driveways to the car parking areas of the development shall be designed and constructed in accordance with the following requirements and Councils Standard Drawings: EGSD-201 and EGSD-202 (available from Councils website).

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

**56. Demolition**

Demolition work must not commence until a Construction Certificate has been issued by the Principal Certifying Authority.

Demolition work shall be carried out only between the hours of 7:00am to 5:00pm Mondays to Fridays and 8:00am to 1:00pm Saturdays. No work is to be carried out on Sundays or public holidays.

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

No trees shall be removed from the site unless they are shown for removal on the approved plans, or separately approved by Council.

Erosion and sediment control measures shall be installed prior to any demolition works and maintained in accordance with the approved plans and documentation, and the *Lake Macquarie City Council Development Control Plan 1 – Principles of Development*.

The site shall be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

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

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

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

## **57. Asbestos**

If asbestos is encountered during construction or demolition work, even if the works are partial demolition (eg one wall), measures must be in place in accordance with WorkCover NSW guidelines and the *Occupational Health & Safety Regulations 2001* NSW. Work shall not commence or continue until all the necessary safeguards required by WorkCover NSW are fully in place.

Only contractors who are appropriately licensed for asbestos disposal by WorkCover NSW may carry out the removal and disposal of asbestos from demolition and construction sites.

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



The person entitled to act on this consent shall notify adjoining residents in writing five working days prior to the demolition.

Asbestos waste must only be disposed of at a landfill site authorised to receive such waste and copies of receipts received from such disposal kept and made available for inspection by Council during normal working hours and upon the giving of reasonable notice.

**Note:** Council's Awaba Waste Management Facility can accept asbestos for a fee, provided that the material is safely secured in accordance with the relevant guidelines. At least 24 hours prior notice must be given to allow an area to be prepared for disposal.

## **58. ASBESTOS CONTAMINATION**

Certification shall be provided from a qualified occupational hygienist confirming the site is free of asbestos & suitable for the proposed development.

## **59. 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.

## **60. 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.

## **61. 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.

## **62. Dust Suppression**

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

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

## **63. Dial Before You Dig**

Prior to commencement of work, the free national community service “Dial Before You Dig” shall be contacted on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.



## **64. ACOUSTIC ASSESSMENT REPORT**

Council has reviewed & relied on the information contained in the noise acoustic assessment report from Spectrum Acoustics Noise & Vibration Consultants dated 24 July 2012 (Ref 12728/4443)

The consultant will need to be engaged by the developer to ensure that proper attenuation measures such as barriers, acoustic suppression material & window glazing installation requirements & the correct sound power levels of specified mechanical plant are installed within the development comply with NSW Office of Environment & Heritage for an urban area.

Since the development adjoins an arterial/main road, the report shall advise whether the noise levels within the development comply with the Roads & Maritime Services NSW Road Noise Policy requirements relating to acoustic amenity for the occupants.

The consultant is also to determine if traffic noise attenuation to the living & sleeping areas will comply with the internal comfort levels recommended in the AS/NZS 2107

Prior to the issue of the **Occupation Certificate**, the applicant is to provide Council with a statement from the acoustic consultant certifying that the works have been completed & the noise mitigation measures comply with their recommendations & thus the relevant noise policies & standards.

Within one (1) month of occupation, Council requires certification from the acoustic consultant stating the desired acoustic performance has been achieved.

#### **65. 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.

##### Approved Construction Times

The approved hours for construction of this development are –

Monday to Saturday, 7.00am to 5.00pm.

No construction work shall 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.

#### **66. 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.

#### **67. Bunded Spillage Areas**

Chemicals stored in bulk form, or work areas where spillages are likely to occur, shall be bunded in accordance with the *NSW Office of Environment and Heritage Protection Manual – "Bunding and Spill Management."*



**68. Liquid Gaseous Wastes, Emissions and Odour Control**

Emissions shall be responsibly managed at all times, so as not to cause a danger to public health or loss of amenity or damage to the environment.

Any liquid gaseous wastes, emissions or odours shall be controlled and disposed of in accordance with the *NSW Protection of the Environment Operations Act 1997* and *Regulations 1997*, as amended.

Where it is proposed to treat and discharge waters to the Hunter Water Corporations Sewer, formal approval from the Corporation shall be obtained.

**69. 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.

**70. Medical / Pathological Waste**

Any contaminated medical or pathological wastes stored on the premises shall be secured in approved containers and disposed of by a registered contractor, in accordance with the requirements of the NSW Department of Health and the NSW Office of Environment and Heritage.

**71. Garbage Storage Areas**

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

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

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

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

**72. Vulnerable Persons Establishment**

The requirements of the NSW Food Authority as they relate to Vulnerable Persons Establishments be determined and complied with.

**73. Construction and Fit-out of Food Premises**

(a) General Construction

The fit-out of areas used for food preparation, storage or display, shall comply with the requirements of the *Food Act 2003*, *Food Regulation 2010*, and *Australian Standard AS4674 "Design, construction and fit-out of food premises"*.

Note: Particular attention should be paid to:

- Routing of plumbing & electrical conduit
- Installation of hand wash basins and cleaners sinks
- Construction of floors, walls and ceilings
- Finishes of floors, walls and ceilings
- Cool room construction
- Installation of fixtures fittings and equipment
- Toilet facilities and airlocks
- Installation of light fittings
- Installation of floor wastes
- Ventilation and exhaust systems

(b) Plans and Specifications

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

(c) Mechanical Ventilation

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

(d) Partition Wall Construction

Any partition wall (that do not extend to the ceiling), sills or other ledges located within food preparation areas shall be splayed on top at an angle of 45 degrees to prevent storage of articles and reveal build-up of food waste, dirt, grease or other visible matter.

(e) Waste Traps

Any bucket traps, grease traps and associated sewer connections shall be installed in accordance with the requirements of Hunter Water Corporation.

#### **74. Certification of Food Premises Fit-out**

Prior to the issue of any Occupation Certificate the food premises shall be inspected by an appropriately qualified person who shall certify that the premises, including the construction and installation of all equipment, fixtures, fittings and finishes therein, complies with the *Food Act 2003*, *Food Regulation 2010*, and *Australian Standard AS 4674 "Design, construction and fit-out of food premises"*.

#### **75. GOODS RECEIVABLE DOCK & TRAFFICABLE AREAS**

Any spillage, wastes or rubbish generated as a result of activities or the area being hosed down are to be contained so as to prevent access to drainage sumps, pollution of water & with control methods to prevent pollutants from leaving the site with stormwater run-off.

**76. Hand Wash Basins**

Hand wash basins & disinfection solution shall be provided for use by medical staff in accordance with the requirements of Hunter New England Population Health. The design & installation shall comply with the relevant Australian Standards.

**77. Warm Water Systems**

The warm water system shall be installed to comply with Section 3 of AS/NZS 3666.

**78. Local Government Act Compliance – Hair Dressers**

To ensure compliance with the Local Government (General) Regulation 2005, the construction and operation of the premises are to be carried out in accordance with the standards set out in Schedule 2, Part 2 of the Regulation, “Standards for Hairdressers”.

**79. CONSTRUCTIONAL STANDARDS FOR HAIRDRESSERS**

The hairdressing room/space is to be constructed in accordance with “Guidelines for the Construction & Operation of Hairdressing, Beauty & Skin Penetration Premises”.

**General Terms of Approval**

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

- NSW Mine Subsidence Board
- NSW Rural Fire Service

**CONTRIBUTION FEE SCHEDULE**

| DESCRIPTION                                  | FEE AMOUNT               |
|--|--------------------------|
| Toronto Catchment - OSA Land                 | \$12,871.43              |
| Toronto Catchment - RF - Capital             | \$8,142.73               |
| Toronto Catchment - CF - West Lake - Land    | \$174.11                 |
| Toronto Catchment - CF - West Lake - Capital | \$2,612.73               |
| Toronto Catchment - Management               | \$12,163.61              |
|  | <b>TOTAL \$35,964.61</b> |