

**JOINT REGIONAL PLANNING PANEL**  
**(Hunter Central Coast)**

<b>JRPP No</b>	<del>2012HCC001</del> 2013 HCC001
<b>2013HCC001</b>	<b>DA/990/2012</b>
<b>Local Government Area</b>	<b>Lake Macquarie City Council</b>
<b>Proposed Development</b>	<b>Demolition of existing structures, construction of new public administration building (Belmont Police Station) and addition to existing public administration building (Belmont Court House), and associated works.</b>
<b>Street Address</b>	<b>2-6 Herbert Street and 526-530 Pacific Highway, Belmont</b>
<b>Applicant/Owner</b>	<b>The Crown</b>
<b>Number of Submissions</b>	<b>One submission of support</b>
<b>Recommendation</b>	<b>Approval with Conditions</b>
<b>Report by</b>	<b>David Lovell, Senior Development Planner, Lake Macquarie City Council</b>

## **Assessment Report – Belmont Police Station and Court House re-development**

### **Proposal**

The application proposes:

1. demolition of the existing Belmont Police Station and associated structures;
2. construction of a three storey police station with basement car parking;
3. demolition and redevelopment of the rear portion of the existing Belmont Court House;
4. Lot consolidation from six to two lots, to separate the court house and police station; and,
5. landscaping and associated excavation and stormwater management works.



**Proposed Belmont Police Station – Artist Impression**

Figure 1 – artist impression of street elevation of proposed Belmont Police Station.

The new police station is proposed to cater for the Lake Macquarie Local Area Command and house approximately 187 staff on a rotational basis, with a maximum daytime shift of 104 persons.

The application proposes the construction of 38 on-site car parks, four motorcycle parks, a car wash bay and secure custodial parking on-site. Five of these spaces are to be allocated to the courthouse. Within the road reserve parking for four response vehicles are proposed. A disabled car parking space is also proposed on-street at the entrance to the development. Under the NSW Government Office Design Principles (January 2011) Circulation Issue 5.3, police stations are not required to provide on-site car parking, except for departmental vehicles.

The ground floor includes a public entry foyer, waiting room, accessible WC, enquiry counter, meeting rooms, amenities and offices.

The first floor includes general office areas, interview rooms, amenities, storerooms and meals and fitness room areas and second floor includes a conference, training and briefing rooms, office areas and amenities.

The building will be constructed of face brickwork, cement render and composite panel cladding with colorbond metal roofing.

Pedestrian and vehicle entry is off Herbert Street.

All roof and surface water is proposed to be directed to an on-site stormwater retention/detention tank with a dual plumbing option that uses rainwater on-site for vehicle washing and toilet and shower facilities.

The total floor area shall be 3402m<sup>2</sup>. The cost of works is \$9.95 million.

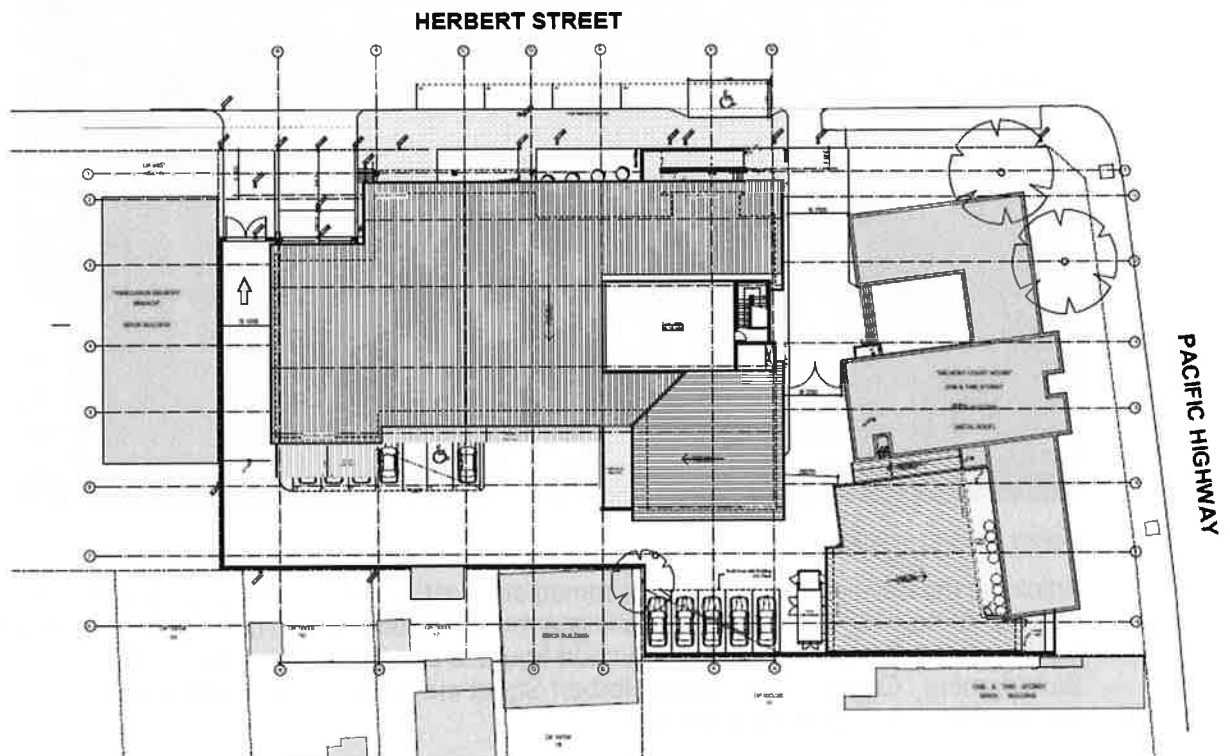


Figure 2 - roof plan of proposed development

The proposed changes to the existing Belmont Court House include; retention of the existing court house with additions to join the prison cells to the courthouse to ensure secure and safe prison transfer at this location can be undertaken. The changes are proposed to the rear (west elevation) of the building only. A prison van parking and transfer area shall be located to the rear of the court along with five car parking spaces for courthouse staff.

### The Site

The development application is lodged over six lots.

The development site is currently improved with three single storey brick veneer building (one comprising the existing police station) hard stand areas for car parking and two brick veneer sheds and one metal shed for on-site storage.

The development site in total has an area of 3830m<sup>2</sup>.

The existing police station is constructed over lots 17 Sec. K DP 9457, 16 Sec. K DP 9457, 2-6 Herbert Street Belmont and Lots 1 DP 121961 and 1 DP 726832, 530 Pacific Highway Belmont.

The existing court house is constructed over lots 1 DP 121961, 1 DP 726832, 13 DP 10844787 and 12 DP 1084787, 530 Pacific Highway Belmont. Figure 3 below shows the site location.



Figure 3 – site location.

Adjoining the development site to the immediate west at Herbert Street is an ambulance station. At the rear boundary of the site is a mix of residential and commercial development. To the southern side boundary of the court house are existing commercial/retail development. Opposite the site on Herbert Street are located a mix a residential, commercial and retail development.

The development site has a gentle slope from east (Pacific Highway) to the west, with a cross fall into Herbert Street. The land is identified as being low-lying land and as potentially containing acid sulphate soils.

The land is not bush fire prone or is in the vicinity of, or adjacent to, any items of heritage significance.

The development site is within the coastal zone, as prescribed at State Environmental Planning Policy 71 – Coastal Protection, albeit the development is not within a sensitive coastal area.

Pedestrian and vehicular access is obtained from Herbert Street, which is a local road.

The development does not require the removal of any critical habitat or ecological endangered or vulnerable communities or species.

The development site is surrounded by lands zoned for Urban Centre Core development.





**Existing Belmont Police Station - Herbert Street, Belmont**

Figure 4 – existing Belmont police station.

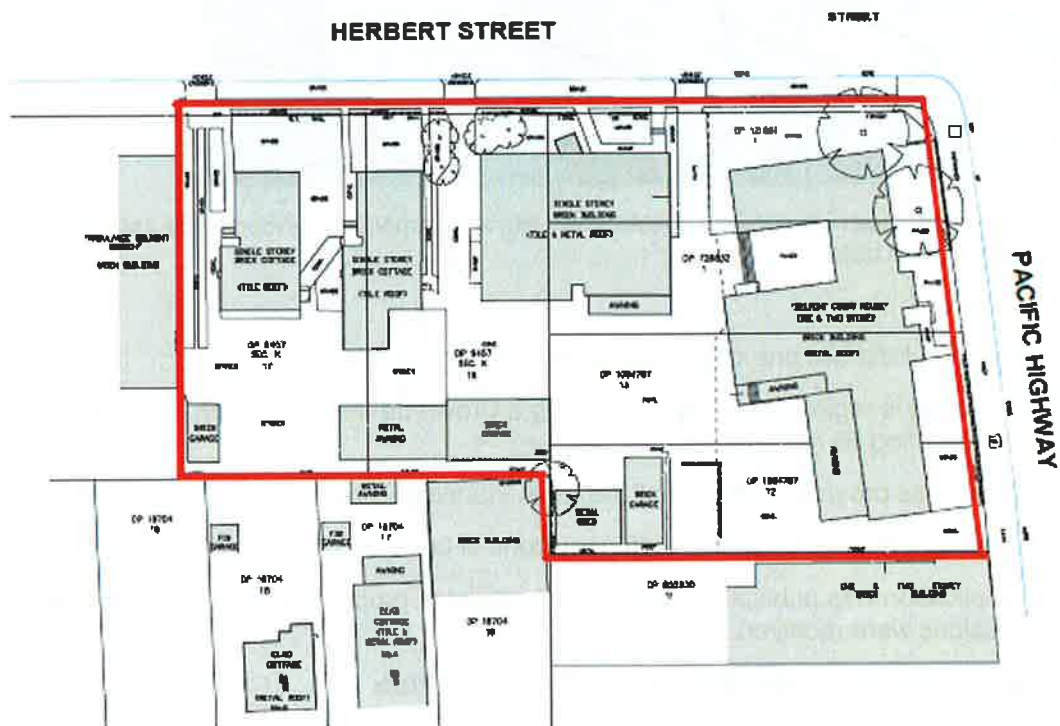


Figure 5 –existing site plan.

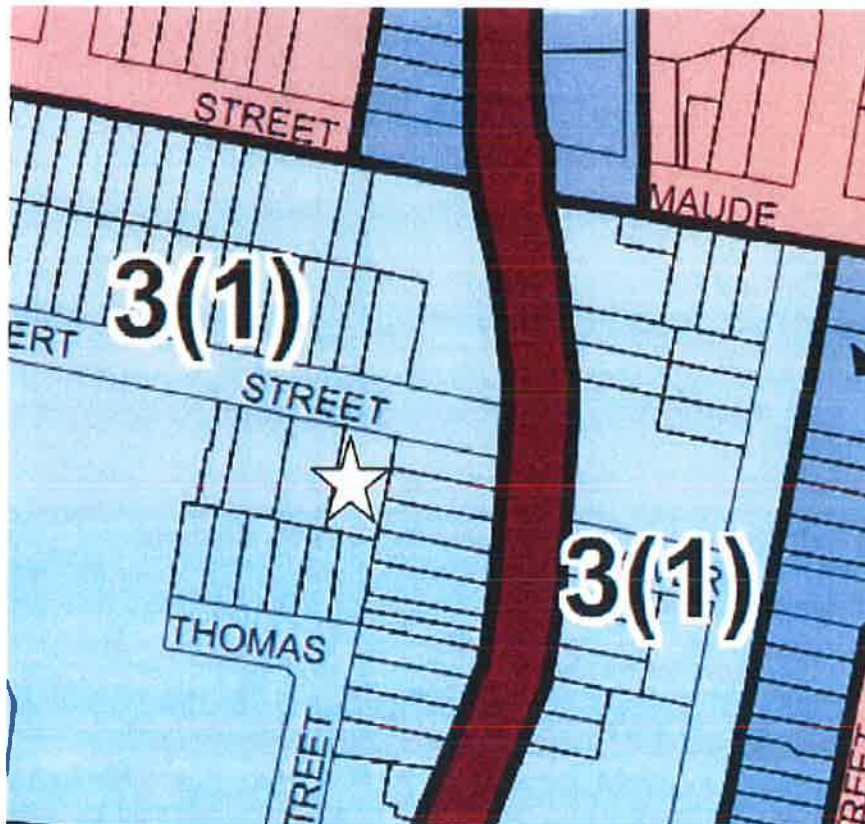


Figure 6 – land use map showing development site and immediate surrounds are zoned for commercial land uses.

### **Background**

Council staff held two pre-lodgement meetings with the applicant.

The proposal is regional development being a Crown development with a capital investment value exceeding \$5 million.

A briefing was provided to the Joint Regional Planning Panel on 27 February 2013.

The applicant has reviewed the draft conditions of consent.

The application was publically notified to 17 adjoining properties. No written objection submissions were received.

### **Section 79C: Potential Matters for Consideration**

#### **79C(1)(a)(i) the provisions of any Environment Planning Instrument (EPI)**

##### ***State Environmental Planning Policy (Infrastructure) 2007***

Under the policy, the proposed land use is defined as a *public administration building*.

Development for the purpose of *public administration* buildings may be carried out by a public authority with consent on land in a prescribed or equivalent zone.

The 3(1) zone is an equivalent zone to the prescribed zones listed within the instrument.

In this regard, the permissibility functions of Lake Macquarie Local Environmental Plan 2004 are set aside. Notwithstanding this, the other relevant clauses and zone objectives of the LMLEP2004 have been taken into consideration.

### **State Environmental Planning Policy 71 – Coastal Protection**

The development site is located in the coastal zone as defined under the policy however is not in a sensitive coastal location and does not propose a significant coastal development. The matters under Part 2 and Part 4 of the plan has been taken into consideration. The proposal is not considered to conflict with the policy.

### **State Environmental Planning Policy 55**

A Phase 1 Preliminary Contamination and Geotechnical Assessment was undertaken in accordance with the Clause 7 of the Policy.

Two potential sources of contamination on-site have been identified, comprising fill material across the site and an underground petroleum storage tank (UST) in the southeast corner of the site. Anecdotal evidence indicates that the UST was evacuated and foam filled, however no records were sited.

The report has concluded that further assessment shall be required to be undertaken, however that the overall risk of contamination is identified as low.

It is recommended that prior to any construction on-site occurring, further assessment is undertaken including a subsurface assessment along with a Remedial Action Plan and where required, the site is remediated and validated prior to any works commencing on-site.

It is considered that subject to conditions of consent, the applicant can demonstrate that the site shall be suitable for development, prior to any works being undertaken and in this regard can satisfy the requirements of clause 7 of the Policy.

### **Lake Macquarie Local Environmental Plan 2004**

The proposal has been considered with regard to the zone objectives.

The objectives of this zone are to:

- (a) provide land for commercial, retail, recreational and housing uses in a central location, and*
- (b) generate viable employment and economic activity, and*
- (c) create urban centres for safe and vibrant social, cultural and community activity, and*
- (d) create public spaces that are accessible, welcome all people and are a central focus for the community, and*
- (e) provide for sustainable water cycle management.*

The proposal is considered to comply with the relevant zone objectives and is considered to promote a land use that is likely to support the ongoing socio-economic development of the town centre and the local area, provides for sustainable water cycle management.

The proposal has been considered with regard to the other relevant clauses of the plan that apply, including: 3 – Objectives of the plan; 16-Development consent – matters of consideration; 17-provision of essential infrastructure; 24 – subdivision; 25-demolition; 29 – building heights; 30-control of pollution; 31-erosion and sedimentation control; 32 Flood prone land; and, 35 Acid sulphate soils. The proposal is consistent with these clauses.

The proposal is considered to comply with the aims and objectives of the plan and Lifestyle 2020 strategy.

## **79C(1)(a)(ii) the provisions of any draft EPI**

### Draft Lake Macquarie Local Environmental Plan 2012

As discussed above, permissibility is conferred by SEPP Infrastructure. Notwithstanding this, the proposal has been considered with regard to the draft provisions of the plan.

It is considered that there are no conflicts with the draft instrument.

## **79C(1)(a)(iii) the provisions of any Development Control Plan (DCP)**

The development site is located within the Lake Macquarie Town Centre Development Control Plan 2012 (Belmont Town Centre Area Plan).

In this case, an assessment against *Lake Macquarie Development Control Plan No.1-Principles of Development* is not required.

An assessment against the applicable planning controls is detailed below.

### Lake Macquarie Town Centre Development Control Plan 2012 - Part 3 - Belmont Town Centre Area Plan

- **2.1 Block Controls**

The application proposes a three storey police station and maintains the existing scale of the court house, at one storey.

The Area Plan nominates a block plan for the development site which identifies that four storeys may be constructed on-site. In this regard, potentially an un-development of the site is proposed to be undertaken, particularly with regard to the Court House site, which is to be retained at one storey. However, notwithstanding this, the proposal is not considered to introduce an adverse built outcome to the locality and is considered likely to make a positive contribution to the future desired character of the locality, albeit without constructing to four storeys as permitted under the plan.

- **4.2 Vehicles Lanes**

The controls specify that development on the subject site (Lot 16 Section K in DP 9457) must provide a vehicular lane on a single allotment, with a minimum width of eight metres from Thomas to Herbert Street.

The application does not propose to construct the identified road link.

Figure 7 below shows the block plan for the precinct and the future road link.

The area plan states that the objective of the link is to establish a 'safe and direct vehicle and pedestrian connection from Thomas to Herbert Streets that provides service access to the rear of properties fronting the Pacific Highway'.

The area identified for the road link has not been identified for public acquisition.

The supporting Statement of Environmental Effects states that the future road link issue is resolved by the provision of a 5.1 m wide drive access along the western boundary of the site that can be used for a future road link if required.



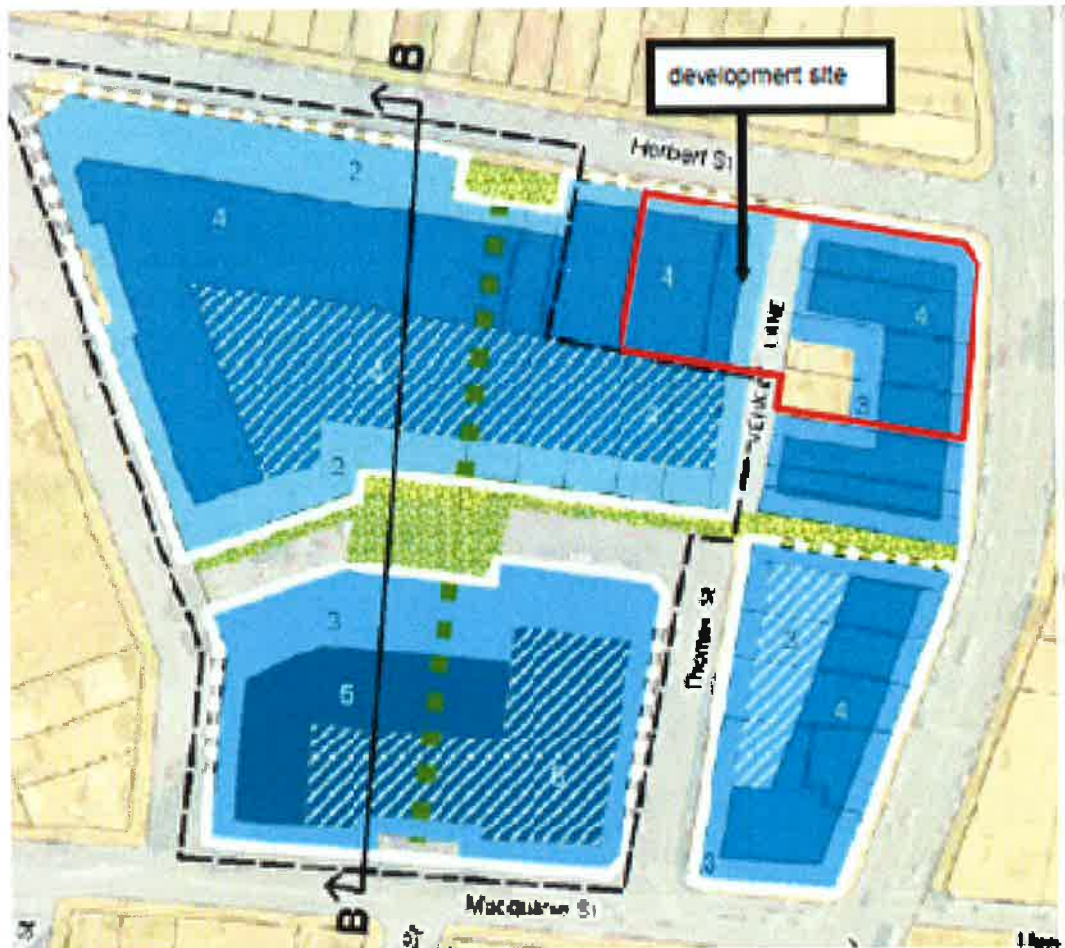


Figure 7 - block plan as shown in the Belmont Area Plan. The block plan shows a proposed vehicle lane through the development site linking Thomas to Herbert Streets. As can be seen the proposed vehicle lane bisects the development site.

At this stage, the application proposes to entrench the use of the site as a police station and court house.

In this regard, creation of a public road through the site is unlikely to benefit the court house or the police station in the short to medium term given the proposed works have a 50 year design life.

As shown below at figure 8, the proposed public road link is only likely to benefit properties P1 to P4 (see legend fig.8).

Furthermore, it is only likely that P1 would benefit as this is the only property within this block that currently does not benefit from a right of carriageway off Thomas Street for vehicle access.

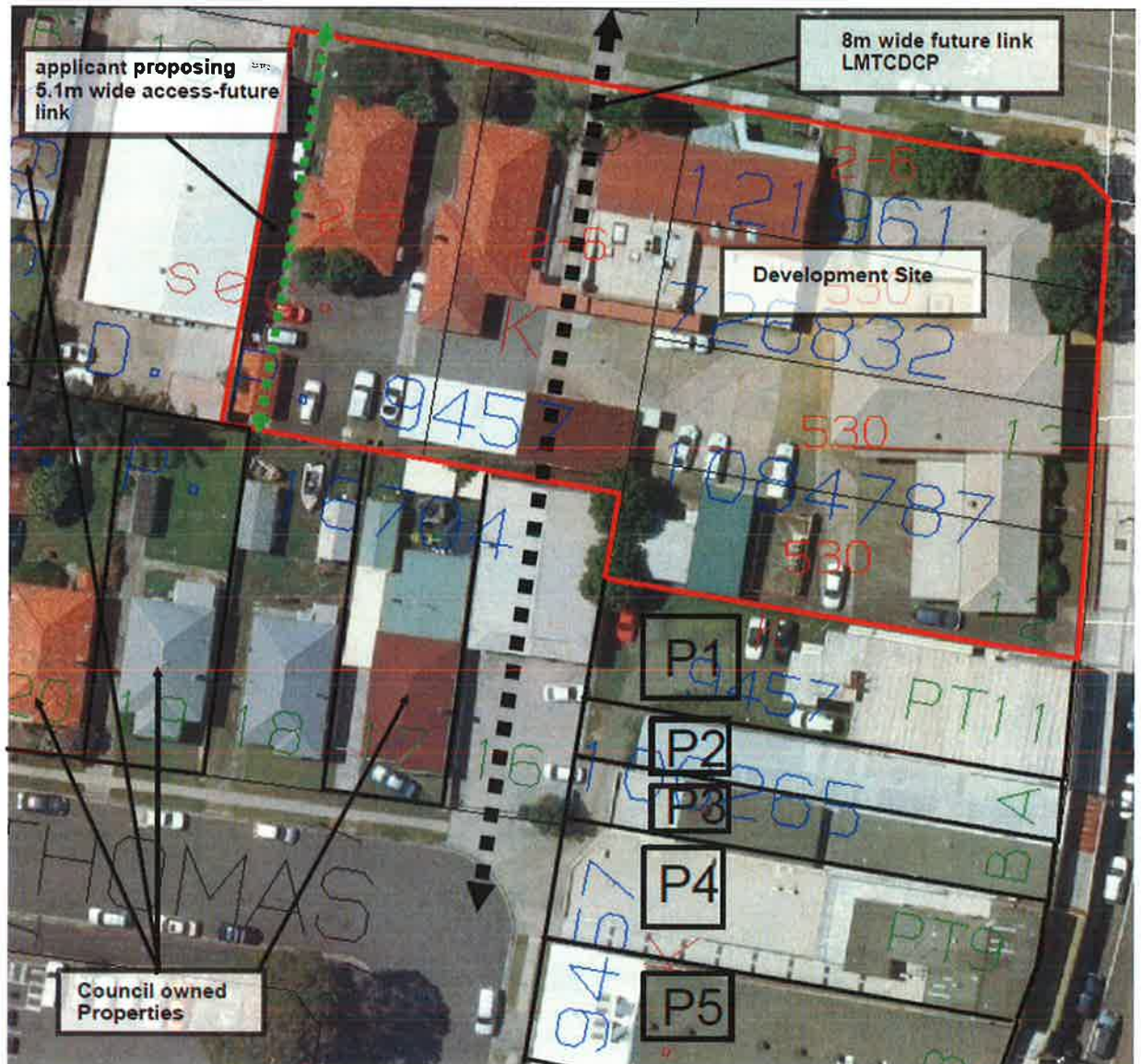


Figure 8 – planning context showing development site and adjoining development.

#### Legend

**P1** – 538 Pacific Highway – Mayfair Arcade Pty Ltd - does not provide rear pedestrian access to shop fronting Pacific Highway. Cars are parked to rear of the shop that appear to currently gain access off Thomas Street via a 'right of carriageway' over P2, P3 and P4. However, is not registered as benefiting from the ROC.

**P2** – 540 Pacific Highway - Mayfair Arcade Pty Ltd – does not provide rear pedestrian access to shop fronting Pacific Highway. This lot is approximately 5.9 m wide. Has benefit of a right of carriageway over P4 and P3.

**P3** – 542 Pacific Highway – M H Credits – currently has a shop facing Thomas Street. The front portion of the site, where a driveway is located, is burdened by a right of carriageway benefitting P2.

**P4** – 544 Pacific Highway – Heddles Pty Ltd – currently has a shop facing Thomas Street. The front portion of the site, where a driveway is located, is burdened by a right of carriageway, which benefits P2 and P3.



The property at 2 Thomas Street where the road is identified as being fully constructed within, is currently used as a commercial building.

The building is economically viable and is currently used for an ongoing commercial business. A streetscape elevation of 2 Thomas Street Belmont is shown below at figure 9.

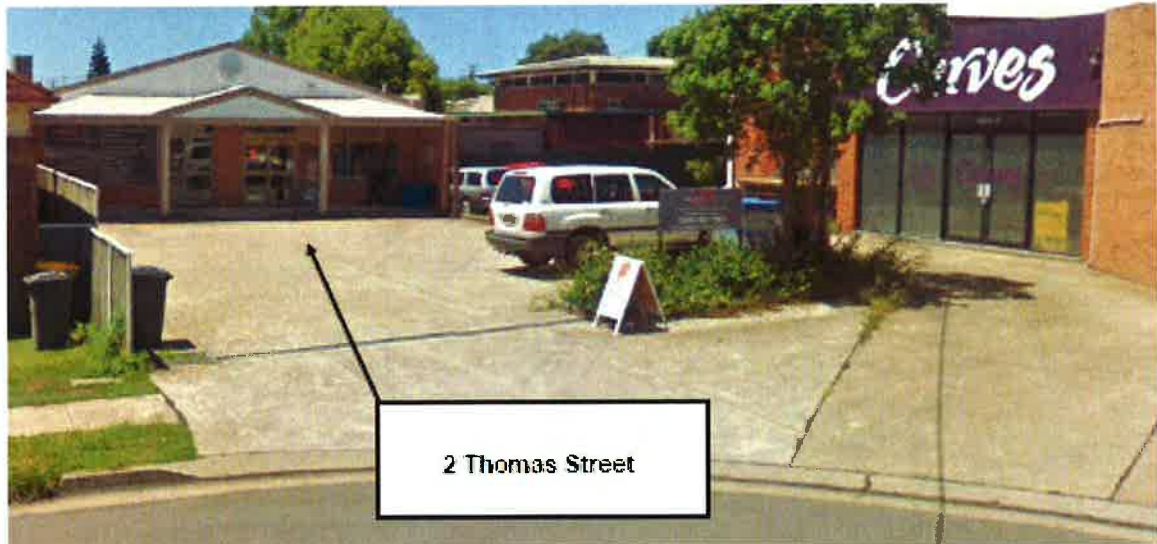


Figure 9 – streetscape elevation of 2 Thomas Street. This property would need to be demolished to cater for a future road link.

This property has direct vehicular access to Thomas Street and it is unlikely that this property will be demolished for a new road, in the short to medium term, unless part of a substantial wider re-development of the locality.

A review of the Belmont Town Centre Traffic Study by SMEC was undertaken. This study forms the basis for the strategic planning and 'Area Plan'.

The review was undertaken by Council's Transportation Asset Planning Co-ordinator.

The review established that the traffic study did not identify the requirement for a future link between Herbert and Thomas Streets through the Court House site as currently shown in the 'Area Plan'.

The Traffic Management Plan contained within the study contains a future connection between Macquarie and Herbert Streets, as shown below at figure 10.

This future road in the traffic study, unlike the road link which is shown in the 'Area Plan', relies upon property acquisition, is proposed further east of the 'Area Plan' road link and does not bisect the proposed development site.

It is considered that the link shown in the SMEC Traffic Management Plan appears to be a more viable option than the current link shown in the 'Area Plan'.

In this regard, Council's Transportation Asset Planning Co-ordinator concluded that the current proposal, to not construct the road link as shown in the 'Area Plan', is considered to be an acceptable outcome, given the potential for other more favourable options in the locality. Moreover, it was considered that the road link as shown in the 'Area Plan' is not required for traffic circulation and therefore not an imperative to ongoing and orderly traffic management of the locality.

This matter was also considered by Council's Integrated Planning (IP) Department (strategic planning). IP do not object to the proposed development as currently submitted.

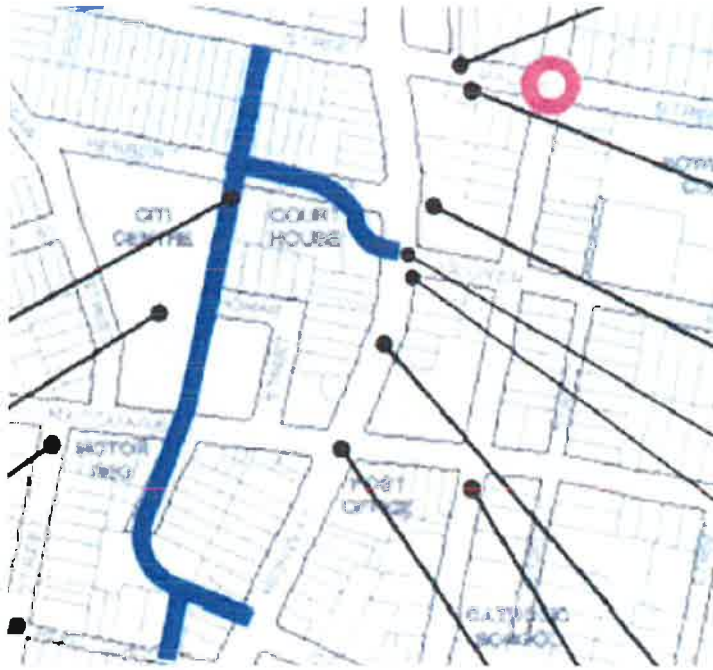


Figure 10 – extract from SMEC Belmont Traffic Management Study dated June 2003 'Traffic Management Plan'.

Therefore, taking into consideration:

1. the land identified for the future road is not identified within an environmental planning instrument for acquisition;
2. the application proposes to entrench the use of the site for the future road with a courthouse and police station. Both developments do not rely upon rear lane public access;
3. rear lane access would conflict with the planned custodial functions of the courthouse and the police station;
4. the applicant has stated that there is no intention to cater for the future road as shown within the area plan;
5. it is likely that only one property would benefit from rear lane access (P1) as shown at figure 7. P1 also has the ability to consolidate with adjoining lots P2 if required, which benefits from ROW and both properties are currently under one ownership;
6. the link is not identified for traffic circulation and there is a more viable link shown in the underpinning traffic study for the locality, and,
7. there has been no objection submissions received to the proposed development.

In this regard, it is recommended that the proposal to not provide the road link is considered to be acceptable under these circumstances.

- 4.7 Streetscape Improvements

The application proposes public domain works consisting of: street tree planting; full width pavement works; and, in pavement design. The works are considered to comply with the provisions of the draft Belmont Streetscape Master Plan and Public Domain Technical Guidelines.

- 5.1 Site Access

Both pedestrian and vehicular access shall be obtained off Herbert Street. Accessible pedestrian access into the proposed building is provided at this interface. The proposed site access is considered to be acceptable and meet the objectives of the plan.

- 5.2 Parking Provision

Car parking is provided within a proposed basement and at open grade areas on-site.

Under Council's controls, police stations are an undefined land use with regard to car parking rates. In this regard, the proposal was considered as a commercial building.

As a commercial building the development would require an on-site parking requirement for 28 car spaces.

The application proposes 33 on-site car parks, four motorcycle parks, a car wash bay and secure custodial parking on-site. Four additional operational vehicle car parking spaces are also provided at the street to service the development.

Five car parks are to be provided for the court house on-site.

As required under the *NSW Government Office Design Principles (January 2011) Circulation Issue 5.3*, police stations are not required to provide on-site car parking, except for departmental vehicles. This is common to the majority of police stations across the state, where due to safety and security of the stations, visitor and staff car parking is not provided on-site. Taking this into consideration, Council's Traffic and Transportation Planner is satisfied that the amount of car parking provided on-site is acceptable and meets the objectives of the plan, regardless of the lack of visitor or staff parking provided for on-site.

- 6.2 Building to the street boundary

This control is relevant to development on the Pacific Highway. The application does not propose any development fronting the Pacific Highway. The additions to the courthouse are to be located at the rear of the existing building.

- 6.3 Front Setbacks

Front building line setbacks are required to comply with the block plan. The block plan prescribes zero lot-line alignment. The application proposes an articulated setback from zero-lot-line to 4.35 m. The articulated setback has been designed to provide for additional landscaping and is a requirement of the police with regard to the securing of windows to the streetscape of the locality. The proposal is considered to be acceptable and meet the objectives of the plan.

- 6.4 Side Setbacks

The development complies with the relevant controls and meets the objectives of the plan.

- 6.5 Building height

The development complies with the relevant controls and meets the objectives of the plan.

- 6.6 Maximum occupied area

The development complies with the relevant controls and meets the objectives of the plan.

- 6.7 Building Exteriors

The development complies with the relevant controls and meets the objectives of the plan.



- 2.2 Scenic Values

The proposal is not considered to impact on, or is likely to affect a place of scenic quality or visual significance. In this case, a visual impact statement is not considered to be warranted to support the application.

- 2.3 Geotechnical

The site was not identified as being within a geotechnical zone on Council's Geotechnical Maps, as such no further geotechnical investigation is required.

- Cut and fill

The development proposes a basement car park. All associated cutting of the site will be contained within the building perimeter.

- 2.5 Mine Subsidence

The development is not located in a mine subsidence district.

- 2.6 Contaminated Land

See discussion at SEPP55 above. Subject to conditions of consent, Council staff are satisfied that the development site will be suitable for the proposed development.

- 2.7 Acid Sulphate Soils

The development lot has been identified as potential containing acid sulphate soils. The application is supported by an Acid Sulphate Assessment. Subject to conditions of consent, Council staff are satisfied that the development site will be suitable for development.

- 2.8 Stormwater Management

A suitable Stormwater Management Plan by Richard Weber Chartered Engineer, Project No. 11008B, dated July 2012 incorporating detention and water harvesting in accordance with Lake Macquarie DCP No.1 has been provided. The plan is considered adequate for DA purposes.

- 2.10 Sea Level Rise

The floor level for the building has a minimum floor level of 2.82m AHD, which satisfies Council's sea level rise policy.

The access ramp to the basement car parking area does not meet the requirements of Council's sea level rise policy. However, the application proposes to install mobile flood barriers at the entrance of the basement car park to satisfy the Council policy. Subject to conditions of consent, Council staff are satisfied that the proposal will meet the intent of the plan.

- 2.18 Social Impact

The proposal is considered to support the local and broader community of the City. In this case, it is recommended that the requirement for a social impact assessment is not required.

- 2.19 Economic Impact

The proposal is considered likely to positively affect the socio-economic development of the City. In this regard, it is considered that a formal economic impact assessment is not required.

- 2.20 Subdivision

The application proposes a six into two lot subdivision. The intent is to allow the Police Station and the Courthouse to be located on separate lots and undertake lot consolidation. The application is supported by a subdivision plan which is considered to be satisfactory.

- 2.22 Utilities

Subject to conditions of consent, Council is satisfied that the proposal will meet the objectives of the plan.

- 3.4 Streetscape Improvements

The proposal is considered to meet the objectives of the plan and improve the streetscape of the locality with new public domain works.

- 3.5 Non-discriminatory access

The application is supported by an access and mobility assessment. The recommendations of the plan are to be incorporated as conditions of consent.

- 4.1 Ground Floor levels -4.2 Ground floor entries

The activity at the ground floor level is generally not considered to be acceptable due to the lack of an open and active entry statement to the locality and full width glazing the street at grade. However, in this case, the applicant has argued that due to the potential for drive-by shootings and bombings, as a policy, NSW Police do not provide active or open entry statements to the streetscape. Non-discriminatory access nonetheless has been provided to the ground floor entry.

- 4.3 Ground Floor Glazing

The application does not provide ground floor glazing as expected under the controls. The applicant is constrained by building guidelines due to the function of the proposed development. In this case, ground floor glazing is not proposed.

- 4.4 Street Awnings

The development provides an awning to the entry area of the development, however does not provide a continuous awning over the pedestrian area fronting the site. This is mainly due to proposed setback of the building from the streetscape which has been adopted due to operational reasons as discussed above at sections 4.1 and 4.3.

- 5.1 Traffic and Vehicle Access

This matter is discussed above under section 5.2 Parking Provision.

- 5.2 Design of Parking and Service Vehicles

The internal driveway and car parking area (including turning movements) for the development appear adequate for the development and comply with AS 2890.1. The proposed access and sight distances to the proposed development from Herbert Street are adequate.

- 5.3 Bike Parking and Facilities

There is adequate provision for end trip facilities for cyclists within the development.

- 5.4 Motor Bike Parking

Motor bike parking is provided for operational vehicles on-site, however as discussed above at section 5.2 there is no provision for staff parking on-site.

- 5.5 Parking Rates

This matter is discussed above under Part 3 Belmont Area Plan section 5.2 Parking Provision.

- 6.1 Front Setbacks

This matter is discussed above under the Part 3 Belmont Area Plan at section 6.3 Front Setbacks. The front elevation of the development is stepped as the height rises with sufficient articulation to meet the intent of the plan.

- 6.3 Façade Articulation

The application proposes sufficient articulation at the façade to meet the objectives of the plan. A mix of building materials are proposed. At the ground floor heavy masonry face brick is proposed providing a strong connection with the ground, with lighter weight metal finishes to the above street levels. Combined with some massing elements to the street elevation the overall streetscape elevation is well articulated and architecturally acceptable. Figure 1 above shows the streetscape elevation of the proposed development.

- 6.4 Building Exteriors

The exterior of the building is finished with an adequate range of finishes and materials to provide architectural interest to the proposed development. See figure 1.

- 6.5 Building Separation

The application does not propose any residential components. Nonetheless, the application is considered to have adequate building separation from adjoining development.

- 6.6 Side and Rear Setbacks

These matters are discussed above under the Part 3 Belmont Town Centre Plan section 6.4 Side Setbacks. The side and rear setbacks proposed are acceptable.

- 6.7 Minimum Landscape Area

Council staff are satisfied that the degree of landscaping proposed within the public domain and within the front building line setback is acceptable.

- 6.12 Building Heights

The building height to street is consistent with the plan.

- 6.13 Floor to Ceiling Heights

The floor to ceiling heights are acceptable.

- 6.14 Roof

The proposed roof profile and design is considered to be acceptable.

- 6.15 Views

The proposal is not in a locality where it is likely to impede any public or private views to a place of scenic quality.

- 6.16 Balconies and Communal Open Space

Balconies are not provided due to sensitive use of the proposed development, excluding a terrace for use of staff of the proposed development that is located off the proposed meals room.

- 6.18 Solar Access

The application is supported by shadow analysis. The plans demonstrate that the proposed is not considered likely to have an adverse impact on adjoining development.

- 6.19 Energy Efficiency

The application shall be constructed to comply with Part J of the Building Code of Australia. The *NSW Government Office Design Principles (January 2011) Circulation Issue 5.3*, also provides design principles and targets to ensure new office buildings comply with the relevant energy efficiency requirements.

- 6.20 Visual Privacy

The proposal will provide an acceptable degree of privacy to adjoining development.

- 6.21 Acoustic Privacy

The application is supported by an Acoustic Impact Assessment. The report is satisfactory. The development is not considered likely to interfere with acoustic amenity of the locality. An operational acoustic management plan has been conditioned to be in place prior to occupation of the development. The intent of the plan is to provide guidelines to the operating police with regard to noise sources on-site and management of noise sources such as sirens and alarms.

With regard, to construction noise, conditions also apply.

- 6.2.3 Side and Rear Fencing

Side and rear security fencing is proposed. Boundary fencing shall be constructed of a mix of masonry block wall topped with colorbond fencing. The overall boundary fence height to the rear and western side boundary shall be 2.48 metres high. The height is required to ensure the compound is secure given the sensitive operations on-site being undertaken. Conditions have been imposed regarding the final treatment of the block wall to adjoining development to ensure the boundary treatment does not adversely affect the amenity of adjoining properties. The type and location of the fencing is considered to be acceptable, predicated on the proposed use of the site and is therefore considered to meet the objectives of the plan.

- 6.24 Safety and Security

The safety and security of the development is considered to be acceptable. The development is considered likely to positively contribute to the safety and security of the locality and the broader City.

- 7.1 Landscape Design - 7.2 Street Trees and Streetscape Improvements

A category three landscape plan supports the proposed development. The plan is acceptable. The plan includes the construction of street tree planting and improved pavement construction and materials.

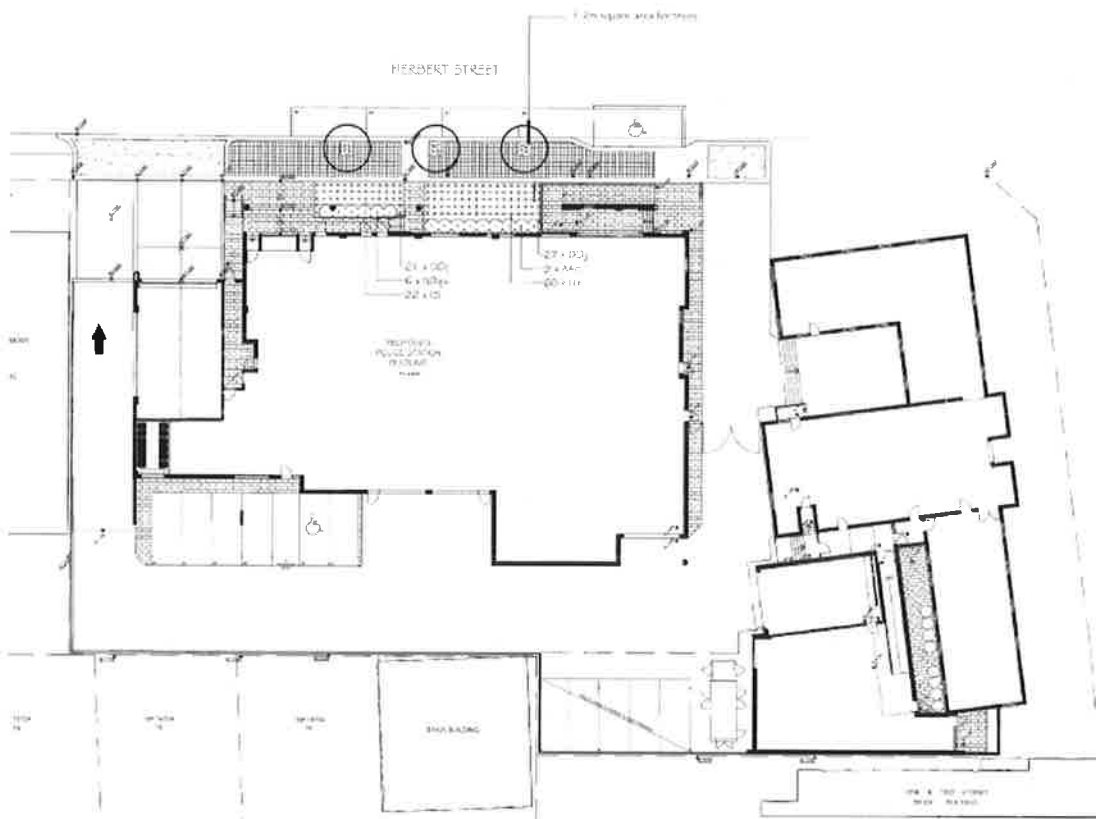


Figure 11 - landscape plan for the development.

- 7.3 Landscape and tree planting in Car Parks

No landscaping in the car parking area is proposed due to operational reasons. In this case, the lack of landscaping in the secure car parking area is considered to be an acceptable outcome.

- 8.1 Demolition and Construction Waste Management

The application is supported by a construction waste management plan. Subject to conditions of consent, Council is satisfied that the proposal will meet the objectives of the plan.

- 8.2 Waste Management

Subject to conditions of consent, Council is satisfied that the proposal will meet the objectives of the plan.



- 8.5 Erosion and Sedimentation Plan

Subject to conditions of consent, Council is satisfied that the proposal will meet the objectives of the plan.

- 8.6 Air Quality

The proposed development is not of type that is likely to generate hazardous or offensive air quality impacts.

- 8.7 Noise and Vibration

This matter is discussed above under section 6. 21 Acoustic Privacy.

**79C(1)(a)(iiia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into**

N/A.

**79C(1)(a)(iv) any matters prescribed by the regulations**

Those applicable to regional crown development applications has been taken into consideration.

**79C(1)(b) the likely impacts of the development**

The likely impacts of the development have been considered above. The proposal is not considered to introduce any adverse impacts to biophysical or built environment.

**79C(1)(c) the suitability of the site for development**

Subject to conditions of consent, Council staff are satisfied that the site is suitable for development.

**79C(1)(d) any submissions made in accordance with this Act or the Regulations?**

**Public submissions:**

During public notification one written submission of support was received to the proposed development

**Submissions from public authorities:**

None received.

**79C(1)(e) the public interest**

In the public interest, draft Lake Macquarie Local Environmental Plan 2013 has been taken into consideration during assessment of the application.

Approval of the proposed development is considered to be in the public interest.

**Conclusion:**

The application proposes to replace the existing ageing Belmont Police Station with a new Local Area Command and improve the function of the existing Belmont Court House.

Approval of the development, subject to conditions of consent, is considered to be in the public interest and meet the objectives of the Act and promote the orderly and economic development of the land.

**Recommendation:**

DA/21/2013 is approved subject to conditions of consent.

Appendix A Recommended Conditions of Consent

Appendix B Proposed Plans

## **APPENDIX A – CONDITIONS OF CONSENT**

### **1. Prescribed Conditions**

- (a) The work must be carried out in accordance with the requirements of the Building Code of Australia.
- (b) 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.

### **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:

- 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:

Plans prepared by: Gardner Wetherill & Associates; Project Number. 11008B

Name of Plan	Drawing Number	Issue	Date
Demolition Plan	DA0503	B	10/09/12
Site Plan	DA0504	B	10/09/12

Erosion Prevention and Sediment Plan	DA0505	B	10/09/12
Basement Floor	DA1101	B	10/09/12
Ground Floor – Part A	DA1201	C	11/07/13
Ground Floor – Part B	DA1202	B	10/09/12
First Floor	DA1301	B	10/09/12
Second Floor	DA1302	B	10/09/12
Roof – Part A	DA1401	B	10/09/12
Roof – Part B	DA1402	B	10/09/12
Elevations – Sheet 1	DA1501	B	10/09/12
Elevations – Sheet 2	DA1502	B	10/09/12
Elevations – Sheet 3	DA1503	B	10/09/12
Sections – sheet 1	DA1601	B	10/09/12
Sections – sheet 2	DA1602	C	11/07/13
Landscape Plan by iScape	70.13(12)317		July 2013
Stormwater Management Plan by Richard Weber	H101	A	12/07/12
Stormwater Management Plan by Richard Weber	H200	A	12/07/12
Draft Subdivision Plan by Paul Cechellero	54778	PC	6/9/2013

(b) Document Reference:

Document	Reference	Author	Date
Noise Impact Assessment	GWA-2080	Acoustic Studio	12/11/13
Geotechnical Investigation	846-008/0	Cardno	April 2013
Acid Sulphate Soil Assessment	GS864-005/1	Cardno	15/08/12
Construction Waste Management Plan			13/12/12

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. Ausgrid Requirements**

Prior to the issue any works commencing on-site, 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.

#### **5. Utilities**

Prior to the construction of any utility works, the Proponent shall obtain the relevant approvals from service providers and the Council.

#### **6. Water Management**

The proponent shall ensure that:

- All water supplies for construction and operation are sourced from an authorised and reliable supply; and,
- The taking of water for purposes other than water supply, such as dewatering during construction, is appropriately authorised.

#### **7. Contaminated Land Remediation Action Plan**

Prior to any works commencing on-site, a Remediation Action Plan (RAP) shall be prepared and a copy of the RAP provided to Council.

The RAP shall be prepared by a suitably qualified and experienced contaminated land consultant, to the satisfaction of Council and in accordance with:

- (a) "Guidelines for Consultants Reporting on Contaminated Sites" (NSW Office of Environment and Heritage 2011)
- (b) "Managing Land Contamination Planning Guidelines SEPP 55–Remediation of Land" (Department of Urban Affairs and Planning and NSW EPA 1998).

#### **8. Contaminated Land Remediation Action Plan Review**

The Remediation Action Plan (RAP) shall be reviewed by a NSW EPA Accredited Site Auditor and prior to any works commencing on-site a statement shall be provided to Council from the Site Auditor which clearly indicates that the RAP is practical and proposed remediation works will render the site suitable for the intended use.



## **9. 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.

## **10. 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 occupation of the development.

## **11. Construction Management**

The applicant shall submit a Construction Management Plan (CMP) to the Principal Certifying Authority for approval prior to any on-site works commencing.

The CMP shall include details to show how the construction process will be managed for both the on-site and external areas, showing the expected timeframes for each building phase.

Inclusive of the plan, the following matters relevant to construction shall be addressed:

- a. traffic management and car parking;

- b. acoustic management and timetabling measures;
- c. dust management procedures
- d. waste management infrastructure;
- e. erosion and sedimentation management controls; and,
- f. hoardings and pedestrian management.

The developer shall provide a monthly update/newsletter to residents living within the vicinity of the construction works. The update/newsletter shall include, as a minimum, updates on the progress of the construction, future timetabling of works on-site, a record of any complaints received to the construction works and actions taken by the development/applicant to remedy. The update/newsletter shall also inform residents of the inspection regime of the proposed development.

All construction car parking associated with the development shall be located within the boundaries and prolongations of the street boundary of the development site (if on street parking is required).

If on-street construction parking is required, the installation of a Works Zone within the street network shall be required, so as work vehicles can park in a designated area.

The use of an on-street works zone shall require approval by Council's Traffic Committee, prior to works commencing. 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.

## **12. Acoustic Management**

Prior to occupation of the development, an acoustic management plan shall in place that details management procedures to reduce the potential for adverse noise to be emitted to the locality.

The plan shall include advice/instructions for operational police with regard to the use of sirens, alarms and radios.

The plan shall be made in consultation with the acoustic consultant.

## **13. Noise – Ongoing Operation of Machinery, Plant and Equipment**

The Laeq (15 minute) operating noise level of machinery, plant and equipment when measured at the boundary of the nearest residential premises shall comply with

either the amenity or intrusiveness criteria calculated in accordance with the NSW Office of Environment and Heritage Industrial Noise Policy. For assessing amenity criteria, the area shall be categorised in accordance with the guidelines outlined in Chapter 2 of that Policy.

Prior to the occupation of the development, certification from a suitably qualified acoustic consultant shall be submitted to the Principal Certifying Authority, demonstrating compliance with the above.

#### **14. Noise - Sleep Arousal**

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

#### **15. Acoustic Certification**

The recommendations contained in the approved acoustic report shall be incorporated into the design and construction of the development.

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

Upon completion of the occupation of the development, whichever occurs first, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified acoustic consultant certifying that the works have been completed in accordance with their requirements and the development or proposed use is capable of operating in accordance with the design criteria.

At 90 days of operation a suitably qualified acoustic consultant shall test, measure and certify that the development is operating, at that time, in accordance with the approved acoustic report.

#### **16. 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 Friday - 7.00am to 6.00pm.

Saturday – 8am to 1pm.

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.

## **17. Erosion and Sediment Controls**

Prior to the commencement of work (including demolition), erosion and sediment control barriers shall be installed in accordance with Lake Macquarie City Council's Development Control Plan No. 1 Section 2.1.11 Erosion Prevention and Sediment Control and Managing Urban Stormwater Soils and Construction "The Blue Book" 4th Edition, Landcom, 2004, as follows:

1. A sediment fence shall be erected consisting of 1.5m tall driven pickets at 2.5m maximum intervals with Geotextile filter fabric securely attached to the pickets with the base of the fabric entrenched a minimum 150mm below undisturbed ground surface and/or straw bales fixed in a 100mm deep trench and held in position with stakes driven 600mm into the ground. Ensure any star pickets are fitted with safety caps. The use of shade cloth for this purpose is not satisfactory;
2. The sediment fence must be located such that all sediment laden water from the site flows through sediment fence before flowing offsite;
3. The vehicle site entrance/exit shall be constructed where identified on the site plan submitted with the development application. It shall have a minimum width of 3 metres with a surface of compacted aggregate (minimum 30mm to a max of 75mm) or a sealed surface. Where the sediment fence joins onto the site access, a hump shall be constructed in the access to divert water to the sediment fence;
4. A blue metal filled groyne adjacent to the kerb inlet shall be installed. The groyne shall be 900 mm long by 200 mm diameter to be filled with 10-18 mm blue or crushed rock. If the groyne breaks or deteriorates allowing any material from inside it to be released, the groyne must be replaced immediately and the material cleaned from any gutter, kerb, road surface or stormwater system it has encroached; and

5. A material stock pile area (eg sand or soil) shall be contained with a silt fence installed as per condition (1).

6. Prior to the controlled discharge (e.g. de-watering activities from excavations) of any water from the site, the following water quality objectives must be achieved:

- a) Total Suspended Solids (TSS) to a maximum 50mg/L;
- a) water pH between 6.5 and 8.5 unless otherwise required by the Council; and
- b) EC levels no greater than background levels.

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

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

## **18. 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" 4th Edition, Landcom, 2004.

## **19. 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.

## **20. Unobstructed Footpath Access**

The person having the benefit of the consent shall maintain unobstructed footpath access within the public road reserve at all times. Building materials shall not be placed or stored within the road reserve.

In the case of sites where it is not possible to keep the footpath or road reserve clear during construction works written approval from Council shall be obtained prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The area shall be signposted and such signposting be maintained in a way that ensures public safety at all times.

## **21. 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. 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.

## **22. 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.

## **23. 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.

## **24. Category 3 Landscaping**

Landscaping shall be implemented/installed in accordance with the approved landscape plans by iScape job.dwg.no.70.13(12)317 dated July 2013, prior to occupation of the development.

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.

All Landscape and Pavement works within the Public Domain must be undertaken in accordance with the approved DA Landscape plans and be implemented in accordance with Councils Engineering/Landscape Design and Technical Guidelines.

The Landscape Construction 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). Nominated Street Trees in accordance with Belmont Streetscape Masterplan to be Pink Crepe Myrtle/Lagerstroemia indica 'Sioux' at 200L Pot Size.

Any works within the area designated as Public Domain (Council Land) must be communicated with Council's Project Management Team. 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.

Council's Coordinator of Project Management can be contactable on 49210333. All landscape and pavement works within the Public Domain shall be coordinated with Council's Project Manager during the construction period.

The following witness or hold points must be carried out for the following inspections (where applicable) by Council's Project Manager/Officer:

- o Commencement of Public Domain Works (witness point).
- o Set out of tree pits (witness point).
- o Excavation of tree pits with root barrier and sub-surface drainage installed (hold point).

- o Installation of each layer / horizon of growing medium (witness point).
- o 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).
- o Commencement of tree planting (witness point).
- o Completion of tree planting in accordance with Councils Street Tree Planting Details as per Landscape Technical Guidelines (witness point).
- o Completion of subgrade preparation for pavements including placement of steel reinforcement to concrete base slab and any structural footings
- o Completion of concrete base slab;
- o Completion of unit paving and finished concrete surfaces; (witness point).
- The following submissions shall be made in a timely manner by the Contractor to Council's Project Manager:
  - o Batch Certificates for all imported soil in accordance with AS4419 - 2003
  - o Pre-ordering of unit pavers and pavement materials in accordance with the Belmont Streetscape Masterplan 2013
  - o Certification that trees comply with the Tree Supply Specification (as above).
  - o Manufacturer's warranty and maintenance information for all proprietary products.

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.

## **25. Safety and Security**

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 occupation of the development.

The long-term maintenance plans shall be complied with at all times.

The long-term maintenance plan shall cover maintenance of 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.

**Boundary Fencing**  
The existing boundary fencing of the site shall be replaced with the fencing as shown at the approved plans. To reduce the impact of the development on the adjoining



owners the block wall fencing shall be rendered and painted. 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.

## **26. 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.

## **27. 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.

## **28. 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.

## **29. Filling Importation and Compaction**

Prior to works commencing, documentary evidence shall be provided to Council demonstrating that the proposed fill material is either:

- (a) Uncontaminated virgin excavated natural material (VENM) as defined under the provisions of the NSW Protection of the Environment Operations Act 1997; or
- (b) The material is from a known origin and composition, free of contamination from manufactured chemicals, process residues, building debris, sulfidic ores, or other foreign matter; or
- (c) Fill which has been characterised and validated by a suitably qualified and experienced site contamination consultant, in accordance with the NSW Office of Environment and Heritage publication "Contaminated Sites - Sampling Design Guidelines dated September 1995".

Prior to works commencing, written certification from a suitably qualified geotechnical engineer that the material is suitable for the proposed use on the site, shall be provided to Council. Only that material certified by the geotechnical engineer shall be imported to the site.

Written details are to be kept of address of the origin of the fill; quantities, dates, and times of delivery from each location; registration numbers and driver's identification details; and laboratory test results/consultants reports and available for inspection by the Principal Certifying Authority or Council upon receipt of a written request.

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

## **30. Building Waste**

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

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

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

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

Building waste is to be disposed of as generally described at the approved plans.

### **31. Operational Wastes**

Prior to commencement of the development an operational waste management plan shall be place for the removal of all putrescible and dry-recyclables wastes from the site. All permanent waste infrastructure shall not be observable from the public domain

### **32. Demolition**

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 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.

### **33. 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.

### **34. 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.

### **35. Site Amenities**

Toilet facilities shall be available or provided at the work site before works begin and shall be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an approved on-site effluent disposal system under the Local Government Act 1993, or
- (c) be a temporary chemical closet.

### **36. Acid Sulphate Management Plan**

The applicant shall arrange for the preparation of an Acid Sulphate Management Plan in accordance with the recommendation contained in the Acid Sulphate Soil

Assessment prepared by Cardno Geotech Solutions, reference GS864-005/1, dated 15 August 2012.

The Plan shall be submitted to Council for approval prior to work commencing on site. All site works shall be undertaken in accordance with the recommendations contained in the approved Acid Sulphate Management Plan.

### **37. 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.

### **38. 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.

### **39. Washbay Construction and Operation**

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

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

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

### **40. Excavation – Aboriginal Relics**

Should any Aboriginal relics be discovered then all excavations or disturbance to the area shall cease immediately and the NSW Office of Environment and Heritage, shall be informed in accordance with Section 89A of the National Parks and Wildlife Act 1974.

All necessary approvals from the NSW Office of Environment and Heritage shall be obtained and a copy provided to Council prior to works recommencing.

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

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

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

#### **42. Stormwater Disposal - Stormwater Detention and Harvesting**

The Stormwater Detention and Harvesting system be generally undertaken in accordance with the plans approved by the Development Consent prepared by Richard Webber Chartered Engineer, Ref: 11008B dated 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 occupation of the development, whichever occurs first:

- (e) All drainage works shall be carried out generally in accordance with the approved 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 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.

#### **43. Geotechnical Report Compliance**

The recommendations of the Geotechnical Report No. 846-008/0 prepared by Cardno Geotech Solutions dated April 2013 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 any works commencing on-site, 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.

#### **44. Provision of Mobile Flood Barriers and Flood Management Plan**

The applicant shall arrange for the provision of mobile flood barriers at the entrance to the basement car park. The barriers shall be in place prior to occupation of the development.

The flood barriers shall ensure that flood waters are prevented from entering the basement for an external flood level of 2.82 metres AHD.

The applicant shall prepare a Flood Management Plan for the building, which will include details of how and when the flood barriers will be deployed. The plan shall in place prior to occupation of the development.

The applicant shall also ensure that all electrical installations and other infrastructure that may be damaged by flooding are protected from flood water up to a height of 2.82 metres AHD.

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

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

#### **46. 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 occupation of the development.

## **Traffic Control Standards**

For any works that will impact on traffic or pedestrian flow in adjoining streets, the Applicant shall ensure that traffic control is undertaken in accordance with the requirements of Australian Standards AS 1742 - Manual Uniform Traffic Control Services – Parts 1, 2 and 3.

### **Submission For Subdivision Certificate**

There are requirements which must be satisfied before the Council may issue the Subdivision Certificate pursuant to Section 109J of the Environmental Planning & Assessment Act 1979 in respect of a subdivision.

## **Final Plan Submission**

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

All buildings shall be offset from proposed new boundaries in accordance with the requirements of the Building Code of Australia.

## **Section 50 Certificate**

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

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

### **Application Fees for Required Certificates**

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

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

Subdivision Certificate	\$ 350.00	Plus \$50 Archival Fee	(inc GST)
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Applications for these certificates should be lodged on the approved application form and accompanied by the appropriate fee.



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