

Draft Deferred Commencement Consent

Development Consent No: DA/251/2013

Property Address: Lot 10 DP 1013486, Lot 11 DP 1013486, Lot 12 DP 1013486, Lot 13 DP 1013486, Lot 14 DP 1013486
4B South Street, WINDALE NSW 2306

Description of Development: Building Products Warehouse And Showroom, Bulky Goods Premises, Restaurant, Signage, Demolition And Consolidation/Subdivision, As A Staged Development

Part A

Deferred Commencement Condition

Pursuant to Section 80(3) of the EP and A Act 1979, this is a deferred commencement condition. This has the effect that the consent is not to operate until the applicant satisfies the Council that:

1. Plans and documentation to address the following conditions:
 - A. The retaining wall along the boundary interface with the Sporting Fields and PCYC is to be redesigned such that it incorporates visual relief through stepping and articulation, material and colour variation and provision of landscape screening.

Plan details to be include elevations, cross sections and footings details.
 - B. The boundary interface between the Sporting Fields and PCYC is to incorporate a landscaped setback/buffer of a minimum of 2 metres wide. The landscaping shall include canopy trees (deep soil areas), mid stratum bushes & shrubs and lower stratum plantings.

The landscaped setback/buffer must be measured separate to any adjoining retaining wall.

Plan details of the landscape setback/buffer to be submitted include cross sections where proposed in conjunction with retaining walls, fencing and guard rails.
 - C. Revised Architectural Drawings for the Bulky Goods Units 1-8, generally in accordance with Plans DA2.01/B – Tenancy Floor & Roof Plans (Sept2014) and DA2.02/C – Tenancy Elevations & Section (Sept2014) by Leffler Simes in Job No. 2906, that address any required changes to accommodate the increased landscape setback/buffer and retaining wall design changes on the interface with the Sporting Fields and PCYC.

- D. Revised Architectural Drawings for the Restaurant, generally in accordance with Plans DA3.01/B – Family Restaurant Tenancy (Sept2014) by Leffler Simes in Job No. 2906, that address any required changes to accommodate the increased landscape setback/buffer and retaining wall design changes on the interface with the Sporting Fields and PCYC.
- E. The Acoustic Wall on the western side of the Building Products Warehouse is to be textured and/or designed such that it does not present to South Street without providing visual interest/relief. Landscaping shall be used to soften the appearance of the acoustic wall.

An Acoustic Engineer is to endorse the design of the Acoustic Wall as being in accordance with the recommendations of the Acoustic Report.

- F. A revised Landscape Plan, generally in accordance with the amended Landscape Plan by Site Image in Job No. SS11-2409, detailing the following modifications:
- (i) Landscaping and shade trees at the end of parking bays within the car parking areas;
 - (ii) The areas adjoining the Electrical Substations are to be landscaped to reduce the visual impact.
 - (iii) Improved landscaping of the internal round-a-bouts.
 - (iv) Landscaping of the Restaurant and its perimeter.
 - (v) Landscaping of the forecourt of the Bulky Goods Units 1-8.
 - (vi) Landscaping of the turf area on the northern side of the South Street entry.
 - (vii) Tree retention to be noted on the landscape documentation (as per preliminary Arborist Report recommendations regarding areas 1, 3 & 4, as well as in the vicinity of the detention basin) subject to a detailed arboriculture impact assessment.
 - (viii) Turf areas presenting to the Pacific Highway to incorporate feature landscape beds.
 - (ix) The car parking row aligned along the boundary of the Pacific Highway shall incorporate additional landscaped islands in the form of low mass plantings and canopy tree cover.
 - (x) Street trees with tree guards and low feature planting within the road verge is required to enhance the streetscape of South Street and address the transition between the adjoining Residential and Commercial land uses, and the proposed footpath link to the existing residential and bus stop.
 - (xi) The verge on the southern side at the junction of Lake Street and Pacific Highway is to incorporate landscaping as a corner treatment to reflect the significant pedestrian node for the site.

- G. The Electrical Substation in the vicinity of the Bulky Goods Units and the Restaurant is to be re-located to a less prominent position.
 - H. Fencing details, including location, materials, colour, height are to be provided. Where the fence is to be located on or in conjunction with a retaining wall and guard rail, a cross section is required detailing the finished outcome.
 - I. The pedestrian crossing of the delivery vehicle access road in the vicinity of the Building Products Warehouse Staff Car Park is to be a straight crossing, ie. no angles.
 - J. Manoeuvring details for the servicing of the Restaurant with regard to unloading and waste collection.
- 2. Plans and a cover letter from a suitably qualified ecologist detailing the proposed area for the translocation of the 10 plants of Small-flower Grevillea. The ecologist is to identify the suitability of the location in terms of environmental conditions and its compatibility with adjoining/surrounding land uses.
 - 3. A set of Site Plans and Architectural Plans, Landscape Plans, Erosion Prevention & Sediment Control and Stormwater Management Plans are to be submitted to and approved by Lake Macquarie City Council that satisfactorily address the Deferred Commencement requirements listed under 1. and 2. above.

The applicant must produce evidence to the consent authority to satisfy the deferred commencement condition/s listed in Part A within **12 months** from the date of this consent.

The consent will lapse if the applicant does not provide the evidence to address the deferred commencement condition/s, within this **12 month** period.

Part B

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
- 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:

The development shall be in accordance with the following:

Architectural Plans prepared by: Leffler Simes Architects; Project Number. 2906
Erosion & Sediment Control Plans prepared by: Mott MacDonald; Project Number. 302816 – C
Landscape Plans prepared by: Site Image, Project Number: SS11-2409

As amended by plans and documentation submitted and approved under the Deferred Commencement Conditions.

(b) Document Reference:

Document	Reference	Author	Date
Statement of Environmental Effects	SA4644	URBIS	February 2013
Response to Request for Information	SA4644	URBIS	7 October 2014

As amended by plans and documentation submitted and approved under the Deferred Commencement Conditions

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 by the Principal Certifying Authority.

6. Sequence of Development

The Construction Certificate shall not be issued/released by the Principal Certifying Authority unless application for registration of the Linen Plan of Subdivision has been made through the Office of Land and Property Information.

7. Bulky Goods Retail Units

This development consent authorises the occupation or use of the Units 1-8 for Bulky Goods Retail, subject to a fitout application. Occupation or use of the Units for a land use other than Bulky Goods Retail shall be subject to a separate development consent or Complying Development Certificate.

8. Staging of Development

The development is staged pursuant to with S80(4) of the Environmental Planning and Assessment Act, 1979, and the following:

Stage 1A, being the subject of this development consent, incorporates the following:

Building Products Warehouse

Restaurant

Bulky Goods Units 1-8

Demolition

Signage

Landscaping

Civil and Stormwater

Intersection upgrades at Pacific Highway, South Street and Lake Street

Car parking and access ways associated with the Building Products Warehouse, Bulky Goods Units 1-8 and Restaurant

Service Road at the rear of the Bulky Goods Units 1-8 and 9-13, connecting with the Lake Street access and the internal round-a-bout servicing the access off the Pacific Highway and Groves Road intersection

Public Domain Works

Stage 1B, being subject to separate Development Consent, incorporates the following:

Bulky Goods Units 9-13

Car parking and access ways associated with Bulky Goods Units 9-13

Landscaping associated with Bulky Goods Units 9-13

9. Voluntary Planning Agreement

Pursuant to Section 93I(3) of the Environmental Planning and Assessment Act 1979, the Planning Agreement as exhibited and adopted by Lake Macquarie City Council shall be entered into within 10 days of the granting of this consent.

The obligations of the Planning Agreement are to be fulfilled by the party having the benefit of the consent.

No work shall commence, nor any Construction Certificate or Subdivision Construction Certificate be issued until such agreement has been entered into.

The party having benefit of the consent should read and be aware of the contents and requirements of the Planning Agreement. A copy can be inspected at Council's Administration Building located at 126 – 138 Main Road, Speers Point by contacting Council's Development Contributions Section.

10. Concurrence Conditions by the NSW Office of Environment & Heritage

- (1) The development must be undertaken in accordance with the Species Impact Statement (SIS) including but not limited to the ameliorative measures documented in Section 7 of the SIS.

Reason: To ensure that the proposal is undertaken as described in the SIS and incorporates amelioration measures for threatened species as agreed to by the Minister administering the Threatened Species Conservation Act 1995 for this issued Concurrence.

- (2) The provision of biodiversity offset at Ryhope ('the Offset') as shown in Figure 1 (below) must be secured in perpetuity for conservation prior to any construction certificate being granted. Evidence of this is to be provided to the planning authority prior to the granting of any construction certificate by the Principal Certifying Authority. As a minimum such evidence is to include transfer of the 4.35 hectares of unmade roads (known as Lot 1 DP 1198888) in the Offset from the applicant to the consent authority; a Planning Agreement with the consent authority or future owner of the offset land demonstrating commitment and funding for ongoing conservation management; and a Section 88E instrument under the Conveyancing Act 1919 securing the land for conservation purposes.
- (3) The proponent must only sell the 4.35 hectares of unmade roads in the Offset (shown in Figure 1, below) to Lake Macquarie City Council, as described in section 7.3.1 of the SIS.
- (4) The proponent must develop a 'Vegetation Management Plan' and a 'Plan of Management' for the Offset land as required under the Planning Agreement. A Vegetation Management Plan must be submitted to and approved by Lake Macquarie City Council's nominated delegate prior to the granting of any construction certificate. A Plan of Management is to be submitted to and approved by Lake Macquarie City Council prior to completion of maintenance works.
- (5) The Vegetation Management Plan must be implemented in accordance with the requirements of the Planning Agreement agreed between the proponent and Lake Macquarie City Council until such time as the Offset Land has reached a Stable State. Stable State means the condition of the Offset Lands so that they require minimum management works to maintain conservation value and can be mainly self-managed with only low levels of annual maintenance management after the maintenance works have been undertaken.

The Proponent must provide funding to Lake Macquarie City Council in accordance with the provisions of the Planning Agreement for the ongoing management of the Offset Land after it has reached a Stable State. The Offset Land will then be managed by the Council in accordance with a 'Plan of Management' prepared in accordance with the Planning Agreement. The Plan of Management will contain a provision requiring consultation with OEH's Senior Team Leader Planning, Hunter Central Coast Region on review of the plan by the Council.

Note: Definitions. For the purposes of this Concurrence references to:

- 'Stable State' *means* the condition of the Environmental Conservation Lands so that they require minimum management works to maintain conservation value and can be mainly self-managed with only low levels of annual maintenance management after the Maintenance Works have been undertaken and which must have achieved, at a minimum:
 - a) 100% removal of Noxious Weeds and Transformer Weeds (unless otherwise agreed with the Planning Authority, acting reasonably);
 - a) A locked gate at the start of the fire trail, nearest Wakefield Road;
 - b) Fencing on the perimeter of the Environmental Conservation Lands to prevent illegal vehicular access and at a minimum, the fencing is to be constructed along the Wakefield Road boundary including with adequate returns;
 - c) Removal of rubbish (unless otherwise agreed by the Planning Authority, acting reasonably);
 - d) Prevention of accelerated erosion through erosion control generally in accordance with the 'Blue Book', *Managing urban stormwater: Soils and construction Volume 1*, Landcom, Fourth Edition, March 2004 ISBN 0-9752303-3-7; and
 - e) Signs on the perimeter to promote appropriate use of the Environmental Conservation Land. Signage is to be approved by Planning Authority prior to installation, but excludes the upgrade of the track through the Environmental Conservation Lands; and
- 'OEH's Senior Team Leader Planning, Hunter Central Coast Region' *means* 'Senior Team Leader Planning, Hunter Central Coast Region, North Branch, Office of Environment and Heritage'.

(6) The Offset land must be managed for conservation in perpetuity, as per OEH's offsetting principles (OEH 2011b).

Reasons: To ensure that the proposal is undertaken as described in the SIS and incorporates amelioration measures for threatened species as agreed to by the Minister administering the Threatened Species Conservation Act 1995 for this issued Concurrence.

(7) The measures stated in Section 7 of the SIS must be implemented and in addition to the following conditions:

- (a) The proponent must enter into an access/works license with Council's Property Department for translocation work (described below) on Council land, and /or as otherwise agreed with the Planning Authority. Any license is to be entered into prior to issue of any construction certificate;

- (b) The proponent must translocate ten (10) ten plants of Small-flower Grevillea from across the development footprint on Lot 10 DP 1013486;
- (c) Any translocated plants must be planted within the area enclosed by exclusion fencing as described in Section 7.2 of the SIS;
- (d) Any translocated plants must be removed in a mass of soil at least 30cm diameter by 30 cm deep centred on any existing stem, and each plant with soil wad must be carefully planted so as not to harm any of the naturally occurring stems of Small-flower Grevillea outside the development footprint. The soil around each plant must remain intact during the translocation and planting steps. Care must be exercised so that shape of the hole conforms to the shape of soil wad so as to prevent holes or settling of soil that could adversely affect plant survival. All plants must be watered in well within one(1) hour of being translocated;
- (e) Translocation must be supervised by an appropriately qualified ecologist;
- (f) Each translocated plant must be allocated a unique number, be photographed, have its maximum height measured and its location recorded by GPS (Eastings and Northings in World Geodetic System (WGS) 84, Zone 56);
- (g) The translocation must be done in accordance with 'Guidelines for the Translocation of Threatened Plants in Australia (Second Edition)' produced by the Australian Network for Plant Conservation;
- (h) The translocated plants must be monitored on an annual basis for a period of five (5) years in which the number and height of live stems; presence of flower buds, open flowers, developing fruit, ripe fruit or old fruit stem, number of dead stems, height of dead stems per plant is noted, and each translocated plant is photographed. Annual monitoring reports to be submitted to the planning authority over the 5 year monitoring period; and
- (i) Weeding and other appropriate management activities, as determined by an appropriately qualified ecologist may be conducted in and around the translocated plants of Small-flower Grevillea.

Reasons: (a) To preserve the genetic variation of this isolated population of Grevillea parviflora subsp. parviflora;

(b) to learn more about the ecology of this species and how this species may be managed to ensure its survival.

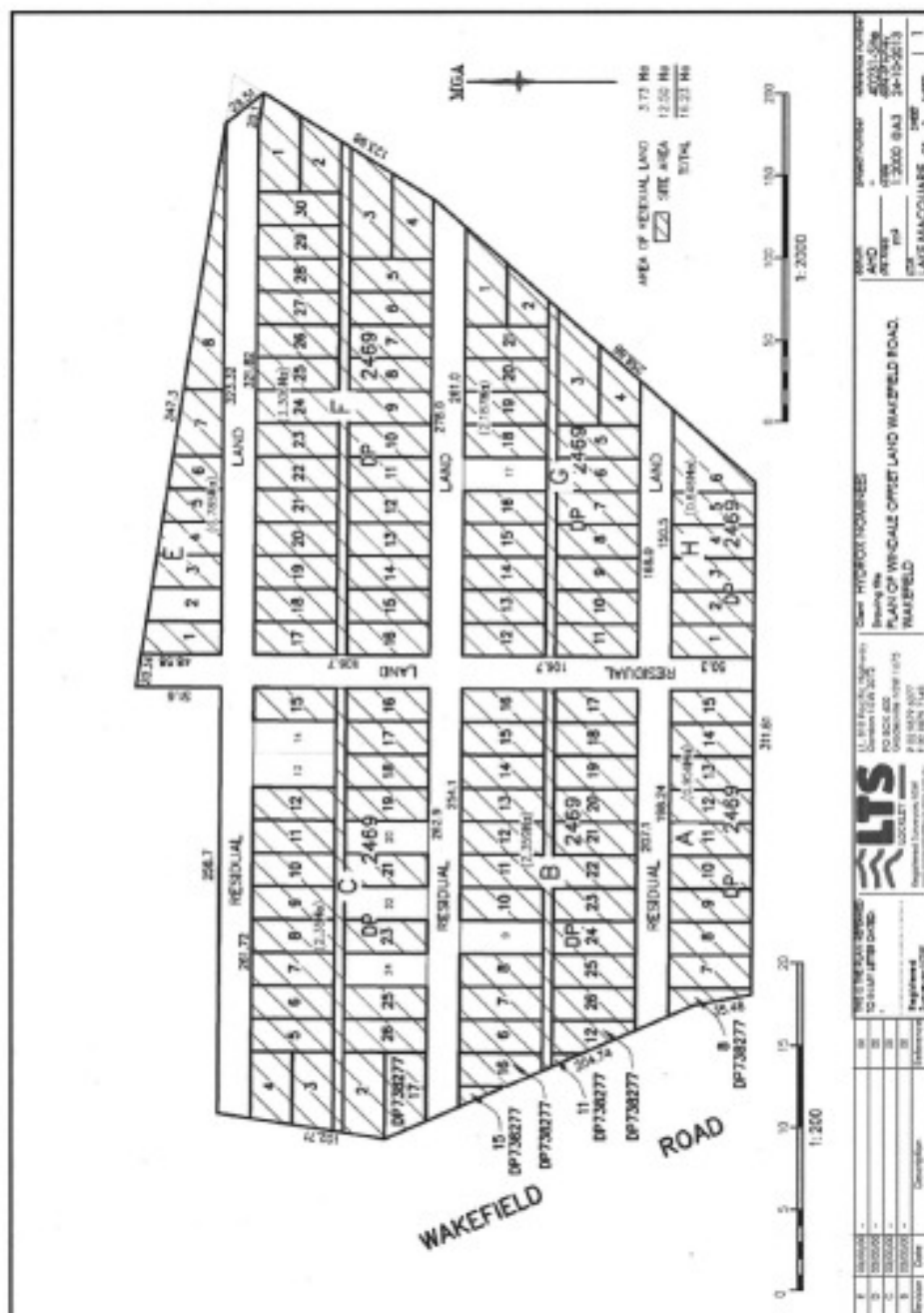


Figure 1. Map of the Offset land at Ryhope. The Offset comprises 118 lots but excludes eight (8) privately-owned lots (Lot 9/B/2469, Lots 13,14,20,22 & 24/C/2469, Lot 2/E/2469, and Lot 17/G/2469).

11. General Terms of Approval - Controlled Activity under the Water Management Act 2000

The following General Terms of Approval have been issued by NSW Office of Water on 19 April 2013 and shall be complied with.

Plans, standards and guidelines

(1) These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 251/2013 and provided by Council:

- (i) Site plan, map and/or surveys
- (ii) Structural design and specifications
- (iii) Vegetation Management Plan
- (iv) Works Schedule
- (v) Erosion and Sediment Control Plan
- (vi) Soil and Water Management Plan
- (vii) Rehabilitation Plan

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

(2) Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

(3) The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

Rehabilitation and maintenance

(4) The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.

12. General Terms of Approval – Approval under Section 15 of the Mine Subsidence Act 1961

The following General Terms of Approval have been issued by NSW Mine Subsidence Board and shall be complied with:

Building - 20 June 2013

- (i) The completion of a detailed geotechnical analysis to confirm the mine workings are long term stable and any risk of mine subsidence affecting the site can be provided for by structural design. Alternatively, remove any risk of mine subsidence by a suitable means, such as grouting.
- (ii) The geotechnical investigation is to include details on the depth of coal seam, height of workings, floor conditions and thickness of competent rock, as well as detailing the pillar dimensions used in any analysis. A sensitivity analysis of the parameters used in any calculations is to be included in the report. The report must be to the satisfaction of the Mine Subsidence Board.
- (iii) The submission of design final drawings prior to commencement of construction, are to contain a certification by a qualified Structural Engineer to the effect that the improvements will be constructed in accordance with any design parameters provided by a Geotechnical Engineer, who has analysed the mine workings, and any damage, would be slight, localized and readily repairable. A copy of the geotechnical advice is to be provided to the Mine Subsidence Board.
- (iv) All masonry walls to be fully articulated to meet mine subsidence design, geotechnical conditions of the site and the requirements of the relevant codes and standards. The location of articulation joints are to be clearly shown on plan and elevations.
- (v) Attention is to be given to internal finishes to ensure they have been designed and installed in accordance to relevant codes and standards. Particularly attention is to be given to tiled areas. Avoid the use of brittle materials liable to damage from mine subsidence.
- (vi) Drainage/sewer design needs to provide for mine subsidence effects determined in the geotechnical report. This may necessitate additional downpipes and drainage points. The services shall be located to facilitate ease of repair and replacement. Services under the building are to be minimised.
- (vii) Roads, driveways and pavements are to be constructed in asphalt or flexible pavement. If concrete areas are required, specific design is to be provided to demonstrate that any damage will be localized and of a slight classification. Concrete design would need to include full articulation and separation/sacrificial sections where appropriate.
- (viii) Upon completion of construction, work as executed certification by a qualified structural engineer is to be forwarded to the Board confirming construction was in accordance with the plans submitted.

13. Roads & Maritime Service

The following requirements of the Roads & Maritime Services are to be completed before an Occupation Certificate (interim or final) is granted by the Principal Certifying Authority:

Pacific Highway/Groves Road intersection

- The developer shall upgrade the Pacific Highway / Groves Road intersection by providing a fourth leg for vehicular access into and out of the subject site. The upgrade shall be designed and constructed in accordance with Austroads *Guide to Road Design 2010* (with Roads and Maritime supplements) and Roads and Maritime *Traffic Signal Design* to the satisfaction of Roads and Maritime including, but not limited to, the following works:
 - A right turn storage lane shall be provided on the southbound Pacific Highway approach to Groves Road. The lane shall be minimum of 70 metres in length, not including tapers.
 - A left turn deceleration lane, generally in accordance with Drawing No. MMD-302816-C-SK-00_XX-2005 (**Attachment A**), shall be provided on the northbound Pacific Highway approach to Groves Road.

Proposed new signalised intersection south of Groves Road

- The developer shall design and construct a new three leg Traffic Signal Controlled intersection south of Groves Road providing right in, left in and left out access to the site. The intersection shall be designed and constructed in accordance with Austroads *Guide to Road Design 2010* (with Roads and Maritime supplements) and Roads and Maritime *Traffic Signal Design* to the satisfaction of Roads and Maritime including, but not limited to, the following works:
 - A right turn storage lane shall be provided on the southbound Pacific Highway approach to Groves Road. The lane shall be a minimum of 65 metres in length, not including tapers.
 - A left turn deceleration lane shall be provided on the northbound Pacific Highway approach to Groves Road. The lane shall be a minimum of 65 metres in length, not including tapers.

Proposed left in only access at the southern end of the site

- The developer shall design and construct a new left in only vehicular access from the Pacific Highway at the southern end of the site. The access shall be designed and constructed in accordance with Austroads *Guide to Road Design 2010* (with Roads and Maritime supplements) and Roads and Maritime *Traffic Signal Design* to the satisfaction of Roads and Maritime including, but not limited to, the following works:
 - A left turn deceleration lane shall be provided on the northbound Pacific Highway approach to the proposed access.

- The access shall be restricted to service vehicles only and a physical barrier shall be provided to prevent vehicular access to the general car park area.

General

- All signalised intersections shall be designed and constructed to accommodate on-road cyclists unless specified otherwise by Roads and Maritime. If cyclists cannot be accommodated on-road due to site constraints, and subject to agreement by Roads and Maritime, adequate provision shall be made off-road.
- All traffic lanes shall be 3.5 metres in width on the Pacific Highway and at traffic signal controlled intersections, or as determined by Roads and Maritime.
- Co-ordination and linking of all traffic control signals is required at full cost to the developer, to Roads and Maritime requirements.
- Appropriate pedestrian and cyclist facilities, foot/cycle paths and ramps, connecting to traffic signal controlled intersections shall be provided to the satisfaction of Roads and Maritime and Council. Pedestrian fencing shall be required in certain areas to prevent any unwarranted pedestrian movements, including across the Pacific Highway. This will be identified as part of the design review process.
- Street lighting shall be provided at all intersections and pedestrian crossings to the relevant Australian Standard, or as determined by Roads and Maritime.
- All works associated with the proposed development shall be at full cost to the developer and at no cost to Roads and Maritime or Council.
- A Construction Traffic Management Plan (CTMP) shall be prepared and include a Vehicle Movement Plan and a Traffic Control Plan. The CTMP shall be prepared with the intention of having minimal impact on the operation of the road network during the construction phase of the development. The CTMP shall be submitted to Roads and Maritime and Council for review and acceptance prior to any construction activities commencing on site.
- As road works are required on a State road, Roads and Maritime will require the developer to enter into a Works Authorisation Deed (WAD) with Roads and Maritime. Roads and Maritime will exercise its powers under Section 87 of the Roads Act 1993 (the Act) and the functions of the roads authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Act, as applicable, for all works under the WAD. Further advice regarding the WAD is provided as **Attachment B**.
- The WAD shall be executed prior to granting a Construction Certificate for the proposed development.

- All road works under the WAD shall be completed prior to issuing a Subdivision Certificate for the proposed development.
- Signs should be constructed entirely within private property and should not encroach or overhang, into the road reserve.
- The proposed signs should not have/use:
 - Flashing lights or messages.
 - Electronically changeable messages, unless in accordance with the Department Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007).
 - Animated display, moving parts or simulated movement.
 - Complex displays that hold a driver's attention beyond "glance appreciation".
 - Displays resembling traffic signs or signals, or giving instruction to traffic by using words such as 'halt' or 'stop'.
 - A method of illumination that distracts or dazzles.

Additionally, Council should ensure that all signs meet the requirements of State Environmental Planning Policy (SEPP) No 64 - Advertising and Signage. Council should also take into account the Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007).

On receipt and review of the concept design (including turning path templates for all movements into and out of the site and at the Pacific Highway / Groves Road intersection) Roads and Maritime reserves the right to revise its requirements. Operational performance, network efficiency and road safety will all be considered and assessed, in conjunction with the geometric design, to ensure they are maintained to the satisfaction of Roads and Maritime.

Roads and Maritime may need to make modifications to traffic arrangements in the future to meet the increasing demands of the network and all road users.

14. Water Course Rehabilitation Plan

The Principal Certifying Authority shall not release the first or any Construction Certificate without Council having approved a Water Course Rehabilitation Plan for Crokers Creek.

The applicant is to submit to Lake Macquarie City Council for approval a Water Course Rehabilitation Plan for Crokers Creek, generally in accordance with the Windale Creek Restoration Plan (October 2014) by Eco Logical Australia Pty Ltd with the following:

- (a) A detailed survey of the creek and conceptual design of erosion control works undertaken by a suitably qualified professional.

- (b) A detailed methodology and schedule of works is also requested to be included in the Restoration Plan.

15. Stormwater Disposal - Stormwater Detention, Harvesting & Water Quality

The Stormwater system submitted with any Construction Certificate shall be generally in accordance with the plans approved by the Development Consent prepared by Mott MacDonald 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 DCP 2014 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 DCP 2014 Engineering Guidelines.
- d. Stormwater quality measures shall be constructed and maintained to ensure that the quality of stormwater runoff from the development complies with the recommendations of Council's DCP and associated stormwater guidelines.
- e. Stormwater harvesting measures shall be constructed and maintained in accordance with the DCP 2014 Water Cycle Management Guideline. Stormwater drainage plans shall include details of the harvesting system (eg rainwater tank and pump details plus reticulation diagrams).
- f. Prior to the issue of a Construction Certificate for any stormwater management works, a suitable qualified engineer shall certify that the stormwater design is consistent with the assumptions and recommendations of stormwater modelling assessments undertaken for the development.

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

- g. All drainage works shall be carried out generally in accordance with the approved Construction Certificate plans.
- h. 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.
- i. Certification by the engineer, is to be submitted to the Principal Certifying Authority that any changes comply with the requirements (a), (b), (c), (d) and

(e) as shown above. **Note:** This may be shown on the Works As Executed Plan.

16. Concrete Footpath

At the cost of the person having benefit of the consent, concrete footpaths 1.2 metres wide shall be constructed in accordance with the approved plans and additionally extend along the southern side of Lake Street from the Lake Road access for the Service Road to the existing footpath located on the western side of the PCYC.

Concrete footpaving shall be constructed in accordance with Lake Macquarie City Council standard drawing EGSD-301 which is 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. 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.

17. 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.

18. Flooding

Council records indicate that the development site is likely to be or has been affected by flooding.

Prior to the release of the Construction Certificate for any structures on the site the applicant shall show that those structures will not be impacted by floodwaters in the 100 year storm.

19. Bushfire – Development on Bushfire Prone Land

The development 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 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:

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:

- (a) The southern elevation of the main building Stage 1A shall comply with Sections 3 and 9 (BAL FZ) Australian Standard AS 3959-2009 ‘Construction of buildings in bush fire-prone areas’. However, any material, element of construction or system when tested to the method described in Australian Standard AS 1530.8.2 Methods for fire tests on building material, components and structures Part 8.2: Tests on elements of construction for buildings exposed to simulated bushfire attack – Large flaming sources shall comply with Clause 13.8 of that Standard except that flaming of the specimen is not permitted and there shall be no exposed timber.
- (b) The eastern and western elevations and roof of the main building Stage 1A shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 ‘Construction of buildings in bush fire-prone areas’.
- (c) The northern elevation of the main building Stage 1A New construction 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’.
- (d) The building complex to the north in Stage 1B 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'.

Landscaping

- (e) Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

20. Phase 1 Environmental Assessment Report

The recommendations of the Phase 1 Environmental Assessment Report No. 1101082Rpt01FinalV01_19Dec11 prepared by Geo Logix Pty Ltd dated December 2011 shall be complied with. Any works undertaken in relation to the development shall embody all the relevant recommendations of the Report.

21. 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.

22. Disability Access Requirements

The Principal Certifying Authority shall not issue the Construction Certificate without the following measures being incorporated into the documentation:

- (i) 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.
- (ii) Provision for wheelchair users to access the counter areas.
- (iii) Designated accessible parking within staff parking areas.
- (iv) Three accessible parking spaces to be provided in proximity to entries to the Bulky Goods Units 1-8.

- (v) The accessible pathway from South Street to the Pacific Highway along the frontage of the Building Products Warehouse shall have a compliant width and appropriate crossing markings on the road pavement.

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. 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.

25. Crime Prevention Through Environmental Design

The development is to incorporate the recommendations listed under Section 5, Page 14 of the 'Crime Prevention Through Environmental Design Assessment' by Barker Ryan Stewart dated January 2013 (ref. 20120084) of Appendix Q to the Statement of Environmental Effects and the following measures to achieve Crime Prevention Through Environmental Design outcomes:

Surveillance

- The Building(s) are to have a CCTV monitoring and surveillance system fitted. Clarity of surveillance should have capacity to identify facial characteristics of potential offenders.

Access Control

- Doors and windows are to be secured against illicit entry (ie. heavy duty hinges, deadlocks), as well as all outdoor storage areas. All doors are to be solid core with galvanised steel door frames.
- Buildings to have a security alarm system fitted, with remote monitoring and response.
- Engage the services of security contractors to regularly inspect the site.

Space Management

- 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 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.
- Trees are not to be located close to the buildings as they can be used as natural ladders and provide concealment opportunities. Trees should be regularly maintained to ensure branches cannot act as a natural ladder to gain access to higher parts of the buildings.
- Maintain low level planting in appropriate locations to provide good visibility of the site from surrounding streets and the neighbouring open space area.
- Wheelie Bins and Industrial Bins are to be secured so they cannot be used as a climbing aid.
- The car park and external areas shall be well lit at night.
- Incorporate a public address system to assist with security and management of emergencies.

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.

26. Waste Collection

Details of the proposed method of waste collection for the Bulky Goods Units 1-8 (inclusive) are to be submitted to Council for approval.

The Principal Certifying Authority must not release the Construction Certificate for Bulky Goods Units 1 to 8 (inclusive) without Lake Macquarie City Council having approved the method of waste collection.

27. Retention of Trees and Native Vegetation (Development)

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.

28. Hollow Bearing Tree Removal

A qualified ecologist or wildlife carer shall supervise the removal of any hollow bearing trees to ensure mitigation against any native animal welfare issues.

The qualified ecologist or wildlife carer shall provide Council's Development Planner Flora and Fauna with a written report of the species detected and the mitigation measures implemented against any native animal welfare issues.

Removal of trees with habitat hollows shall be undertaken in either March, April, September or October, to minimise impact to threatened species that could breed and or hibernate within hollows on site. Any hollow-bearing trees shall be felled in one to two metre sections, beginning at the top of the crown. Lengths cut from the tree(s) shall be in a manner that will preserve the hollow(s) with each section inspected and appropriately treated to minimise impact to fauna.

29. 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*.

30. 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.

31. Category 3 Landscaping

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

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.

Landscaping as per the approved plans under this consent must conform to landscaping and typical minimum planting densities 'once mature' comprising shrubs at a minimum 1 plant/m² and groundcovers/low planting at a minimum 2 plants/m² pending species selected within all nominated open areas dedicated to planting.

A hard garden retaining edge (Timber or concrete edge) to all garden bed areas adjoining lawn or pathway/hardstand surfaces must be implemented and all landscaping to be covered with minimum 75mm Mulch to aid plant establishment.

Nominated Street Trees addressing street/ Public Road reserve (only) must be planted at minimum 75L Pot size.

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 the adopted Landscape Design Guidelines and Section 2.7.2 of *Lake Macquarie City Council Development Control Plan 1*.

Landscaping Works in Public Domain

The applicant shall submit a separate Landscape Construction Certificate and associated Landscape Construction documentation drawings for all landscape and public domain works to be undertaken and to be approved by Council in accordance with the following:

- The Landscape Construction Specification must be in accordance with the approved plans under this consent.
- The Landscape Construction 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 Landscape Construction documentation.

- The Landscape Construction Specification shall be approved by LMCC's Landscape Architect (Development Assessment & Compliance) prior to issue of the CC.
- 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).
- All Landscape Construction documentation must comply with the relative Public Domain and Landscape Technical Guidelines that is current at the date of the CC application.
- The Landscape Construction Specification and associated Documentation shall include the following contact details for Council's Coordinator of Project Management, contactable on 49210333. All landscape works as approved shall be coordinated with Council's Project Manager during the construction period.
- The Landscape Construction Specification must include the following witness or hold points for the following inspections (where applicable) to be carried out by Council's Project Manager/Officer:

Street Trees

Associated Witness & Hold Points

- Set out of tree pits (witness point).
- Excavation of tree pits with root barrier and sub-surface drainage installed in accordance with Council's Landscape Technical Guidelines – Relevant Street Tree Details (hold point).
- Evidence of certification of all associated imported topsoil for street tree planting in accordance with AS4419 – 2003 to be provided to Council's Project Officer (hold point).
- Tree delivery prior to installation (hold point).
- Commencement of tree planting (witness point).
- Completion of tree planting, including installation of any guards / grates in accordance with Council's Landscape Technical Guidelines (witness point).
- The Landscape Construction 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 in accordance with AS4419 -2003. Should site soil be utilised for planting purposes, soil testing must be conducted in accordance with AS4419 – 2003. A copy of the results must be provided to Council's Project Officer, where amelioration of the soil is required,

evidence of this application must be communicated and will form a witness/hold point.

- Pre-ordering of plant stock in accordance with the specification
- 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 prepared the Landscape Construction Plans and Specification (or a local Consultant with equivalent qualifications) shall submit two **Landscape Maintenance Reports** to the Principal Certifying Authority/Councils Project Management Officer (Council) (one at 26 weeks and one at 52 weeks after practical completion) that certify that at 26 and 52 weeks after Practical Completion the landscape works were being satisfactorily maintained.

32. Acid Sulphate Soils

If Acid Sulphate soils are exposed during works the advice of a suitable qualified geotechnical engineer shall be sought and the acid sulphate soils managed in accordance with the engineers recommendations.

33. 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.

34. Fencing

Fencing of the site shall be in accordance with the approved plans. 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.

35. Pylon Signs

The maximum height of the Main Pylon Signs located at the Pacific Highway entries is restricted to 9 metres. Signage details demonstrating compliance with the maximum height of 9 metres are to be submitted with the Construction Certificate.

36. 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.

37. South Street Entry

Delivery vehicles exiting onto South Street are limited to those servicing the Building Products Warehouse. All delivery vehicles shall enter South Street with a left turn only. No delivery vehicles are to enter the site at the South Street entry.

The transition to the road pavement shall be smooth to minimise noise from exiting delivery vehicles. In addition, the road pavement fronting the South Street access is to be resealed/resurfaced to reduce future damage by delivery vehicle manoeuvring.

Details of the South Street access, including the transition, road pavement area to be resealed/resurfaced and demonstrating suitable width for delivery vehicle sweep paths are to be submitted to Council for approval. The Principal Certifying Authority shall not issue the Construction Certificate without Council having approved the documentation for the South Street entry.

38. Car Parking and Allocation of Spaces

A total of 553 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 for Stage 1A:

Building Products Warehouse	346 Car Spaces
	4 Car & Trailer Spaces
	17 – Staff Car Spaces
	16 – Disabled Car Spaces (Retail) 1 – Disabled Car Space (Staff)
Bulky Goods Units 1 - 8	132
	3 – Disabled Car Spaces
Restaurant	35
	2 – Disabled Car 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 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.

All designated 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 unless shown otherwise on the approved plans.

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.

39. Bicycle Parking Racks

Secure bicycle parking/storage shall be provided in accordance with the approved plans. The installation and dimensions of the bicycle parking/storage shall be in accordance with the Austroads 'Cycling Aspects of Austroads Guides' and Australian Standard AS2890.3:1993. These works shall be completed prior to the issue of the Final Occupation Certificate.

40. 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 DCP 2014 Guidelines - 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.

An exception is the Brigade Access located on the eastern side of the Building Products Warehouse which is to be turf.

41. Directional Signage

The following safety measures are to be implemented:

- (a) Signage is to be installed that reinforces where passenger vehicles and heavy vehicles are to travel.
- (b) Four way intersections are to have priority defined through give-way line marking.

42. Pedestrian Crossings

Pedestrian crossings are to be raised crossings that are at the same level as the footpaths they connect too.

43. Wheel Stops

Wheel Stops are to be installed for all parking spaces fronting landscaping beds and/or pedestrian pathways/walkways.

44. 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.

45. External Storage of Products

The external storage or display of any products on the development site is not permitted.

46. Hours of Operation

Store Operating Hours

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

Mondays to Fridays 6am to 10pm

Saturdays 6am to 9pm

Sundays and Public Holidays 7am to 9pm

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

Note: the 'Store Operating Hours' apply to the Building Products Warehouse, the Restaurant and the Bulky Goods Units 1-8.

Loading Dock Operating Hours

Following commencement of occupation, the loading docks shall operate only between the times stated as follows:

Mondays to Fridays 7am to 7pm

Saturdays 7am to 7pm

Sundays and Public Holidays 7am to 7pm

An exception to the above is the use of loading docks by Customers to collect purchased goods during the store hours of operation.

47. 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.

48. Materials & Finishes

Details of the external materials and finishes, including colour scheme, for the Bulky Goods Units 1-8 and the Restaurant are to be submitted to Council for approval.

The Principal Certifying Authority must not release the first or any Construction Certificate without Council having approved the materials and finishes, including colour scheme, of the Bulky Goods Units and Restaurant.

49. Screening of Roof Top Plant and Equipment

All Roof Top Plant and Equipment is to be suitably screened. Details of the screening measures are to be submitted to Council for approval.

The Principal Certifying Authority must not release the first or any Construction Certificate without Council having approved the screening measures for the Roof Top Plant and Equipment.

50. External Material Reflection

External cladding materials such as roofs, walls and windows shall have low-reflective properties.

51. 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.

52. Construction Traffic Management Plan

The Principal Certifying Authority shall not issue the first or any Construction Certificate without a Construction Traffic Management Plan (CTMP) as approved by Council. The CTMP is to be implemented prior to the commencement of works and maintained until the completion.

The party having the benefit of this consent is to be submitted to Council's Asset Management Department for approval prior a CTMP. 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.

53. Bus Shelter

The following works are to be completed prior to the issuing of an Occupation Certificate by the Principal Certifying Authority:

- i. A bus shelter shall be provided at the Pacific Highway.

The bus shelter structure shall be constructed and installed in accordance with Council's Standard Drawing EGSD-801.
- ii. The existing bus stop in Iona Street shall be upgraded, inclusive of a concrete pad, seat and Tactile Ground Surface Indicators, in accordance with Council's Standard Drawing EGSD-801.
- iii. A new bus stop is to be established in Iona Street, opposite the existing bus stop, inclusive of a concrete pad, seat and Tactile Ground Surface Indicators, in accordance with Council's Standard Drawing EGSD-801.

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.

Each bus stop is to comply with disability access requirements.

Prior to the issue of a Compliance Certificate/Occupation Certificate a certificate shall be issued by the contractor stating that the bus stop and/or shelter installation has been undertaken in accordance with the Council's Standard Drawing EGSD-801.

All works are to be undertaken at the cost of the person having the benefit of the consent.

54. 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.

55. 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."

56. 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.

57. 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 with the exception of:

(a) Rehabilitation works on Crokers Creek

(a) Translocation of *Grevillea parviflora susp. parviflora*

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.

58. Driveway Design and Construction – Industrial/Commercial

The driveway to the garage or car parking area of the development shall be designed and constructed in accordance with the following requirements and Council Standard Drawing: EGSD-104 (available from Council's 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.

In addition to the above conditions the following conditions are specifically relevant to any works on existing public roads.

59. Works on a Road

Prior to the carrying out of any works on a road, the person having the benefit of the consent shall apply to Council for an approval under s138 of the Roads Act 1993. The road shall not be opened until the approval has been issued. The person having the benefit of the consent shall pay to Council the calculated road restoration fee prior to the issue of any occupation certificate.

The person having the benefit of the consent is given permission to open a grassed or natural surface footpath for the installation of all water services, cables, or mains. Upon completion of the work, the footpath shall be restored to its original state and ensure that there are no hazards that may impact on the public.

All precautions must be taken to protect the public while work is in progress. Traffic control shall be undertaken in accordance with Australian Standard AS1742 – Manual Uniform Traffic Control Services – Parts 1, 2 and 3.

60. 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.

61. Demolition

Demolition work shall be carried out only between the hours of 7:00am to 6:00pm 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.

62. 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.

63. 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.

64. 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.

65. Build Over Water Mains - Hunter Water Corporation Requirements

The Principal Certifying Authority shall not release the first or any Construction Certificate without the approval of Hunter Water Corporation of the Construction Plans having regard to the water main and easement adjoining South Street. The development must be constructed in accordance with the Hunter Water Corporation requirements.

66. Signage – Over or Adjacent to Public Places

During the placement of signage above or adjacent to a public place (footpath, road or public reserve), pedestrian control measures to protect the public during construction, must be implemented in accordance with a Traffic Management Plan. The Traffic Management Plan is to be prepared by an accredited Traffic Controller, and approved by Council, prior to the erection of the sign.

Throughout the course of demolition and construction of any signage, Council's footpath is to be kept clear at all times to allow unobstructed access by pedestrians. Where it is not possible for Council's footpath to be kept clear, it will be necessary to make an application to Councils' Asset Management Department, to erect barricades and the like, to provide safe pedestrian access.

The contractor installing the signage must have a current public liability insurance with a reputable insurer of not less than \$20,000,000 in respect of each accident.

The owner of the signage shall maintain current public liability insurance for an amount of \$20,000,000 with a reputable insurer while ever the signage is erected over Council

owned, maintained or controlled land. A copy of this insurance shall be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first.

An approval shall be obtained to install hoarding, site fencing or overhead protective structures over or adjoining a public place ie. a footpath or a public reserve to the appropriate standard. Application to Council's Asset Management Department is required. No work on hoarding is to commence until written approval is obtained from Council. This does not apply to site fencing on the property boundary or within private property, that is clear of any hoarding.

Note: Fees are payable as set out in Councils' Pricing Policy.

67. Signage Requirements & Installation Certification

To ensure the safety of the public, all signage shall be installed in a secure manner in accordance with the manufacturer's specifications. The installation of the signage is not to involve measures that would cause irreversible damage to the building.

Certification from the signage installer shall be submitted prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first that the signage has been adequately installed and affixed to the building in accordance with the manufacturer's details.

68. 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.



69. 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 issue of an Interim or Final Occupation Certificate, whichever occurs first, certification from a suitably qualified acoustic consultant shall be submitted to the Principal Certifying Authority, demonstrating compliance with the above.

70. 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.

71. Acoustic Certification

The recommendations contained in the Noise Impact Assessment (Document Reference 23/05/2012) prepared by Acoustic Logic 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 provision of necessary acoustic treatment of all mechanical plant so that no other noise nuisance is created to the neighbourhood.

Upon completion of the works and prior to the issue of an Interim or Final Occupation Certificate, 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.

72. 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.

73. 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."*

74. 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.

75. 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.

76. Liquid Wastes

Prior to the issue of the first construction certificate details on the collection, treatment and/or disposal of liquid wastes arising from the operations shall be submitted to Council for approval. Details shall include segregation of drainage areas subject to likely contamination, and the methods for preventing contaminants discharging from the site into the stormwater system. No work shall commence on site until the Council's approval is obtained.

77. 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.

Construction details shall be provided to the Principal Certifying Authority prior to the issue of the first or any 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.

78. 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.

79. 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.

80. 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"*.

Roads And Drainage Construction Works on Public Roads

81. Public Domain Works – Street Trees

All landscape works within the Public Domain (road reserve) shall be coordinated with Council's Project Manager during the construction period. Contact details for Council's Coordinator of Project Management, City Projects contactable on 49210333

Witness or hold points must be communicated in an appropriate time (minimum 7 days prior to commencement of landscape works within the public domain) with Council's Coordinator of Project Management 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 regard to Council's Street Tree planting detail and specifications (hold 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).

The following submissions must be submitted in a timely manner by the Contractor to Council's Project Manager:

- Batch Certificates for all imported soil in accordance with AS4419 -2003.
- Certification that nominated street tree complies with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).

Manufacturer's warranty and maintenance information for all proprietary products.

Roadways, Accessways And Footways

82. Construction of Kerb and Gutter and Associated Works on Public Roads

The Applicant shall ensure that all public roadworks are designed and constructed in accordance with the provisions of the publications and standards identified in this consent.

The extent of works shall be consistent with the plans, any other works identified within these conditions of consent and the following:

- (i) The full frontage of South Street of Lot 1.
- (ii) The full frontage of the Pacific Highway extending from the intersection with South Street through to the intersection with Lake Street.

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

83. Linemarking and Signposting

All regulatory linemarking and sign posting on Public roads shall be submitted to Council's Traffic Facilities & Road Safety Committee. The works shall not commence until approved by the Committee.

84. Pavement Standards

Residential road pavements shall be designed in accordance with "A Guide To The Design Of New Pavements For Light Traffic" - AUSTROADS 1998. Main and Industrial road pavements are to be designed in accordance with "Pavement Design, A Guide to the Structural Design of Road Pavements" - AUSTROADS 1992. Designs for road pavements shall be submitted to and approved by the Council or a Private Certifier prior to road pavements being constructed. Where work is to be undertaken within a classified Main Road the pavement design shall also be submitted to the Roads and Traffic Authority for its approval prior to the commencement of works.

85. Stormwater Standards

The Applicant shall arrange for the design and construction of stormwater drainage works in accordance with the requirements of the publications and standards identified in this consent.

No works shall commence on site prior to the issue of a **Construction Certificate** and all works shall be completed prior to the issue of a **Subdivision Certificate**.

86. Roadways and Drainage Works Standards

The Applicant shall arrange for all relevant works to be designed and constructed in accordance with the following publications (as amended or updated), as applicable:-

- a. Australian Rainfall and Runoff, 1987.
- b. AUSTROADS Guide To Traffic Engineering Practice.
- c. Council's DCP and supporting guidelines.
- d. Roads and Traffic Authority Road Design Guide.
- e. Roads and Traffic Authority Interim Guide To Signs and Markings.
- f. Managing Urban Stormwater documents (2004) by Landcom.
- g. The Constructed Wetlands Manual - Department of Land and Water Conservation, 1998.
- h. WSUD Technical Design Guidelines for South East Queensland
- i. Healthy Waterways – Water by Design Guidelines
- j. Subdivision Code
- k. Australian Standards including, but not limited to:-

- AS1428 - Design for Access and Mobility, Part 1 General Requirements for Access and Part 4 Tactile Indicators,
- AS2890 - Off Street Parking

Where any inconsistency exists between these documents the Applicant shall verify in writing with Council, the relevant standard to be adopted.

87. RMS Approval to Works Required

The Roads & Maritime Services (RMS) shall approve all engineering plans and specifications, for works on or impacting upon a Classified Road, prior to the issue of a **Construction Certificate by the Council**.

The concurrence of the RMS may be obtained by submission to the Principal Certifying Authority of appropriate engineering plans and specifications for lodgement with the Authority. No works shall commence until the RMS has granted its approval to the plans and specifications.

88. Haulage Routes

The Applicant shall submit to Council, in writing, details of the proposed haulage routes to be used during construction works. These details must be submitted a minimum of seven days before the commencement of haulage operations. No haulage operations shall take place prior to the approval of the routes by Council. The haulage routes shall not be varied without the approval of Council.

The Applicant shall maintain and restore the haulage route roads, as near as possible, to their original condition.

89. Details Required Prior to Commencement

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

- (a) detailed engineering plans and specifications (including a Design Certification Report and Checklists in accordance with the Lake Macquarie City Council Engineering Guidelines) relating to the work have been endorsed with a **Construction Certificate** by :-
 - (i) Council, or
 - (ii) an appropriately Accredited certifier accredited in accordance with the Building Professionals Board Accreditation Scheme, and
- (b) the person having the benefit of the development consent:-
 - (i) has appointed a Principal Certifying Authority, and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment, and

- (c) the person having the benefit of the development consent has given at least two (2) days notice to Council of the intention to commence works.

In accordance with Council's authority under Section 138 of The Roads Act 1993, a Private Certifier shall not issue a Construction Certificate for any works within an existing public road unless Lake Macquarie City Council has issued an approval for the works under section 138 of the Roads Act 1993.

Where Council is the Principal Certifying Authority for a subdivision an application for a Construction Certificate can only be made to Lake Macquarie City Council.

A fee for applications for Construction Certificates will be required to be paid in accordance with Council's fees and charges for Construction Certificates.

90. Notice of Commencement of Works

Construction works shall not commence until a meeting between the contractor and a representative of the Principal Certifying Authority (PCA) has taken place on site.

In accordance with Section 81A(4) the PCA must be given at least two days notice in writing prior to such meeting taking place.

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

91. Notification to Neighbours

Written notification shall be given by the Applicant to landowners and residents who live adjacent to the proposed development or who may be affected by the proposed works. The notification should include the expected date of commencement of works and a brief description of the works.

92. Erosion Controls

The Applicant shall submit for approval with the Construction Certificate, a Soil and Water Management Plan for the development in accordance with Council's Development Control Plan No. 1 – and Landcom's – Managing Urban Stormwater documents (2004).

No more than 2.5 hectares of the site shall be exposed to erosion at any time.

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 daily basis and shall contain details on the conditions of the controls and all maintenance and cleaning undertaken.

The record must be available for inspection by the Principal Certifying Authority during normal working hours.

Plans and calculations for such erosion controls shall be submitted prior to the issue of a Construction Certificate and the works shall be completed as part of the initial

construction work in the first stage of the development. Minor additional works may be approved by the Principal Certifying Authority during construction works.

93. Noise Control

All possible steps shall be taken to silence construction equipment and the operating noise level of plant and equipment shall not give rise to "offensive noise" as defined by the Protection of the Environment Operations Act 1997.

The operating noise level of machinery, plant and equipment during construction site operations shall comply with Chapter 171 of the NSW EPA's Noise Control Manual.

Construction operations shall be confined between the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm Saturday. If construction operations are inaudible within occupied residential properties then the work period may be extended on Saturdays to 7.00am to 1.00pm. No construction work shall take place on Sundays or Public Holidays.

Should it be necessary to use mechanical rock breakers or conduct blasting then these operations shall be confined between the hours of 9.00am and 3.30pm Monday to Friday (excluding any Public Holiday).

Noise Level Restrictions

- (i) Construction period of 4 weeks and under:-

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20dB(A).

- (ii) Construction period greater than 4 weeks:-

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10dB(A).

94. Traffic Control Standards

For the duration of work being carried out as part of this development, the Applicant shall ensure that traffic control is undertaken in accordance with the requirements of Australian Standards AS 1742 - Manual Uniform Traffic Control Services – Parts 1, 2 and 3.

95. Salvage of Trees and Shrubs

Trees and shrubs which are felled shall be salvaged for re-use, either in log form, or as a woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots and stumps shall be disposed of in an approved manner.

96. Street Lighting

The Applicant shall provide street lighting for the development to the satisfaction of Energy Australia and in accordance with the road classification. The road classification shall be determined by Council and Energy Australia.

The street lighting provided shall include any necessary upgrading of the lighting of the intersection of any new roads with existing roads.

97. Works as Executed Plan

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

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

98. Compliance Certificate for Works

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

Where Council is the Principal Certifying Authority for a subdivision an application for a Compliance Certificate can only be made to Lake Macquarie City Council.

Subdivision Conditions

Submission For Subdivision Certificate

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

99. 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.

100. Survey Control Marks Interference

The Applicant shall submit a statement from a Registered Surveyor verifying that the works did not interfere with any survey control marks OR the Applicant shall submit

verification that the Survey Control Branch of the Department of Lands has been advised of any marks which will be destroyed and an undertaking that the requirements of the Survey Control Branch will be complied with.

101. Provision of Council Easements

The Applicant shall arrange for the creation of easements to drain water, (minimum 3 metres wide or the width of the 100 year flow path, whichever is greater), in favour of Council to the sizes and locations indicated on an approved copy of the subdivision layout plan attached hereto, or indicated in RED thereon by Council.

Where applicable, the Applicant shall obtain for lodgement with Council written authority from affected owners agreeing to the discharge of stormwater across their properties prior to the issue of a **Construction Certificate**.

The Registered Proprietor of the land shall subsequently create easements to drain water over those properties in favour of Council, prior to, or at the time of registration of the Final Plan of Subdivision.

102. Show Lots Clear of 100 Year Flood Level

The Applicant shall show by calculations and plans that all lots are clear of the 1:100 year flood level. This condition shall also apply to lots which would be affected by substantial overland flow, which may necessitate the carrying out of works to ensure properly drained and flood free conditions.

The Applicant shall supply the above calculations and plans showing the limit of the 1:100 year flood prior to the issue of a **Construction Certificate**.

Note: Lots that are not 500mm clear of the 1:100 year flood level will be subject to floor height control.

Provision Of Utility Services

103. Service of Public Utilities

The Applicant shall service all lots in the subdivision with water, sewer, underground electricity and underground telephone facilities to the requirements of and by arrangements with the relevant supply authorities and company. The applicant shall liaise with AGL in relation to the future reticulation of gas in the subdivision.

Where required by the Commonwealth Government's *Fibre in New Development's Policy*, the applicant shall arrange for the installation of optical fibre cabling in accordance with the NBN Co. Limited's specification.

A letter of compliance from each service authority and service company shall be submitted to Council prior to the issue of a **Subdivision Certificate**.

Note: Applications for two (2) lot or dual occupancy subdivisions will not require 'letters of compliance' to be submitted to Council from Telstra or Energy Australia.

104. 88B Instrument

The Registered Proprietor of the land shall provide an instrument under Section 88B of the Conveyancing Act setting out terms of easements and/or restrictions as to user as may be required by conditions of this consent. Council is to be the party empowered to release, vary or modify those (and only those) easements and/or restrictions required by conditions of this development consent.

105. 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

106. Application Fees for Certain Required Certificates

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

For Council to process applications for any of these certificates fees would be payable:

You should approach Council for a quote for any necessary certificates;

Note: Any applications for works on public road that require approval under Section 138 of the Roads Act will be processed as Construction Certificate(s) by the Council

Construction Certificate for works on Public Roads	\$ Quote	Plus \$50 Archival Fee	(inc GST)
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Compliance Certificate for works on public roads	\$Quote	Plus \$50 Archival Fee	(inc GST)
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Subdivision Certificate	\$508	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.

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

Payments Corporation or to Council as agent for the Corporation. The Levy rate is 0.35% of the cost of building and construction works.

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

General Terms of Approval

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

- Mine Subsidence Board
- NSW Office of Water
- NSW Roads & Maritime Service

Attachment A



Attachment B: WAD Advice to Developer

- Following development consent, early discussion with Roads and Maritime's Project Manager is recommended. Roads and Maritime will initiate the WAD process by sending out a letter and information pack on receipt of the Notice of Determination, including the name and contact details of the Project Manager.
- As the WAD process, including acceptance of design documentation and construction can take considerable time, you should allow sufficient lead time within the project development program to ensure that all documentation and works are completed in advance of occupation. Roads and Maritime will not consider granting concurrence to occupation until it is satisfied all documentation and works under the WAD have been completed.
- Authorisation to commence construction will only be granted when Roads and Maritime is satisfied that all requirements under the WAD have been met by the developer, including Roads and Maritime fees and charges, an unconditional bank guarantee for the full value of the works, detailed design documentation, environmental assessment, road occupancy license, among other matters. Roads and Maritime will issue a letter to the developer advising of this authorisation.
- Any property acquisition / dedication required to accommodate the State road works associated with the proposed development shall be at full cost to the developer, including all legal and survey costs. This land shall be dedicated by the developer as public road reserve in favour of the Council, as the owner.
- Part of the developers' timeline should make provision for Roads and Maritime to satisfy its obligations under the Environmental Planning and Assessment Act 1979 (EP&A Act) to assess the environmental impacts of the works within the road reserve. Further investigation and assessment to that undertaken for the development consent may be required to the satisfaction of Roads and Maritime, under Part 5 of the EP&A Act.
- It is recommended that the developer use design consultants with the experience and knowledge of the Roads and Maritime design requirements, in particular the Austroads Guide to Road Design 2009 (with RTA supplements) and relevant Australian Standards.
- A fact sheet providing further information on the WAD process can be obtained from the Roads and Maritime Private Developments Website at:

http://www.rms.nsw.gov.au/roadprojects/community_environment/private_developments.html
- Construction on a State road and / or traffic control signals requires the engagement of a Roads and Maritime pre-qualified contractor. A list of pre-qualified contractors can be found on the Roads and Maritime website below:

<http://www.rms.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>