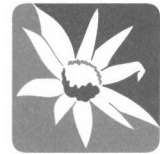


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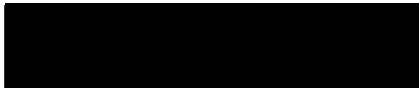
Wyong
Shire
Council
CENTRAL COAST

DA/514/2013
Ken G Gerschler

18 December 2013



Westfield Limited
C/- Robert Green



Development Application Notice of Determination

Issued under the Environmental Planning and Assessment Act 1979
Sections 80, 80A & 81 (1)(a)

Development Application No: DA/514/2013
Property Address: 50 Wyong Road, TUGGERAH NSW 2259
Description of Development: Alterations & additions to Shopping Centre and associated car parking (Westfield Tuggerah)
Determination: Approved
Determination Date: 18 December 2013
Consent to Operate From: 18 December 2013
Consent to Lapse On: 18 December 2018

Conditions

Approved Plans

- 1 The development is to be undertaken in accordance with the approved development plans and specifications listed below except as modified by any conditions of consent and any amendments in red made to the approved plans:

Title	Drawing No.	Revision	Date	Drawn By
Proposed Plans-Stage 1 Level 1 Floor Plan	DA-04 Stage 1	H	15/10/13	Westfield Design
Proposed Plans-Stage 1 Level 2 Floor Plan	DA-05 Stage 1	G	09/07/13	Westfield Design

Proposed Plans-Stage 1 Level 3 Roof Plan	DA-06 Stage 1	G	09/07/13	Westfield Design
Proposed Plans-Stage 2 Level 1 Floor Plan	DA-04 Stage 2	G	09/07/13	Westfield Design
Proposed Plans-Stage 2 Level 2 Floor Plan	DA-05 Stage 2	G	09/07/13	Westfield Design
Proposed Plans-Stage 2 Level 3 Floor Plan	DA-06 Stage 2	G	09/07/13	Westfield Design
Cinema 'G'Max Extension Old and New Floor Plans	10.0016a	Not Given	10/2013	Westfield Design
Elevations-Existing Elevation	DA-07	G	09/07/13	Westfield Design
Proposed Elevation 01	DA-08	G	09/07/13	Westfield Design
Proposed Elevation 02	DA-09	G	09/07/13	Westfield Design
Proposed Elevation 03 & 04	DA-10	G	09/07/13	Westfield Design
Section B-B	DA-12	G	09/07/13	Westfield Design
Landscape Drawing Stage 1 & 2 (cinema) Cover and drawing list	LA 1-CV00	A02	11/07/13	DEM Landscape Architecture
Landscape Drawing Stage 1 & 2 (cinema) Site analysis plan & key plan	LA 1-0101	A02	11/07/13	DEM Landscape Architecture
Landscape Drawing Stage 2 (cinema) Landscape Plan	LA 2-0502	A02	11/07/13	DEM Landscape Architecture
Landscape Drawing-Stage 1 Landscape Plan Sheet 1 of 4	LA 1-0501	A02	11/07/13	DEM Landscape Architecture
Landscape Drawing-Stage 1 Landscape Plan Sheet 2 of 4	LA 1-0502	A02	11/07/13	DEM Landscape Architecture
Landscape Drawing-Stage 1 Landscape Plan Sheet 3 of 4	LA 1-0503	A01	11/07/13	DEM Landscape Architecture
Landscape Drawing-Stage 1 Landscape Plan Sheet 4 of 4	LA 1-0504	A02	11/07/13	DEM Landscape Architecture
Stormwater Concept Plan & Sewer Concept Plan-Cover Sheet	0000	P1	07/10/13	Mott MacDonald

Stormwater Concept Plan – Sheet 1 of 2	MMD-312536-C-DR-00-XX-0001	P1	07/10/13	Mott MacDonald
Stormwater Concept Plan – Sheet 2 of 2	MMD-312536-C-DR-00-XX-0002	P1	07/10/13	Mott MacDonald
Sewer Concept Plan – Sheet 1 of 2	MMD-312536-C-DR-00-XX-0003	P1	07/10/13	Mott MacDonald
Sewer Concept Plan – Sheet 2 of 2	MMD-312536-C-DR-00-XX-0004	P1	07/10/13	Mott MacDonald
Trunk Stormwater Longitudinal Section	MMD-312536-C-DR-00-XX-0005	P1	07/10/13	Mott MacDonald
Survey Plan- Overall	TUGG-DT4D	Not Given	26/04/09	Urbanex Surveyors
Survey Plan-Sheet 1 of 10	TUGG-DT4	Not Given	26/03/07	Urbanex Surveyors
Survey Plan-Sheet 2 of 10	TUGG-DT4	Not Given	26/03/07	Urbanex Surveyors
Survey Plan-Sheet 3 of 10	TUGG-DT4	Not Given	26/03/07	Urbanex Surveyors
Survey Plan-Sheet 4 of 10	TUGG-DT4	Not Given	26/03/07	Urbanex Surveyors
Survey Plan-Sheet 5 of 10	TUGG-DT4	Not Given	26/03/07	Urbanex Surveyors
Survey Plan-Sheet 6 of 10	TUGG-DT4	Not Given	26/03/07	Urbanex Surveyors
Survey Plan-Sheet 7 of 10	TUGG-DT4	Not Given	26/03/07	Urbanex Surveyors
Survey Plan-Sheet 8 of 10	TUGG-DT4	Not Given	26/03/07	Urbanex Surveyors
Survey Plan-Sheet 9 of 10	TUGG-DT4	Not Given	26/03/07	Urbanex Surveyors
Survey Plan-Sheet 10 of 10	TUGG-DT4	Not Given	26/03/07	Urbanex Surveyors

Certificates – Application and Approval

- 2 A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- 3 The submission to Council of a report from a suitably qualified practising Structural Engineer certifying the structural ability of the existing structure to support both the live and dead loads imposed by the addition.

- 4 A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building and/or on the land and include a separate list of fire safety measures that exist on the premises. The lists must describe the extent, capability and basis of design for each measure.
- 5 Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.
- 6 Where conditions of this consent require approval from Council under the Roads Act 1993, Local Government Act 1993 or Water Management Act 2000, a completed Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.

Prior to Release of Construction Certificate:

The following conditions must be satisfied prior to the release of the Construction Certificate. Conditions may require the submission of additional information with the Construction Certificate Application. Applicants should also familiarise themselves with conditions in subsequent sections and provide plans in accordance with any design requirements contained therein.

Contribution Payment Requirements

- 7 Prior to the issue of a Construction Certificate, the payment to Council of contributions (as contained in the attached Schedule) under Section 94 of the Environmental Planning and Assessment Act 1979 and Council's Section 94 and Section 94A Contribution Plan. Council's contributions are adjusted on the first day of February, May, August and November. The amount of the contributions will be adjusted to the amount applicable at the date of payment.

Erosion and Sediment Control Requirements

- 8 Prior to the commencement of construction an initial Erosion and Sediment Control Plan (ESCP) prepared in accordance with the latest edition of the Landcom Publication 'Soils and Constructions- Volume 1' (The Blue Book) shall be provided to the Principal Certifying Authority. This plan shall be modified and updated during construction to reflect any changes due to the on-ground/site conditions. A copy of any modifications or updates to the ESCP shall be provided to the PCA and provided to Council upon request.
- 9 Erosion and sediment controls shall be monitored, maintained and adapted in accordance with the most recent ESCP until the site is fully stabilised and landscaped. Failure to comply with this condition may result in fines under the provision of the Protection of the Environment Operations Act

Filling and Haulage Requirements

- 10 Prior to works associated with the development commencing, details are to be provided for the approval of Council as the Roads Authority, of the proposed routes to and from the site for heavy vehicle traffic accessing the site.

Ecology/Trees

- 11 Prior to the issue of any Construction Certificate, trees and native vegetation proposed for retention and those approved for removal must be clearly identified on all the final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species, endangered populations or ecological communities must also be marked on all plans.
- 12 The applicant is to prepare and submit to Council's Development Ecologist for approval a Habitat Restoration Plan (HRP) for the retained bushland areas prior to the issue of any Construction Certificate. The HRP is to be prepared by a suitably qualified and experienced Ecologist and will integrate with the required Landscape Plan, Vegetation Management Plan and Weed Management Plan. The HRP is to include the planting of a minimum of fifty (50) Swamp Mahoganies along the existing pathway between the shopping complex and Bellbird Estate; and, retention and regeneration of the vegetated corridor between the 7(a) zone behind the shopping complex and the Tangy Dangy Range to the south-west. The HRP is to outline a three (3) year program of revegetating planting, restoration and maintenance weed control.

The HRP is to state that a suitably qualified and experienced professional bush regeneration contractor is to be engaged to carry out revegetation planting, restoration and maintenance weed control. The minimum qualifications and experience required for the bush regeneration contractor are a TAFE Certificate 2 in Bushland Regeneration and one (1) year demonstrated experience (for other personnel). In addition, the site supervisor is eligible for full professional membership in the Australian Association of Bush Regenerators (AABR).

Food Act Requirements

- 13 Prior to the issue of a Construction Certificate, detailed plans and specifications for the food handling areas are to be submitted to and approved by Council's Environmental Health Officer- Food.

Landscaping Design Requirements

- 14 Prior to the issue of a Construction Certificate an amended Landscape Plan is to be submitted to and approved by Council's Landscape Officer detailing the proposed decorative acoustic wall and the planting of suitable screening vegetation adjacent to the southern side of the wall and the retention of existing trees.

Liquid Trade Waste Requirements

- 15 Prior to the issue of the Construction Certificate, the developer must submit a trade waste application for approval to Council as the Water and Sewer Authority in order to discharge liquid trade waste into the sewerage system.

Potentially Contaminated Land Requirements

- 16 Prior to the issue of a Construction Certificate, an appropriately qualified consultant must be engaged to carry out a detailed site investigation report to determine the level of contamination of the site and to prepare a remedial contamination action plan. Such remedial contamination action plan must be submitted to Council as the Consent Authority for approval.
- 17 Prior to the issue of a Construction Certificate, an appropriately qualified consultant must be engaged to carry out remediation and validation of the contaminated site prior to construction of the proposed development.

Roadworks - Design Requirements

- 18 Where conditions of this consent require approval from Council as the Roads Authority, a Construction Certificate application must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.
- 19 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements in Gavenlock Road:
 - Widening to 13 metres for the full extent of the Westfield's property.
 - Full road pavement construction to accommodate the above widening and additional traffic loadings.
 - Pavement design catering for 2×10^7 equivalent standard axles.
 - Street stormwater drainage systems.
 - Street lighting in accordance with AS/NZS 1158.
 - Pavement marking & signage.
 - Street trees at a maximum of 15.0 metre spacing.
 - Heavy duty vehicle access crossing(s).
 - The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation.
 - Any associated works to ensure satisfactory transitions to existing infrastructure.

- Relocation of the existing raised threshold and signage from the vicinity of the new southern access on Gavenlock Road further to the south.
- A pedestrian refuge provided on the southern side of the existing southern vehicles access.
- Adjustment of services as required.

Required design drawings are to be prepared in accordance with Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* and must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.

- 20 The submission of comprehensive road signage and pavement marking design drawings identifying parking restrictions, accesses and traffic management facilities to Council for approval by the Local Traffic Committee (LTC) prior to issue of the Construction Certificate. The LTC will require information detailing at least the following:
- The proposed bus interchange is to be a one-way arrangement circulating west to east. In this regard No Entry (R2-4) signs are to be installed at the eastern end of the interchange.
 - A detailed civil engineering design of the proposed bus interchange and car parking, including swept paths of buses entering and exiting the interchange.
 - The width of the interchange should be a minimum of 10 metres to allow for manoeuvring of busses around stationary vehicles.
 - The area of the interchange south of the concrete median is to be used as a layover area for route service busses only and not as parking for mini buses. In this regard signage is to be installed indicating that mini buses are not to park in this area.
 - R2-20 "Bus Zone" signage is to be provided for the entire length of the interchange.
 - The proposed pedestrian crossing from the interchange to the shopping centre is to be installed in accordance with AS 1742.10.
 - The concrete median separating the interchange and layover area to be of sufficient width to accommodate back to back seating and clear weather protection panels. All these fitments and fixtures must be sited such that there is ample room for manoeuvring a wheel chair (and/or prams), including adequate space for the deployment of the bus' wheel chair ramp and the carer assisting with the boarding (i.e. compliance with the appropriate criteria set down within the Disability Discrimination Act).
 - Shelter over the seating is to be in the form of a continuous structure covering the entire length of the bus zones.

- Speed cushions or similar traffic calming devices are to be installed on the entry road either side of the interchange and at regular intervals along the entry road.
- Relocation of the existing raised threshold and signage from the vicinity of the new southern access on Gavenlock Road further to the south.
- A pedestrian refuge provided on the southern side of the existing southern vehicles access.
- Road safety audit(s).

Note: The above 'internal' works require approval by the LTC as the works are considered within a "road related area" as identified in the Road Transport Act 2013.

- 21 Prior to the commencement of detailed design works within any public road, contact should be made with the National Community Service "*Dial before you Dig*" 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.
- 22 The submission to the Accredited Certifier a 'finalised' Road Safety Audit for the internal bus interchange, circulation roads, loading areas and internal car parks. An audit team with at least one (1), Level 3 Road Safety Auditor (recognised on the NSW Register of Road Safety Auditors) shall prepare the audit. Any deficiencies identified within the audit shall be resolved in accordance with the hierarchy of control commencing with eliminating the deficiency. A copy of 'finalised' report shall be forwarded to Council for record
- 23 The submission to the Council as the Roads Authority of a detailed design Road Safety Audit for the proposed bus interchange intersection in Gavenlock Road. An audit team with at least one (1), Level 3 Road Safety Auditor (recognised on the NSW Register of Road Safety Auditors) shall prepare the audit report. Any deficiencies identified within the audit must be resolved in consultation with Council prior to the approval of design drawings.

Stormwater Drainage - Design Requirements

- 24 The submission to the Accredited Certifier of a detailed stormwater management plan featuring:
 - Stormwater disposal to the existing drainage system.
 - The provision of stormwater quality control facilities to treat stormwater in accordance with the Engineers Australia publication *Australian Runoff Quality – A Guide to Water Sensitive Urban Design* prior to entering Council's stormwater drainage system.
 - An emergency overland flow path catering for the 100 year ARI design flows.

The plans must be prepared in accordance with *AS/NZS3500.3:2004* and Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*, and be approved by the Accredited Certifier prior to issue of the Construction Certificate. The plans are to be generally in accordance with the submitted concept stormwater drainage plans by Mott MacDonald (refer Drawing No. MMD-312536-C-DR-00-XX, Page Nos 1 & 2, Revision P1, dated 10/7/2013) which are to be advanced as necessary for Construction Certificate issue purposes.

- 25 Lowering of the Council stormwater drainage pipes within the property requires approval from Council under Section 68 of the Local Government Act 1993. Detailed design drawings prepared in accordance with Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* must be approved by Council prior to the issue of a Construction Certificate. All other stormwater management works must be approved by the Accredited Certifier.

Structural Design Requirements

- 26 Prior to the issue of a Construction Certificate, suitable detailed design drawings for all retaining wall structures on the site are to be provided for the approval of the Accredited Certifier. Such design drawings are to be prepared by a suitably qualified Registered Structural Engineer in accordance with the requirements of AS 4678-2002 - *Earth Retaining Structures*. All retaining walls must be contained wholly within the property and designed so as to accommodate possible surcharge loading from vehicles or structural improvements within the adjoining property.
- 27 Prior to the issue of any Construction Certificate, the Applicant shall submit for approval to the Accredited Certifier, structural details prepared by a suitably qualified and experienced structural engineer demonstrating suitable protection of Council's trunk drainage infrastructure traversing the property. The required piers shall be located clear of the three (3) underground drainage pipes, with the depth of piers either below pipe invert and / or below the Zone of Influence. An updated survey plan will be required detailing the exact location of the Council trunk stormwater system.

Vehicle Access and Parking - Design Requirements

- 28 The submission to the Accredited Certifier of a detailed car parking design. The design shall include:
- Pavement marking, appropriate signage and physical controls detailed for the carpark, access driveway and circulation roads.
 - Pavement design able to withstand anticipated vehicle loading.
 - Wheel stops provided where required
 - The placement of clearance signage above the covered at ground parking area.
 - Compliant service ramp between the proposed Department Store loading dock (P9.4) and adjoining car park (P8.4). This loading area shall not impact upon the existing BIG W customer pick up/loading dock.

- Minimised vehicle conflict and improved sight distances at the proposed car ramp between Levels 2 & 3.
- Allocated parking spaces for the child care centre shall be provided within the carpark immediately to the east of the centre.

The design drawings shall be prepared in accordance with the requirements of AS/NZS 2890 – Parts 1, 2 and 6, and be approved by the Accredited Certifier prior to the issue of a Construction Certificate.

- 29 The submission to the Accredited Certifier of lighting design drawings for any carpark, bus interchange, walkway from rear of shopping complex to the bus interchange and other public places. The design shall be prepared in accordance with the requirements of AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting and be approved by the Accredited Certifier prior to issue of a Construction Certificate.

Water and Sewer Services - Design Requirements

- 30 All water and sewer works or works impacting on water and sewer assets must be designed and constructed to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Section 306 Notice of Requirements letter attached to this consent. **Note:** The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of the Construction Certificate.

Roadworks - Design Requirements

- 31 Where conditions of this consent require approval from Council as the Roads Authority, a Construction Certificate application must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.
- 32 Where conditions of this consent require approval from Council as the Roads Authority with the concurrence of the RTA, a completed Subdivision Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Fees and charges calculated in accordance with Council's Management Plan and must be paid prior to the issue of any consent under the Roads Act 1993. Prior to approval, the developer will be required to enter into a Works Authorisation Deed (WAD) with the RTA for any works and traffic control on State roads.

- 33 The applicant shall enter into a Voluntary Planning Agreement with the Roads and Maritime Service (RMS) as a mechanism to enable the payment of monetary contributions to RMS for the upgrade of the Pacific Motorway/Wyong Road interchange upgrade opened to traffic in February 2013 and the Pacific Highway/Wyong Road intersection upgrade currently in planning. The combined contribution amount shall be \$1.5million in 2013 dollars, with \$573,000 payable prior to the issuing of a construction certificate for the proposed development and the remainder payable upon completion of the upgrade of the Pacific Highway/Wyong Road intersection. The Voluntary Planning Agreement shall be executed prior to the issuing of a construction certificate for the proposed development.
- 34 Legal and other costs to the developer associated with the development, execution and ongoing maintenance of the Voluntary Planning Agreement (VPA), and any future changes to the VPA initiated by the developer and agreed by RMS, shall be at full cost to the developer and no cost to RMS.
- 35 All works associated with the subject development shall be carried out at full cost to the developer and at no cost to RMS or Council, to Council requirements.
- 36 Extension of the footpath on the western side of Gavenlock Road for the full extent of Westfield's property in accordance with Council's Development Control Plan 2005, Chapter 67-*Engineering Requirements for Development*.
- 37 Removal of any redundant driveway laybacks and crossings and replacement with kerb and gutter.
- 38 A pedestrian refuge is to be provided in Gavenlock Road on the southern side of the existing vehicular access in accordance with Council's Development Control Plan 2005, Chapter 67-*Engineering Requirements for Development*.
- 39 Prior to the issuing of any Construction Certificate, detail design plans must be submitted to Council for approval. The plans shall include the following:
- Upgrading of the northern Westfield access in Tonkiss Street to enable both lanes egressing Westfield to turn right onto Tonkiss Street.
 - Widening of the southern service road at the western end of the site to ensure that there is adequate clearance around corners and on bends so that truck movements are fully contained on the correct side of the road.
- 40 A pedestrian walkway including appropriate signage and lighting is to be provided from the rear food court entry/exit of the shopping centre to the proposed bus interchange including provision of a raised threshold pedestrian crossing over any roadway.
- 41 Signs shall be provided to identify preferred parking areas for the major shop/tenants. Electronic boards should be provided at the shopping centre entries identifying parking availability in each of the carparks. A carparking plan is to be provided highlighting these changes.
- 42 Service vehicles accessing new or modified existing loading dock areas are to enter and depart in a forward manner.

- 43 Drop off locations and lay-by areas are to be provided for service/retirement village buses in conjunction with the new bus interchange. Details to be provided to Council prior to the issue of the Construction Certificate.
- 44 A sign (including parking restrictions) and linemarking plan is to be submitted and shall comply with Council and Ministry of Transport requirements.
- 45 The provision of a footpath and gutter crossing in accordance with Council's Development Control Plan 2005, Chapter 67-*Engineering Requirements for Development*. The design plans must be approved by Council prior to issue of a Construction Certificate.
- 46 Exclusive 'staff parking' shall not be provided.
- 47 Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan to be approved by Council and RMS. The following matters should be addressed in the plan:
 - a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
 - iii) The locations of proposed work zones in the frontage roadways.
 - iv) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
 - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
 - vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - vii) An on-site parking area for employees, tradespersons and construction vehicles as far as possible.
 - viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
 - ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
 - x) How existing car parks, loading areas and existing bus interchange and movements to these areas will operate during the construction phase.

b) Construction Noise

During excavation, demolition and construction phases, noise generated from the site must be controlled. Details shall be provided on how it is intended to deal with potential noise impacts on the existing child care centre and residential properties.

c) Occupational Health and Safety

All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.

d) Toilet Facilities

During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.

e) Traffic control plan(s) for the site

All traffic control plans must be in accordance with the Roads and Traffic Authority publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

- 48 Prior to the issue of a Construction Certificate, details shall be provided for the approval of Council detailing the erection of a proposed decorative acoustic wall to be positioned approximately 5 metres south of the Liquidamber trees, located to ensure their continued health. This acoustic wall shall be solid and incorporated into the landscaped area and be a minimum height of 1.8m and a length of 45m, with the final height and materials to be supported by an Acoustic Report by a qualified Acoustic Consultant and an Arborist report regarding tree impacts. The acoustic wall and associated landscaping shall be provided prior to issue of the first Occupation Certificate.

Prior to Commencement of Works:

The following conditions must be satisfied prior to the commencement of site works, including any works relating to demolition, excavation or vegetation removal.

- 49 A copy of the stamped approved plans must be kept on the site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- 50 Prior to the commencement of construction a Soil and Water Management Plan (SWMP) prepared in accordance with the latest edition of the Landcom Publication 'Soils and Constructions- Volume 1' (The Blue Book) shall be provided to the Principal Certifying Authority (PCA). The SWMP is to be prepared, reviewed and updated by persons suitably qualified to interpret "The Blue Book" or trained in the use of "The Blue Book" for preparation of Soil and Water Management Plans.

This SWMP shall be modified and updated during construction to reflect any changes to the on-ground/site conditions. A copy of any modifications or updates to the SWMP shall be approved by a suitably qualified person and provided to the PCA and provided to Council upon request. Further information and requirements in relation to works that Council's "Civil Construction Specification" apply, may be found in the appendix of that document.

Erosion and sediment controls shall be monitored, maintained and adapted in accordance with the most recent SWMP until the site is fully stabilised and landscaped. Failure to comply with this condition may result in fines under the provision of the *Protection of the Environment Operations Act*

Roads - Preconstruction Requirements

- 51 Prior to commencing any works upon public roads the developer and their contractor will be required to:
- Obtain a copy of the Council approved Civil Works plans and pavement design (if applicable).
 - Obtain a copy of Development Control Plan 2005, Chapter 67 – *Engineering Requirements for Development*. This is Council's Specification for Civil Works and is available on Council's web site.
 - Arrange a meeting on-site with Council's Principal Development Construction Engineer on (02) 4350 5555.
- 52 Prior to works associated with the development commencing, a Plan of Management is to be submitted to and approved by Council as the Roads Authority for any works or deliveries that impact on any public roads or public land as a result of the construction of the development. The plan must include a Traffic Control Plan prepared by a person holding Roads and Traffic Authority (RTA) accreditation for selecting and modifying traffic control plans. Fees and charges are applicable to the review and approval of the required management plan in accordance with Council's Plan of Management.
- 53 Prior to works associated with development commencing, a dilapidation report must be prepared and submitted to Council as the Roads Authority. The required dilapidation report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development. **Note:** The report will be used by Council to determine the extent of damage arising from site and construction works.

Protection of Adjoining Property Requirements

- 54 Prior to works associated with the development commencing, the owner of the adjoining property affected by the proposed excavation and/or structural protective works, must be given written notice of the intention to commence works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protective works.

- 55 Prior to works associated with the development commencing, the applicant must supply the Principal Certifying Authority with a dilapidation report for the adjoining properties, which documents and photographs the condition of buildings and other improvements. The report must be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works. **Note:** The report is to be made available by the Principal Certifying Authority in any private dispute between neighbours regarding damage arising from construction works upon the development site.

Site Requirements

- 56 Prior to works associated with the development commencing, the Council trunk drainage system located upon the site, is to be located and suitably protected in order to prevent damage during the construction phase of the development.

Ecology/Tree Requirements

- 57 Prior to works associated with the development commencing, a Construction and Environment Management Plan (CEMP) is to be submitted to and approved by the Council. The required CEMP must outline the sequence and construction methodology, and specify mitigating measures to ensure all works are carried out with minimal environmental impact in relation to project staging, waste management, traffic management and environmental management
- 58 The Construction and Environment Management Plan is to include the following sub-plans and details:
- Vegetation Management Plan (VMP):
 - Delineation and protection of exclusion zones around native vegetation to be retained.
 - Delineation and protection of exclusion zones around the patch of *Melaleuca biconvexa*.
 - Supplementary planting of *M. biconvexa* in revegetation areas using transplanted stems, seed and/or cuttings from within the development footprint.
 - Pre-clearing surveys during the known flowering period for *Cryptostylis hunteriana*, *Rhizanthella slateri* and *Diuris praecox*.
 - Communication with construction personnel of the conservation value of surrounding habitats and their responsibilities with regards to protecting these habitats during construction.
 - Hygiene procedures to prevent the introduction and spread of pathogens such as Phytophthora and Myrtle Rust in areas of native vegetation. This would include provision of machine and footwear washdown stations for all equipment and personnel working in areas of native vegetation. Washdown stations are to be located outside of retained native vegetation.

- **Weed Management Plan:**
 - Type and location of weeds of concern (including noxious weeds) within or adjacent to the subject site.
 - Sensitive receivers (such as native vegetation and waterways) within or adjacent to the subject site.
 - Measures to prevent the spread of weeds, including hygiene procedures for equipment, footwear and clothing.
 - Proposed weed control methods and targeted areas.
 - Weed disposal protocols.
 - **Fauna Management Plan:**
 - Identification of mature trees to be retained.
 - A tree felling protocol, including pre-clearing surveys for nests or sheltering terrestrial fauna and rescue and salvage of fauna where possible.
 - Pre-clearance surveys should be undertaken of all hollow-bearing trees and other significant fauna habitat by a qualified ecologist prior to clearing.
 - Clear marking/erection of exclusion fencing around protected vegetation areas and delineation of 'no-go' areas.
 - Deferral of vegetation removal and associated construction activity in areas occupied by more mobile threatened fauna until the fauna has vacated the subject site.
 - Capture and relocation or captive rearing of less mobile fauna (such as roosting microbats, nestling birds or any injured fauna) by a trained fauna handler and with assistance from Wildlife Information Rescue and Education Services (WIRES) as required.
 - Inspection and identification/marketing of hollow-bearing trees adjacent to the construction footprint to help ensure against accidental impacts.
- 59 Prior to works associated with the development commencing, the applicant is to engage a suitably qualified and experienced Ecologist, Arborist and Soil Erosion Professional to supervise the vegetation clearing works and ensure adherence to the following sub-plans of the Construction and Environment Management Plan: Vegetation Management Plan, Weed Management Plan and Fauna Management Plan.
- 60 Prior to works associated with the development commencing, all trees nominated for retention are to be suitably protected by fencing or other accepted protection method in accordance with AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*. All required tree protection measures are to be maintained for the duration of construction works.
- 61 All fenced tree protection areas are to be clearly marked as "No Go Area" on the fencing itself.
- 62 Installation of nest boxes at a ratio of 1:1 for removed tree hollows including at least one nest box designed for the Glossy Black-cockatoo.

During Construction Works:

The following conditions must be satisfied during construction works.

Site Requirements

- 63 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.
- 64 During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.
- 65 During the construction phase of the development, downpipes and the associated stormwater disposal system is to be suitably connected to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run-off. The Principal Certifying Authority for the development will not issue a compliance certificate for framing unless connection of the site stormwater (or temporary system) has occurred.
- 66 All works are to be undertaken in accordance with the Construction and Environment Management Plan and its sub-plans.

Services/Utility Requirements

- 67 The developer is solely responsible for any costs relating to alterations and extensions of existing roads, drainage, water and sewer infrastructure and other utilities for the proposed development.
- 68 Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - AGL Sydney Limited for any change or alteration to gas line infrastructure;
 - Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

Ecology/Trees

- 69 No tree (or other vegetation) other than those specifically notated on the approved plan(s) as "tree to be removed" shall be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Consent Authority.

- 70 To maintain genetic diversity, any plant stock used in landscaping must be supplied from provenance specific seed/material collected from within the Tuggerah Lakes catchment area. Non-provenance specific material is prohibited. The Landscape Plan is to integrate with the required Vegetation Management Plan.
- 71 Any approved excavation or filling within a retained tree's canopy perimeter shall be in accordance with AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*, as excavation or filling can lead to tree instability or death.
- 72 Pre-clearing surveys are to be undertaken by the engaged Ecologist for any stage of construction that involves removal or modification of native vegetation. Clearing methods and presence/fate of any resident fauna are to be documented.
- 73 Removed tree hollows should be placed as ground habitat in adjacent retained vegetation under the supervision of the engaged Ecologist.
- 74 Supplementary planting of *Melaleuca biconvexa* in revegetation areas using transplanted stems, seed and/or cuttings from within the development footprint.
- 75 Construction works associated with the existing footpath to Bellbird Estate are not to result in removal of any *Melaleuca biconvexa* plants.
- 76 No clearing of vegetation or storage of vehicles or machinery, waste, fill or materials or unauthorised access is to occur within the fenced tree protection areas. Customers must also be prevented from parking in areas of retained vegetation.
- 77 Council's Development Ecologist is to be notified as soon as practicable (and not more than 24 hours after) if a breach of these ecological protection conditions occurs.
- 78 Noise arising from the works must be controlled in accordance with the requirements of the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

Prior to Release of Occupation Certificate:

The following conditions must be satisfied prior to the release of an Occupation / Subdivision Certificate.

Building Code of Australia – Compliance Requirements

- 79 Prior to the issue of an Occupation Certificate, the building shall be completed in accordance with the relevant provisions and requirements of the Building Code of Australia.

Dilapidation Rectification Requirements

- 80 Prior to the issue of an Occupation Certificate, any damage not shown in the Dilapidation Report submitted to and approved by the Principal Certifying Authority prior to site works commencing, will be assumed to have been caused as a result of the site works undertaken with respect to the development and must be rectified at the applicant's expense.

Lighting Requirements

- 81 Prior to the issue of an Occupation Certificate, suitable internal lighting shall be provided in accordance with the requirements of AS/NZS 1158 and AS/NZS 2890.1.

Other Authorities – Compliance Requirements

- 82 Prior to the issue of an Occupation Certificate, the developer must comply with the requirements (including financial costs) of any relevant utility provider (for electricity, water, sewer, drainage, gas, telecommunications, roads, etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

Roads – Compliance Requirements

- 83 All road signage and pavement marking works must be completed in accordance with the plans approved by the Local Traffic Committee and approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.
- 84 All works within the public road must be completed in accordance with the approved Civil Works design drawings and Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* and be approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.
- 85 All works relating to bus servicing facilities throughout the development must be completed in accordance with the approved Civil Works design drawings prior to issue of the Occupation Certificate.
- 86 The submission to the Council as the Roads Authority of certification from an Accredited Service Provider (ASP) that the street lighting installation has been completed in accordance with AS/NZS 1158 and AS 4282-1997, the approved design drawings and will achieve a minimum of twenty (20) year design life. The certification must be received by Council prior to the issue of the Occupation Certificate.

Stormwater – Compliance Requirements

- 87 The construction of the stormwater management system in accordance with the approved Stormwater Management Plan and AS/NZS 3500.3-2004. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

- 88 The lowering of the Council stormwater drainage works in accordance with the approved Stormwater Management Plan and Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*. All works must be approved by Council under Section 68 of the Local Government Act 1993 prior to issue of the Occupation Certificate. All other stormwater management works must be approved by the Principal Certifying Authority.

Vehicle Access and Parking – Compliance Requirements

- 89 The construction of the carpark and accesses in accordance with AS/NZS 2890 - Parts 1, 2 & 6. Certification of the construction of the carpark and associated accesses by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 90 Prior to the issue of any Occupation Certificate, all water and sewer works for the development must be approved by Council as the Water and Sewer Authority.
- 91 The obtaining of a satisfactory final plumbing & drainage inspection advice or Section 307 Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority, prior to issue of any Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

Work as Executed Requirements

- 92 Prior to the issue of any Occupation Certificate, Works as Executed information for the development as identified in Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* is to be submitted to and approved by Council. The required Works as Executed information is to be submitted in hard copy and in electronic format in accordance with Council's 'CADCHECK' requirements.

Post Construction CCTV

- 93 Prior to the issue of any Occupation Certificate, the Applicant shall submit for approval by the Accredited Certifier, written acknowledgement from Council's Engineering Assessments regarding the integrity of the underground trunk drainage system. This letter will be provided by Council following the submission of a closed circuit television inspection and report on the Council drainage pipeline traversing the site undertaken by appropriate contractors. The report is to include a copy of the footage of the inside of the pipelines. Any damage that has occurred to the section of pipeline since the commencement of construction on the site must be repaired in full to the satisfaction of Council's at no cost to Council.

Ecology/Tree Requirements

- 94 A minimum of fifty (50) Swamp Mahoganies are to be planted along the existing pathway between the shopping complex and Bellbird Estate. No *Melaleuca biconvexa* plants are to be disturbed by the plantings.
- 95 Retention and regeneration of the vegetated corridor between the 7(a) zone behind the shopping complex and the Tangy Dangy Range to the south-west.
- 96 Installation of nest boxes at a ratio of 1:1 for removed tree hollows including at least one nest box designed for the Glossy Black-cockatoo.

Statutory Certificate Requirements

- 97 Prior to the occupation of the building occurring, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority. Occupation of the development without an Occupation Certificate is an offence under the provisions of the Environmental Planning and Assessment Regulation, 2000.
- 98 Prior to the Issue of an Occupation Certificate, a Final Fire Safety Certificate, as required by Clause 153 of the Environmental Planning and Assessment Regulation, 2000, certifying that all the Fire Safety Measures within the building have been designed and installed in accordance with the relevant standard of performance as nominated by the Fire Safety Schedule issued with the Construction Certificate, is to be supplied for the approval of the Principal Certifying Authority. Such Final Fire Safety Certificate is also to be displayed within a prominent location within the building such as the main entry.

Ongoing Operation:

The following conditions must be satisfied during use / occupation of the development.

Advertising Sign Requirements

- 99 No advertising sign/s shall be erected on or in conjunction with the use and/or development without prior development consent unless the advertisement is an 'approved sign' under Development Control Plan 2005, Chapter 50 - *Advertising Signs*.

Amenity

- 100 Any security alarm installed on the premises must be fitted with a 'cut-off' device limiting any sounding of the alarm to a maximum duration of ten (10) minutes, with no repeat sounding until manually reset; and or 'silently wired' to a security firm.

Lighting Spill Requirements

- 101 All external lighting is to be of a type that minimises overspill into retained vegetated areas.
- 102 All external lighting must be designed so as to ensure that glare does not adversely impact upon any adjoining property.

Waste Management – Compliance Requirements

- 103 Compliance with the Waste Management Plan submitted with the application, or as modified by Council.
- 104 All waste generated on the premises shall be transported to a facility which is licensed to receive that material.

Safer by Design

- 105 To minimise the opportunity for crime in accordance with CPTED principles, the development shall incorporate the following:
 - a) In order to maintain a safe level of visibility for pedestrians within the development, adequate lighting to AS 1158 is to be provided to all common areas including the car parks, loading areas, waste storage areas, any common stair access to this areas and pedestrian routes, particularly including the walkway to the bus interchange and the bus interchange itself.
 - b) Ensure that the development minimises the opportunities for concealment or entrapment spaces particularly loading areas and covered car parking areas associated with the shopping centre.
 - c) The means to isolate the public and private/tenant components of the building shall be incorporated into the development, including measures for access control (eg after hours access control within the development and the security keying of doors and any goods lift).
 - d) Adoption of an ongoing policy of rapid repair of vandalism and graffiti and ensuring that all lighting is in working order.
 - e) Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.

Stormwater – Ongoing Maintenance Requirements

- 106 All stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective.

Ecology/Trees

- 107 Restoration areas are to be maintained for a minimum of three (3) years. Reports are to be prepared by the engaged Ecologist or bush regenerator and submitted to Council detailing the progress of the bush regeneration works twice per year and any recommended additional actions. A final report is to be submitted once the specific objectives of the Habitat Restoration Plan have been met. Photo monitoring points and method of performance evaluation must be identified for future monitoring and reporting purposes. Any recommended additional actions must be completed to the satisfaction of Council prior to lodgement of the final report.
- 108 Nest boxes are to be monitored by the engaged Ecologist to determine their usage and to carry out repairs or replacement (as required) every six (6) months for a minimum period of three (3) years following erection. Monitoring reports are to be prepared by the engaged Ecologist and forwarded to Council annually.

Right of Appeal

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court.

Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to Review the determination, except where the application is Integrated or Designated development.

Signed on behalf of the Consent Authority



✓ Scott Cox

Manager

DEVELOPMENT AND REZONING

SCHEDULE OF CONTRIBUTIONS

Section 94A Levy

\$496,000.00