

Attachment A – Recommended Draft Conditions of Consent (as amended)

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. Staging of Works

Each condition of this consent applies to each stage of the development except where otherwise specified in the condition.

The development shall be constructed in the following numerical stage order commencing with Stage 1:

Stage 1:

- Demolition of existing structures on site, being existing dwellings and associated buildings on Kopa Street;
- construction of erosion and sediment controls;

- establishment of site services;
- construction of road network;
- construction of stormwater infrastructure;
- replacement of fencing on common boundary with properties fronting Lonus Avenue;
- construction of residential flat building on proposed Lot 4 fronting Kopa Street and internal road, including 36 basement parking spaces for residents;
- subdivision of the lots; and
- construction and establishment of all landscaping on the lot and public domain works along the road frontages of this stage of development.

Stage 1 shall commence first.

Stage 2:

- Construction of 13 small lot housing dwellings on proposed Lots 5 – 17;
- subdivision of the lots; and
- construction and establishment of all landscaping on the lot and public domain works along the road frontages of this stage of development.

Stage 2 shall commence after completion of Stage 1 or at the same time as Stage 1.

Stage 3:

- Construction of mixed use building on proposed Lot 1;
- construction of residential flat building on proposed Lot 1, including 37 basement parking spaces for residents and car wash bay;
- construction of 11 parking spaces on site at Dudley Road frontage as an extension to the existing Whitebridge Shopping strip parking area;
- construction of 18 parking spaces at the eastern end of Dudley Road within the road reserve;
- construction of Whitebridge Square;
- embellishment of the Dudley Road parking area;
- subdivision of this lot; and
- construction and establishment of all landscaping on the lot and public domain works along the road frontages of this stage of development.

Stage 3 shall commence after completion of Stage 2 or at the same time as Stage 2.

Stage 4:

- Construction of residential flat building on proposed Lot 2, including 15 basement parking spaces for residents;
- construction of three small lot housing dwellings on proposed Lots 18 – 20;
- subdivision of the lots; and

- construction and establishment of all landscaping on the lot and public domain works along the road frontages of this stage of development.

Stage 4 shall commence after completion of Stage 3 or at the same time as Stage 3.

Stage 5:

- Construction of residential flat building on proposed Lot 3, including 19 basement parking spaces for residents;
- construction and embellishment of open space on proposed Lot 25;
- subdivision of this lot; and
- construction and establishment of all landscaping on the lot and public domain works along the road frontages of this stage of development.

Stage 5 shall commence after completion of Stage 4 or at the same time as Stage 4.

Stage 6:

- Finalisation of stormwater devices;
- embellishment of drainage reserve;
- construction of shared path through proposed Lot 26;
- construction and establishment of all landscaping on the lot and public domain works along the road frontages of this stage of development;
- dedication of the land to Council as a drainage reserve; and
- removal of vegetation and the construction of four small lot housing dwellings on proposed Lots 21 – 24; the construction of these dwellings shall only occur upon enhancement works have been completed, including the installation of glider poles and infill plantings as described in condition 14 of this Notice of Determination.

Stage 6 shall commence after completion of Stage 5 or at the same time as Stage 5, aside from the removal of vegetation on proposed lots 21 – 24 and construction of the dwellings on these lots, which shall not occur until enhancement works have been completed, including the installation of glider poles and infill plantings as described in condition 14 of this Notice of Determination.

2. 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.

3. Inspections

The person having the benefit of the consent shall ensure critical stage inspections are carried out and notify the Principal Certifying Authority giving adequate notice of the time 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:

1. 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
2. Food Shop Completion to be carried out, by an “authorised officer”, as defined in the Food Act 2003 prior to opening of the premises
3. Hairdressing Premises Inspection - by Council prior to opening of the premises
4. Skin Penetration Premises inspection - by Council prior to opening of the premises
5. Inspection of Vehicular Access to Property across Footpath (prior to pouring concrete) – Section 138 Roads Act 1993

4. Approved Documentation

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

(a) Plans Reference:

| Plans prepared by: Smith and Tzannes | | | |
|--|--------------------|-----------------|------------------|
| Project: Mixed Use Development 142 – 146 Dudley Road and 2 4 Kopa Street Whitebridge (14_026) | | | |
| Document | Drawing No. | Revision | Date |
| Notes | DA-A-001 | B | 16 December 2014 |
| Site Plan | DA-A-010 | I | 16 June 2015 |
| Subdivision Plan | DA-A-011 | G | 9 June 2015 |
| Illustrative Masterplan | DA-A-012 | I | 15 June 2015 |
| Kopa Street Site Plan | DA-A-014 | G | 15 June 2015 |
| Dudley Road Site Plan | DA-A-015 | F | 15 June 2015 |
| Staging Plan | DA-A-050 | E | 15 June 2015 |
| External Details | DA-A-600 | D | 13 February 2015 |
| Lot 1 – L-C1 & L0 Plans | DA-A-100 | G | 4 August 2015 |
| Lot 1 – L1 & L2 Plans | DA-A-101 | C | 12 December 2014 |
| Lot 1 –Roof Plans | DA-A-102 | E | 4 August 2015 |
| Lot 2 – Level C1 Plan | DA-A-106 | D | 11 February 2015 |
| Lot 2 – Level 0 Plan | DA-A-107 | D | 20 February 2015 |
| Lot 2 – Level 1 Plan | DA-A-108 | C | 11 February 2015 |
| Lot 2 – Level 2 Plan | DA-A-109 | C | 11 February 2015 |
| Lot 2 – Roof Plan | DA-A-110 | C | 11 February 2015 |
| Lot 3 – Level C1 Plan | DA-A-111 | D | 11 February 2015 |
| Lot 3 – Level 0 Plan | DA-A-112 | C | 11 February 2015 |
| Lot 3 – Level 1 Plan | DA-A-113 | C | 11 February 2015 |
| Lot 3 – Level 2 Plan | DA-A-114 | C | 11 February 2015 |
| Lot 3 – Roof Plan | DA-A-115 | C | 11 February 2015 |
| Lot 4 – Level C1 Plan | DA-A-116 | E | 20 February 2015 |
| Lot 4 – Level 0 Plan | DA-A-117 | C | 5 August 2015 |
| Lot 4 – Level 1 Plan | DA-A-118 | E | 5 August 2015 |
| Lot 4 – Roof Plan | DA-A-119 | D | 5 August 2015 |
| Lot 5-9 – Level 0+1 Plan | DA-A-120 | C | 11 February 2015 |
| Lot 5-9 – Roof Plan | DA-A-121 | C | 11 February 2015 |
| Lot 10-13 – Level 0+1 Plan | DA-A-122 | C | 11 February 2015 |

| | | | |
|-------------------------------|----------|---|------------------|
| Lot 10-13 – Roof Plan | DA-A-123 | C | 11 February 2015 |
| Lot 14-17 – Level 0+1 Plan | DA-A-124 | C | 11 February 2015 |
| Lot 14-17 – Roof Plan | DA-A-125 | C | 11 February 2015 |
| Lot 18-20 – Level 0+1 Plan | DA-A-126 | C | 11 February 2015 |
| Lot 18-20 – Roof Plan | DA-A-127 | C | 11 February 2015 |
| Lot 21-24 – Level 0 Plan | DA-A-128 | D | 11 February 2015 |
| Lot 21-24 – Level 1 Plan | DA-A-129 | C | 11 February 2015 |
| Lot 21-24 – Roof Plan | DA-A-130 | C | 11 February 2015 |
| Adaptable Dwellings | DA-A-150 | B | 18 November 2014 |
| Full Site Sections | DA-A-200 | B | 12 December 2014 |
| Full Site Sections | DA-A-201 | B | 12 December 2014 |
| Dudley Rd – Apartment Elevs | DA-A-202 | C | 4 August 2015 |
| Dudley Rd – Maisonette Elevs | DA-A-203 | C | 4 August 2015 |
| Dudley Rd – NW & SE Elevs | DA-A-204 | B | 4 August 2015 |
| Dudley Rd – Sections | DA-A-205 | B | 4 August 2015 |
| Lot 2 – Elevations | DA-A-206 | C | 13 February 2015 |
| Lot 3 – Elevations | DA-A-207 | C | 13 February 2015 |
| Lot 4 – Elevations – Sheet 1 | DA-A-208 | E | 5 August 2015 |
| Lot 4 – Elevations – Sheet 2 | DA-A-209 | G | 5 August 2015 |
| Lot 5, 6, 7, 8 & 9 Elevations | DA-A-210 | C | 13 February 2015 |
| Lot 10-13 Elevations | DA-A-211 | C | 13 February 2015 |
| Lot 14-17 Elevations | DA-A-212 | C | 13 February 2015 |
| Lot 18- 20 Elevations | DA-A-213 | C | 13 February 2015 |
| Lot 21-24 – Elevations | DA-A-214 | E | 13 February 2015 |

| Plans prepared by: Forum Consulting | | | |
|---|--------------------|-----------------|------------------|
| Project: Mixed Use and Residential Development | | | |
| Plan Name | Drawing No. | Revision | Date |
| Concept Stormwater Management Plan | 30806-SWD-01 of 02 | G / H | 12 February 2015 |
| Details & Sections | 30806-SWD-02 of 02 | F | 13 February 2015 |
| Overall Sedimentation/ Erosion Control Plan | 30806-ESD-01 of 08 | E | 1 July 2015 |
| Stage 1 – Sedimentation/ Erosion Control Plan | 30806-ESD-02 of 08 | E | 1 July 2015 |
| Stage 2 – Sedimentation/ | 30806-ESD-03 | E | 1 July 2015 |

| | | | |
|--|-----------------------|---|-------------|
| Erosion Control Plan | of 08 | | |
| Stage 3 – Sedimentation/ Erosion Control Plan | 30806-ESD-04 of 08 | E | 1 July 2015 |
| Stage 4 – Sedimentation/ Erosion Control Plan | 30806-ESD-05 of 08 | E | 1 July 2015 |
| Stage 5 – Sedimentation/ Erosion Control Plan | 30806-ESD-06 of 08 | E | 1 July 2015 |
| Stage 6 – Sedimentation/ Erosion Control Plan | 30806-ESD-07 of 08 | E | 1 July 2015 |
| Erosion Sediment Control Notes | 30806-ESD-10 of 08 | E | 1 July 2015 |

| Plans prepared by: Mansfield Urban Project: Whitebridge Residential Development Project Number: 1306 | | | |
|---|--------------------|-----------------|------------------|
| Drawing | Drawing No. | Revision | Date |
| Landscape Site Plan | DA-SP-01 | D | 20 February 2015 |
| Landscape Site Plan | DA-SP-02 | D | 20 February 2015 |
| Existing Tree Plan | DA-SP-03 | D | 20 February 2015 |
| Tree Protection Plan | DA-SP-04 | D | 20 February 2015 |
| Ecological Corridor Landscape | DA-EC-01 | D | 20 February 2015 |
| Ecological Zones – Sections & Details | DA-EC-02 | D | 20 February 2015 |
| Northwest Area – Landscape Plan Lots 5-9 | DA-LP-01 | D | 20 February 2015 |
| Northwest Area – Landscape Plan Lots 10-13 | DA-LP-02 | D | 20 February 2015 |
| Kopa Street Landscape – 4.01 – 4.06, 4.10 – 4.16 | DA-LP-03 | D | 20 February 2015 |
| Kopa Street Landscape – 4.07 – 4.09, 4.16 – 4.18 | DA-LP-04 | D | 20 February 2015 |
| Fernleigh Area – Typical Landscape Plan | DA-LP-05 | D | 20 February 2015 |
| Fernleigh Area – Street Elevation | DA-LP-05E | D | 20 February 2015 |
| Park Terraces Landscape Plan | DA-LP-06 | D | 20 February 2015 |
| Central Square Residences Landscape Plan | DA-LP-07 | D | 20 February 2015 |
| Central Square Residences Landscape Plan | DA-LP-08 | D | 20 February 2015 |

| | | | |
|--|----------|---|------------------|
| Central Square Apartments – Typical Landscape Plan | DA-LP-09 | D | 20 February 2015 |
| Maisonettes A – Typical Landscape Plan | DA-LP-10 | D | 20 February 2015 |
| Maisonettes B – Typical Landscape Plan | DA-LP-11 | D | 20 February 2015 |
| Building A Courtyard – Typical Landscape Plan | DA-LP-12 | D | 20 February 2015 |
| Building B Courtyard – Typical Landscape Plan | DA-LP-13 | D | 20 February 2015 |
| Central Park | DA-PA-01 | D | 20 February 2015 |
| Central Park Landscape Plan | DA-PA-02 | D | 20 February 2015 |
| Public Domain – Northwest Landscape Plan | DA-PD-03 | D | 20 February 2015 |
| Public Domain – Southeast Landscape Plan | DA-PD-04 | D | 20 February 2015 |

(b) Document Reference:

Geotechnical Report and Addendum:

- Prepared by Regional Geotechnical Solutions
- Reference Number RGS00603.1 - AB
- Report Dated: 28 August 2013
- Addendum Dated: 12 August 2014

Arboricultural Impact Assessment and Tree Protection Plan:

- Prepared by Treeology Pty Ltd
- Reference Number C134
- Dated 11 December 2014

Noise Impact Assessment:

- Prepared by Spectrum Acoustics
- Project Number 14977
- Dated December 2014

Landscape Design Report:

- Prepared by Mansfield Urban
- Revision B
- Dated 20 August 2014

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.

5. 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).

6. Occupation Certificate

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

7. NSW Rural Fire Service General Terms of Approval

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

Asset Protection Zones

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

- At the issue of subdivision or construction certificate, whichever is first, the entire property shall be managed as an inner protection area (IPA) in perpetuity as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

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

- Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
 1. Fire hydrant spacing, sizing and pressures shall comply with Australian Standard AS 2419.1. 2005 'Fire Hydrant Installations'.
 2. Fire hydrants shall not be located within any road carriageway.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

- Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

Design and Construction

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

- New construction shall comply with the respective Bushfire Attack Level (BAL) as depicted in the submitted 'Required BAL (AS3959-2009)' plan, prepared by RPS Australia East P/L, job ref. PR118415, dated 18-2-2015 in accordance with 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

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

8. Mine Subsidence Board General Terms of Approval for Building Works

The Mine Subsidence Board has granted conditional approval to building works subject to the following conditions:

- (1) Submit a final "Mine Subsidence Impact Statement" prior to commencement of detailed design for acceptance by the Board, which incorporates the draft version (reference Forum Engineer's letter dated 26 June 2014) and subsequent amendments.
- (2) Submit a final design incorporating the design methodology contained in the final "Mine Subsidence Impact Statement", for acceptance by the Board prior to commencement of construction. This shall include certification by a qualified structural engineer to the effect that the improvements will remain "safe, serviceable and any damage from mine subsidence will be slight, localised and readily repairable" taking into consideration the mine subsidence parameters;
 - (a) Maximum vertical subsidence: 650mm
 - (b) Maximum ground strain: +/- 4mm/m
 - (c) Maximum radius of curvature: 7km
 - (d) Maximum tilt: 6mm/m
- (3) The structural, civil and hydraulic engineers provide certification that the design is in accordance with Australian Codes including the Building Code and relevant Standards, with an allowance for mine subsidence parameters, over and above the minimum code requirements.
- (4) The final design shall:
 - Be developed from the concept design accompanying the Building Application dated 19 June 2014.

- Where permitted under the relevant Building Codes and Standards, reduce the likelihood of cracking in the basement structures by designing the reinforced concrete for an allowable reinforcing bar stress less than 60% of the yield strength, in lieu of the AS3600 code provision of 80%.
 - Where practicable include design mitigation measures to reduce the transfer of horizontal strain such as:
 - Void filler or equivalent on the vertical surfaces of buried structures.
 - HD polyethylene sheeting, sand bedding or equivalent on the horizontal surfaces of buried structures.
 - Slip joints between any piers and foundation footings.
 - Include design measures to adjust building levels for mine subsidence tilt, such as floor screw jacks or equivalent.
 - Where practicable include an additional grade for tilt due to mine subsidence, in excess of the minimum Code requirements for drainage structures including pipes, gutters and wet areas.
 - Where practicable include mine subsidence design measures for underground pipes or conduits. This may necessitate flexible bedding surround and flexible building connections and penetrations.
 - Where practicable reduce the effective length of building structures by designing independent modules less than 30m long that eliminate the transfer of horizontal strain and curvature between modules.
 - Locate all underground pipes or conduits to facilitate ease of repair and replacement. For example services under the building are to be minimised or otherwise routed to the nearest building perimeter line.
 - Ensure internal finishes are installed in accordance with relevant codes, standards, and industry best practice guidelines with additional provision for mine subsidence.
 - Ensure there is suitable provision for articulation jointing in building elements. All control joints including articulation for mine subsidence are to be shown on the design plans and elevations.
 - Ensure there is provision for isolation joints between adjoining structures. For example between a building and adjacent paving.
 - Ensure roads, driveways and pavement areas are designed as flexible structures with an asphalt surface course and unbound base and sub base. If a concrete surface course is required, it shall be designed so any damage is slight classification and includes expansion and crack control joints or sacrificial sections.
- (5) On completion, certification by a qualified structural engineer shall be forwarded to the Board, stating that all improvements have been constructed in compliance with plans approved by the Board under this development application with supporting documentation.
- (6) The commercial / retail structure on Dudley Road shall be as depicted in the plans (Smith and Tzannes 14_026 DA-A-102); ie. Predominantly 3 storeys + basement with the exception of a 4th storey + basement on the western edge. The continuous length of

the basement shall be no greater than 65m long and is to be constructed in accordance with the engineering design principles submitted.

(7) All residential structures shall:

(a) Make provision for screw jacks to enable future adjustment for tilt due to mine subsidence.

(b) Use light weight frame and cladding in lieu of brick veneer.

(8) All residential structures shall be constructed on a raft slab or equivalent in lieu of reinforced concrete strip footings.

Approval is current for two years from 9 December 2014.

9. Mine Subsidence Board General Terms of Approval for Subdivision

The Mine Subsidence Board has granted its conditional approval for the subdivision, subject to:

(a) The number, size and boundaries of lots being substantially as shown on the approved plan, and

(b) Notification being made to the Board of any changes to lot numbering and of the registered DP number.

(c) Conditions set out in Mine Subsidence Board letter TBA14-28604L1 dated 9 December 2014 addressed to Mr Wade Morris, SNL Building Constructions P/L area still required as part of this approval.

The Mine Subsidence Board approval is required for the erection of all improvements.

10. Contribution to Provision of Public Amenities and Services (Sec. 94)

(a) In accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and the Lake Macquarie City Council Development Contributions Plan Charlestown Contributions Catchment - 2015, the monetary contributions in the attached Contributions Schedule must be paid to Council for the purposes identified in that Schedule.

(b) From the date this determination is made until payment, the amounts of the contributions payable under the preceding clause will be indexed and adjusted at the close of business on:

- 14 August,
- 14 November,
- 14 February, and
- 14 May;

in each year in accordance with indexation provisions within the Contributions Plan. The first date for indexation will occur on the first abovementioned date after the Notice of Determination becomes effective.

(c) The contributions payable will be the amounts last indexed and adjusted in accordance with Clause (b) above. However, if no amount has been indexed and adjusted

because the first date for indexation and adjustment has not arrived, the contributions payable shall be those in clause (a) above.

(d) The contributions shall be paid to Council as follows:

- Development Applications involving subdivision – prior to the release of the Subdivision Certificate;
- Development Applications involving building work – prior to the release of the first Construction Certificate;
- Development Applications involving both subdivision and building work – prior to the release of the Subdivision Certificate or first Construction Certificate, whichever occurs first;
- Development Applications where no Construction Certificate or Subdivision Certificate is required – prior to the commencement of any construction work or prior to any occupation, whichever occurs first;
- Complying Development Certificates - prior to any work authorised by the application or certificate commencing.

It is the professional responsibility of the Principle Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above provisions.

Please note that payments made by cheque or electronic transfer - the release of any documentation will be subject to the clearing of those funds.

Indexation details are available from Council's Community Planning Department.

A copy of the Lake Macquarie City Council Development Contributions Plan Charlestown Contributions Catchment – 2015 may be viewed on Council's website, or a copy is available for inspection at the Council's Administrative Building during Council's ordinary office hours at 126-138 Main Road, Speers Point, NSW.

11. Construction Environmental Management Plan

A Construction Environmental Management Plan (CEMP) shall be prepared for the whole development and shall specify operational details to minimise any potential impact to adjoining or adjacent properties. The CEMP shall include, but not be limited to, details to show how the construction process will be managed for both the on-site and external areas, showing the expected timeframes for each building phase.

The CEMP shall be prepared and approved by the Principle Certifying Authority prior to commencement of works on site and prior to the issue of the first construction certificate.

The following matters shall be addressed, to Council's satisfaction, in the CEMP:

- construction vehicles, access and parking; with specific note that construction personnel shall not park within the commercial centre;
- traffic management and traffic control;
- primary vehicle routes;
- specific details on the transportation of fill;
- potential road closures;

- control of vehicles, pedestrians and cyclists at the site access;
- safety of road users;
- parking associated with employees, contractors and site personnel;
- access to and from the work site;
- delivery and storage of equipment and materials;
- hours of work;
- timing of works;
- acoustic management and timetabling measures;
- vibration management;
- dust management procedures;
- waste management infrastructure;
- erosion and sedimentation management controls;
- hoardings and pedestrian management; and, .
- construction of Stage 4, where the main construction works shall not occur from Dudley Road.

The CEMP shall 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. The traffic control plan shall be prepared to meet the requirements of the Roads and Maritime Services (RMS) "Roads and Traffic Authority - Traffic Control at Work Sites" manual June 2010.

Fill delivery and removal from the site shall only occur between 7:00am and 6:00pm Monday to Friday and 7:00am to 1:00pm Saturdays, with no fill movements on Sundays, at night-time or on public holidays. Fill delivery and removal during school term shall be restricted to exclude the peak school periods of 8:00am – 9:30am and 2:30pm – 4:00pm due to the proximity of child care centres and a school located in the immediate vicinity on the proposed traffic route. Full details shall be provided in the CEMP.

A monthly update/newsletter to residents living within the vicinity of the construction works, business on Dudley Road and the local schools and child care centre shall be provided. The update/newsletter shall include, as a minimum, updates on the progress of the construction, future timetabling of works on-site, the role of the PCA in dealing with complaints, a record of any complaints received to the construction works and actions taken by the development/applicant to remedy.

12. Waste Management Plan

A waste management plan, as part of a Construction Environmental Management Plan, shall be prepared to manage construction waste. The plan shall identify:

- types and amounts of waste likely to be generated;
- waste storage issues;
- methods of transport and disposal of wastes;

- opportunities for waste reduction, re-use of materials and recycling; and
- requirements for compliance with the Waste Avoidance and Resource Recovery Act 2001.

13. Arboricultural Impact Assessment and Tree Protection Plan

The vegetation on proposed Lots 21 – 24 shall not be removed, pruned or otherwise damaged until enhancement works have been completed, including the installation of glider poles and infill plantings as described in condition 1 and 14 of this Notice of Determination. Tree protection measures shall be installed for the trees on Lot 21 – 24 for the duration of works and in accordance with best practice and AS 4970-2009.

The development shall comply with the recommendations of the Arboricultural Impact Assessment and Tree Protection Plan prepared by Treeology Pty Ltd, reference number C134, dated 11 December 2014.

The tree protection measures shall be implemented under the supervision of the project arborist and shall be in accordance with best practice and AS 4970-2009.

14. Vegetation Management Plan and Implementation

The person entitled to the benefit of the consent shall engage a person qualified in natural vegetation management, ecology or bush regeneration to prepare a Vegetation Management Plan (VMP) in consultation with Council's Development Planner – Flora and Fauna. The VMP shall be submitted and approved by Council prior to the issue of the first construction certificate.

The VMP shall address and identify:

- Compensatory planting within land zoned RE1, E2 and the Kopa Street Road reserve of native groundcover, shrubs (including *Allocasuarina torulosa* and a mix of *Acacia* sp. and *Banksia* sp.), and trees (including *Eucalyptus globoidea*, *Corymbia gummifera*, *Eucalyptus racemosa*, *Eucalyptus haemastoma*, *Eucalyptus piperita* and *Angophora costata*). Compensatory planting will occur in the south and eastern areas of the subject site including surrounding the proposed stormwater basins, on adjacent Council land within and adjacent to the Fernleigh Track, and within Council land adjacent to the Fernleigh Track at Hudson Street, Dudley Road and Station Street as shown in Figure A below.
- Weed removal and rehabilitation of native vegetation on land indicated above and shown in Figure A below.
- Ecological Corridor Landscape Rev D, Dwg No DA-EC-01 and DA-EC-02 Mansfield Urban dated 20 February 2015 shall be amended to include the provision of 11 clumps comprising three trees per clump of plantings (allowing for 5m canopy separation when mature) on the subject site within land zoned E2. Species shall be scribbly gum *Eucalyptus racemosa* and red bloodwood *Corymbia gummifera*.
- Measures to establish a functioning corridor to enable fauna movement, in particular squirrel gliders. Structures (glider poles) shall be installed on land zoned E2 at the south eastern boundary of the subject site with the intent to facilitate movement of squirrel gliders between patches of native vegetation along the south eastern boundary of the subject site (a minimum of two is required). Glider poles shall be installed south of the Dudley Road/Station Street intersection and north of the Dudley Road/Station Street intersection on Council land with the intent to facilitate movement of squirrel gliders

across this intersection (a minimum of three are required). Input from a squirrel glider expert shall be obtained and included in the design, placement and to confirm the number of these structures. They must be designed with consideration to site constraints including power lines and traffic/public safety requirements and have regard to any requirement of the Roads and Maritime Services, and be certified by a practicing structural engineer. Figure A shows indicative location of the glider poles.

- The batters of the proposed stormwater basins shall be planted with native groundcover, trees and shrubs (as detailed above). Land between the proposed stormwater basins and the Fernleigh Track shall be mulched, excluded from mowing (to allow for natural regeneration) and planted with native groundcover, trees and shrubs (as detailed above), in compliance with the required density for bushfire asset protection zones.
- Clear depiction on plans and on the ground, areas that are not to be mown by maintenance staff and are to be maintained with native species.
- A suitable mechanism for continued maintenance and management in perpetuity of the native vegetation corridor and Asset Protection zone that is to be established on the E2 land.
- At least five years maintenance of rehabilitation and weeding on Council land, and at least 10 years maintenance, revegetation and rehabilitation of E2 zoned land.

Implementation of the VMP shall be carried out in accordance with the VMP approved schedule of works. Annual Monitoring statements shall be provided to Council's Development Planner Flora and Fauna verifying compliance with the VMP. The VMP shall be implemented and rehabilitation works maintained to the satisfaction of Council's Development Planner – Flora and Fauna.

Keeping of Pets – Section 88B Restriction

The registered Proprietor of the land shall provide an instrument under Section 88B of the Conveyancing Act requiring that cats shall be only kept as indoor pets. Cats shall not be permitted unless on a lead outside, on public roads or in private or public open space areas. Pets including dogs may be permitted within the outdoor private open space of the dwellings, but shall not be permitted off lead outside private open space areas.

The above restriction shall be placed on all lots including Torrens title and strata lots within the subdivision.

The Section 88B restriction shall be registered on the title of the lot prior to the issue of the first occupation certificate for that stage of the development.

Council shall be the party empowered to release, vary or modify this restriction.



Figure A: Areas for revegetation and weed suppression within land zoned RE1, E2 and the Kopa Street Road reserve (red polygon) and indicative locations for glider poles (red dots)

15. 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.

16. 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.

17. Crime Prevention Through Environmental Design

Lighting

Pedestrian pathways, including Whitebridge Square and the pedestrian pathway from Whitebridge Square through to the development, roadways, and car parks shall be appropriately lit. Lighting shall be designed in accordance with the relevant Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 – Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.

A lighting maintenance policy shall be provided for the development. The lighting maintenance policy shall be prepared and lodged with Council prior to issue of the first construction certificate for each stage of the development. The lighting maintenance policy shall require damaged or non-working lighting on private land to be replaced within 24 hours.

Landscaping

Landscaping within the development shall be regularly maintained so it does not inhibit surveillance nor act as a ladder to gain access to higher parts of the building.

Signage

Signage shall be provided on the fire exit doors to the commercial and retail buildings, warning users the doors shall be used for emergency purposes only.

Signage shall be provided to the private residential basement car parks stating the facility is for “residents only” and “trespassers will be prosecuted”.

Environmental Maintenance

A long-term maintenance plan shall be prepared for the development and shall address:

- (a) maintenance of vegetation,
- (b) graffiti management,
- (c) litter control,
- (d) lighting maintenance, and
- (e) malicious damage.

Grffiti shall be removed within 24 hours, and lighting, if damaged or broken shall be required to be restored within 48 hours.

The maintenance plan shall be prepared for each stage of the development and submitted to Council prior to the issue of the first Construction Certificate for each stage of the development.

CCTV and Security

CCTV shall be provided to all commercial / retail sites due to very low surveillance opportunity from Dudley Road during hours of darkness.

All underground car parks walls and ceilings shall be painted white, to reflect available light and provide maximum surveillance opportunity.

All underground car parks shall have installed and operational CCTV to entry/exit driveway due to crime opportunity contributed by low surveillance opportunities.

Glass within the commercial / retail floor spaces shall be laminated to enhance the physical security of the doors and windows.

Fire exit doors to the commercial / retail floor spaces shall be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.

The rear of the commercial / retail area shall not be used by couriers to deliver goods to the commercial / retail area. This area shall be secured for access to residents only.

The main entry/exit doors to individual residential units shall be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the unit. The windows to individual residential units shall be fitted with key operated locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the unit. Security screen doors shall be fitted to all residential unit entry and exit doors.

Secure electronic entry to basement level garages shall be provided.

Garbage bins shall be secured and placed in areas such that they cannot be used as a climbing aid.

Periodic inspections throughout the build phase and post-construction shall be conducted to ensure satisfactory implementation of crime prevention measures and to identify any additional suitable measures that should be included in the development.

18. Lighting

A lighting plan shall be submitted to the Principal Certifying Authority for approval prior to release of the first Construction Certificate for each stage of the development that:

- is designed so as to ensure minimal glare onto adjoining properties or roadways;

- complies with the relevant Australian and New Zealand Standards;
- contains a lighting maintenance policy;
- ensures crime risk and fear is considered when selecting lamps and lighting levels as per Australian and New Zealand Lighting Standard 1158.1 – Pedestrian, and provides sensor lighting to be installed around the communal facilities and car parking areas.

19. Disability Access Requirements

The following details shall be demonstrated on all construction certificate drawings for each stage of the development and shall be implemented during construction of the development:

- Compliance with AS2890.6 for all accessible parking spaces;
- Compliance with AS1428.1 for all doorway widths in the adaptable dwellings;
- Compliance with AS1428.1 for a continuous path of travel that links the adaptable dwellings to parking and the development;
- Compliance with AS1428.4.1 for the placement of tactile ground surface indicators at stairs and ramps; and
- Location and accessibility of letterboxes for wheelchair users for the nominated adaptable dwellings.

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

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

- The following legislation may be relevant:
- The NSW Disability Services Act 1993
- The Commonwealth Disability Discrimination Act 1992
- NSW Anti Discrimination Act 1977.

For further information please consult:

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

20. Disability Access Design Audit

A disability access design audit which has been certified by an accredited access consultant shall be submitted, certifying the development's compliance with the Building Code of Australia and the Disability Discrimination Act 1992 in relation to the provision of equity in access for disabled persons.

This certification shall be submitted to the Principal Certifying Authority with the application for each Construction Certificate.

Note:

- (a) Compliance with the Building Code of Australia only, can still leave a building professional or building owner in contravention of the Disability Discrimination Act 1992.
- (b) The Association of Consultants in Access Aust Inc at www.access.asn.au may be able to provide further information.

21. Erosion and Sediment Control Plan

Prior to the release of the first Construction Certificate for the first stage or any works commencing onsite (including, but not limited to, demolition or vegetation clearing), whichever occurs first, the final Erosion and Sediment Control Plan (ESCP) shall be submitted to, and approved by, Council's Erosion and Sediment Control Officer. It shall be generally in accordance with the plans approved by the Development Consent prepared by Forum Consulting Engineers and shall comply with the following:

- (a) All information required for area of disturbance associated with the development in accordance with Council's DCP1.
- (b) Show locations of erosion and sediment control measures for each stage including temporary and permanent controls, prior to demolition, during construction, prior to revegetation, landscaping or building, and the order in which they will be installed for the development and each stage to suit the activity occurring onsite at that time.
- (c) Assessment of the onsite soil type(s) including distribution, sediment type, erosion hazard.
- (d) Calculations for the sizing of any sediment traps (including excavated basins and temporary traps).
- (e) Details of the treatment of sediment-laden water captured in any sediment traps prior to its release from the site to meet Council's nominated water quality criteria for turbidity of less than 50mg/L, including proposed flocculants/coagulants and rates.
- (f) All erosion and sediment control measures shall be appropriate for the Sediment Type onsite.
- (g) Prior to the release offsite of any water (including, but not limited to, ground water, overland flow or rain water) captured onsite, the water shall be tested to ensure its Total Suspended Solids (TSS) level is less than or equal to 50mg/L. A sample of the water shall be retained onsite for inspection by Council or the Private Certifier. The sample shall be at least 250ml and kept in a clean, clear, plastic container. The date and time the sample was taken shall be recorded on the container.
- (h) Aluminium based flocculent products are not permitted to be used without prior written approval from an appropriate LMCC officer.
- (i) Captured water may be removed from site using other methods including, but not limited to, directly into a holding tank on a vacuum or sucker truck. It shall be deposited at an approved waste management facility.
- (j) Clear separation of clean and dirty water.
- (k) Temporary and permanent dust suppression measures on disturbed areas.

- (l) Inspection, maintenance and removal schedules for all erosion and sediment control measures.

The applicant shall submit with the Plan, a Statement of Compliance, stating that:

1. The plan has been developed by an appropriately qualified and experienced professional in erosion and sediment control;
2. The plan complies with the requirements for the area of disturbance as per DCP 1 and points (a) to (l) above;
3. The plan and associated documents, calculations and drawings, have been prepared to a standard which, if properly implemented, will achieve the water release criteria of 50mg/L of TSS; and
4. All erosion and sediment control measures are in accordance with DCP 1.

22. Geotechnical Report Compliance

The recommendations of the Geotechnical Report No. RGS00603.1-AB prepared by Regional Geotechnical Solutions dated 28 August 2013 shall be complied with. Any works undertaken in relation to the development shall embody all the relevant recommendations of the Geotechnical Report.

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

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

23. Acoustic Design Considerations / Certification

Prior to issue of the first construction certificate for the development, a qualified acoustic consultant shall be engaged to assist and inform the design and preparation of the final building plans and specifications. The acoustic consultant shall provide recommendations to ensure occupants of the proposed dwellings are not adversely impacted by noise from the existing adjacent commercial premises, proposed internal commercial activities, or traffic noise from Dudley Road. The recommendations contained in the acoustic report prepared by spectrum Acoustics, project number 14977, dated December 2014 shall be incorporated into the design and construction of the development.

Upon completion of the each stage of the development and prior to the issue of the interim or final Occupation Certificate for that stage, certification from a qualified acoustic consultant shall be provided to Council confirming the acoustic design, installation and treatments comply with the design specifications.

At three months after occupation of each stage of the development, certification from a qualified acoustic consultant shall be provided to Council, stating the operation of the premises confirms to the project specific noise levels provided in the Noise Impact Assessment prepared by Spectrum Acoustic, project number 14977, dated December 2014.

24. Way-Finding and Heritage Interpretation

A way-finding sign, which includes an interpretation panel, must be provided. The sign shall be designed by a graphic artist and shall be constructed in accordance with Council's existing suite of way-finding signage for the Fernleigh Track. The way-finding and interpretation sign shall be installed at the entry of the shared footpath at the Whitebridge Square. The design and proposed location of the sign shall be provided to Council for consideration and approval prior to the issue of the first construction certificate for Stage 4.

Prior to the issue of an interim or final Occupation Certificate, whichever occurs first, the approved way-finding and heritage interpretation must be installed to the satisfaction of Lake Macquarie City Council's Development Planner Heritage Focus and Development Planner Landscape Architect.

25. Excavation – Non Indigenous Relics

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

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

26. 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.

27. No works on adjoining Public Reserve

The public reserve adjoining the site shall not be affected by site works, construction materials stockpiles, waste, building products and debris, site sheds, spoil placement or the like. No access for vehicles, machinery or goods to the site shall be gained across the public reserve without a written license from Council. All costs associated with such a license shall be payable by the person having the benefit of the consent.

28. Construction Noise Management Plan

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 Environment Protection Authority 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 Noise Management Plan

A Construction Noise Management Plan (CNMP) 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 CNMP 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. The CNMP shall address particular noise sources such as rock breaking, and scabbling as well as times when a large, 30 tonne excavator is required to be used, in which case the hours of work for these activities shall be reduced.

The Construction Noise Management Plan shall be approved by Council prior to issue of the first Construction Certificate for the development.

Operational times may be amended with the written advice of Council's General Manager or delegate.

29. Construction Site Vibration

Vibration on surrounding land from construction site operations shall comply with the NSW Environment Protection Authority publication "Assessing Vibration: a technical guideline" February 2006.

30. 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.

31. 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.



32. 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.

33. Site Amenities

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

Each toilet must:

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

34. Commencement of the Use of the Land

The approved use of the land shall not commence until all relevant conditions of this consent have been complied with and a Final or Interim Occupation Certificate has been issued. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

35. 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.

36. 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.

37. 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.*

38. 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.

39. Restriction of Site Access to Prevent Unauthorised Filling

The property entry and exit points shall be secured at all times to prevent the unauthorised entry of vehicles, and to ensure that the site manager can control and prevent dumping of waste and potentially contaminated material whilst fill material is being imported or managed on site.

40. 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.

41. 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.

42. 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.

43. 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."

44. Demolition

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

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

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

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

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

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

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

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

45. Asbestos

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

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

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



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

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

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

46. Stormwater Disposal - Stormwater Detention and Harvesting

The Stormwater Detention and Harvesting system submitted with any Construction Certificate shall be generally in accordance with the plans approved by the Development Consent prepared by Forum Consulting Engineers, Ref: 30806-SWD, Amendment G, dated 11 December 2014 and must comply with the following:

- (a) Stormwater shall be disposed of through a piped system designed in accordance with Australian Standard AS 3500 by a suitably qualified professional. Qualifications shall be in accordance with Part DQS.06 of Council's Engineering Guidelines.

- (b) Stormwater detention measures shall be constructed and maintained to ensure that the development does not increase upstream or downstream flood levels.
- (c) Detention storage shall be calculated and designed in accordance with “Australian Rainfall and Runoff 1987” and the Lake Macquarie City Council guideline – “Handbook for Drainage Design Criteria” and shall conform to the specifications and standards contained in the LMCC Engineering Guidelines.
- (d) Stormwater harvesting measures shall be constructed and maintained in accordance with clause 2.5.4 of DCP 1 (and supporting guidelines). Stormwater drainage plans shall include details of the harvesting system (eg rainwater tank and pump details plus reticulation diagrams).

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

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

47. 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.

48. Category 3 Landscaping

Landscaping shall be implemented/installed in accordance with the approved landscape plans and documentation as prepared by Mansfield Urban Landscape Architects.

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.

Landscaping as per the approved plans shall conform to landscaping and typical minimum planting densities ‘once mature’ comprising shrubs at a minimum one plant/m² and groundcovers/low planting at a minimum two plants/m² pending species selected within all nominated open areas dedicated to planting.

For Lot 1; the proposed blank walls of the maisonette apartments (M05 and M04) fronting the pedestrian pathway shall have installed structures to enable the provision of a green wall on both walls. The green wall shall consist of a vine or other green wall structure that will provide visual interest to this area without providing concealment opportunities. Details of the green wall shall be provided to Council prior to the issue of the first construction certificate for Stage 3.

All nominated macrophyte grass species implemented within Water Sensitive Urban Design (WSUD) and/or Stormwater Quality Improvement Devices (SQID's) shall be planted at minimum number of plantings of six per m² of a minimum size, 75mm tubestock plantings.

A hard garden retaining edge (timber or concrete edge) to all garden bed areas adjoining lawn or pathway surfaces must be implemented and all landscaping in these areas shall be covered with minimum 75mm mulch to aid plant establishment.

All nominated tree plantings shall be planted at minimum 100L pot size. Nominated street trees and feature canopy trees within the public domain shall be planted at minimum 200L pot size. All tree stock shall comply with AS2303-2015 "Tree Stock for Landscape Use".

A standard Council tree guard shall be implemented to feature canopy trees and street trees within public roads and public domain areas, as nominated by Council's Landscape Architect, Development Assessment and Compliance. Tree Guards along Kopa Street and Dudley Road including the public domain plaza space fronting Dudley Road shall include a fabricated stencil cut panel or heritage interpretation panels as per Council standard detail that will include a specific design template to Council's satisfaction. Details of the panels shall be provided to future detail in separate construction certificate application submitted to Council, for public domain works, and as agreed with Council's Heritage Planner.

The nominated playground area on proposed Lot 25 shall be designed to meet all relevant playground and safety standards including relevant Australian Standards applicable to playground design, details shall be provided on the construction certificate drawings. An interim or final occupation certificate, whichever occurs first shall not be issued for Stage 5 until such time as the landscaping within the open space area and all play equipment is implemented. A written certification at practical completion from the designer and equipment supplier shall be provided to the nominated PCA prior to issue of an OC relevant to that stage of works.

At the completion of landscape works for each stage, the landscape consultant who prepared the documentation or a suitably qualified Landscape Architect consultant, shall submit to the PCA and Council's Landscape Architect (Development Assessment and Compliance) a Landscape Compliance Report prior to the issue of an interim occupation certificate or final occupation certificate, whichever occurs first, for each stage, that establishes satisfactory completion of the landscaping works approved by this consent.

At the completion of landscape works for each stage, the landscape consultant who prepared the documentation or a suitably qualified Landscape Architect consultant, shall submit for approval to the Principal Certifying Authority and Council's Landscape Architect (Development Assessment and Compliance) a Landscape Rectification Report (if required) which addresses any inconsistencies from the approved landscape plan and statement of associated completion of rectification works, prior to the issue of an interim occupation certificate or final occupation certificate, whichever occurs first.

Arrangements shall be made regarding a site inspection for each stage in review of the completed Rectification Report and associated works (if required) with both the consultant Landscape Architect and Council's Landscape Architect (Development Assessment and Compliance), prior to the issue of an interim occupation certificate or final occupation certificate, whichever occurs first, for each stage.

Should any completed landscaping from each stage to completion of the final stage be impacted upon or damaged during construction activities on site, replacement of landscaping shall be implemented.

At the completion of landscape works for the final stage, arrangements shall be made regarding a final site inspection in review of the Final Rectification Report and associated works (if required) with both the consultant Landscape Architect and Councils Landscape Architect (Development Assessment and Compliance), prior to the issue of the final occupation certificate for the completed development.

The Landscape Consultant that produced the Landscape Construction Plans and Specification shall submit a Landscape Compliance Report to the Principal Certifying Authority/Councils Project Management Officer (Council) that certifies that all landscape works have been implemented and maintained in accordance with the landscape construction specification. The Landscape Consultant may delegate production of this report to a local Consultant with equivalent qualifications.

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.

All landscaping shall be permanently maintained in accordance with Section 2.7.2 of Lake Macquarie City Council Development Control Plan 1.

Public Domain

The applicant shall submit a separate Landscape and Public Domain Construction Certificate for each stage of works in accordance with the staging plan and street plan 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 shall be in accordance with the approved plans.
- The path from the Fernleigh Track to the "Whitebridge Square" shall be 2.5m wide to enable pedestrians and cyclists to use the path. Further details shall be provided within the construction certificate documentation.
- Street trees shall be provided timber feature tree guards to Council's satisfaction and as approved by Council's Landscape Architect, Development Assessment and Compliance.
- The Landscape Construction Specification shall be prepared and produced by a consultant that meets the requirements of the Lake Macquarie Development Control Plan 2014, Landscape Design Guidelines 2013 and Stormwater Quality Improvement Devices (SQID) Guidelines.
- A Consultant's Declaration as detailed in Lake Macquarie Development Control Plan 2014 and Landscape Design Guidelines shall be included on all Landscape Construction documentation.
- The Landscape Construction Specification shall be approved by Council's Landscape Architect (Development Assessment & Compliance) prior to issue of the first CC.

- Any batters exceeding 1:4 shall implement jute mesh and/or matting to manufacturers specifications inclusive of any approved planting and mulch areas dedicated to landscaping and SQID planting.
- Any battering associated to Water Sensitive Urban Design (WSUD) and SQID devices shall not impact on existing vegetation to be retained as approved and in accordance with AS4970-2009 Tree Protection on Development Sites’.
- The Landscape Construction Specification shall include a Tree Supply clause that complies with AS2303-2015 ‘Tree Stock for Landscape Use’
- All Landscape Construction documentation must comply with the relative Public Domain, Landscape and Engineering Technical Guidelines that is current at the date of lodgement of the construction certificate 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 and public domain works as approved shall be coordinated with Council’s Project Manager during the construction period.
- 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 Councils 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 Construction Specification for each stage and street plan shall 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 Councils Project Officer (hold point).
- Tree delivery prior to installation and to comply with AS2303-2015 ‘Tree Stock for Landscape Use’ (hold point).
- Commencement of tree planting (witness point).

- Completion of tree planting, including installation of any guards, feature panels / grates in accordance with Council’s Landscape Technical Guidelines (witness point).
- Installation of each layer / horizon of growing medium (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 trees comply with the guidance given in the publication “*Specifying Trees: a guide to assessment of tree quality*” by Ross Clark (NATSPEC, 2003)

Landscaping of Stormwater Devices

Including all associated WSUD systems including but not limited to,

1. Bio-retention Basins, Bio-retention Swales, Bio-pods, Bio-retention street trees;
2. Batters, Embankments, Swales and associated buffer strips, and
3. Sedimentation Basins including associated basin embankments, internal batters, edge treatments and basin inlet design.

Associated Witness & Hold Points

- Completion of subgrade preparation prior to spreading of any imported soil or ameliorated site soil (in accordance with AS4419 – 2003) (witness/hold point).
- Where ameliorated stockpiled soil or site soil is required and utilised for planting purposes in accordance with AS4419 – 2003, evidence of associated amelioration measures must be provided to Councils Project Officer (hold point)
- Completion of nominated soil spreading, mulching, associated proprietary products and planting in accordance with the landscape specifications (witness point).
- Completion of all landscape works in accordance with the Landscape Construction Specification and subject DA approved consent (hold point).
- The Landscape Consultant that produced the Landscape Construction Plans and Specification shall submit a Landscape Compliance Report to Councils Project Management Officer that certifies that all landscape works have been implemented and maintained in accordance with the landscape construction specification. The Landscape Consultant may delegate production of this report to a local Consultant with equivalent qualifications.
- 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.

49. Building Sustainability Index (BASIX) Certificate

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

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

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

50. 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.

51. Driveway Design and Construction - Residential

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's Standard Drawings: EGSD-201 and EGSD-202 (available from Councils website).

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

52. 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.

53. Concrete Footpath

Concrete footpaths 1.2 metres wide shall be constructed/reconstructed along the full length of the street in the locations shown in the approved plans for the movement network, at the cost of the person having the benefit of the consent. 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.

54. Car Parking and Allocation of Spaces

Car parking spaces shall be constructed 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:

Lot 1:

| | |
|------------------------|---|
| Allocated Resident | 37 spaces located within the basement, including nine disabled spaces |
| Residential – Visitors | 9 spaces |
| Commercial / Retail | 10 spaces, including two disabled spaces |
| Car Wash Bay | 1 space located within the basement |

Lot 2:

| | |
|------------------------|---------------------------------------|
| Allocated Residential | 15 spaces located within the basement |
| Residential – Visitors | 2 spaces |

Lot 3:

| | |
|------------------------|---------------------------------------|
| Allocated Residential | 19 spaces located within the basement |
| Residential – Visitors | 3 spaces |

Lot 4:

| | |
|------------------------|---------------------------------------|
| Allocated Residential | 36 spaces located within the basement |
| Residential – Visitors | 4 spaces |

Residential visitor spaces shall be provided as agreed by the applicant within the area nominated on the approved plans, within the road reserve and within the development site

adjoining Dudley Road, providing parking space and associated manoeuvring area for 18 car parks. This area shall be designed in accordance with relevant Australian Standards, DCP 1, Engineering Guidelines and in consultation with Council. Council prior to issue of the first construction certificate for Stage 1 shall approve the construction certificate documentation for this area.

The car parking spaces are to be identified on-site by line marking and must be numbered.

The required disabled car parking spaces within the road reserve 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 car parking spaces, line marking and signage shall be completed prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first for the stage of the development the carparking relates to.

55. Bicycle Parking Racks

Secure bicycle parking/storage shall be provided at the termination of the shared path on Dudley Road in accordance with the approved Landscape 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 Interim Occupation Certificate or final Occupation Certificate for Stage 4.

56. Parking Areas and Access Ways

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

57. Fencing

Fencing shall be erected for each of the lots in accordance with the following:

Lot 1:

- 1.0m – 1.2m high powder coated aluminium picket fencing along street frontage and within front courtyards;
- maximum 1.5m high dark palisade fencing with minimum 50% transparency to northern boundary fronting Unit M01;
- maximum 1.5m high dark palisade fencing to the eastern boundary of lot fronting the conservation zoned land;
- 1.0m – 1.2m high dark palisade fencing within minimum 50% transparency to front boundary on Dudley Road in front of the eastern residential flat building;
- palisade fencing and security gate providing security to the rear of maisonette apartments and the common area of the Dudley Road apartments;

Lot 2:

- 1.5m high timber lapped and capped fencing along rear and side boundaries of courtyards;
- 1.2m high rendered fence to courtyard above driveway to basement parking;
- no fencing forward of the building.

Lot 3:

- 1.0m high powder coated aluminium picket fencing along frontage and within front courtyards fronting the open space area;
- 1.5m high timber lapped and capped fencing along rear and side boundaries of courtyards;
- 1.5m high face brick fence along the western side boundary of courtyards;
- 1.2m high rendered fence to courtyard above driveway to basement parking.

Lot 4:

- 1.0m – 1.2m high powder coated aluminium picket fencing along frontage of lots and as side fencing within the front courtyards of lots;
- 1.8m high timber lapped and capped fencing along western property boundary;
- 1.2m high rendered fence to courtyard above driveway to basement parking;
- 1.5m high timber lapped and capped fencing within the rear courtyards.

Lots 5 – 13:

- 1.8m high timber lapped and capped fencing along the side and rear boundaries;
- no fencing forward of the building.

Lot 14 – 20:

- 1.5m high timber lapped and capped fencing along the side and rear boundaries;
- no fencing forward of the building fencing.

Lots 21 – 24:

- a combination of 1.2m high palisade fencing, 1.5m vertical screens and 1.5m high feature brick work fencing;
- maximum 1.5m high palisade fencing to the eastern boundary of Lots 22 and 23 fronting the conservation zoned land.

Lot 25 and 26:

- no fencing aside from that mentioned above.

All fencing shall be integrated with the landscaping for the site. All fencing associated with each stage of the development shall be constructed prior to issue of the interim or final occupation certificate of each stage.

All costs associated with the removal and replacement of any fence shall be borne by the person with the benefit of this consent and not the neighbouring property owners.

Fourteen days written notice shall be given to the relevant neighbouring property owner of the intention to erect boundary fencing.

58. Communications and Household Services

The placement of communications infrastructure and all other ancillary structures such as air conditioning and the like shall be placed so as not to be visually offensive.

59. 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.

60. External Storage of Products

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

61. Hours of Operation

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

Monday to Thursday - 7:00am to 8:00pm

Friday – 7:00am to 9:00pm

Saturday - 8:00am to 9:00pm

Sunday and Public Holidays - 9:00am to 6:00pm

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.

62. 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 Environment Protection Authority 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.

63. 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.

64. Garbage Storage Areas

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

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

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

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

65. Strata Certificate

Prior to the endorsement of the Strata Certificate the requirements of s37 or s37A of the *Strata Schemes (Freehold Development) Act 1973* shall be satisfied.

66. 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.

67. Gross Pollutant Trap

The person entitled to the benefit of this consent shall design and construct permanent Gross Pollutant Traps. The design shall be in accordance with the requirements of DCP 1 (Volume 2 – Engineering Guidelines Part 3). Provision shall be made for maintenance access roads and maintenance vehicle parking to satisfy Council's Engineering Guidelines – Part 3 Stormwater Quality Improvement Devices and Part 6 Standard Drawings..

Satisfactory plans and calculations for such Gross Pollutant Traps shall be submitted prior to the issue of a Construction Certificate for the adjacent roadworks.

The applicant shall include a "Maintenance Plan" with the Construction Certificate documentation, in accordance with Council's "Stormwater Treatment Framework & Stormwater Quality Improvement Device Guidelines".

68. Water Quality Control Facilities

The person entitled to the benefit of this consent shall design and construct permanent Stormwater Quality Facilities generally in accordance with the design and plans prepared by Forum Consulting Engineers, Drawing no. 30806-SWD, Amendment G, dated 11 December 2014.

Plans and calculations for such Stormwater Quality Control Facilities shall be submitted for approval prior to the issue of the Construction Certificate for each stage. The plan shall also include details of the extent and location of fencing; provide details of maintenance access and details of landscaping and species for the facility and their surrounds. Maintenance access to the facilities shall be designed in accordance with Council's Engineering Guidelines – Part 3 Stormwater Quality Improvement devices and Part 6 Standard Drawings.

The plans for the facility shall detail the construction stages, i.e. the plans shall detail the design of the facility as a sediment basin and the plans shall detail the design of the facility in its final form.

The person entitled to the benefit of this consent shall include a "Maintenance Plan" with the Construction Certificate documentation, in accordance with Council's "Stormwater Treatment Framework & Stormwater Quality Improvement Device Guidelines".

Construction Sequencing shall be as follows:

1. Phase 1 - the facility shall be constructed to operate as a sediment basin initially. All final inlet and outlet structures shall be installed at this stage (unless alternate arrangements have been made prior with Council agreement). The facility shall be maintained as a sediment basin until the catchment draining to it has been substantially developed (eg 90% of the lots have had housing constructed on them and their respective landscaping and lawn areas are established).
2. Phase 2 - to enable release of the final plan of subdivision, that contains the facility, a bank guarantee shall be established. The bank guarantee shall be to the value of 1.5 times the value of the capital works and landscaping and two years maintenance (the value of bank guarantee to be agreed in consultation with Council Officers).
3. Phase 3 – once the catchment has been substantially developed, the sediment basin shall be decommissioned and the final approved facility constructed and landscaped.
4. Phase 4 – the bank guarantee shall be released not less than two years after the completion of the facility and establishment of landscaping to the satisfaction of Council.

Provision Of Utility Services

69. Service of Public Utilities

The person entitled to the benefit of this consent 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.

The support poles for street lighting shall be located on the road verge that does not contain the concrete footpaving.

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

70. Installation of Service Pipes

The person entitled to the benefit of this consent shall ensure that all public utility service pipes, mains and conduits are laid and/or installed in all new roads and existing roads, where work is required in existing roads, as part of the construction and drainage works associated with the subdivision.

The person entitled to the benefit of this consent shall also install conduits to cater for the installation of natural gas services to each proposed lot in conjunction with road and drainage works.

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

71. Utilities Layout

The person entitled to the benefit of this consent shall submit to the Principal Certifying Authority a utilities layout plan showing the location of mains, associated installations and service conduits prior to the issue of a Subdivision Certificate.

Roads and Drainage Construction Works

72. Roadways and Drainage Works Standards

The person entitled to the benefit of this consent shall arrange for all relevant works to be designed and constructed in accordance with the following publications (as amended or updated), as applicable:

- Australian Rainfall and Runoff, 1987
- AUSTRROADS Guide To Traffic Engineering Practice
- Council's DCP and supporting guidelines
- Roads and Traffic Authority Road Design Guide
- Roads and Traffic Authority Interim Guide To Signs and Markings
- Managing Urban Stormwater documents (2004) by Landcom
- The Constructed Wetlands Manual - Department of Land and Water Conservation, 1998
- WSUD Technical Design Guidelines for South East Queensland
- Healthy Waterways – Water by Design Guidelines
- Subdivision Code
- 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 person entitled to the benefit of this consent shall verify in writing with Council, the relevant standard to be adopted.

73. 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 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.

Stormwater Management

74. Stormwater Detention Required

The person entitled to the benefit of this consent shall show that the development does not increase the peak stormwater discharge or limits of upstream and downstream flooding for floods over the range of 1:1 years to 1:100 years by the inclusion of stormwater detention controls. Designs shall incorporate maintenance access roads and fencing in accordance with Council's standard requirements.

Plans and calculations for such stormwater 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.

75. Disposal to Watercourse or Council Easement

The person entitled to the benefit of this consent shall make arrangements for stormwater to be disposed of to either an existing Council drainage system or natural watercourse. Where applicable, the person entitled to the benefit of this consent 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 person entitled to the benefit of this consent shall subsequently create easements for drainage in favour of Council over those properties, prior to, or at the time of registration of the Final Plan of Subdivision.

76. Interallotment Drainage

The Registered Proprietor of the land shall arrange for the provision of interallotment drainage pipelines and associated easements to drain water one metre wide burdening the affected lots and benefitting the allotments served.

All stormwater shall be disposed of to either an existing formed Council drainage system or a natural watercourse. Where applicable, the person entitled to the benefit of this consent 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 drainage water, prior to, or at the time of registration of the Final Plan of Subdivision. Council is to be the party empowered to release, vary or modify the easement.

Any existing dwellings shall be connected to the interallotment drainage system to the satisfaction of the PCA.

77. Provision of Council Easements

The person entitled to the benefit of this consent shall arrange for the creation of easements to drain water, (minimum three 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 person entitled to the benefit of this consent 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.

Roadways, Accessways and Footways

78. Dedication of Roads

The person entitled to the benefit of this consent shall arrange, at the time of registration of the Final Plan of Subdivision, for the dedication of the proposed new roads to the public at no cost to Council.

All public roads that are to be dedicated shall be fully constructed in accordance with the standards identified in this consent.

All public roads shall be constructed with two way crossfall.

79. Pavement Standards

Residential road pavements shall be designed in accordance with "A Guide To The Design Of New Pavements For Light Traffic" - AUSTRROADS 1998. Main and Industrial road pavements are to be designed in accordance with "Pavement Design, A Guide to the Structural Design of Road Pavements" - AUSTRROADS 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 Roads and Maritime Services for their approval prior to the commencement of works.

80. Traffic Control Standards

For the duration of work being carried out as part of this development, the person entitled to the benefit of this consent 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.

81. Notification to Neighbours

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

82. Haulage Routes

The person entitled to the benefit of this consent 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 prior approval of Council.

The person entitled to the benefit of this consent shall maintain and restore the haulage route roads, as near as possible, to their original condition.

83. 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.

84. 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.

85. Street Lighting

The person entitled to the benefit of this consent 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.

86. Erection of Street Signs

The person entitled to the benefit of this consent shall supply and erect new street name signs in accordance with the requirements of Council's standard design requirements. All private roads shall be clearly signposted to indicate that they are private roads and not public roads.

87. Submit Road Names for Approval

Proposed new road names shall be submitted to Council and approved prior to the issue of the first Construction Certificate.

Council will not release the Subdivision Certificate unless the proposed public roads have been named in accordance with clause 162 of the Roads Act 1993. The Roads Act requires that the Geographical Names Board be given at least one month notice of the proposed names.

88. Survey Control Marks Interference

The person entitled to the benefit of this consent shall submit a statement from a Registered Surveyor verifying that the works did not interfere with any survey control marks OR the person entitled to the benefit of this consent 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.

89. House Numbering

A minimum of four weeks prior to lodgement of the Subdivision Certificate with Council, the person entitled to the benefit of this consent shall provide a draft Final Plan of Subdivision to Council's Land Information section. Council will provide house numbering for the lots within the subdivision for inclusion on the Survey Plan in accordance with Clause 60 of the Surveying and Spatial Information Regulation 2012.

90. Management of the Open Space Lot 25

The person entitled to the benefit of this consent shall incorporate proposed Lot 25, which contains the "Open Space", into the Strata Plan for Lot 3. An easement for access shall be created over the "Open Space" in favour of all proposed lots in the development. The Strata Plan documents will specify the maintenance requirements for Lot 25 and identify, which lots are responsible for the maintenance of the land and facilities. The maintenance requirements shall be approved by Council prior to the issue of the Subdivision Certificate for Lot 3.

Alternatively, the person entitled to the benefit of this consent shall make alternate arrangements for the ownership and on-going maintenance of proposed Lot 25 to the satisfaction of Council. These arrangements shall be approved by Council prior to the issue of a Subdivision Certificate for Lot 3 and 25. The arrangements shall then be registered on the title of the relevant lots by an 88B Instrument.

91. Adjustment to Kopa Street Intersection

The person entitled to the benefit of this consent shall arrange for Kopa Street to be extended, at its current width, to the end of the driveway that will service proposed Lot 23. The intersection of the new access road and Kopa Street shall be designed as a "T" intersection.

Land Stability and Earthworks

92. Compliance - Geotechnical Report

The person entitled to the benefit of this consent shall comply with the recommendations of the Geotechnical Report No. RGS00603.1-AB prepared by Regional Geotechnical Solutions dated 28 August 2013. Any works proposed to be undertaken in relation to the application shall embody all the relevant recommendations of the Geotechnical Consultants.

All engineering plans shall be endorsed by and carry the original signatures of the Geotechnical Consultants (ie not photocopies). The endorsement shall state that the proposed works are in accordance with the recommendations of the Geotechnical Report, prior to the issue of a Construction Certificate.

93. Geotechnical Report on Filling

The person entitled to the benefit of this consent shall arrange for all fill to be placed in accordance with the standards specified in Table 5.1 of AS 3798 - 2007 "Guidelines on Earthworks for Commercial and Residential Developments".

Prior to the issue of the Subdivision Certificate, the person entitled to the benefit of this consent shall submit a report from a suitably experienced Geotechnical Testing Authority confirming that all filling complies with the above minimum standard. The report shall contain a plan showing the location, depth and classification of all filling in relation to the proposed new lot boundaries. The inspection and testing of fill shall be at the responsibility level set out below, as defined in Appendix B of AS 3798-2007.

| Fill Area | Responsibility Level |
|---|-----------------------------|
| Water retaining embankments | 1 |
| Road embankments (greater than 2m high) | 1 |
| Road embankments (less than 2m high) | 2* |
| Residential allotments | 1 |
| Industrial/Commercial allotments | 1 |

* Level 1 may be used if desired by the applicant.

94. Site Classification of Lots

The person entitled to the benefit of this consent shall arrange for a suitably experienced Geotechnical Consultant to determine the site classification of each proposed lot in accordance with AS 2870-2011 (as revised). The site classifications shall be provided to Council prior to the issue of the Subdivision Certificate.

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.

95. Final Plan Submission

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

96. 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 shall be the party empowered to release, vary or modify those (and only those) easements and/or restrictions required by conditions of this development consent.

97. Compliance Certificate for Works

The person entitled to the benefit of this consent shall obtain and submit Compliance Certificates 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.

98. 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.

Council does not forward notification of the subdivision approval to the Hunter Water Corporation. It is the person entitled to the benefit of this consent responsibility to make all pertinent arrangements with the Hunter Water Corporation.

99. Mine Subsidence Board Concurrence

The person entitled to the benefit of this consent shall comply with the approval granted by the Mine Subsidence Board for this development.

100. Application Fees for Required Certificates

The person entitled to the benefit of this consent shall obtain any certificates as required to satisfy the conditions of this consent.

For Council to process applications for these certificates for civil works the following fees are payable:

Stage 1

| | | | |
|---------------------------------|--------------------|-------------------------------|-----------|
| Construction Certificate | \$ 2,150.00 | Plus \$50 Archival Fee | (inc GST) |
| Compliance Certificate | \$ 3,200.00 | Plus \$50 Archival Fee | (inc GST) |
| Subdivision Certificate | \$ 382.00 | Plus \$50 Archival Fee | (inc GST) |

Stage 2

| | | | |
|---------------------------------|--------------------|-------------------------------|-----------|
| Construction Certificate | \$ 870.00 | Plus \$50 Archival Fee | (inc GST) |
| Compliance Certificate | \$ 1,200.00 | Plus \$50 Archival Fee | (inc GST) |
| Subdivision Certificate | \$ 382.00 | Plus \$50 Archival Fee | (inc GST) |

Stage 3

| | | | |
|---------------------------------|--------------------|-------------------------------|-----------|
| Construction Certificate | \$ 1,390.00 | Plus \$50 Archival Fee | (inc GST) |
| Compliance Certificate | \$ 2,200.00 | Plus \$50 Archival Fee | (inc GST) |
| Subdivision Certificate | \$ 1,143.00 | Plus \$50 Archival Fee | (inc GST) |

Stage 4

| | | | |
|---------------------------------|--------------------|-------------------------------|-----------|
| Construction Certificate | \$ 800.00 | Plus \$50 Archival Fee | (inc GST) |
| Compliance Certificate | \$ 1,100.00 | Plus \$50 Archival Fee | (inc GST) |

Subdivision Certificate **\$ 382.00** Plus **\$50** Archival Fee (inc GST)

Stage 5

Construction Certificate **\$ 1,150.00** Plus **\$50** Archival Fee (inc GST)

Compliance Certificate **\$ 1,670.00** Plus **\$50** Archival Fee (inc GST)

Subdivision Certificate **\$ 382.00** Plus **\$50** Archival Fee (inc GST)

Stage 6

Construction Certificate **\$ 580.00** Plus **\$50** Archival Fee (inc GST)

Compliance Certificate **\$ 720.00** Plus **\$50** Archival Fee (inc GST)

Subdivision Certificate **\$ 889.00** Plus **\$50** Archival Fee (inc GST)

Stage 7

Construction Certificate **\$ 580.00** Plus **\$50** Archival Fee (inc GST)

Compliance Certificate **\$ 720.00** Plus **\$50** Archival Fee (inc GST)

Subdivision Certificate **\$ 508.00** Plus **\$50** Archival Fee (inc GST)

Stage 8

Construction Certificate **\$ 850.00** Plus **\$50** Archival Fee (inc GST)

Compliance Certificate **\$ 1,140.00** Plus **\$50** Archival Fee (inc GST)

Subdivision Certificate **\$ 382.00** Plus **\$50** Archival Fee (inc GST)

Applications for these certificates shall 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 Rural Fire Service