

**2013HCC024 – DA/1892/2013**

**40-48 Burton Road, Mount Hutton**

## **APPENDIX A**

### **DRAFT Conditions of Consent**

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

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

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

## 1. Prescribed Conditions

- (a) The work must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (b) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

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

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

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

## 2. Approved Documentation

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

(a) Plans Reference:

Architectural Plans prepared by: EJE Architecture; Project Number. 9861			
Name of Plan	Drawing Number	Issue	Date
Existing Site Plan	A003	B	11-4-2014
Proposed Context Plan	A100	B	11-4-2014
Proposed Site Plan	A101	B	11-4-2014
Proposed Site Staging Plan	A200	B	11-4-2014
Overall Site Elevations/Sections	A400	B	11-4-2014
Site Elevations 1	A401	B	11-4-2014
Site Elevations 2	A402	B	11-4-2014
Site Sections	A406	B	11-4-2014
Dwelling Type 'A' Villa Plan/Elevations	A500	C	14-5-2014
Dwelling Type 'B' Villa Plan/Elevations	A501	C	14-5-2014
Dwelling Type 'C' Villa Plan/Elevations	A502	C	14-5-2014
Dwelling Type 'D' Villa Plan/Elevations	A503	C	14-5-2014
Dwelling Type 'E' Villa Plan/Elevations	A504	C	14-5-2014
Dwelling Type 'F' Villa Plan/Elevations	A505	C	14-5-2014
Dwelling Type 'G' Villa Plan/Elevations	A506	C	14-5-2014
Dwelling Type 'G2' Villa Plan/Elevations	A507	C	14-5-2014
Apartment Ground Plan	A600	B	11-4-2014

Apartment Level 1 Plan	A601	B	11-4-2014
Apartment Basement Plan	A602	C	14-5-2014
Apartment Elevations	A603	B	11-4-2014
Apartment Sections	A604	B	11-4-2014
Apartment Materials and Finishes	A610	B	11-4-2014
Rec Centre Plans	A700	B	11-4-2014
Rec Centre Elevations	A701	B	11-4-2014
Rec Centre Sections	A702	B	11-4-2014
Temporary Rec Centre Plans	A705	A	11-12-2013
Impressions of Proposal	A800	B	11-4-2014

Landscape Plans prepared by: Terras Landscape Architects; Project Number. 9861.5			
Name of Plan	Drawing Number	Issue	Date
Landscape Design Report	01	E	3-6-2014
Landscape Design Report	02	E	3-6-2014
Existing Site Tree Plan	06	E	3-6-2014
Landscape Masterplan	07	E	3-6-2014
Entry Concept Detail	08	E	3-6-2014
Typical Residential Garden	09	E	3-6-2014
Typical Apartment Garden	10	E	3-6-2014
Communal Areas Detail	11	E	3-6-2014
Communal Areas Detail 2	12	E	3-6-2014

Landscape Section Detail 1+2	13	E	3-6-2014
Landscape Section Detail 3+4	14	E	3-6-2014
Landscape Section Detail 5+6	15	E	3-6-2014
Landscape Section Detail 7+8	16	E	3-6-2014
Proposed Fencing Plan	17	E	5-6-2014
Common Area Plant Schedules	18	E	3-6-2014
Residential Plant Schedules	19	E	3-6-2014
Materials and Components	20	E	3-6-2014

Stormwater and Concept Civil Plans prepared by: Northrop; Project Number. NL130193			
<b>Name of Plan</b>	<b>Drawing Number</b>	<b>Issue</b>	<b>Date</b>
Concept Soil and Water Management Plan – Sheet 1	C01DA	B	5-6-2014
Concept Soil and Water Management Plan – Sheet 2	C02DA	B	5-6-2014
Concept Soil and Water Management Plan – Sheet 3	C03DA	B	5-6-2014
Concept Stormwater Management Plan Overall Plan	C04DA	B	5-6-2014
Concept Stormwater Management Plan Inset A	C05DA	C	5-6-2014

Concept Stormwater Management Plan Inset B	C06DA	C	5-6-2014
Concept Stormwater Management Plan Inset C	C07DA	C	5-6-2014
Civil Details Sheet 1	C08DA	C	5-6-2014
Civil Details Sheet 2	C09DA	B	5-6-2014
Civil Details Sheet 3	C10DA	C	5-6-2014
Bus Stop Inset Plan	C20DA	B	5-6-2014
Detail Plan Inset D	C30DA	A	5-6-2014

(b) Document Reference:

<b>Document</b>	<b>Reference</b>	<b>Author</b>	<b>Date</b>
Statement of Environmental Effects	12260	Coastplan Group	December 2013
Visual Impact Assessment	9861.5 – Issue C	Terras Landscape Architects	11 April 2014
SEPP 65 Design Quality Report	9861-DA-SEPP65 Report	EJE Architecture	January 2014
Targeted Soil Investigation	ContamReports	Pacific Environmental	19 May 2010
Social Impact Assessment	40-48 Burton Road, Mount Hutton	Stan Manning & Associates and Coastplan Group	December 2013
Support Services Statement	12260	Stan Manning & Associates	December 2013
Disability Access Report	Hallidays Shores	Lindsay Perry	3 December 2013
Crime Prevention through Environmental Design Assessment	12260	Coastplan Group	December 2013

Traffic Assessment Report	40-48 Burton Road, Mount Hutton	BJ Bradley & Associates	31 October 2013
Flora and Fauna Assessment	25461	RPS Australia East Pty Ltd	October 2013
Arborist Report	9861.5 - Issue B	Terras Landscape Architects	2 June 2014
Tree Assessment Report – Neighbouring Trees	9961.5 – Issue A	Terras Landscape Architects	11 April 2014
Acoustic Report	13844-4952	Spectrum Acoustics	October 2013
Flood Modelling Investigation	NL130193 – Issue B	Northrop	11 April 2014
Stormwater Management and Servicing Strategy Design Report	NL130193 – Issue E	Northrop	11 April 2014
Additional Information Submitted	Referral Responses	Coastplan Group	14 April 2014
Additional Information Submitted	12260	Coastplan Group	4 June 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.

### 3. Staged Development

The staging of Development Consent No. 1892/2013 requires the following works to be undertaken as designated in sequence from stage 1 to stage 4:

#### Stage 1

Provision of services (water, sewer, electricity) to the site.

Landscaping works along the **entire** western boundary of the site (front setback).

Construction of units 1 to 25, a temporary community centre (adaptation of existing dwelling on Lot 12, 48 Burton Road) and associated road works, infrastructure and landscaping works.

#### Stage 2

Landscaping works along the eastern boundary (riparian corridor).

Construction of units 26 to 39, units 72 to 81, units 92 to 101 and associated road works, infrastructure and landscaping works.

Construction of Community Centre, caretaker residence and associated infrastructure and landscaping works.

#### Stage 3

Construction of units 40 to 45, units 62 to 71, units 82 to 91 and associated infrastructure and landscaping works.

#### Stage 4

Construction of units 46 to 61 and associated infrastructure and landscaping works.

The stages of the development shall commence within three (3) months of issuing **(any Interim Occupation Certificate or) the Final Occupation Certificate, (whichever is issued first)**, for the previous stage of the development.

**All conditions of consent shall apply to all stages of the development unless specifically indicated within a condition.**

### 4. Construction Certificate

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

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



**5. Prior to the issue of the First Occupation Certificate**

Prior to the issue of any Interim Occupation Certificate or Final Occupation Certificate whichever is issued first, for each stage, the earthworks, retaining walls and driveways associated with each stage shall be completed to the satisfaction of the Principal Certifying Authority.

**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. Commencement of the Use of the Land**

Commencement of the use of the land identified in this consent for the purposes approved by this consent, shall not commence until all relevant conditions for each development stage, of this consent have been complied with and an Interim Occupation Certificate or Final Occupation Certificate has been issued for the respective stage, whichever occurs first.

This consent restricts occupation of this development to seniors or people who have a disability, people who live in the same household as seniors or people who have a disability, and/or staff employed to assist in the administration of and provision of services to housing provided under the development consent.

A Restriction as to User shall be placed on the title of the lot prior to the issue of an interim Occupation Certificate or Occupation Certificate, whichever occurs first, for stage 1, comprising the consolidated development site pursuant to Section 88B of the Conveyancing Act to give effect to the following:

The development shall only be occupied by:

(a) Seniors, which are any of the following:

- People aged 55 or more years,
- People who are a resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided,
- People who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

(b) People who have a disability, which are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or

activity restrictions that substantially affect their capacity to participate in everyday life,

- (c) People who live within the same household with seniors or people who have a disability as defined above, and
- (d) Staff employed to assist in the administration of and provision of services.

**Hunter Water Requirement Condition – deleted**

**8. Essential Infrastructure Requirements**

The development shall be serviced with reticulated water, sewerage and electricity.

**9. 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 Section 94 Contributions Plan No. 1 – City Wide – Charlestown Catchment 2004 (as amended), 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 building work – prior to the release of the first Construction Certificate for each Stage;

- 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;

**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 Section 94 Contributions Plan No. 1 – City Wide – Charlestown Catchment 2004 (as amended) 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.

## **10. Consolidation of Lots**

**(Stage 1)** Lot 11 and Lot 12, DP 830292 shall be consolidated.

The final plan of consolidation shall be registered at the Land and Property Information Services prior to the issue of the First Occupation Certificate, Interim or otherwise for Stage 1. A copy of the registered plan shall be provided to Council.

## **11. Notification to Neighbours**

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

## **12. 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.

### **13. Dilapidation Survey Report**

**(Stage 1)** 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.

### **14. Construction Management Plan**

A Construction Management Plan shall be prepared, submitted and approved by the Principal Certifying Authority prior to the issue of the First Construction Certificate.

This plan shall detail the construction process, contractors carparking, timing and impacts and how these will be ameliorated.

It shall be prepared with the intention of causing minimal impact to adjoining land owners and traffic operations.

### **15. Traffic Management Plan**

A Traffic Management Plan prepared by a suitably qualified and experienced Traffic Engineer shall be lodged with Council and approved prior to release of the Construction Certificate. The Traffic Management Plan is to specifically address:

- (a) Vehicular access to the proposed development during the construction phase; and
- (b) The management of parking of construction workers vehicles during the construction phase.

The Traffic Management Plan shall have regard and consider any other construction works in the vicinity and shall also address works to the bus bay.

The purpose of the Traffic Management Plan is to ensure minimal disturbance to residents of the area.

## **16. Contaminated Land Management Plan**

**(Stage 1)** Prior to issue of the First Construction Certificate a management plan shall be prepared by an appropriately qualified contaminated land consultant and submitted to the Principal Certifying Authority. The management plan shall clearly delineate the extent of actual or potential contamination on site, and provide guidance for the management of any risks associated with ongoing occupation of the site for the approved landuse.

## **17. Waste Management Plan**

A Waste Management Plan shall be prepared, submitted and approved by the Principal Certifying Authority prior to the issue of the first Construction Certificate. The Waste Management Plan shall comply with the provisions of Lake Macquarie City Council's Waste Management Guidelines.

## **18. Operational Waste Management**

Evidence of contractual arrangements with either a private contractor or Lake Macquarie City Council for the collection of general waste, green waste or recycling materials for the site shall be included with the First Construction Certificate.

A centralised waste bin store shall be provided in accordance with the approved plans for the apartment buildings and the community centre.

Waste collection vehicles shall enter and exit the site in a forward direction.

## **19. 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.

## **20. Haulage Routes**

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

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

## **21. Traffic Control Standards**

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

## **22. 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.

## **23. Site Amenities**

Throughout the course of building or demolition works on the site, toilet facilities shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet shall be installed as follows:

- (a) in a sewerred area, connect the temporary builder's toilet facility to the Hunter Water Corporation's sewerage system in accordance with such authority's requirements prior to commencing any building work.
- (b) where the connection of the toilet facility to the Hunter Water Corporation's sewer is impractical, an application to approve the use of a chemical closet is to be made to Council accompanied with the appropriate fee for approval. Such approval shall be obtained prior to the issue of a Construction Certificate.

## **24. 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.



## **25. 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 an 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.

## **26. Erosion and Sediment Control Plan**

Prior to ANY works commencing onsite, (including, but not limited to, demolition or vegetation clearing), appropriate erosion and sediment controls shall be installed prior to soil disturbance in accordance with Council's Development Control Plan - Section 2.1.11 (Erosion Prevention and Sediment Control).

The Erosion and Sediment Control system submitted with the Construction Certificate shall be generally in accordance with the plans approved by the Development Consent prepared by Northrop (Ref: Concept Soil and Water Management Plan Sheets 1-3. Drawing No.s C01DA, C02DA, C03DA, C09DA and C10DA. Revision A. Dated 11.04.14) and shall comply with the following:

- (a) All information required for area of disturbance associated with the development in accordance with LMCC's DCP No.1 Section 2.1.11 (Erosion Prevention and Sediment Control);
- (b) Show erosion and sediment control measures for each stage including temporary and permanent controls, prior to demolition, during construction, prior to revegetation, landscaping or building;

- (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 on the treatment of sediment-laden water captured in any sediment traps prior to its release from 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 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; and
- (m) The applicant shall submit with the Plan, a Statement of Compliance, stating that:
  - The Plan has been developed by an appropriately qualified and experienced professional in erosion and sediment control;
  - The Plan complies with the requirements for the area of disturbance as set out in LMCC's DCP No. 1 and points a-m above;
  - The Plan and associated documents, calculations and drawings, have been prepared to a standard which, if properly implemented, will achieve the water release criteria of 50mg/L of Total Suspended Solids (TSS); and
  - All erosion and sediment control measures are in accordance with the latest version of Managing Urban Stormwater – Soils and Construction. Landcom, (2004) or other currently recognised industry standard for erosion and sediment control for Australian conditions.



## **27. Management of Site - Erosion Prevention and Sediment Control**

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

## **28. 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.

## **29. 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.

### **30. Building Waste**

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

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

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

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

### **31. Removal of Onsite Sewage Management System**

The existing onsite sewage management system shall be decommissioned and removed from the site.

The entire contents of the septic tank shall be pumped out by an appropriately licensed waste transport contractor.

The septic tank, associated sanitary drainage lines, and the constructed elements of the absorption system including any contaminated aggregate shall also be removed and disposed of to an appropriately licenced waste disposal facility.

### **32. 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.

### **33. 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.

### **34. 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.

### **35. 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.

### **36. 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."

### **37. 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.

### **38. 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.

### **39. Emissions**

There shall be no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the development.

### **40. Noise - Construction Sites**

The operating noise level of construction site operations, including machinery, plant and equipment when measured at any affected premises, shall be evaluated and comply with the requirements of the NSW Office of Environment and Heritage publication "Interim Construction Noise Guideline" July 2009.

#### **Approved Construction Times**

The approved hours for construction of this development are –

Monday to Friday - 7.00am to 6.00pm.

Saturday – 8am to 1pm.

No construction work shall take place on Sundays or Public Holidays.

#### **Construction Periods in Excess of 26 Weeks**

If the construction period is in excess of 26 weeks, a Noise Management Plan (NMP) shall be provided to Council prior to the issue of the first construction certificate. Such plan shall be prepared with the assistance of a suitably qualified acoustic engineer, indicating whether the use of machinery, plant and equipment during those operations can be completed without causing offensive noise (as defined in the *Protection of the Environment Operations Act 1997*) in the neighbouring area. The NMP shall be complied with at all times during the construction period and shall identify any mitigation measures to control noise, noise monitoring techniques and reporting methods, likely potential impacts from noise and a complaints handling system.

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

#### **41. Construction Site Vibration**

Vibration on surrounding land from construction site operations shall comply with the Office of Environment and Heritage publication "Assessing Vibration: a technical guideline" February 2006.

#### **42. Roadways and Drainage Works Standards for Works Within Public Roads**

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

- (a) Australian Rainfall and Runoff, 1987.
- (b) AUSTROADS Guide To Traffic Engineering Practice.
- (c) DCP 1 (Volumes 1 and 2) and supporting guidelines.
- (d) Roads and Traffic Authority Road Design Guide.
- (e) Roads and Traffic Authority Interim Guide To Signs and Markings.
- (f) Managing Urban Stormwater documents (2004).by Landcom.
- (g) The Constructed Wetlands Manual - Department of Land and Water Conservation, 1998.
- (h) WSUD Technical Design Guidelines for South East Queensland

- (i) Subdivision Code
- (j) Australian Standards including, but not limited to:-
  - AS1428 - Design for Access and Mobility, Part 1 General Requirements for Access and Part 4 Tactile Indicators,
  - AS2890 - Off Street Parking

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

#### **43. Details Required Prior to Commencement – Public Road Works**

**(Stage 1)** Construction works in accordance with this development consent shall not commence until:-

- (a) detailed engineering plans and specifications (including a Design Certification Report and Checklists in accordance with the Lake Macquarie City Council Engineering Guidelines) relating to the work have been endorsed with a Construction Certificate by :-
  - (i) Council, or
  - (ii) an appropriately Accredited Certifier accredited in accordance with the Building Professionals Board Accreditation Scheme, and
- (b) the person having the benefit of the development consent:-
  - (i) has appointed a Principal Certifying Authority, and
  - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment, and
- (c) the person having the benefit of the development consent has given at least two (2) days notice to Council of the intention to commence works.

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

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

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

**44. Fix Damage Caused by Construction Work – Public Road Works**

**(Stage 1)** The Applicant shall make good any damage or injury caused to a public road or associated structures including drains and kerb and gutter, caused as a consequence of the works.

**45. Dedication of Road Widening**

**(Stage 1)** The Applicant shall arrange, at the time of registration of the Final Plan of Subdivision, for the dedication of the land for road widening as may be necessary so as to accommodate the bus shelter within the public road reserve, at no cost to Council.

**46. Notice of Commencement of Works – Public Road Works**

**(Stage 1)** 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.

**47. Construction of Kerb and Gutter and Associated Works in Burton Road**

**(Stage 1)** The Applicant shall construct in Burton Road, kerb and gutter and associated road pavement, road shoulders and drainage for the full frontage of the development site. The works shall include a bus bay, bus stop and shelter.

The carriageway within Burton Road shall be designed to be a minimum of eleven (11) metres wide with the bus bay kerb widening at least 6.5 metres offset from the carriageway centre line.

Concrete foot paving shall be constructed for the full frontage of the development site and extend to the intersection of Burton Road with Glad Gunson Drive. A kerb ramp in accordance with Councils standard detail in Sahara (orange) colour is to be provided on each side of Burton Road at the Glad Gunson intersection.

The works shall include any necessary adjustment to existing constructions in be accordance with the provisions of the publications and standards identified in this consent

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



**48. Linemarking and Signposting – Public Road Works**

**(Stage 1)** All regulatory linemarking and sign posting on Public roads shall be submitted to Council's Traffic Facilities & Road Safety Committee. The works shall not commence until approved by the Committee.

**49. Pavement Standards – Public Road Works**

**(Stage 1)** Residential road pavements shall be designed in accordance with "A Guide To The Design Of New Pavements For Light Traffic" - AUSTROADS 1998. Main and Industrial road pavements are to be designed in accordance with "Pavement Design, A Guide to the Structural Design of Road Pavements" - AUSTROADS 1992. Designs for road pavements shall be submitted to and approved by the Council or a Private Certifier prior to road pavements being constructed. Where work is to be undertaken within a classified Main Road the pavement design shall also be submitted to the Roads and Traffic Authority for its approval prior to the commencement of works.

**50. Works as Executed Plan – Public Road Works**

**(Stage 1)** 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.

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.

**51. Compliance Certificate for Works – Public Road Works**

**(Stage 1 )** The Applicant shall obtain and submit a Compliance Certificate/s to certify that all construction works and associated development have been constructed in accordance with this Development Consent, the Construction Certificate and all other standards specified in this consent.

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

## **52. Application Fees for Required Certificates – Public Road Works**

**(Stage 1)** The Applicant shall obtain any certificates as required to satisfy the conditions of this Consent.

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

Construction Certificate for Public Road Civil Works	\$1050.00	Plus \$50 Archival Fee	(inc GST)
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Compliance Certificate for Public Road Civil Works	\$1260.00	Plus \$50 Archival Fee	(inc GST)
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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.

## **53. Bus Shelter**

**(Stage 1)** A bus shelter shall be provided for the subject development at the cost of the proponents.

The bus shelter shall be located on the Burton Road frontage of the development, and be finished in colour Monument (dark grey) in accordance with Council's standard bus shelter documentation.

Bus shelter installation is to conform with the Disability Discrimination Act guidelines, and include the supply and installation of a seat with arm rests within the shelter, Tactile Ground Surface Indicators (TGSIs) in accordance with AS 1428.4:2002 and a concrete slab extending from the rear of the shelter to the kerb. Details of the location (as in distance from kerb, J-pole, etc.) and construction (as in the shape of the slab, cross falls, retaining walls) of the bus shelter slab shall be forwarded to Council's Asset Management Transportation Planning Section for approval prior to the lodgement of any Construction Certificate for the installation of the bus shelter.

The bus shelter structure shall be manufactured and installed in accordance with Council's standard bus shelter documentation. Any proposed amendments to the manufacture of the bus shelter shall be forwarded to Council's City Design Section for

approval prior to the lodgement of any Construction Certificate for the installation of the bus shelter.

**54. Public Stormwater Standards – Public Road Works**

**(Stage 1)** The Applicant shall arrange for the design and construction of stormwater drainage works in accordance with the requirements of the publications and standards identified in this consent.

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

**55. Stormwater Disposal - Stormwater Detention and Harvesting**

The Stormwater Detention and Harvesting system submitted with the Construction Certificate shall be generally in accordance with the Concept Stormwater Management Plans approved by the Development Consent prepared by Northrop Engineers, Ref: NL130193 dated May 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).
- (e) The stormwater strategy for the development relies on the provision of a "low flow" pipe to convey site flows to Burton Road. This low flow pipe shall be sized so as to convey at least the 10 year ARI storm event runoff from the site to Burton Road (and on to South Creek). No surcharging of site drainage onto adjacent lands shall occur in any storm event up to, and including, the 10 year ARI storms.

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

- (f) All drainage works shall be carried out generally in accordance with the approved Construction Certificate plans.
- (g) A Works As Executed Plan shall 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.
- (h) 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.

## **56. Water Quality Control Facilities**

The Applicant shall design and construct permanent Stormwater Quality Facilities generally in accordance with the design and plans prepared by Northrop Consulting Engineers.

Plans and calculations for such Stormwater Quality Control Facilities shall be submitted for approval prior to the issue of a Construction Certificate. The plan shall also include details of the extent and location of fencing (Council shall be contacted for a copy of the standard detail of the fencing. NB this standard detail may be updated from time to time), provide details of maintenance access and details of landscaping and species for the facility and their surrounds.

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".

## **57. Floor Levels – Flooding**

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

The development shall be constructed in accordance with the minimum levels specified on the approved plans. Where the floor levels are not at, or above, the Probable Maximum Flood (PMF) levels the floor level shall be adjusted. ie all floors shall be at least 500 mm clear of the 100 year flood level or at least equal to the PMF (whichever is higher).

Upon completion of the concrete formwork and/or timber floor frame, the finished floor level(s) shall be verified by a registered surveyor and a certificate confirming compliance with the approved plans submitted to the principal certifying authority prior to work proceeding.

The pouring of concrete and/or the fixing of flooring is not to proceed until approval is granted by the principle certifying authority that the floor level has been verified by a registered surveyor and the floor level complies with the minimum floor levels stated on the approved plans.

A certificate of finished floor height by a registered surveyor shall be submitted prior to the issue of an occupation certificate for each stage.

**58. Flood Response Strategy**

**(Stage 1)** The applicant's shall engage a suitable qualified engineer to formulate a Flood Response Strategy for the development. The Strategy shall outline the actions that are required to be taken by residents in the event of flooding of the site. ie should they evacuate or stay in their homes? When to evacuate? If evacuating, where to, path to get there etc.

The Strategy shall be submitted to Council. No Occupation Certificate shall be issued until the Strategy is to the satisfaction of Council Officers.

**59. 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.

**60. Vehicles Access Crossing and Kerb Layback**

**(Stage 1)** 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). The access to the site shall be six (6) metres in width. 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 development, 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.

## **61. Driveway Design and Construction**

The driveway to the garage or car parking areas 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 Council's website).

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

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

A total of 195 vehicle parking spaces shall be constructed on the site in accordance with the minimum requirements of the Australian Standard AS/NZS 2890 as current at the time of construction, and maintained on the land in accordance with the approved plans.

The spaces shall be allocated in the following proportions:

Residential	174
Residential – Visitors	17
Caretaker Residence	2
Mini Bus	2

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

The required visitor car parking spaces shall be clearly marked and signposted for the sole use by visitors. Visitor car parking spaces shall be assigned to the common property should the development be strata subdivided. Visitor car parking spaces shall be available to visitors at all times.

The disabled car parking spaces as shown on the approved plans, shall be clearly marked and signposted for the sole use by disabled persons.

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

### **63. Bicycle Parking Racks**

**(Stage 2)** To encourage the use of alternate transport modes, secure bicycle parking/storage shall be provided to accommodate bicycle parking located at the community centre in accordance with the approved plans. The facility must be located in close proximity to the community centre entrance and be highly visible and well illuminated to minimise the likelihood of theft and vandalism. The installation and dimensions of the facility shall be in accordance with Austroads Part 14 - Bicycle Standards. These works shall be completed prior to the issue of an Interim Occupation Certificate or Occupation Certificate, whichever is issued first for Stage 2.

### **64. Disability Access Requirements**

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

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

The following legislation may be relevant:

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

For further information please consult:

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

### **65. 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.

#### **66. 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 recommendations of the Disability Access Report by Lindsay Perry, dated 3 December 2013, 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 a 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](http://www.access.asn.au) may be able to provide further information.

#### **67. Retirement Village – Design Certification**

The development shall be constructed in accordance with State Environmental Planning Policy (housing for Seniors and/or People with a Disability) 2004.

Independent verification from an accredited access consultant shall be submitted to the Principal Certifying Authority certifying that the development has been constructed in accordance with the SEPP, prior to the issue of the first Occupation Certificate.

#### **68. Identification Signage**

Details of the identification sign shall be submitted to the Principal Certifying Authority for approval prior to release of the first Construction Certificate.

The details of the sign are to comply with the approved plans in terms of dimensions and location, and Part 2.7.7 of DCP No 1.

To ensure the safety of the public, signage shall be installed in a secure manner in accordance with the manufacturer's specifications. Certification from the signage installer shall be submitted prior to the issue of an Occupation Certificate that the signage has been adequately installed and affixed in accordance with the manufacturer's details.



## **69. Directional Signage and Pavement Marking**

Internal intersection priorities and road bends be delineated with appropriate signposting and line marking in accordance with relevant Australian Standards.

## **70. 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.

## **71. Native Vegetation Act**

Clearing of native vegetation on this site shall be in accordance with the Native Vegetation Act. Clearing of native vegetation on the site shall not commence until the Catchment Management Authority has been contacted and all necessary approvals have been obtained.

## **72. Category 3 Landscaping**

Landscaping shall be implemented/installed in accordance with the approved landscape plans and documentation as prepared by Terras Landscape Architects, Revision 'E' dated 3/6/2014.

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 proposed as per approved plans must conform to landscaping and typical minimum planting densities 'once mature' comprising shrubs at a minimum 1 plant/m<sup>2</sup> and groundcovers/low planting at a minimum 2 plants/m<sup>2</sup> pending species selected within all nominated open areas dedicated to planting.

All nominated macrophyte grass species implemented within the overland flow paths shall be planted at minimum 4-6 virotube plantings per m<sup>2</sup>.

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 within the front setback to Burton Road shall be planted at minimum 100L Pot size.

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 Principal Certifying Authority and Councils 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 Councils 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 Councils 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.

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

### **73. Hollow Bearing Tree Removal**

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

Nest boxes are to be installed for any hollow removed and be of a design suitable for species that may be residing in trees marked for removal. Nest boxes are to be of a design consistent with '*Nest Boxes for Wildlife - A Practical Guide (Franks, 2006)*' and of durable material (ie; marine ply or equivalent). Nest boxes shall be monitored to determine their usage and repairs or replacement (as required) carried out on an annual basis for a minimum period of two years following installation. The qualified ecologist or wildlife carer shall provide Council's Development Planner Flora and Fauna with a written report of the species detected and the condition of nest boxes following completion of the following stages:

- Removal of hollow bearing trees;
- Installation of nest boxes, and
- Annual monitoring/maintenance of nest boxes.

Any hollow-bearing trees shall be felled in one to two metre sections, beginning at the top of the crown. Lengths cut from the tree(s) shall be in a manner that will preserve the hollow(s) with each section inspected and appropriately treated to minimise impact to fauna.

#### **74. Tree Planting Measures for Burton Road Frontage**

##### **(Stage 1)**

- (a) A total of seventeen (17) trees shall be planted along the frontage of the site identified as 'buffer planting' on the approved landscape plans.
- (b) All trees shall be native Australian trees, native to the State of NSW.
- (c) The trees shall be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment.
- (d) At the time of planting, pot sizes shall be at a minimum of 100 litres.
- (e) The trees shall be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF).
- (f) The replacement plantings shall be planted in such a manner as to promote good health during the establishment period, and shall be maintained to ensure tree growth into maturity.
- (g) Written conformation shall be obtained from Council that all tree plantings have been completed to Council's satisfaction (excluding tree maintenance) prior to construction of the units within Stage 1.
- (h) Any newly planted tree that fails to establish within 2 years of the initial planting date shall be replaced with a tree of comparable qualities.

#### **75. Tree Protection Measures for Burton Road Frontage**

##### **(Stage 1)**

- (a) A Tree Protection Zone (TPZ) shall be established around all retained trees and newly planted trees within this area in accordance with Australian Standard AS4970-2009 – *Protection of Trees on Development Sites*.

- (b) A 1.8m high chain mesh fence shall be erected (within site) at a distance of no less than four (4) metres from the trees prior to the commencement of construction works, and must remain intact until construction works for is completed.
- (c) Any excavation of the identified TPZ shall be undertaken by hand, with all care taken not to damage tree roots. If tree roots greater than 30mm are encountered during works that need to be severed, they are to be cut with a saw (not ripped).
- (d) The TPZ shall be mulched to a minimum depth of 100mm using weed free organic native mulch.
- (e) The fence around the TPZ shall be sign posted to warn of its purpose.
- (f) Harmful Materials – storage of materials, building waste, excavated spoil, cement or any harmful materials shall not be permitted within the TPZ.
- (g) Any required pruning of the tree(s) shall be carried out in accordance with Australian Standard AS4373-2007 – Pruning of Amenity Trees, by a suitably qualified Arborist, and not exceed more than 15% of the foliage of the trees.

#### **76. Trees within Adjoining Properties - Tree Protection Measures**

- (a) A suitably qualified Arborist (AQF Level 5) shall be in attendance to supervise **all** construction activity on site during critical stages of construction, **particularly** when excavations and construction work is undertaken within the Tree Protection Zone (TPZ) of an existing tree located within the adjoining property, adjacent to the subject site's northern and southern boundaries.
- (b) The Arborist shall ensure that any excavation or construction work that occurs within the TPZ shall be carried out by hand, with all care taken not to damage tree roots. If tree roots greater than 30mm in diameter are found during works, that need to be severed, they shall be cut with a saw (not ripped).
- (c) The Arborist shall ensure that if construction work encroaches within the structural root zone (SRZ) of the trees that are located within the adjoining property, adjacent to the subject site's northern and southern boundaries, that all necessary measures are undertaken to minimise any long-term impacts to the SRZ of the retained trees.

#### **77. Vegetation Management Plan and Implementation**

**(Stage 2)** A person qualified in natural vegetation management, ecology or bush regeneration shall be retained to prepare a Vegetation Management Plan (VMP) for the 7(5) zoned land in consultation with Council's Development Planner Flora and Fauna. The VMP shall be prepared in accordance with the *Lake Macquarie City Council Guideline for Vegetation Management Plans*. The VMP shall be submitted to and

approved by Council's Development Planner Flora and Fauna prior to the issue of the first Construction Certificate.

Implementation of the VMP shall commence immediately upon any construction work commencing and 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. Implementation of the VMP may cease once outcomes of the VMP have been met, the works schedule completed and approval for the completion of works has been obtained from Council's Development Planner Flora and Fauna.

#### **78. Creeks and Watercourse Landscaping**

**(Stage 2)** New non interlocking canopy planting and vegetation shall be provided within the Asset Protection Zone (APZ) area to the rear of the site to maintain ecological values and in accordance with bush fire requirements as outlined in the approved landscape plans.

Creek restoration shall include bank stabilisation works where necessary and weed removal.

#### **79. Fencing**

All nominated fencing shall be implemented in accordance with the approved fencing plan (marked in RED) prepared by Terras Landscape Architects, Revision F, dated 5/6/2014, sheet 17 of 20.

Part of the southern boundary fence line as illustrated in RED on the approved fencing plan shall be replaced with a 1.8m high timber treated lapped and capped timber fence and not solid colourbond.

All fencing shall be of muted tones that appropriately sit within the rural landscape.

#### **80. State Environmental Planning Policy 65**

**(Stage 2 and 3)** Prior to the issue of the first Construction Certificate, a design verification statement from a qualified designer shall be submitted to the Certifying Authority confirming the Construction Certificate plans and specifications achieve or improve the design quality of the development for which consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, a design verification statement from a qualified designer shall be submitted to the Principal Certifying Authority confirming the development has been constructed in

accordance with the quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

Note: Qualified Designer means a person registered as an architect in accordance with the *Architects Act 2003*.

This condition is imposed in accordance with Clauses 143A and 154A of the *Environmental Planning and Assessment Regulation 2000*.

## **81. Buildings and Structures**

Building and structures shall be constructed using materials in accordance with the approved plans. All external cladding materials such as roofs, walls and windows shall have low-reflective properties. Colours shall be of muted tones that appropriately sit within the rural landscape. Details shall be submitted for approval with the Construction Certificate.

## **82. 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.

## **83. Crime Prevention through Environmental Design**

- (a) Directional signage shall be provided throughout the development. The signage is to be clear, legible and useful, to aid way finding throughout the site.
- (b) Community Centre shall have a security alarm systems fitted, with remote monitoring and response.
- (c) Wheelie bins shall be secured so they cannot be used as a climbing aid.
- (d) CCTV shall be installed in and around the Community Centre with a recording device that records video continuously.

- (e) Landscaping shall not inhibit natural surveillance (block sight lines) or provide concealment and entrapment opportunities.
- (f) Glass within the Community Centre shall be laminated to enhance the physical security of the doors and windows.
- (g) Fire exit doors to the development shall be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development. Signage shall be provided on the fire exit doors warning users that the doors shall be used for emergency purposes only.
- (h) The main entry/exit doors to individual dwellings/units shall be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorised access to the dwelling/unit.
- (i) The windows to individual dwellings/units shall be fitted with key operated locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the dwelling/unit.
- (j) Security screen doors shall be fitted to all dwelling/unit entry and exit doors.
- (k) Graffiti shall be removed within twenty four (24) hours and lighting, if damaged or broken to be restored within forty eight (48) hours.
- (l) A detailed plan outlining the maintenance of the subject matter of the preceding sub paragraphs of this condition shall be submitted to Council and approved by Council prior to the issue of the first Construction Certificate for each stage.

Documents and plans submitted with the Construction Certificate shall demonstrate that these security measures have been implemented.

#### **84. Lighting**

A lighting plan shall be submitted to the Principle Certifying Authority for approval prior to release of the Construction Certificate that:

- (a) Shall be designed so as to ensure minimal glare onto adjoining properties or roadways.
- (b) Comply with the relevant Australian and New Zealand Lighting Standards.
- (c) A lighting maintenance policy shall be established.
- (d) Lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels as per Australian and New Zealand Lighting Standard 1158.1 – Pedestrian.
- (e) Pedestrian pathways, roadways, carparks and recreational areas shall be appropriately lit.



(f) Sensor lighting shall be installed around the development.

**85. Noise**

The Laeq (15 minute) operating noise level of machinery, plant and equipment when measured at the boundary of the nearest residential premises shall comply with either the amenity or intrusiveness criteria calculated in accordance with the NSW Office of Environment and Heritage Industrial Noise Policy. For assessing amenity criteria, the area shall be categorised in accordance with the guidelines outlined in Chapter 2 of that Policy.

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

**86. Acoustic Certification**

The recommendations contained in the acoustic report prepared by Spectrum Acoustics reference number 13844/4952 dated 30 October 2013 shall be incorporated into the design and construction of the development.

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

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

**87. Access to Services for Retirement Village - Serviced Self Care Housing**

Council has reviewed and considered the information provided in the Social Impact Assessment (SIA) prepared by Stan Manning and Associates in conjunction with Coastplan Group, dated December 2013 and the Support Services Statement by Stan Manning and Associates, dated December 2013 when assessing this development.

The Retirement Village shall provide access to meals, cleaning, emergency assistance, and a transport service for the residents of the Retirement Village. The access shall be provided prior to the issue of the first Occupation Certificate, interim or otherwise, for Stage 1 and be continually provided thereafter for the development in all its Stages; and:

- (a) The Retirement Village shall be managed in accordance with the Retirement Villages Act 1999 and Retirement Villages Regulation 2009.
- (b) A plan of management for the retirement village shall be submitted and approved by Council prior to the issue of the first Occupation Certificate, interim or otherwise, for Stage 1 of the development and shall detail the social elements of the Retirement Village operations, including any on-site or off-site site management, and arrangements for access to medical and allied health services, as well as personal care services (such as meals and cleaning). This plan shall deal with:
  - (i) Maintenance of a Resident Directory which details and outlines village issues and procedures;
  - (i) The provision of personal care services associated with domestic duties and accessing other services;
  - (ii) A housekeeping service;
  - (iii) The provision of home delivered meals as required;
  - (iv) The provision of transport services (mini bus, taxi, hire cars etc);
  - (v) Use of the Community Centre, by residents and external parties;
  - (vi) The provision of motorised transport carts around the site;
  - (vii) Details pertaining to nearby shopping areas, GP surgeries and recreational areas; and
  - (viii) The maintenance of the landscaped areas and recreation facilities within the site.
- (c) The essential criteria for the appointment of the Site Manager shall include a requirement for the appointee to have knowledge of the range of support services available to the residents of the Retirement Village as they age.
- (d) Access to meals shall be provided to all residents of the Retirement Village and this service shall be available to all residents of all stages of the development in perpetuity. Access to home delivered meals shall be available 7 days per week, from 7am to 8pm. A commercial agreement shall be entered into by the Retirement Village and the respective meal provider(s) and be in operation in perpetuity of the operation of the development.
- (e) Access to cleaning services shall be provided to all residents of the Retirement Village and this service shall be available to all residents of all stages of the development in perpetuity. The cleaning service shall be available Monday to Friday, during normal business hours. A commercial agreement shall be entered into by the Retirement Village and the respective cleaning provider(s) and be in operation in perpetuity of the operation of the development.

- (f) Access to the provision of personal medical alert devices shall be provided to the residents of the Retirement Village and this service shall be available to all residents of all stages of the development in perpetuity. This access shall involve the provision of personal necklace and bracelet devices. A commercial agreement shall be entered into by the Retirement Village and the respective personal medical alert device provider(s) and be in operation in perpetuity of the operation of the development.
- (g) Access to General Practitioners (GP) shall be provided to all residents of the Retirement Village and this service shall be available to all residents of all stages of the development in perpetuity. This access shall include in house and home visits. Should the resident require transport to the Medical Service, this shall be arranged by the Site Manager.
- (h) A communal mini bus shall be provided on site for the development in perpetuity prior to the issue of the first Occupation Certificate for Stage 1. The Site Manager shall ensure the mini bus is available to all the residents of all stages of the development. The frequency of the outings shall be subject to final agreement with the residents of the retirement village, however, a minimum of two outings per week shall be available to the residents of the Retirement Village. A parking space for the mini bus, adjacent to the Community Centre, in accordance with the approved plans, shall be provided.
- (i) Residents of the village shall be provided with a 'Welcome Pack' prior to occupying the development, detailing the services (and hours, contact details) available to them in the village, and nearby commercial centres.
- (j) A service directory shall be provided to the residents of the Retirement Village, prior to occupying the development, detailing the optional services available to residents (eg meal provision, housekeeping, transport) and the process for arranging access to these services. This service directory shall also include contact details for local community support and general practitioner services.
- (k) An activity/outing program for resident activities on site, within the Community Centre and/or off site shall be provided to all residents of the Retirement Village prior to occupying the development and on a continuing basis as the program changes.
- (l) The development and implementation of a 'welcome program' shall be provided to the residents to begin the process of building relationships between new and existing residents. This shall involve an ongoing program of events including community BBQ's and initial support for social clubs and activities.
- (m) The residents of the Retirement Village shall be provided with the opportunity to participate in the decision process in determining the service provider(s) for the development and the type of activities and/or services to be available to the residents of the Retirement Village.

- (n) The residents of the village will present a valuable pool of volunteers to assist community organisations and health and welfare services. This should be promoted and assisted by the village's Site Manager.
- (o) The proponent shall communicate details of the construction phase of the proposal to local residents, including details of phasing, types of works, hours of operation, and truck movement times and routes and any problems experienced to be addressed through direct phone contact with the contractor.
- (p) An emergency response intercom or similar device shall be installed in each dwelling in the Retirement Village before the issue of an Occupation Certificate, whether interim or otherwise, for the Stage in which the dwelling is situate. The intercom/device shall be operable at all times. The intercom/device shall be monitored by the Site Manager (or authorised agent) at all times so that when operated by the resident, the Site Manager (or authorised agent) will be directly informed of the emergency and be able to provide the occupier of the dwelling with immediate emergency assistance.

## **88. Construction and Fit-out of Food Premises**

### **(a) General Construction**

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

Note: Particular attention should be paid to:

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

### **(b) Plans and Specifications**

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

(c) **Mechanical Ventilation**

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

(d) **Partition Wall Construction**

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

(e) **Waste Traps**

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

**89. Certification of Food Premises Fit-out**

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

**90. Mine Subsidence Board Requirements (*condition been moved to end*)**

The Mine Subsidence Board has granted their conditional approval of this development subject to:

- (a) The final design drawings, to be submitted, incorporating the mine subsidence mitigation measures identified in Northrop's "Subsidence Impact Statement" (letter dated 9/4/2014), for approval by the Board prior to commencement of construction. This shall include certification by a qualified engineer to the effect that the improvement will remain '*safe, serviceable and any damage from mine subsidence will be slight, localised and readily repairable*' taking into account the following mine subsidence parameters;
- Maximum vertical subsidence: 200mm.
  - Maximum ground strain:  $\pm 2\text{mm/m}$ .
  - Maximum radius of curvature: 5km.
- (b) The three storey structures shall have full separation into sections no greater than 30 metres in length.

- (c) The reviewing Structural, Civil, Hydraulic, and Mechanical Engineers shall provide certification that the design is in accordance with Australia codes including the Building Code and relevant Standards, with an allowance for mine subsidence parameters, over and above the minimum code requirements.
- (d) Undertake a 3D-Finite Element Analysis of the multi-storey apartment buildings and demonstrate adequate design provision to meet code requirements for the combined impacts of mine subsidence, differential settlement, reactive soils and other loadings.
- (e) The apartment buildings shall be constructed with light weight wall cladding or equivalent with an allowable deflection ratio greater than  $L/300$ .
- (f) The external wall of the apartment building basement shall be lined with a void filler, waterproof membrane, and subsoil drainage with granular backfill, and any articulation joints shall be sealed to prevent water ingress. There shall also be provision internally for a dish drain along the edge of the basement wall to collect and direct any leakage into a stormwater pit.
- (g) Vertical surfaces of buried structures associated with the 4 x apartment buildings and recreation pool shall be lined with a void filler to eliminate the transfer of horizontal ground strains. It shall extend to not less than 0.2m below the finished ground levels with sand backfill above.
- (h) Horizontal surfaces of all buried concrete structures shall be lined with a layer of high density polyethylene sheeting and minimum 100mm sand bedding to reduce the transfer of horizontal ground strains.
- (i) The design of drainage structures including pipes, gutters and wet areas shall incorporate an additional grade for tilt due to mine subsidence, in excess of the minimum code requirements.
- (j) All services and equipment shall be designed for the effect of mine subsidence. For pipes this may necessitate flexible joints, flexible bedding surround and flexible building connections/penetrations.
- (k) Underground pipes or conduits shall be designed for the effects of mine subsidence. This may necessitate increased grades, flexible joints, flexible bedding surround and flexible building connection/penetrations.
- (l) Underground pipes or conduits shall be located to facilitate ease of repair and replacement. Services under the building shall be minimised or otherwise routed to the nearest building perimeter line.
- (m) All articulation or control joints for mine subsidence shall be shown on the design plans and elevations.
- (n) Attention shall be given to suitable provision for articulation jointing in car park concrete kerbing and drainage structures with isolation, expansion and crack control joints.

- (o) Ensure there is suitable provision for isolation/expansion joints between the buildings and connecting structures.
- (p) Roads, driveways and pavement areas shall be designed as a flexible pavement with a bitumen or asphalt surface course. If concrete is required, it shall be designed so any damage will be of a slight classification. Concrete design shall include articulation jointing with expansion and crack control joints or sacrificial sections where appropriate.
- (q) Upon completion of construction, submit work-as-executed drawings certified by a qualified structural engineer stating that construction was in accordance with the final design accepted by the Board. Submit evidence in support of the certification.

## **91. Rural Fire Service Requirements (*Condition been move to end*)**

~~The Rural Fire Service has no objection to the proposal subject to the following:~~

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

### **Asset Protection Zones**

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

- (a) At the commencement of building works and in perpetuity an Asset Protection Zone shall be provided and maintained as follows:
  - The property up to a distance of 40 metres east of the buildings as an inner protection area (IPA).
  - Beyond the IPA for a further 20 metres as an outer protection areas (OPA).
  - The Asset Protection Zone shall be 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 of buildings during and after the passage of a bush fire, 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:

- (b) Water, electricity and gas shall comply with the following requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

- Reticulated or bottled gas shall be installed and maintained in accordance with Australian Standard AS/NZS 1596:2002: 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used.
- (c) Hydrants shall be installed within the site as per Australian Standard AS 2419.1-2005 'Fire Hydrant Installations'. Hydrants shall be no greater than 140m apart. Locations of fire hydrants shall be delineated by blue pavement markers offset 150mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located.
- (d) Fire hydrant spacing, sizing and pressures shall comply with Australian Standard AS 2419.1-2005 'Fire Hydrant Installations'.
- (e) 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 emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

- (f) Internal roads shall comply with the following requirements of section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
- Internal roads are two wheel drive, sealed, all-weather roads.
  - Traffic management devices are constructed to facilitate access by emergency services vehicles.
  - A minimum vertical clearance of four (4) metres to any overhanging obstructions, including tree branches, is provided.
  - Maximum grades do not exceed 15 degrees and average grades are not more than 10 degrees.
  - Crossfall of the pavement is not more than 10 degrees.
  - Roads are clearly signposted and bridges clearly indicate load ratings.
  - The internal road surfaces and bridges have a capacity to carry fully loaded fire fighting vehicles (15 tonnes).

### **Evacuation and Emergency Management**

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

- (g) An Emergency/Evacuation Plan shall be prepared in accordance with the NSW Rural Fire Service Guidelines for the Preparation of Emergency/Evacuation Plan and comply with Australian Standard AS 3745-2002 'Emergency Control



Organisation and Procedures for Buildings Structures and Workplaces for Residential Accommodation’.

### **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:

- (h) Construction of buildings adjacent to the southern boundary and of the recreation centre, shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 ‘Construction of Buildings in Bush Fire Prone Areas’ and section A3.7 Addendum Appendix 3 of ‘Planning for Bush Fire Protection’.

### **Landscaping**

- (i) Landscaping to the site shall comply with the principles of Appendix 5 of ‘Planning for Bush Fire Protection 2006’. In this regard the following landscaping principles shall be incorporated into the development:
- Suitable impervious areas being provided immediately surrounding the building such as courtyards, paths and driveways;
  - Grassed areas/mowed lawns/or ground cover plantings being provided in close proximity to the building;
  - Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building;
  - Maximum tree cover should be less than 30%, and maximum shrub cover less than 20%;
  - Planting shall not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters);
  - When considering landscape species consideration needs to be given to estimated size of the plant at maturity;
  - Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
  - Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
  - Avoid planting of deciduous species that may increase fuel at surface/ground level (i.e. leaf litter);
  - Avoid climbing species to walls and pergolas;
  - Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;

- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Use of low flammability vegetation species.

### **General Terms of Approval**

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

- Rural Fire Service
- Mine Subsidence Board

## **CONTRIBUTION FEE SCHEDULE**

<b>DESCRIPTION</b>	<b>FEE AMOUNT</b>
Charlestown Catchment - OSA Land	\$450,033.59
Charlestown Catchment - RF - Capital	\$284,687.83
Charlestown Catchment - Management	\$10,226.81
Charlestown Catchment - CF - East Lake - Capital	\$101,496.96
Charlestown Catchment - CF - East Lake - Land	\$13,518.50
Charlestown Catchment-R & TM-Mt Hutton 1-Capital	\$73,630.26
Charlestown Catchment-R & TM-Mt Hutton 1-Land	\$26,727.03
<b>TOTAL</b>	<b>\$960,320.98</b>

## **Right of Appeal**

If you are dissatisfied with this decision (including a determination on a review under Section 82A), Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months:

- (a) after the date on which you receive this notice, or
- (a) the date on which that application is taken to have been determined under Section 82(1).

Section 98 of the Environmental Planning and Assessment Act 1979, does not give a right of appeal to an objector who is dissatisfied with the determination of the Council to grant consent to a development application, unless the application is for designated development (including designated development that is integrated development). The objector may, within twenty eight (28) days after the date on which the notice of the determination was given in accordance with the regulations, and in accordance with rules of the Court, appeal to the Court.

## **Right of Review**

Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) within six (6) months after the date as specified in this notice of determination, together with payment of the appropriate fee. (**See exclusions note below**).

**Exclusions:** A request to review the determination of a development application pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 can only be undertaken where the consent authority is Council, other than:

- (a) A determination to issue or refuse to issue a complying development certificate, or
- (a) A determination in respect of designated development, or
- (b) A determination in respect of integrated development, or
- (c) A determination made by the Council under Division 4 in respect of an application by the Crown.

## **Planning Assessment Commission**

The Planning Assessment Commission has not conducted a public hearing in respect of this application.

**Advisory Note:**

**Hunter Water Requirements**

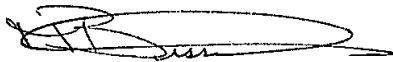
The owner is required to comply with the requirements of the Hunter Water Act 1991, relevant to the development. If you require further information, please contact Hunter Water on 1300 657 657.

**Department of Primary Industries Requirements (*condition moved to advisory section*)**

The development shall be constructed in accordance with any relevant the Department of Primary Industries requirements.

**Ausgrid Requirements (*condition moved to advisory section*)**

The development shall be constructed in accordance with any relevant Ausgrid requirements.



Michelle Bisson  
**Development Planner**  
**Development Assessment and Compliance**