

Conditions of Consent

(Approved subject to the conditions specified in this notice and in accordance with the stamped approved plans)

REASON FOR THE IMPOSITION OF CONDITIONS

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

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

1. PRESCRIBED CONDITIONS

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

- (iii) stating that unauthorised entry to the work site is prohibited.

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

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

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

2. INSPECTIONS

The person having the benefit of the consent shall ensure that critical stage inspections are carried out and notify the Principal Certifying Authority giving adequate notice of the time that each stage of the building/development is ready for inspection.

Note: Failure to have a critical stage inspection conducted by the PCA will constitute a breach of the *Environmental Planning and Assessment Act 1979*. Penalties may apply.

Additional inspections required under other legislation:

- Food Shops - floor, wall, ceiling finishes (prior to fitting and fixtures) to be carried out, by an “authorised officer”, as defined in the Food Act 2003
- Food Shop Completion to be carried out, by an “authorised officer”, as defined in the Food Act 2003 prior to opening of the premises

3. APPROVED DOCUMENTATION

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

- (a) Plans Reference:

Plans prepared by: Stockland Commercial Design Group; Project Number. 07-07-08-GD

Name of Plan	Drawing Number	Issue	Date
Cover, Locality Plan & Drawing	DA0001	B	1 April 2015
Proposed Drop-Off Zone Locations	DA2003	A	18 June 2015
Landscaping Strategy to Service Lane	DA2004	A	29 June 2015
Proposed Site Plan	DA3001	D	30 June 2015
Proposed Ground Floor Plan	DA3002	F	30 June 2015
Proposed Roof Plan	DA3003	D	30 June 2015
Proposed Transport & Pedestrian Diagram	DA3004	C	30 June 2015
Elevations & Sections 01	DA4001	B	1 April 2015
Detail Elevations and Sections 01	DA4002	A	1 April 2015
Detail Elevations and Section 02	DA4003	A	1 April 2015
Detail Elevations and Sections 03	DA4004	A	1 April 2015
Detail Elevations and Sections 04	DA4005	A	1 April 2015
Elevation of Rear Embankment Parking	DA4006	B	30 June 2015
Materials / Finishes	DA5001	A	15 April 2015

Plans prepared by: SYM Studio; Project Number. STK13Glendale			
Name of Plan	Drawing Number	Issue	Date
Planting Schedule	SK-01		10 June 2015
Site Analysis & Cultural Interpretation	SK-02		10 June 2015
Place Making Strategy	SK-03		10 June 2015
Landscape Analysis & Design Strategy	SK-04		10 June 2015
Landscape Masterplan – Overall	DA-L01		10 June 2015
Landscape Master Plan – Core Area 1 of 3	DA-L02		10 June 2015
Landscape Master Plan – Core Area 2 of 3	DA-L03		10 June 2015

Landscape Master Plan – Core Area 3 of 3	DA-L04		10 June 2015
Landscape Detail Plan – Pedestrian Meet Point, Eastern	DA-L05		10 June 2015
Landscape Detail Plan – Shareway	DA-L06		10 June 2015
Landscape Detail Plan – Pedestrian Meet Point, Western	DA-L07		10 June 2015

Plans prepared by: Northrop; Project Number. NL130382			
Name of Plan	Drawing Number	Issue	Date
Site Plan	C00DA	D	10 June 2015
Sediment & Erosion Control Plan	C01DA	D	10 June 2015 ²⁴ April 2014
Stormwater Management Part Plan	C02DA	C	10 June 2015
Stormwater Management Part Plan	C03DA	C	10 June 2015
Stormwater Management Part Plan	C04DA	C	10 June 2015
Stormwater Management Part Plan	C05DA	C	10 June 2015
Stormwater Management Part Plan	C06DA	D	10 June 2015
Stormwater Management Part Plan	C07DA	D	10 June 2015
Stormwater Management Part Plan	C08DA	C	10 June 2015
Stormwater Management Part Plan	C09DA	C	10 June 2015
Stormwater Management Part Plan	C10DA	C	10 June 2015
Stormwater Management Part Plan	C11DA	D	29 June 2015
Stormwater Management Part Plan	C12DA	D	29 June 2015
Stormwater Management Part Plan	C13DA	E	30 June 2015

(b) Document Reference:

Document	Reference	Author	Date
Supplementary Statement of Environmental Effects	IA/201310/250315	Paradigm	April 2015
CPTED Report	IA/201310/300315	Paradigm	March 2015
DDA Accessibility Report	68757	McKenzie Group	31 March 2015
Cover Letter		Paradigm	2 April 2015
Supplementary Report on Transport Aspects of Proposed Extensions	9154/3	Colston Budd Hunt & Kafes Pty Ltd	April 2015
Proposed Waste Management Plan		Stockland	April 2015
Supplementary Information		Stockland	10 June 2015
Glendale Waste Management		Kumite Sustainability and Waste Management	
Car Park Management and Operational Plan		Stockland	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.

4. CONSTRUCTION CERTIFICATE

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

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

5. OCCUPATION CERTIFICATE

The development shall not be occupied or used prior to the issuing of a Final Occupation Certificate 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.

6. SITE WORKS AND CLEARING

No site works, site preparatory works or clearing is permitted to occur without the Principal Certifying Authority having issued a Construction Certificate.

7. PLANNING AGREEMENT

Pursuant to Section 93I(3) of the Environmental Planning and Assessment Act 1979, a Planning Agreement generally in the terms as offered by the developer Stockland Development Pty Ltd in its Letter of Offer dated 4 June 2015 shall be entered into with Lake Macquarie City Council and no work authorised by the consent shall commence pursuant to this consent until such agreement has been entered into.

The Principal Certifying Authority shall not release the first or any Construction Certificate in association with this development consent without the Planning Agreement having been executed.

8. STORMWATER DISPOSAL - STORMWATER DETENTION

The Stormwater Detention and Disposal system submitted with any Construction Certificate shall be generally in accordance with the plans approved by the Development Consent prepared by Northrop, Ref: NL130382, Amendment D, dated 10 June 2015 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 and stormwater quality controls shall be constructed and maintained to ensure that the development does not increase upstream or downstream flood levels. The detention basin shall be assessed in accordance with Council's Batter Slope Treatments and Fencing Guideline and any necessary safety fencing shall be provided.
- (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.

Prior to the issue of a Final Occupation Certificate:

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

9. 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 in accordance with Council's DCP.

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: Sediment and Erosion Control Plan (Drawing No. C01DA. Rev A. Dated 31.03.2015) and shall comply with the following:

- (a) All information required for area of disturbance associated with the development in accordance with Council's DCP;
- (b) Show locations of erosion and sediment control measures for each stage including temporary and permanent controls, prior to demolition, during construction, prior to revegetation, landscaping or building, and the order in which they will be installed for the development and each stage to suit the activity occurring onsite at that time;
- (c) Assessment of the onsite soil type(s) including distribution, sediment type, erosion hazard,
- (d) Calculations for the sizing of any sediment traps (including excavated basins and temporary traps);
- (e) Details of the treatment of sediment-laden water captured in any sediment traps prior to its release from the site to meet Council's nominated water quality criteria for turbidity of less than 50mg/L, including proposed flocculants/coagulants and rates;
- (f) All erosion and sediment control measures shall be appropriate for the Sediment Type onsite;
- (g) Prior to the release offsite of any water (including, but not limited to, ground water, overland flow or rain water) captured onsite, the water shall be tested to ensure its Total Suspended Solids (TSS) level is less than or equal to 50mg/L. A sample of the water shall be retained onsite for inspection by Council or the Private Certifier. The sample shall be at least 250ml and kept in a clean, clear, plastic container. The date and time the sample was taken shall be recorded on the container.
- (h) Aluminium based flocculent products are not permitted to be used without prior written approval from an appropriate LMCC officer.
- (i) Captured water may be removed from site using other methods including, but not limited to, directly into a holding tank on a vacuum or sucker truck. It shall be deposited at an approved waste management facility.
- (j) Clear separation of clean and dirty water;
- (k) Temporary and permanent dust suppression measures on disturbed areas;
- (l) Inspection, maintenance and removal schedules for all erosion and sediment control measures;
- (m) Should any sediment from this development be deposited offsite, the contractor is responsible for removing deposited sediment. The contractor is responsible to obtain all relevant approvals prior to removing sediment and/or repairing any damage; and
- (n) 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 per DCP 2014 and points (a) to (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 Council's DCP 2014.

10. 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.

11. 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.

12. 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.

13. DILAPIDATION SURVEY REPORT

Prior to the commencement of works (including demolition) on the land, a dilapidation survey report prepared by a suitably qualified practising engineer, of properties and existing public infrastructure potentially affected by the proposed development, shall be lodged with Council and submitted to the Principal Certifying Authority. The dilapidation survey report shall locate the area within which the damage may be potentially caused to nearby and neighbouring properties as a result of the carrying out of demolition or construction works pursuant to this consent. The report is to include a description of the location and nature of any existing observable defects to the properties and existing public infrastructure, including a photographic record.

A final Dilapidation Survey Report shall be prepared by a suitably qualified practising engineer at the completion of the works to ascertain if any structural or cosmetic damage has occurred to the properties specified in the earlier report. A copy of the report shall be submitted to Council the Principal Certifying Authority and owners of potentially affected properties and public infrastructure prior to the issue of the Final Occupation Certificate.

14. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The development is to incorporate the recommendations listed in the CPTED report and Car Parking management Plan. The requirements are to be incorporated into the plans submitted with the Construction Certificate and implemented prior to release of the Occupation Certificate by the Principal Certifying Authority.

15. PLAN OF MANAGEMENT FOR TROLLEY CONTAINMENT

A Plan of Management is to be submitted to Council for approval with regard to the containment of Trolleys. The Plan of Management is to specifically address:

- (i) The location and design principles for trolley storage bays;
- (ii) A trolley containment system that encourages the conferment of trolleys to the retailer's premises. Containment systems may include the following (but not limited to):
 - Coin/token operated systems with refund
 - Trolleys with wheel locks activated by radio signal or magnetic strip
 - Specialised paving, installation of bollards or other physical barriers that limit the removal of trolleys from the centre.
- (iii) a map and written schedule of surveillance and collection schedules detailing abandoned trolley services around the local town centres and neighbouring residential areas is to be supplied. This service map and schedule to be reviewed and updated, at least on an annual basis. In particular, the schedule of surveillance and collection should detail the style of service to be offered and the relevant contact details of service provider. Particular attention should be given to those areas known to regularly attract abandoned trolleys, such areas are to be provided with a service at least every 24 hours.

The POM shall also include reference regarding the intended signage and public education programs which may include (but not limited to):

- signage within stores and car parks
- signage at entry and exit points of stores and car parks

- signage on trolleys
- pamphlets in stores explaining the need for customer
- co-operation
- local newspaper publicity
- in-store messaging over PA systems

The POM should include the commitment of the retailer or shopping centre management to the implementation of actions identified within the POM.

The Principal Certifying Authority must not release the first or any Construction Certificate without evidence of Council having approved the Plan of Management.

16. RETENTION OF TREES AND NATIVE VEGETATION

All native vegetation on the site shall be retained and protected in accordance with DCP 2014 Guidelines – Tree Preservation and native Vegetation Management Guidelines (Section 6) and the Australian Standard AS4970-2009 – Protection of Trees on Development Sites unless it has been identified for removal by an Arboricultural Impact Assessment and Tree Protection Plan, as approved by Council prior to the release of the Construction Certificate by the Principal Certifying Authority. In this regard, the Arboricultural Impact Assessment and Tree Protection Plan is to specifically identify the retention of any tree beyond three metres of a retaining wall or excavation.

Any tree beyond 3 metres of retaining walls or excavation to be retained. 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.

17. MANAGEMENT OF SITE - EROSION PREVENTION AND SEDIMENT CONTROL

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

18. 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.

19. CATEGORY 3 LANDSCAPING

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

All landscape works shall be carried out by members of the Landscape Contractors Association of Australia and implemented under the full supervision of the appropriately qualified landscape consultant until the Landscape Compliance Report is received by the Principal Certifying Authority.

At the completion of landscape works, the landscape consultant who supervised the works shall submit to the Principal Certifying Authority a Landscape Compliance Report that establishes satisfactory completion of the landscaping works approved by this consent.

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

20. 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.

21. ADVERTISING STRUCTURES AND SIGNS

Development consent shall be obtained from Council prior to the erection of any advertising structures or signs on the site. This requirement does not apply to any exempt, complying, or previously approved signage.

22. CAR PARKING AND ALLOCATION OF SPACES

A total of 2275 car 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 car parking spaces are to be identified on-site by line marking and must be numbered. The car parking provided shall only be used in conjunction with the uses contained within the development and except as provided for in these conditions are not to be used other than by an occupant or tenant of the development.

The required disabled car parking spaces shall be clearly marked and signposted for the sole use by disabled persons.

All designated commercial and retail car parking spaces shall be available for use only by employees and clientele during the business hours of the approved development unless shown otherwise on the approved plans but are not to be used as public carparking. . No spaces shall be marked, signposted or otherwise identified as being for the sole use of staff only. Non-residential spaces shall not be fitted with any

equipment serving to render the car park inaccessible at any time, such as bollards, roller doors, or the like.

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

23. BICYCLE PARKING RACKS

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

24. 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.

25. DIRECTIONAL SIGNAGE

The following safety measures are to be implemented:

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

26. WHEEL STOPS

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

27. PEDESTRIAN CROSSINGS

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

28. LIGHTING

Any lighting shall be installed to ensure minimal glare and light spill onto adjoining properties or roadways. Lighting shall comply with Australian Standard AS4282-1997.

29. EXTERNAL STORAGE OF PRODUCTS

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

30. HOURS OF OPERATION

The hours of operation for the development are to be consistent with the existing approved hours for the Centre from DA/423/1994.

31. ONSITE LOADING FACILITY

The onsite loading facility shall be constructed clear of designated car parking spaces and driveways, must be kept clear of goods and must not be used for any storage purposes, including garbage storage.

All loading operations associated with servicing the site, must be carried out within the boundaries of the site, and must not obstruct other properties, access driveways, public roads or footpaths.

32. EXTERNAL MATERIAL REFLECTION

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

33. SCREENING OF ROOF TOP PLANT AND EQUIPMENT

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

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

34. DISABILITY ACCESS DESIGN AUDIT

The recommendations of the Disability Access Audit are to be incorporated into the details and plans submitted with the Construction Certificate.

The Principal Certifying Authority shall not approve the Construction Certificate without ensuring the recommendations are included in the relevant documentation.

Note:

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

35. ACCESSIBLE TOILET

Signage is to be erected in the Accessible Toilets where baby change tables are incorporated requiring the table must be left in the folded position after use to allow circulation space for wheelchair users.

36. AUSGRID REQUIREMENTS

Prior to the issue of the first Construction Certificate, any requirements of Ausgrid shall be obtained and a copy of the such requirements shall be lodged with Council and the Principal Certifying Authority. All works shall comply with the requirements of Ausgrid.

37. 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.

38. 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."

39. BUILDING WASTE

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

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

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

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

40. NO WORKS ON ADJOINING PUBLIC RESERVE

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

41. WORKS ON A ROAD

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

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

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

42. 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.

43. 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.

44. SITE AMENITIES

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

Each toilet must:

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

45. 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.

46. 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.

47. 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.



48. CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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

The party having the benefit of this consent is to submit the CTMP to Council's Asset Management Department for approval. The CTMP is to include a Vehicle Movement Plan and Traffic Control Plan. It shall be prepared with the intention of minimising impact on the operation of the road network during construction and neighbouring properties.

49. 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.

50. LAND CONTAMINATION REPORT

Council has reviewed and relied on the information provided in the Stage 1 Preliminary Site Investigation Report from Golder Associates dated 6 May 2014 (Report Number. 127613103-011-R-Rev1).

The consultant is to be engaged to monitor issues as outlined in Conclusions and Recommendations of report.

51. NOISE – ONGOING OPERATION OF MACHINERY, PLANT AND EQUIPMENT

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

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

52. 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.

53. 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.

54. BUNDED SPILLAGE AREAS

Chemicals stored in bulk form, or work areas where spillages are likely to occur, shall be banded in accordance with the *NSW Office of Environment and Heritage Protection Manual – “Bunding and Spill Management.”*

55. LIQUID GASEOUS WASTES, EMISSIONS AND ODOUR CONTROL

Emissions shall be responsibly managed at all times, so as not to cause a danger to public health or loss of amenity or damage to the environment.

Any liquid gaseous wastes, emissions or odours shall be controlled and disposed of in accordance with the *NSW Protection of the Environment Operations Act 1997* and *Regulations 1997*, as amended.

Where it is proposed to treat and discharge waters to the Hunter Water Corporations Sewer, formal approval from the Corporation shall be obtained.

56. 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.

57. LIQUID WASTES

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

58. GARBAGE STORAGE AREAS

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

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

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

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

59. LOADING DOCK AND DRIVEWAY

The loading dock and driveway shall be graded and drained to a collection sump for the control of any spillages or cleaning waste generated. Wastes shall be directed to the sewer in accordance with the requirements with the Hunter Water Corporation. Details shall be provided to the Principal Certifying Authority prior to the issue of the first Construction Certificate.

60. EXCAVATION – ABORIGINAL RELICS

Should any Aboriginal relics be unexpectedly discovered then all excavations or disturbance to the area are to stop 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.

61. EXCAVATION – HISTORICAL RELICS

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area are to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the Heritage Act, 1977.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

62. 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.

63. 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"*.

GENERAL TERMS OF APPROVAL

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

- Mine Subsidence Board