

Attachment A:
Proposed Conditions of Consent
Retirement Village at 3 Violet Town Road Mount Hutton
DA/1325/2014

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. 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: dwp Suters Project Number: 502779			
Name of Plan	Drawing Number	Issue	Date
Façade Colour Concept	DA001	1	12 August 2014
Perspectives	DA002	1	12 August 2014
Site Plan – New Works	DA101	4	13 November 2014
Basement Level	DA201	2	20 August 2014
Ground Floor	DA202	2	20 August 2014
Level 1	DA203	2	20 August 2014

Level 2	DA204	2	20 August 2014
Roof Plan	DA205	2	20 August 2014
Elevations North Wing	DA401	1	12 August 2014
Elevations South Wing	DA402	1	12 August 2014
Elevations West Wing	DA403	1	12 August 2014
Detailed Elevation and Wall Sections	DA404	1	12 August 2014
Sections	DA501	1	12 August 2014
Sections	DA502	1	18 December 2014

Plans prepared by: Site Image
Job Number: SM14147

Name of Plan	Drawing Number	Issue	Date
Cover Sheet, Legend and Plant Schedule	LP000	K	19 December 2014
Sheet Setout	LP001	I	10 November 2014
Site Plan	LP002	J	10 November 2014
Landscape Plan 01	LP101	I	18 August 2014
Landscape Plan 02	LP102	I	10 November 2014
Landscape Plan 03	LP103	C	8 August 2014
Landscape Plan 04	LP104	A	10 November 2014
Landscape Detail Plan 01	LP201	H	18 August 2014
Landscape Detail Plan 02	LP202	G	8 August 2014
Landscape Detail Plan 03	LP203	E	8 August 2014
Landscape Section 01	LP301	G	8 August 2014
Landscape Section 02	LP302	F	8 August 2014
Landscape Details	LP401	D	8 August 2014
Landscape Details	LP402	B	8 August 2014
Supplementary Information 01	LP501	A	19 December 2014
Supplementary Information 02	LP502	A	19 December 2014
Supplementary Information 03	LP503	A	19 December 2014
Tree Removal Plan	LTR001	H	10 November 2014

Plans prepared by: OPUS
Project Number: T-N0280.00

Name of Plan	Drawing Number	Issue	Date
Roadworks and Stormwater General	T-N0280.00_DA1	H	12 November 2014

Arrangement			
Stormwater Management Plan Detail Plan 2	T-N0280.00_DA3	H	12 November 2014
Sediment Control Plan 1	T-N0280.00_DA20	D	24 December 2014
Sediment Control Plan 1	T-N0280.00_DA21	A	24 December 2014
Sediment Control Details	T-N0280.00_DA22	D	24 December 2014
Sediment Control Notes	T-N0280.00_DA23	A	24 December 2014

(b) Document Reference:

Arboricultural Impact Assessment Report – Tree Protection Specification

Prepared by: Tree iQ

Project Number: HS/MH/14

Report Number: HS/MH/AIA/C

Dated: 8 August 2014

Revision: C

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. 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).

4. 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

- Hairdressing Premises Inspection - by Council prior to opening of the premises
- Skin Penetration Premises inspection - by Council prior to opening of the premises
- Inspection of Vehicular Access to Property across Footpath (prior to pouring concrete) – Section 138 Roads Act 1993

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. Commencement of the Use of the Land

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

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

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

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

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

A copy of the Lake Macquarie 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.

8. Restriction on Use of the Land

The development shall be occupied in accordance with the requirements of Clause 41 of Lake Macquarie Local Environmental Plan 2012.

Prior to the issue of an Interim or Final Occupation Certificate, which ever occurs first, a restriction as to user shall be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which this application relates to the kinds of people referred to below. The development shall only be occupied by:

- persons aged 55 years or older,
- people who live in the same household as seniors and/or
- staff employed to assist in the administration of and provision of services to housing provided under the development consent.

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

9. NSW Rural Fire Service General Terms of Approval

NSW Rural Fire Service provided their General Terms of as follows:

Asset Protection Zones

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

1. At the commencement of building works and in perpetuity the property around the new building to a distance of 60 metres to the south and to the property boundary in all other directions, shall be maintained as an inner protection area (IPA) 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 bushfire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water electricity and gas are to comply with sections 4.1.3 and 4.2.7 of "*Planning for Bush Fire Protection 2006*".

Access

The intent of measures for property access is to provide safe access to / from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

3. Property access roads shall comply with section 4.2.7 of "*Planning for Bush Fire Protection 2006*".

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:

4. An emergency / Evacuation Plan is to 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 2010 "*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:

5. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 "*Construction of buildings in bush fire-prone areas*" and section A3.7 Addendum Appendix 3 of "*Planning for Bush Fire Protection 2006*".

Landscaping

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

10. Mine Subsidence Board General Terms of Approval

The application is approved subject to the following conditions:

1. Submit a final "Mine Subsidence Impact Statement" (MSIS) prior to commencement of detailed design for acceptance by the Board. The MSIS shall include the following:
 - Details of the proposed development (dimensions, structural elements and material types).
 - Mine Subsidence Design Parameters used.
 - Mines Subsidence risk assessment and design mitigation measures.
 - Expected impact of mine subsidence on building elements.
2. Submit final design drawings incorporating the mine subsidence mitigation measures identified in the MSIS 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;
 - (a) Maximum vertical subsidence: 200mm.
 - (b) Maximum ground strain: $\pm 2\text{mm}$.
 - (c) Maximum radius of curvature: 5km.
3. The structure is to be separated into modules, which allow bending, and horizontal strains to be relieved without transfer to other modules. The length of modules is to be submitted for acceptance by the Board.
4. The reviewing Structural, Civil, Hydraulic and mechanical Engineers provide certification that the design is in accordance with Australian Codes including the Building Code and relevant Standards, with an allowance for min subsidence parameters, over and above the minimum code requirements.
5. Undertake a 3D-Finite Element Analysis of the multi-storey building and demonstrate adequate design provision to meet code requirements for the combined impacts of min subsidence, differential settlement, reactive soils and other loadings.
6. Separate the structure into distinct separated elements to be determined by a qualified structural engineer to the satisfaction of the Mine Subsidence Board.
7. The building shall be constructed with light weight wall cladding or equivalent where possible with an allowable deflection ratio greater than $L/300$.
8. Vertical surfaces of buried structures associated with the building be lined with a void filter to eliminate the transfer of horizontal ground strains. It shall extend to not less than .02m below the finished ground levels with sand backfill above.
9. Horizontal surfaces of all buried concrete structures shall be lined with a layer of high density polyethylene sheeting and minimum 100mm and bedding to reduce the transfer of horizontal ground strains.

10. 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.
11. All services and equipment shall be designed for the effects of mine subsidence. For pipes this may necessitate flexible joints, flexible bedding surround and flexible building connections / penetrations.
12. 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 connections / penetrations.
13. Underground pipes or conduits shall be located to facilitate ease of repair and replacement. Services under the building are to be minimised or otherwise routed to the nearest building perimeter line.
14. All articulation or control joints for mine subsidence are to be shown on the design plans and elevations.
15. Attention is to be given to internal finishes to ensure they have been installed in accordance with relevant codes, standards and industry best practice guidelines, with additional provision for mine subsidence.
16. Attention is to be given to suitable provision for articulation jointing in car park concrete kerbing and drainage structures with isolation, expansion and crack control joints.
17. Ensure there is suitable provision for isolation / expansion joints between the building slabs and connecting structures.
18. Roads, driveways and pavement areas are to 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 would include articulation jointing with expansion and crack control joints or sacrificial section where appropriate.
19. 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.

The Boards approval is valid for two years from the date of the development consent.

11. NSW Office of Water General Terms of Approval

The construction dewatering proposed for the project is deemed to be an aquifer interference activity in accordance with the definition in the Water Management Act 2000. It is expected that the excavation and construction at the property will be conducted in accordance with the principles of Aquifer Interference Policy (available on-line at <http://www.water.nsw.gov.au/Water-management/Law-and-policy/Key-policies/Aquifer-interference>).

An authorisation for the take of groundwater as part of the anticipated dewatering of the site is required. As such, General Terms of Approval appropriate to the proposed aquifer interference activity are provided as required by s.91A(2) of the *Environmental Planning and Assessment Act 1979*.

The following general terms of approval **do not provide authorisation to extract groundwater**. The applicant must apply to the Office of Water for

authorisation after consent has been issued by Council and before the commencement of any work or activity involving extraction of groundwater.

General

1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
3. Construction methods and material used in and for construction shall not cause pollution of the groundwater.

Prior to Excavation

4. Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken and a report provided to the NSW Office of Water. A schedule and indicative plans of the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
5. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the calculation method shall be included in the report.
6. A copy of a valid development consent for the project shall be provided to the NSW Office of Water.
7. Groundwater quality testing shall be conducted and a report supplied to the NSW Office of Water. Samples must be taken prior to the commencement of pumping, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and National Association of Testing Authorities (NATA) certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
8. The Method of disposal of pumped water shall be nominated (i.e. street drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (tailwater) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
9. Contaminated groundwater shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

10. Piping or other structures used in the management of pumped groundwater (tailwater) shall not create a flooding hazard. Control of pumped groundwater (tailwater) is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
11. Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
12. Pumped groundwater (tailwater) shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater (tailwater) shall be complied with.
13. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
14. The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
15. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety precautions.

Following excavation

16. All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

12. Roads and Maritime Requirements

Roads and Maritime Response and Requirements

Roads and Maritime has reviewed the information provided, being the on site plans for the development, and has no objections to or requirements for the proposed development as it is considered there will not be a significant impact on the classified (State) road network. As a Traffic Impact Assessment has not been forwarded for review, Council shall ensure that the proposed, CHR/s intersection on Violet Town Road for access to the site is an appropriate treatment for the traffic generated by the development.

Notwithstanding the above, Roads and Maritime provide the following comments to be considered by Council in their assessment of the subject development.

Advice to Council

- Roads and Maritime has no proposal that requires any part of the property.

- The redundant driveway / access should be removed and reinstated to Council's requirements.
- All matters relating to internal arrangements on-site such as car parking, traffic / pedestrian management, manoeuvring of service vehicles and provision for people with disabilities are matters for Council to determine.
- Council should ensure that the developer has appropriate traffic management measures in place, to minimise the impacts on the traffic using Violet Town Road during the construction phase of the development.
- Council should ensure that the applicant is aware of the potential for road traffic noise to impact on development on the site. In this regard, the applicant, not Roads and Maritime, is responsible for providing noise attenuation measures in accordance with the Office of Environment and Heritage's criteria for new residential developments, The NSW Road Noise Policy (July 2011).
- Where the Office of Environment and Heritage external noise criteria would not feasibly or reasonably be met Roads and Maritime recommends that Council apply internal noise objectives for all habitable rooms under ventilated conditions that comply with the Building Code of Australia.

On Council's determination of this matter, it would be appreciated if a copy of the Notice of Determination is forwarded to Roads and Maritime for record and /or action purposes.

13. Ausgrid Requirements

Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid's infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.

Please note the following information in relation to the construction of the development:

Supply of Electricity

It is recommended for the nominated electrical consultant/contractor to provide a Preliminary Enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not: the existing network can support the expected electrical load of the development; a substation may be required on-site, either a pad mount kiosk or chamber; and site conditions or other issues. There may also be issues with multiple points of supply on the one lot. It is advised that any proposals for new connections are approved by Ausgrid's Installation Inspectors prior to the commencement of any works. Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

Proximity to Existing Network Assets

There are existing overhead electricity network assets in the Violet Town Road footpath, adjacent to the development. Workcover Document 8290 – Work Near Overhead Powerlines outlines the minimum safety separation requirements between these mains / poles to structures within the development

throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. There are also existing underground electricity assets running through the property. It is advised that a Dial Before You Dig search is conducted prior to the commencement of any works. Work Cover Document – Work Near Underground Assets provides practical guidance to prevent injury to people and damage to underground assets.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au

The existing overhead mains may require relocating should the minimum safety clearances be compromised in either of the above scenarios, this relocation work is generally at the developers cost.

Based on the design of the development provided, it was identified that the “as constructed” minimum clearances will not be encroached by the development.

It is recommended that Sean Freeman (02) 4910 1200 is consulted to discuss compliance issues regarding the relevant Workcover Document 8290 – Work Near Overhead Powerlines.

Method of Electricity Connection

The method of connection will be in line with Ausgrid’s Electrical Standard (ES)1 – ‘Premise Connection Requirements.

Conduit Installation

The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid’s Design Information, used to prepare the connection project design.

Existing Electricity Easements

A title search of the development site should be completed to check for existing electricity easements. If easements are present, Ausgrid must assess the proposed activity within the easement. Please direct the developer to Ausgrid’s website, www.ausgrid.com.au to download our “Living with Electricity Easements” brochure.

Depending on the development and its location in relation to existing electrical infrastructure, the timeframe between the initial application for electricity supply and energising assets will vary and may involve months. The developer’s earliest advice that the development is to proceed to construction will allow us to begin planning and processing of the connection project and hopefully minimise any delays.

14. Construction Environmental Management Plan

A Construction Environmental Management Plan (CEMP) shall be prepared and implemented for the proposed works. The CEMP shall detail appropriate mitigation measures for a range of construction activities and shall include but not be limited to the following:

- erosion and sediment control;
- slope stability, uncovering of contamination or contaminated materials;
- acid sulfate or saline soils;

- spill management, dust suppression;
- construction noise and vibration;
- waste management;
- construction traffic management plan (CTMP), including vehicle routes, truck numbers, hours of operation, access and parking arrangements, signage requirements to warn road users of temporarily changed traffic conditions and the like;
- air quality and dust management / mitigation procedures;
- noise and vibration management / mitigation procedures prepared in accordance with the Interim Construction Noise Guideline (DECC, 2009b), operation of plant and machinery in a quiet and efficient manner and the inclusion of a noise and vibration complaints register and the management of complaints, and
- any other matter relevant to this site or the proposed works.

The waste management plan shall identify:

- types and amounts of waste likely to be generated;
- waste storage issues;
- methods of transport and disposal of wastes;
- opportunities for waste reduction, re0-use of materials and recycling; and
- requirements for compliance with the Waste Avoidance and Resource Recovery Act 2001.

The CEMP shall be prepared and approved by Council prior to any works commencing on the site, including clearing or earthworks. The requirements of the CEMP shall be implemented on site at all times.

15. Acoustic Certification

The recommendations contained in the acoustic report prepared by Acoustic Logic project number 20120032.1/0808A/R3/BW dated 8 August 2014 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. Particular consideration shall be given to selection and acoustic treatment of all plant & equipment associated with the development.

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

At 90 days of operation a suitably qualified acoustic consultant shall test, measure and certify that the development is operating, at that time, in accordance with the approved acoustic report.

16. Geotechnical Report Compliance

The recommendations of the Geotechnical Report No. 49836 prepared by Douglas Partners dated 22 February 2012 shall be complied with. Any works undertaken in relation to the development shall embody all the relevant recommendations of the Geotechnical Report.

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

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

17. Contaminated land – Additional Investigation

Prior to the issue of any construction certificate, additional subsurface investigation and a limited laboratory testing program shall be carried out to assess the potential for site contamination and provide information regarding offsite disposal options in accordance with Preliminary Contamination Assessment Report prepared by Douglas Partners (project 49836.01) dated February 2012.

Should significant contamination be identified by the investigation, a Remediation Action Plan (RAP) shall be developed.

The investigation and development of any subsequent RAP must be carried out by a suitably qualified and experienced contaminated land consultant, and the report prepared in accordance with the NSW Office of Environment and Heritage Guidelines.

18. Contaminated Land Remediation and Validation

Prior to commencement of works associated with the built form of the development and before issue of any occupation certificate:

- (a) The site shall be remediated in accordance with any relevant Remediation Action Plan (RAP), and
- (b) A suitably qualified and experienced contaminated land consultant shall validate that the site has been remediated. Validation shall be provided in accordance with the Guidelines for Consultants Reporting on Contaminated Sites (NSW Office of Environment and Heritage 2011).
- (c) The validation report shall include a clear statement that the consultant considers the subject site to be suitable for the proposed use.

Note: Certification from the person who carried out remediation works shall be provided to Council in accordance with the requirements of clause 18 of State Environmental Planning Policy No 55 - Remediation of Land.

19. Existing Fill Material - Waste Classification

If existing fill material is to be disposed of off-site a waste classification assessment should be undertaken prior to disposal in accordance with the NSW EPA (2009) Waste Classification Guidelines – Part 1: Classifying Waste.

20. Mechanical Ventilation Design & Construction

Mechanical ventilation equipment to the kitchen and laundry facilities shall be designed in accordance with AS1668.2 - The use of mechanical ventilation and air conditioning in buildings. Design shall specifically include:

- The vent be situated at least 1 m above the ridge of a pitched roof or 3 m above a flat roof and not located within 6 m of another property boundary;
- Exhaust stack gases to be vented with a design exit velocity of at least 10 m/s without any impediment to vertical discharge.

Additionally in relation to kitchen mechanical ventilation equipment:

- Exhaust stacks to be vented at a height clear of downwash effects from the building in which the activity is located and adjacent buildings and a minimum of 3 m above the highest point of the building roof ridge line or above that of any higher adjacent building within 50 m.
- Exhaust stack gases to be vented with a design exit velocity of at least 10 m/s without any impediment to vertical discharge.

All mechanical ventilation extraction systems shall be designed to allow retrofitting of odour control equipment as required.

21. Erosion and Sediment Control Plan

Prior to the release of the first Construction Certificate or any works commencing onsite (including, but not limited to, demolition or vegetation clearing), whichever occurs first, the final Soil and Water Management Plan (SWMP) shall be submitted to, and approved by, Council's Erosion and Sediment Control Officer. It shall be generally in accordance with the plans approved by this development consent prepared by OPUS and detailed below:

Name of Plan	Drawing Number	Issue	Date
Sediment Control Plan 1	DA20	D	24 December 2014
Sediment Control Plan 2	DA21	A	24 December 2014
Sediment Control Details	DA22	D	24 December 2014
Sediment Control Notes	DA23	A	24 December 2014

and shall include the following:

- (a) all information required for area of disturbance associated with the development in accordance with Council's DCP;
- (b) 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) an assessment of the onsite soil types 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) temporary and permanent dust suppression measures on disturbed areas;

The plans shall ensure and note the following:

- (a) All erosion and sediment control measures are appropriate for the sediment type on the site.
- (b) That 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 shall be kept in a clean, clear, plastic container. The date and time the sample was taken shall be recorded on the container.
- (c) aluminium based flocculent products are not permitted to be used without prior written approval from an appropriate LMCC officer.
- (d) 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.
- (e) Clear separation of clean and dirty water.
- (f) Inspection, maintenance and removal schedules for all erosion and sediment control measures.

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

- 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 all of the above points;
- 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 DCP 2014.

22. Connection to Services

Prior to issue of an interim occupation certificate or final occupation certificate, the site shall be connected to reticulated water, sewer and electricity.

23. Disability Access Requirements

All recommendations of the Accessibility Assessment, prepared by Philip Chun Access (Report Number: AN14-203398 201404724 DAR Hillside_LP) dated 24 July 2014, shall be demonstrated within the construction certificate documentation and shall be provided and implemented during construction.

Prior to issue of the interim occupation certificate or the final occupation certificate whichever occurs first, the recommendations of the above mentioned

Accessibility Assessment shall be incorporated in to the design and provided within the facility.

Due to the topography of the site, transport by electric car/buggy shall be provided to connect all areas of the site, allowing residents of the independent living units the opportunity to visit residents in the residential care facility. The electric car / buggy shall be available to transport residents to the allotment entry to assist with accessing local shops, services and transport in the area.

24. 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.

24. 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"*.

25. 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.

26. Protection of Trees on Site

Several areas on the site require works within proximity to trees that are to be retained.

A suitably qualified arborist shall be on site to ensure footings design and root sensitive building construction techniques are employed.

Details are to be provided, prior to issue of the construction certificate, that demonstrate the most suitable location for footings. Details of the footing location are to be provided on the construction certificate documentation and shall ensure compliance with AS4970-2009 "Protection of Trees on Development Sites".

27. 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 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.

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

28. Crime Prevention through Environmental Design

The following measures shall be incorporated into the design:

1. A gate at the entry is recommended to help further secure the site at night.
2. Where recesses and blind corners are evident, the use of extra lighting and/or mirrors should be considered.
3. All lighting shall meet minimum Australia and New Zealand Lighting Standards and objectives for crime and fear reduction are outlined in Australian lighting standard AS/ANZ 1158 for public areas.
4. Security lighting should be in place at building's entrance and egress points.

5. A rapid removal policy should be in place for vandalism repair and the removal of graffiti and all public spaces should be kept clean and tidy, in this regard, maintenance plans for the removal of graffiti within 24 hours, the repair / replacement of damaged or broken lighting within 48 hours, maintenance of trees / shrubs and the timely repair of damaged property across the development shall be prepared and implemented.
6. Access to the footpath from Wilsons Road into the development shall be restricted after daylight hours.
7. All public spaces shall be kept clean and tidy and well maintained
8. All windows shall be lockable.
9. Clear signage shall be used to identify entry and egress points, as well as public and private areas.
10. Vegetation should not obstruct sight lines and lighting in public spaces.

Prior to issue of the interim occupation certificate or the final occupation certificate whichever occurs first, the Principal Certifying Authority shall ensure the above measures are incorporated.

29. Management of Site - Erosion Prevention and Sediment Control

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

30. Stormwater Disposal - Stormwater Detention and Harvesting

The Stormwater Detention and Harvesting system submitted with any Construction Certificate shall be generally in accordance with the plans approved by the Development Consent prepared by Opus, Ref: T-N0280.00_DA1 dated 22 August 2014 and must comply with the following:

- (a) Stormwater shall be disposed of through a piped system designed in accordance with Australian Standard AS 3500 by a suitably qualified professional. Qualifications shall be in accordance with Part DQS.06 of Council's Engineering Guidelines.
- (b) Stormwater detention measures shall be constructed and maintained to ensure that the development does not increase upstream or downstream flood levels.
- (c) Detention storage shall be calculated and designed in accordance with "Australian Rainfall and Runoff 1987" and the Lake Macquarie City Council guideline – "Handbook for Drainage Design Criteria" and shall conform to the specifications and standards contained in the LMCC Engineering Guidelines.
- (d) Stormwater harvesting measures shall be constructed and maintained in accordance with clause 2.5.4 of DCP 1 (and supporting guidelines). Stormwater drainage plans shall include details of the harvesting system (eg rainwater tank and pump details plus reticulation diagrams).

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

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

31. Development for the Purpose of a Retirement Village

In accordance with Clause 41 of Lake Macquarie Local Environmental Plan 2004, the development shall provide access to meals, cleaning, emergency assistance and transport service for residents.

32. 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.



33. Hoarding and Construction Site Safety Fencing

Construction site safety fencing and/or hoarding shall be provided in accordance with WorkCover requirements. Such fencing and/or hoarding shall be erected wholly within the property boundary unless prior approval from Council is obtained.

Council approval is required to install hoarding, site fencing or overhead protective structures over or adjoining a public place i.e. a footpath or a Public Reserve. No work shall commence until written approval is obtained.

34. 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.

35. Vehicles Access Crossing and Kerb Layback

A paved vehicular access including kerb layback from the property boundary to the street shall be installed in accordance with Council's DCP 1 Volume 2 Engineering Guidelines and Councils Standard Drawings: EGSD-103, EGSD-201 or EGSD-104 (available from Councils website). An approval under s138 of the Roads Act 1993 shall be obtained from the appropriate roads authority prior to the issue of any Construction Certificate for those works. Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first the paved crossing shall be completed for the building, at the owner's cost.

Prior to the commencement of work the person having the benefit of the consent shall contact Council for footpath levels so that a suitable driveway can be constructed to provide vehicular access onto the site.

Any disused kerb and gutter and footpath crossing shall be removed and replaced with full kerb and gutter to match adjoining kerb and gutter to the satisfaction of Council.

36. Driveway Design and Construction

The driveway to the car parking areas of the development shall be designed and constructed in accordance with the following requirements and Council Standard Drawing: EGSD-104 (available from Councils website).

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

37. 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.

38. 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.

39. 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.

40. Disability Access Design Audit

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

This certification shall be submitted to the Principal Certifying Authority with the application for 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 may be able to provide further information.

41. Tree Protection on Development Sites

Several areas on the site require works within proximity to trees that are to be retained. The consultant Arborist who prepared the Arboriculture Impact Assessment (tree iQ dated August 2014) shall be on site to ensure footings designs, stormwater infrastructure and appropriate root sensitive construction techniques are carried out having regard to all approved works within identified

Tree Protection Zones (TPZ's) noted in Appendix 3 'Tree Assessment Schedule'. All trees assessed and noted in the 'Tree Assessment Schedule' and as illustrated on the approved Landscape Plans prepared by Site Image shall be retained in accordance with the approved Appendix 5 'Tree Protection Specification Sections 1.0 – 1.17' of the approved Arboriculture Impact Statement.

As noted in Section 1.0 Appendix 5 'Tree Protection Schedule' an appointment of a 'Project Arborist' shall commence prior to works commencing on site and shall be available upon any encroachment of any works within TPZ's in accordance with AS4970-2009 'Tree protection on Development Sites' for all trees identified for retention on site. Tree protection fencing shall comply with AS4970-2009 and shall be implemented prior to commencement of any works on site and in accordance with Section 1.3 and 1.4 of Appendix 5 'Tree Protection Specification' Arboriculture Impact Assessment (tree iQ dated August 2014).

The Arboricultural Consultant that produced the Arboriculture Impact Statement shall submit a Compliance Report that details the above requirements of the 'Tree Protection Schedule' and certifying that the works as executed comply with the approved Landscape Plans and Arboriculture recommendations. The certification is to outline any minor defects, which must be rectified, and any specific maintenance requirements during the maintenance period.

The project team may delegate Arboricultural responsibilities as approved under this consent to a local Arborist Consultant with equivalent qualifications (minimum AQF Level 5 Qualification) where approval to do so is gained in writing prior to issue of the construction certificate.

42. Category 3 Landscaping

Landscaping shall be implemented/installed in accordance with the approved landscape plans and documentation as prepared by Site Image.

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

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

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

Street tree planting within public domain turf areas must be planted in accordance with Lake Macquarie City Councils Landscape Design Guideline including upgrades to footpath works along Wilsons Road and Violet Town Road in accordance with Councils Engineering Technical Guidelines and Details.

Nominated street tree plantings within the public road reserve (only) shall be planted at minimum 75L pot size and species selected from Councils preferred Street Tree list and appropriate to the site conditions.

At the completion of landscape works, the landscape consultant who prepared the documentation shall submit to the Principal Certifying Authority a Landscape Compliance Report prior to issue of the interim occupation certificate or first occupation certificate, whichever occurs first, 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*.

43. Landscape Works within the Public Domain

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

- The Landscape Construction Specification shall be produced by a consultant that meets the requirements of the DCP 1 section 2.7.2 “Categories of Development” – Category 3.
- A Consultant’s Declaration as detailed in DCP1 section 2.7.2 shall be included on all Landscape Construction documentation.
- The Landscape Construction Specification shall be approved by Council’s Landscape Architect (Development Assessment & Compliance) prior to issue of the Construction Certificate.
- The Landscape Construction Specification shall include a Tree Supply clause that complies with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
- All Landscape Construction documentation must comply with the relative Public Domain and Landscape Technical Guidelines that is current at the date of the Construction Certificate application.
- The Landscape Construction Specification and associated documentation shall include the following contact details for Council’s Coordinator of Project Management, contactable on 49210333. All landscape works as approved shall be coordinated with Council’s Project Manager during the construction period.

The Landscape Construction Specification must include the following witness or hold points for the following inspections (where applicable) to be carried out by Council’s Project Manager/Officer:

Street Trees

- Set out of tree pits (witness point).
- Excavation of tree pits with root barrier and sub-surface drainage installed in accordance with Council’s Landscape Technical Guidelines – Relevant Street Tree Details (hold point).
- Evidence of certification of all associated imported topsoil for street tree planting in accordance with AS4419 – 2003 to be provided to Councils Project Officer (hold point).
- Tree delivery prior to installation (hold point).
- Installation of each layer / horizon of growing medium (witness point).

- Commencement of tree planting (witness point).
- Completion of tree planting, including installation of any guards / grates in accordance with Council's Landscape Technical Guidelines (witness point).
- Installation of each layer / horizon of growing medium (witness point).

Footpath

- Footpath form work and pre-pour inspections (witness point)
- Completion of footpath works (witness point)

The Landscape Construction Specification shall include a requirement for the following submissions to be made in a timely manner by the Contractor to Council's Project Manager:

- Batch Certificates for all imported soil in accordance with AS4419 - 2003. (hold point)
- Certification that trees comply with the Tree Supply Specification (as above).
- Manufacturer's warranty and maintenance information for all proprietary products.

At the completion of landscape works, the landscape consultant who prepared the documentation shall produce and submit to Council a Landscape Compliance Report that details the above inspections and submissions and certify that the finished works comply with the approved Plans and Specification. The certification shall outline any minor defects, which must be rectified. The Landscape Consultant may delegate production of this report to a local consultant with equivalent qualifications.

44. Notice of Commencement of Works

Construction works shall not commence on Council Land until a meeting between the contractor and a representative of Council's Project Management Section has taken place on site.

Council may require up to seven days notice in writing prior to such meeting taking place. This meeting will outline the LMCC Quality Assurance requirements for the project.

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

45. Car Parking and Allocation of Spaces

77 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.

Disabled spaces shall be constructed in accordance with Australian Standard. The shared area between the disabled parking spaces is to be line marked and must have a bollard installed as per AS2890.6:2009.

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

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.

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.

46. Traffic Control Standards

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

47. 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.

48. 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.

49. 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.

50. 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.

51. 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.

52. 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.

53. 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.

54. 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.

55. 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.

56. 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.

57. Site Amenities

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

Each toilet shall be installed as follows:

- (a) in a sewered area, connect the temporary builder's toilet facility to the Hunter Water Corporation's sewerage system in accordance with such authority's requirements prior to commencing any building work.

- (b) where the connection of the toilet facility to the Hunter Water Corporation's sewer is impractical, an application to approve the use of a chemical closet is to be made to Council accompanied with the appropriate fee for approval. Such approval shall be obtained prior to the issue of a Construction Certificate.

58. 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.

59. 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.

60. 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."

61. 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.

62. 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.

63. 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.

64. 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.

65. Noise - Sleep Arousal

The L1 (one minute) operating noise level during night time hours of the premises, when measured at the window of any affected residential dwelling, shall comply with the NSW Office of Environment and Heritage sleep arousal

criteria, calculated in accordance with Chapter 19 of the NSW Office of Environment and Heritage Noise Control Manual.

66. 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.

67. Ancillary Uses

The café, chapel, kitchen, and laundry shall not be used for separate commercial use. They shall only be used as ancillary to the residential aged care facility for use by residents, visitors, and staff.

68. Medical / Pathological Waste

Any contaminated medical or pathological wastes stored on the premises shall be secured in approved containers and disposed of by a registered contractor, in accordance with the requirements of the NSW Department of Health and the NSW Office of Environment and Heritage.

69. Garbage Storage Areas

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

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

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

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

70. 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.

71. 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.

General Terms of Approval

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

- Mine Subsidence Board
- NSW Rural Fire Service
- NSW Office of Water

CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
Charlestown Catchment - Management	\$9,955.26
Charlestown Catchment - CF - East Lake - Capital	\$563.89
Charlestown Catchment-R & TM-Mt Hutton 1-Capital	\$23,319.52
Charlestown Catchment-R & TM-Mt Hutton 1-Land	\$8,464.73
	TOTAL \$42,303.40