



6 November 2015

CR2015/004453
SF2015/109378
KAP

General Manager
Newcastle Council
PO Box 489
NEWCASTLE NSW 2300

Dear David Paine,

LAKE ROAD (B53): DA 2015/508, STAGED DEVELOPMENT OF 94 DWELLINGS, SUBDIVISION, CONCEPT APPROVAL OF CHILD CARE CENTRE AND ASSOCIATED WORKS, LOT: PART A DP 350420; LOT: 1 DP: 725264; LOTS: PART A & B DP: 394165, 150-156 LAKE ROAD, ELERMORE VALE

Reference is made to Council's letter dated 1 June 2015, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment in accordance with Clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007*.

Roads and Maritime understands that the subject development relates to the creation of a subdivision to include 95 additional dwellings with 3 existing dwellings to remain. The 3 existing dwellings and 1 of the new dwellings front Lake Road and will have direct vehicular access to Lake Road. The remaining new dwellings will access Lake Road via a new left in / left out access road and an internal road network. It is noted that a childcare facility is proposed for the south western corner of the site which will be subject to a separate Development Application. Vehicular access to this facility will be via the internal road network and no direct access is proposed from / to Lake Road. The traffic generated by the childcare facility has been considered in the traffic impact assessment.

Roads and Maritime response & requirements

Further to Roads and Maritime's email response dated 9 July 2015, Roads and Maritime has reviewed the information provided, including the Traffic Impact Assessment prepared by Seca Solutions dated May 2015 and concept plans for the future childcare centre development, and has no objections to the subject development provided the following requirements are included in Council's conditions of consent:

Roads and Maritime Services

- One vehicular access to Lake Road shall be permitted for each of the four (4) residential lots with a northeast frontage to Lake Road.

Comment: Facilitates access for proposed residential Lots 102, 103, 104 and 105.

- Any new driveway on Lake Road shall be designed and constructed to Council requirements. The driveway shall have appropriate splays from the kerb line in accordance with the Roads and Maritime's *Guide to Traffic Generating Developments 2002*.
- Any redundant driveways on Lake Road shall be removed and reinstated to Council's requirements.
- All vehicular accesses to / from Lake Road shall be restricted to left in and left out only.
- Council shall ensure appropriate sight distance is available for vehicles entering and exiting each of the approved lots.
- No on-street parking shall be permitted for the full extent of the Lake Road frontage of the subject development.
- A left turn deceleration lane shall be provided on Lake Road at the intersection with the proposed access road to the subdivision. The left turn deceleration lane shall be designed and constructed in accordance with Austroads Guidelines (with Roads and Maritime supplements) to the satisfaction of Roads and Maritime. Provision shall be made for on road cyclists through the intersection.
- The intersection shall be designed and constructed to allow vehicles to enter the access road from the left turn deceleration lane and the design vehicle to exit the access road into the kerb side through lane on Lake Road. The design shall ensure that there is no conflict between vehicles entering and exiting the access road.
- As road works are required on Lake Road, Roads and Maritime will require the developer to enter into a Works Authorisation Deed (WAD) with Roads and Maritime. Roads and Maritime would exercise its powers and functions of the road authority, to undertake roads works in accordance with Sections 64 and 71 of the Roads Act, as applicable, for all works under the WAD.

Comment: Further advice regarding the WAD is provided in Attachment A

- All road works under the WAD shall be completed prior to issuing any construction certificate (interim or final) for the proposed development.

Comment: This requirement is based on the understanding that access to the site for construction vehicles would be via the proposed new access road.

- All works associated with the proposed subdivision, shall be carried out to Roads and Maritime and Council requirements, and at full cost to the developer and at no cost to Roads and Maritime or Council.

- All vehicular access to and from the future child care facility shall be via the internal road network, no direct vehicular access shall be permitted from Lake Road.

Advice to Council

The following matters should be considered by Council in determining this development application:

- Roads and Maritime has no proposal that requires any part of the property.
- All matters relating to the local road network within the proposed subdivision and matters such as car parking, traffic / pedestrian management, manoeuvring of service vehicles and provision for people with disabilities within the subdivision are for Council to determine.
- Section 117 (2) direction 3.4 (Integrating Land Use Development and Transport) under the Environmental Planning and Assessment Act 1979, should be taken into account in relation to the provision of adequate access to public transport and opportunities for pedestrians and cyclists connections to existing facilities.
- 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 developer, 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

- Discharged stormwater from the development shall not exceed the capacity of the Lake Road stormwater drainage system. Council shall ensure that drainage from the site is catered for appropriately and should advise Roads and Maritime of any adjustments to the existing system that are required prior to final approval of the development.
- Council should ensure the developer has appropriate traffic management measures in place, designed to minimise the impacts on the traffic using Lake Road during the construction phase of the development.

Roads and Maritime highlights that in determining the application under Part 4 of the Environmental Planning & Assessment Act, 1979, it is the consent authority's responsibility to consider the environmental impacts of any road works which are ancillary to the development. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of development consent, as well as the social implications of this facility on surrounding properties, developments and towns. Depending on the level of environmental assessment undertaken to date and the nature of the works, the consent authority may require the developer to undertake further environmental assessment for any ancillary road works.

On Council's determination of this matter, please forward a copy of the Notice of Determination to Roads and Maritime for record and / or action purposes. Should you require further information please contact Kylie-Anne Pont on 4924 0683 or by email at development.hunter@rms.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to be 'Kellee McGilvray', with a large, stylized loop at the end.

Kellee McGilvray
Manager Land Use Assessment
Hunter Region

Enc. WAD Advice to Consent Authority and Developer

Attachment A: WAD Advice to Consent Authority and Developer

Advice to the Consent Authority

- On Council's determination a copy of the Notice of Determination should be forwarded to Roads and Maritime within the appellant period for advice / consideration and action where required.
- Conditions of development consent do not guarantee Roads and Maritime consent to the specific road works and /or other structures or works for which it is responsible. The developer must obtain Roads and Maritime authorisation in writing prior to the commencement of any road works on Lake Road, including traffic management, temporary or permanent road works associated with the proposed development.

Advice to the Developer

- Following development consent, early discussion with the Roads and Maritime Project Manager is recommended. Roads and Maritime will initiate the WAD process by sending out a letter and information pack on receipt of the Notice of Determination, including the name and contact details of the Project Manager.
- As the WAD process, including acceptance of design documentation and construction can take considerable time, you should allow sufficient lead time within the project development program to ensure that all documentation and works are completed in advance of occupation. Roads and Maritime will not consider granting concurrence to occupation until it is satisfied all documentation and works under the WAD have been completed.
- Authorisation to commence construction will only be granted when Roads and Maritime is satisfied that all requirements under the WAD have been met by the developer, including Roads and Maritime fees and charges, an unconditional bank guarantee for the full value of the works, detailed design documentation, environmental assessment, road occupancy license, among other matters. Roads and Maritime will issue a letter to the developer advising of this authorisation.
- Any property acquisition / dedication required to accommodate the State road works associated with the proposed development shall be at full cost to the developer, including all legal and survey costs. This land shall be dedicated by the developer as public road reserve in favour of the Council, as the owner.
- Part of the developers' timeline should make provision for Roads and Maritime to satisfy its obligations under the *Environmental Planning and Assessment Act 1979* (EP&A Act) to assess the environmental impacts of the works within the road reserve. Further investigation and assessment to that undertaken for the development consent may be required to the satisfaction of Roads and Maritime, under Part 5 of the EP&A Act.
- It is recommended that the developer use design consultants with the experience and knowledge of Roads and Maritime design requirements, in particular the Austroads *Guide to Road Design 2010* (with Roads and Maritime supplements) and relevant Australian Standards.
- A fact sheet providing further information on the WAD process can be obtained from the Roads and Maritime Private Developments Website at:

http://www.rms.nsw.gov.au/roadprojects/community_environment/private_developments.html
- Construction on a State road and / or traffic control signals requires the engagement of an Roads and Maritime pre-qualified contractor. A list of pre-qualified contractors can be found on the Roads and Maritime website below.

<http://www.rms.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Facsimile: 8741 5433



The General Manager
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

Your Ref: 2015/508
Our Ref: D15/1511
DA15060397125 GB

ATTENTION: Melissa Thomas

20 July 2015

Dear Sir/Madam

Integrated Development for B & A//394165 1//725264 A//350420 156, 154, 152 & 150 Lake Road Elmore Road

I refer to your letter dated 28 May 2015 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

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

Asset Protection Zones

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

1. At the commencement of building works and in perpetuity the entire site shall be managed as an inner protection area (IPA) as outlined within Appendices 2 & 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

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

2. Water, electricity and gas supplies shall comply with sections 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

3. Internal roads shall comply with section 4.1.3(1) of 'Planning for Bush Fire Protection 2006'.

The through road/s to the northern end of the site shall have a minimum carriageway width of 6.5 metres curb to curb.

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:

4. The following dwellings 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':

58, 59, 60, 61, 62, 65, 66, 67, 68, 69, 70, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95.

Landscaping

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

General Advice – consent authority to note

The proposed emergency access between Road 2 and the Fire Trail is supported.

There is no objection to a child care facility operating on proposed Lot 101.

For any queries regarding this correspondence please contact Garth Bladwell on 1300 NSW RFS.

Yours sincerely



Iona Cameron
A/Team Leader, Development Assessment and Planning

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.



Contact: Alison Collaros
Phone: 02 4904 2527
Fax: 02 4904 2501
Email: alison.collaros@dpi.nsw.gov.au
Our ref: 20 ERM2015/0570
Our file:
Your ref: 2015/508

The General Manager
Newcastle City Council
PO Box 489
Newcastle NSW 2300



Attention: Melissa Thomas

9 November 2015

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval

Development Reference: 2015/508

**Description of proposed activity: Subdivision, Residential Accommodation and
Child Care Centre**

Site location: 150-156 Lake Road, Elmore Vale

I refer to your letter dated 1 June 2015 regarding an integrated Development Application (DA) proposed for the subject property and subsequent information submitted on 17 September 2015 as a result of a 'Stop Clock' letter issued on 25 June 2015. Attached, please find DPI Water's (formerly the NSW Office of Water) General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, DPI Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- DPI Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, DPI Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.



- DPI Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- DPI Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, DPI Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to DPI Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date DPI Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office of Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from DPI Water's website:

www.water.nsw.gov.au [Water licensing](#) > [Approvals](#) > [Controlled activities](#)

DPI Water requests that Council provide a copy of this letter to the applicant.

DPI Water also requests that Council provides DPI Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely



Alison Collaros
Senior Water Regulation Officer
Water Regulatory Operations, South Coast & Hunter
NSW Department of Primary Industries – DPI Water

General Terms of Approval

for work requiring a controlled activity approval
under s91 of the *Water Management Act 2000*

Number	Condition	File No:
Site Address:	150-156 Lake Road, Elernore Vale	
DA Number:	2015/508	
LGA:	Newcastle City Council	
Plans, standards and guidelines		
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 2015/508 and provided by Council:</p> <ul style="list-style-type: none"> (i) Plan No. NL140429_Scketch001, Concept Plan - Proposed Stormwater Outlet Works, prepared by Northrop Engineers and dated 31/3/2013 (ii) Plan No. 70993_PSW1(E), Preliminary Stormwater Drainage Design, prepared by Barker Harle Consulting Engineers and dated 19/12/08 (iii) Stormwater Management Strategy prepared by Northrop Engineers, dated 21/5/2015 <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.</p>	
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>	
3	<p>The consent holder must prepare or commission the preparation of:</p> <ul style="list-style-type: none"> (i) Detailed design of stormwater outlet (ii) Vegetation Management Plan for revegetation of waterfront land in vicinity of proposed stormwater outlet (iii) Erosion and Sediment Control Plan (iv) Evidence of land-owners consent for works on Lot B//417019 	
4	<p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DPI Water's guidelines located at www.water.nsw.gov.au/ Water-Licensing/Approvals.</p> <ul style="list-style-type: none"> (i) Vegetation Management Plans (ii) Laying pipes and cables in watercourses (iii) Riparian Corridors (iv) In-stream works (v) Outlet structures (vi) Watercourse crossings 	
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably</p>	

Number	Condition	File No:
	qualified professional and (iii) when required, provide a certificate of completion to DPI Water.	
Rehabilitation and maintenance		
6	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.	
Security deposits		
7	The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to DPI Water as and when required.	
Disposal		
8	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by DPI Water.	
Drainage and Stormwater		
9	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.	
10	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.	
END OF CONDITIONS		



In reply please send to: Newcastle District Office
Our reference: FN67-02603N0
Your reference: DA 2015/508
Contact: Peter Evans (02) 4908 4391

THE CITY OF NEWCASTLE
PO BOX 489
NEWCASTLE NSW 2300

17 December 2015

Dear Sir or Madam,

DEVELOPMENT APPLICATION NO. TBA15-32044N1

Lot A DP 350420; Lot 1 DP 725264; Part A DP 394165; Part B DP 394165,
150, 152, 154, & 156 LAKE RD ELERMORE VALE

At its meeting on 16 December 2015, the members of the Mine Subsidence Board granted its "conditional approval" of Council's Integrated Development Application (2015/508), received on 28th May 2015, for a proposed one and two storey building complex and Child Care Centre. The Board received final clarification of this application on 9 December 2015 which enabled it to finalise its recommendation.

The Board acknowledges Coffey's Geotechnical Report (Ref 22651AA-AB, dated 18 November 2015, and amendment 9 December 2015) which included recommended mine subsidence design parameters and a draft Mine Subsidence Impact Statement (Forum Engineering, letter dated 2 December 2015). Therefore, in consideration of these documents the Board has determined the following conditions 1 to 3;

1. For mine subsidence parameters accepted by the Board, submit a final "Impact Statement", which demonstrates how mine subsidence will be managed. It shall identify;
 - Mine subsidence design parameters accepted.
 - The main building elements, materials and finishes.
 - The outcomes of a mine subsidence risk assessment of building elements.
 - Mine subsidence mitigation measures proposed for each building element.
2. Confirm the final design shall;
 - a) Be developed from the concept design accompanying the Building Application.
 - b) Include sufficient drawing plans, long-sections, elevations and details, to fully describe the work and proposed mine subsidence mitigation measures.
 - c) Include design mitigation measures to reduce the transfer of horizontal strain into building structures.
 - d) Include design mitigation measures to relieve excessive strains into building structures.

Standard (Auto) BAs

ABN: 87 445 348 918

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117 Bull Street
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PO Box 488G Newcastle 2300
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DX 4322 Newcastle West

PICTON

100 Argyle Street
Picton 2571
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SINGLETON

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HEAD OFFICE

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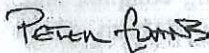
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- e) Include an additional grade for tilt due to mine subsidence, in excess of the minimum Code requirements for structures including pipes, gutters and wet areas.
 - f) For underground pipes or conduits allow for flexible joints, flexible bedding surround and flexible building connections and penetrations.
 - g) Ensure there is sufficient capacity in any storage structure for tilt due to mine subsidence.
 - h) Locate underground structures to facilitate ease of repair and replacement.
 - i) Ensure internal finishes are installed in accordance with relevant codes and standards and industry best practice guidelines with additional provision for mine subsidence.
 - j) Ensure there is suitable provision for articulation jointing in building elements. All control joints including articulation for mine subsidence are to be shown on the design plans and elevations,
 - k) Ensure roads, driveways and pavement areas are designed as flexible structures with an asphalt surface and unbound base course. If a concrete surface course is required, it shall be designed so any damage is slight classification and include expansion and crack control joints or sacrificial sections.
3. Upon completion of construction, work-as-executed certification by a qualified engineer is to be forwarded to the Board confirming that construction was in accordance with the plans previously approved by the Board.

This "conditional of approval" remains current for 2 years from the date of this letter. You will need to respond adequately to these conditions before the Board will consider its approval of this development.

If you have any queries concerning this matter, please contact the Acting District Manager at Newcastle, Mr Ian Bullen (ph: 4908 4353).

Yours faithfully,



Peter Evans

Subsidence Risk Engineer

Copy:
District Manager Newcastle