

Attachment 1 – Draft Proposed Conditions of Consent

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) 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.

2. Inspections

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

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

Additional inspections required under other legislation:

- Food Shops - floor, wall, ceiling finishes (prior to fitting and fixtures) to be carried out, by an "authorised officer", as defined in the Food Act 2003
- Food Shop Completion to be carried out, by an "authorised officer", as defined in the Food Act 2003 prior to opening of the premises
- Inspection of Vehicular Access to Property across Footpath (prior to pouring concrete) – Section 138 Roads Act 1993

3. Approved Documentation

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

(a) Plans Reference:

Architectural Plans prepared by: Peddle Thorp; Project Number. 33-0107			
Name of Plan	Drawing Number	Issue	Date
Site Plan	DA002	F	1 August 2016
Ground and Level 01 Floor Plans	DA006	D	1 August 2016
Ground Floor Plan Zone A	DA007	D	1 August 2016
Ground Floor Plan Zone B	DA008	C	1 August 2016
Level 01 Floor Plan	DA009	C	1 August 2016
Roof Plan	DA010	C	1 August 2016

Car Park Plan	DA010	D	1 August 2016
Elevations	DA101	C	1 August 2016
Elevations	DA102	C	1 August 2016
Elevations	DA103	C	1 August 2016
Sections	DA104	D	1 August 2016
Carpark Sections Sheet 1	DA110	D	1 August 2016
Site Details	DA207	A	1 August 2016
Forecourt Details	DA208	A	1 August 2016

Engineering Plans prepared by: Eclipse Consulting Engineers; Project Number. 9078			
Name of Plan	Drawing Number	Issue	Date
General Notes	C01-A	A	18 December 2015
External Stormwater Catchment Plan	C02-A	A	18 December 2015
Stormwater Quality Catchment Area Plan	C03-B	B	21 July 2016
Bulk Earthworks Plan – Sheet 1 of 2	C04-B	B	21 July 2016
Bulk Earthworks Plan – Sheet 2 of 2	C05-B	B	21 July 2016
Site Sections – Sheet 1 of 2	C06-B	B	21 July 2016
Site Sections – Sheet 2 of 2	C07-B	B	21 July 2016
Sub-Catchment Area Plan – Sheet 1 of 2	C10-B	B	21 July 2016
Sub-Catchment Area Plan – Sheet 2 of 2	C11-B	B	21 July 2016
Stormwater Drainage Plan – Sheet 1 of 2	C12-B	B	21 July 2016
Stormwater Drainage Plan – Sheet 2 of 2	C13-A	A	18 December 2015
Overland Flow Swale 1 Section Details	C14-B	B	21 July 2016
Overland Flow Swale 2 Section Details	C15-A	A	18 December 2015
Overland Flow Swale	C16-B	B	21 July 2016

2 Section Details			
Stormwater Drainage Longitudinal Sections	C17-A	A	18 December 2015
OSD & Bio-Retention Basin Details	C18-C	C	18 August 2016
External Pavement Plan & Stormwater Details	C19-B	B	21 July 2016
Stormwater Details	C20-A	A	18 December 2015

Erosion/Sediment Control Plans prepared by: C & M Consulting Engineers			
Name of Plan	Drawing Number	Issue	Date
Sediment and Erosion Control Plan & Details	01317_701	2	9 June 2015
Sediment and Erosion Control Details	01317_702	1	5 June 2015

Landscape Plans prepared by: Environmental Partnership NSW			
Name of Plan	Drawing Number	Issue	Date
Key Plan	3295.LD.01	5	25 July 2016
Landscape Plan – Sheet 1	3295.LD.02	5	25 July 2016
Landscape Plan – Sheet 2	3295.LD.03	5	25 July 2016
Landscape Plan – Sheet 3	3295.LD.04	5	25 July 2016
Landscape Plan – Sheet 4	3295.LD.05	5	25 July 2016
Landscape Details – Sheet 1	3295.LD.06	5	25 July 2016
Landscape Details – Sheet 2	3295.LD.07	5	25 July 2016
Landscape Details – Sheet 3	3295.LD.08	5	25 July 2016
Landscape Details – Sheet 4	3295.LD.09	5	25 July 2016
Landscape Details –	3295.LD.10	5	25 July 2016

Sheet 5			
Site Analysis – Vegetation, Solar Movement & Wind Conditions	3295.SA.05	5	25 July 2016
Site Analysis – Services & Utilities	3295.SA.07	5	25 July 2016

(b) Document Reference:

Document	Reference	Author	Date
Landscape Design Statement	Charlestown Leisure Centre Development	Environmental Partnership	July 2016
Tree Protection Plan	Charlestown Leisure Centre	Joseph Pidutti	10 May 2016
Noise Assessment	Nss 22141 Final – Revision A	Noise and Sound Services	April 2016
Safety Risk Matrix	33-00107/Z12 Revision A	Peddle Thorp	October 2015

Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) Any amendments made by Council on the approved plans or documents;
- (ii) Any notes, markings, or stamps on approved plans or documents, and
- (iii) Any conditions contained in this consent.

4. Construction Certificate

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

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

5. Occupation Certificate

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

6. 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. Mine Subsidence Board Requirements

The development shall comply with the following requirements of the Mine Subsidence Board as per their letter dated 7 September 2015 (Reference: FN88-04359L0 RP:SD):

- (a) The completion of a geotechnical investigation and analysis to confirm mine workings are long term stable, or, otherwise recommend appropriate design parameters for strain, tilt and curvature for incorporation in the structural design. A copy of the report is to be submitted for the Board's acceptance.
- (b) The geotechnical investigation is to include details on the depth of coal seam, height of workings, floor conditions and thickness of competent rock, as well as providing details of the pillar dimensions used in any analysis. A risk assessment and sensitivity analysis shall be included in the investigation.
- (c) Where mine subsidence parameters are recommended, submit a "Mine Subsidence Impact Statement" (MSIS) for the Board's acceptance prior to commencing detailed structural design. It shall include:
 - Details of the development (dimensions, structural elements and material type).
 - Mine Subsidence risk assessment and design mitigation measures.
 - Expected impact of mine subsidence on building elements.
- (d) Submit final design drawings incorporating the measures identified in the MSIS for acceptance by the Board prior to commencement of construction. This shall include certification by a qualified engineer to the effect that the improvements will remain "safe, serviceable and any damage from mine subsidence will be slight, localised and readily repairable" taking into account the mine subsidence parameters.
- (e) Vertical surfaces of buried structures shall, where practicable, include design mitigation measures to reduce the transfer of horizontal strain, such as a void filler or equivalent.
- (f) Horizontal surfaces of all buried concrete structure shall, where practicable, include design mitigation measures to reduce the transfer of horizontal strain, such as high-density polyethylene sheeting, sand bedding or equivalent.
- (g) All articulation joints for mine subsidence are to be shown on the design plans and elevations.

- (h) All services shall be designed for the effects of mine subsidence. For pipes, this may necessitate increased grades in excess of the minimum code requirements, flexible joints, flexible bedding surround and flexible building connections/penetrations.
- (i) 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.
- (j) 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 provisions for mine subsidence.
- (k) Driveways and pavements are to be constructed in asphalt or equivalent flexible pavement. If concrete areas are required, the designer shall demonstrate that any damage will be localised and of a slight classification. Concrete design would need to include full articulation and separation/sacrificial sections where appropriate.
- (l) Upon completion of construction, work as executed certification by a qualified structural engineer is to be forwarded to the Board confirming that construction was in accordance with the plans previously accepted by the Board.

8. Construction Environmental Management Plan

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

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

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

- construction vehicles, access and parking; with specific note that construction personnel shall not park within the commercial centre;
- traffic management and traffic control;
- primary vehicle routes;
- specific details on the transportation of fill;
- potential road closures;
- control of vehicles, pedestrians and cyclists at the site access;
- safety of road users;
- parking associated with employees, contractors and site personnel;
- access to and from the work site;

- delivery and storage of equipment and materials;
- hours of work;
- timing of works;
- acoustic management and timetabling measures;
- vibration management;
- dust management procedures;
- waste management infrastructure;
- erosion and sedimentation management controls;
- hoardings and pedestrian management; and, .

The CEMP shall include a Vehicle Movement Plan and Traffic Control Plan. It shall be prepared with the intention of minimising impact on the operation of the road network during construction. The traffic control plan shall be prepared to meet the requirements of the Roads and Maritime Services (RMS) "Roads and Traffic Authority - Traffic Control at Work Sites" manual June 2010.

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

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

9. 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 Eclipse Consulting Engineers, Ref: 9078 (Sheets C01-A – C02-A, C03-B – C14-B, C15-A, C16-B, C17-A, C18-C, C19-B and C20-A), subject to the amendments shown in red on Sheet C13-B 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 DCP 2014 Engineering Guidelines.
- (b) The amendments as noted in red on the approved plan by Eclipse Consulting Engineers as follows:

- Provision of maintenance access to the Bio-retention basin and the Gross Pollutant Trap (GPT) generally as shown on the approved Stormwater Plan.
 - Provision of access gates within the proposed fence to access the basin area, the overland flow swale 1 and the GPT.
 - Provide Guardrail fencing in addition to the exclusion fence. The Guardrail shall be constructed along the top of the retaining wall adjacent to the Bio-retention basin.
 - Construct a cast-insitu headwall at the outlet pipe into the Bio-retention basin.
- (c) Stormwater detention measures shall be constructed and maintained to ensure that the development does not increase upstream or downstream flood levels.
- (d) 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 DCP 2014 Engineering Guidelines.
- (e) Stormwater harvesting measures shall be constructed and maintained in accordance with the DCP 2014 Water Cycle Management Guideline. 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:

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

10. Concrete Footpath

Concrete footpaths 1.2 metres wide shall be constructed/reconstructed along the Mulbinga Street frontage and along the full length of Dickinson Street, from Frederick Street to connect to the new path at Mulbinga Street.

A concrete footpath 1.2 metres wide shall be provided from the concrete bus stop slab located on Frederick Street (as required by this consent) to connect to the new path at Dickinson Street.

Footpaths shall be extended to the bus stop slabs required by this consent on Frederick Street and Dickinson Street to provide a compliant boarding area, directly accessible from the public footpath.

Concrete footpaving shall be constructed in accordance with Lake Macquarie City Council standard drawing EGSD-301 which is available from Councils website.

An approval under s138 of the Roads Act 1993 shall be obtained from Council prior to the issue of any Construction Certificate for those works. No works shall commence prior to the issue of a Construction Certificate.

Prior to the issue of the final Occupation Certificate a certificate shall be issued by the Principal Certifying Authority stating that the work has been undertaken in accordance with the DCP 2014 Engineering Guidelines.

11. 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 DCP 2014 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 Council prior to the issue of any Construction Certificate for those works.

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.

Prior to the issue of any Occupation Certificate, the paved crossing shall be completed for the building, at the owner's cost.

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.

12. Erosion and Sediment Control

Prior to any works commencing onsite which do not require a Construction Certificate, appropriate erosion and sediment controls shall be installed in accordance with Development Control Plan 2014 (DCP 2014).

The final Erosion and Sediment Control Plan (ESCP) / Soil and Water Management Plan (SWMP) shall be submitted to the certifier prior to the approval of the first Construction Certificate for the development. The plan shall contain information required for the area of disturbance of the development or its distinct and separate stages in accordance with DCP 2014.

The final plan shall include a signed and dated Statement of Compliance stating (in full):

- i) This plan has been developed, certified and signed off by an appropriately qualified and experienced professional in erosion and sediment control;

- ii) The plan complies with the requirements for the area of disturbance in accordance with DCP 2014;
- iii) 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
- iv) All erosion and sediment control measures are in accordance with DCP 2014.

The final ESCP / SWMP and the Statement of Compliance shall be provided to Council with the Construction Certificate documentation in accordance with clause 142(2) of the Environmental Planning and Assessment Regulation (NSW) 2000.

All erosion and sediment controls shall be appropriately managed throughout the development to prevent pollution until the land is considered erosion resistant.

Any pollution from site shall be cleaned up immediately and appropriate repairs made to onsite controls.

13. Geotechnical Report Required for the Structural Design of the Buildings

A Geotechnical Assessment to verify the Structural Design of the Buildings shall be prepared by a qualified Geotechnical Engineer, and be submitted to the Principal Certifying Authority prior to the issue of the first Construction Certificate.

The Geotechnical assessment shall have due regard and make appropriate recommendations with respect to the pre-existing site conditions (such as any uncontrolled fill, excavations, or construction works).

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

The geotechnical engineer who inspected the works shall provide written confirmation to the Principal Certifying Authority that the constructed works are in accordance with the recommendations of the Geotechnical Assessment prepared for the development prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first.

14. 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.

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.

15. Disability Access Requirements

The development shall comply with the recommendations contained within the approved DDA Compliance Statement, prepared by Before Compliance and dated 21 May 2015.

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.

The Designated Accessible Parking Bays must comply with AS 2890.6 and include a Continuous Path of Travel to the entrance.

Ramps and stairs must comply with AS 1428.1.

Doorway widths shall comply with AS 1428.1.

Accessible change and toilet facilities shall comply with 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.

16. 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.

17. Dilapidation Survey Report

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

description of the location and nature of any existing observable defects to the properties and existing public infrastructure, including a photographic record.

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

18. Retention of Trees and Native Vegetation (Building)

All native trees and vegetation both on the site and on adjoining properties shall be retained and protected in accordance with DCP 2014 – Tree Preservation and Native Vegetation Management Guidelines (Section 6) and the Australian Standard AS4970-2009 – Protection of Trees on Development Sites unless, they have been specifically identified for removal on the approved plans or documentation.

Additional tree protection measures are to be implemented in accordance with the Tree Protection Plan and accompanying recommendations as outlined within the approved Arborist Report, prepared by Joseph Pidutti, dated 10 May 2016.

All underground utilities and other required excavations are to be routed away from identified Tree Protection Zones of trees identified for retention.

A separate application shall be made to Council in accordance with Clause 5.9 of Lake Macquarie Local Environmental Plan 2014 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.

19. Hollow Bearing Tree Removal

Should any of the trees identified for removal as per the approved Landscape Plans, be hollow bearing, 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.

20. Management of Site - Erosion Prevention and Sediment Control

All disturbed areas shall be revegetated or rendered erosion resistant in accordance with DCP 2014 Guidelines – Erosion Prevention and Sediment Control Guidelines 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.

21. 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.

22. Landscaping

Landscaping shall be implemented/installed in accordance with the approved landscape plans and documentation as prepared Environmental Partnership NSW, Revision 5, Dated July 2016.

Documentation for all landscape works within the property boundary shall be prepared and submitted with the application for a Construction Certificate. This documentation shall be assessed by relevant Council officers responsible for design and maintenance of Council assets.

A Subdivision Construction Certificate (SCC) shall be prepared and submitted to Council for all landscape works within the public domain road reserve. The SCC for public domain works shall be approved by Council in accordance with the following:

- It must be in accordance with the approved DA plans and fully integrated with civil, traffic and stormwater engineering requirements.
- It shall be prepared and produced by a consultant that meets the requirements of the Lake Macquarie Development Control Plan 2014.

- It shall specify the standard set of hold/witness points to be organized with Council's Project Management Coordinator contactable on 4921 0333 during the construction period for all public works. These are:

Associated Witness & Hold Points

Street Trees

- Set out of tree pits (witness points).
- Excavation of tree pits with root barrier and sub-surface drainage installed in accordance with LMCC's Landscape Standard Drawings – 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 Management Coordinator (hold point).
- Tree delivery prior to installation and certification to comply with AS2303-2015 'Tree Stock for Landscape Use' (hold point).
- Commencement of tree planting (witness point).
- Completion of tree planting, including installation of any guards, feature panels / grates in accordance with LMCC's Landscape Standard Drawings (witness point).
- Installation of each layer/horizon of growing medium (witness point).

Hardscape Works

- Clarification on site of setout points and any trenching for services (hold point)
- Form work inspection (hold point)
- Pre pour inspections for pavement and pathways (hold point)
- Completion of works and installation of furniture and TGSI's as approved (witness point)
- Review of works as executed with LMCC's Project Management Coordinator prior to completion report sign off (hold point).

Detention Basin Works

- Completion of subgrade preparation prior to spreading of any imported soil or ameliorated site soil (in accordance with AS4419 – 2003) (witness/hold point).
- Where ameliorated stockpiled soil or site soil is required and utilised for planting purposes in accordance with AS4419 – 2003, evidence of associated amelioration measures must be provided to LMCC's Project Management Coordinator (hold point)
- Completion of nominated soil spreading, mulching, associated proprietary products and planting in accordance with the landscape specifications (witness point).
- Completion of all landscape works in accordance with the SCC and subject DA approved consent (hold point).

All landscape works shall be carried out by members of Landscape NSW & ACT Master Landscapers Association or equivalent, and implemented under the full supervision of an appropriately qualified landscape contractor.

Landscape works must conform to planting densities comprising plants at nominated spacings in all open areas dedicated to planting. A hard garden retaining edge to all planting areas adjoining lawn surfaces must be implemented and all planted areas covered with minimum 100mm mulch to aid plant establishment.

The landscape consultant that produced the SCC shall submit a **Landscape Compliance Report** to the LMCC Project Management Coordinator that certifies that all landscape works have received the relevant witness and hold point inspections, implemented and maintained in accordance with this SCC. This compliance report is required prior to LMCC issuing a compliance certificate for the works.

The landscape consultant that prepared the SCC shall submit two **Landscape Maintenance Reports** to LMCC Project Management Coordinator at 26 weeks and 52 weeks after practical completion. This report will certify that at 26 and 52 weeks after practical completion the approved public domain works are being satisfactorily maintained.

23. Consolidation of Lots

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, Lot 1 DP 113863, Lots 970 and 971 DP 755233 shall be consolidated and registered at the Land and Property Information Services and a copy of the registered plan shall be provided to Council.

24. Provision of Council Easement (Public)

An easement to drain water, (minimum 3 metres wide or the width of the 100 year flow path, whichever is greater) shall be created in favour of Council in accordance with the Stormwater Drainage Plans, prepared by Eclipse Consulting Engineers and approved by this consent.

The easement shall be registered on the title of the lot under Section 88B of the *Conveyancing Act 1919* as amended. A copy of the registered Section 88B Instrument shall be provided to Council prior to the issue of the first Occupation Certificate.

Council shall be the authority with the power to release, vary or modify the terms of the easement.

25. 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.

26. Boundary Fencing

Fencing shall be erected on the site in accordance with the approved Site Plan, prepared by Peddle Thorp Architects and the approved Landscape Plans, prepared by Environmental Partnership NSW.

A 1.8-metre high black palisade fence shall be erected around the bio-retention basin, in accordance with the approved plans. All other fencing shown on the approved plans shall be of black palisade construction at a height of 2.4 metres.

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

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

27. Signs

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

28. Car Parking and Allocation of Spaces

A total of 137 car parking spaces and 9 motorbike parking spaces shall be constructed on the site in accordance with the minimum requirements of the Australian Standard AS/NZS 2890 as current at the time of construction, and maintained on the land in accordance with the approved plans.

The spaces shall be allocated in the following proportions:

Accessible Car Parking for the Existing Child Care Centre	1 space
Regular Car Parking for the Existing Child Care Centre	9 spaces
Accessible Car Parking for Recreation Facility	3 spaces
Electric Vehicle Car Parking for Recreation Facility	2 spaces
Regular Car Parking for Recreation Facility	122 spaces
Motorbike Parking for	9 spaces

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

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

The required electric vehicle charging spaces shall be clearly marked and signposted for the sole use by disabled persons.

The required car parking spaces associated with the Child Care Centre shall be clearly marked and signposted for the sole use by staff and visitors of the Child Care Centre during its approved operating hours.

Any strata subdivision plan relating to the development shall be consistent with the allocation of car parking in this condition.

No spaces shall be marked, signposted or otherwise identified as being for the sole use of staff only. Spaces shall not be fitted with any equipment serving to render the car park inaccessible at any time, such as bollards, roller doors, or the like.

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

29. Bicycle Parking Racks

Secure bicycle parking shall be provided adjacent to the main building entry from Dickinson Street to accommodate ten (10) bicycles on the site in accordance with the approved plans. The installation and dimensions of the bicycle parking shall be in accordance with the Austroads 'Cycling Aspects of Austroads Guides' and Australian Standard AS2890.3:1993. These works shall be completed prior to the issue of the Final Occupation Certificate.

30. Parking Areas and Access Ways

Detailed plans shall be submitted with the application for a Construction Certificate demonstrating the following:

- (a) Pedestrian crossings within the car park are to be aligned perpendicular to the kerb for disability compliance.
- (b) Pedestrian crossings are to be provided in accordance with AS2890.1 and AS1742.10.
- (c) Pedestrian crossings are to be installed on raised thresholds.
- (d) A concrete median shall be installed within the Mulbinga Street vehicle access and shall extend from the Mulbinga Street property boundary to the northern edge of the Child Care Centre car park exit. The median shall not be installed within the road reserve.

All parking areas and access ways shall be designed, constructed, sealed and drained in accordance with the standards nominated in DCP 2014 Guidelines - Engineering Guidelines and the Australian Standard AS2890. All parking areas

and access ways, line marking and signage shall be completed prior to the issue of an Occupation Certificate.

31. Lighting

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

- (a) is designed so as to ensure minimal glare onto adjoining properties or roadways;
- (b) complies with the relevant Australian and New Zealand Standards;
- (c) contains a lighting maintenance policy;
- (d) ensures crime risk and fear is considered when selecting lamps and lighting levels as per Australian and New Zealand Lighting Standard 1158.1 – Pedestrian, and provides sensor lighting to be installed around the communal facilities and car parking areas.

32. Hours of Operation

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

Mondays to Saturdays 5:30am to 10:00pm

Sundays and Public Holidays 6:00am to 10:00pm

Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.

33. Onsite Loading/Service Facility

The onsite loading/servicing 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.

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.

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.

34. External Material Reflection

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

35. Ausgrid Requirements

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

Should a new electricity substation be required for the development, the existing substation shall remain in-situ until the new substation is installed in the location shown in the plans approved by this consent and in accordance with the requirements of Ausgrid. Once the new substation becomes operational, the existing substation shall be decommissioned and removed from the site.

36. 88B Instrument

The Registered Proprietor of the land shall provide an instrument under Section 88B of the Conveyancing Act setting out terms of easements and/or restrictions as to user as may be required by conditions of this consent. Council is to be the party empowered to release, vary or modify those (and only those) easements and/or restrictions required by conditions of this development consent.

The existing easement for electricity shall be released and a new easement for electricity created prior to the issue of any Occupation Certificate for the development.

37. Bus Shelter

The bus stops on Dickinson Street and Frederick Street fronting the development site shall be upgraded in accordance with Council's Standard Drawing EGSD-801.

A bus shelter shall be constructed and installed at the following site, in accordance with the approved plans and Council's Standard Drawing EGSD-801, at the cost of the person having the benefit of the consent.

Bus Shelter	Colour	Type	Location
Shelter 1	Shale Grey	Glass	Dickinson Street

The bus shelter structure shall be constructed and installed in accordance with Council's Standard Drawing EGSD-801.

A concrete bus stop slab shall be constructed at the Frederick Street stop fronting the site, in accordance with Council's Standard Drawing EGSD-801, at the cost of the person having the benefit of the consent.

An approval under s138 of the Roads Act 1993 shall be obtained from Council prior to the issue of any Construction Certificate for these works.

Prior to the issue of a Compliance Certificate/Occupation Certificate a certificate shall be issued by the contractor stating that the bus stop upgrades,

including the bus shelter installation, have been undertaken in accordance with Council's Standard Drawing EGSD-801.

38. Excavation – Aboriginal Relics

Should any Aboriginal relics be discovered then all excavations or disturbance to the area shall cease immediately and the NSW Office of Environment and Heritage, shall be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*.

All necessary approvals from the NSW Office of Environment and Heritage shall be obtained and a copy provided to Council prior to works recommencing.

39. Excavation – Non Indigenous Relics

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

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

40. 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.

Where retaining walls are located over stormwater pipes, the retaining walls shall be designed so that they do not impose any loads upon the stormwater pipes. The design for the retaining walls that are located in the vicinity of stormwater pipes shall be submitted to Council's Assets Department for approval prior to the issue of a Construction Certificate for the development.

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.

41. 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."

42. Demolition and Construction Waste

Prior to the issue of a Construction Certificate for the development, a Demolition and Construction Waste Management Plan shall be prepared and approved by the Principal Certifying Authority. The plan shall identify:

- (a) Types and amounts of waste likely to be generated;
- (b) Waste storage;
- (c) Methods of transport and disposal of wastes;
- (d) Opportunities for waste reduction, re-use of materials and recycling; and
- (e) Requirements for compliance with the Waste Avoidance and Resource Recovery Act 2001.

The plan shall be complied with at all times during demolition and construction works.

43. 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.

44. 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.

45. Driveway Design and Construction – Industrial/Commercial

The driveway to the garage or car parking area of the development shall be designed and constructed in accordance with the following requirements and Council 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) In accordance with AS 2890.2:2002 the maximum gradient of any driveway or ramp shall not exceed 1V:6.5H (15.4%).
- d) Where changes of grade occur, suitable transitions shall be designed to meet the "Design Vehicle Ground Clearance Diagrams" in Figure A1 of AS2890.2:2002.

46. 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 (where the road surface is disturbed) 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.

47. 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.

48. Demolition

Demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no demolition is to be carried out at any time on a Sunday or a public holiday.

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

Erosion and sediment control measures shall be installed prior to any demolition works and maintained in accordance with DCP 2014 Guidelines - Erosion Prevention and Sediment Control Guidelines.

Temporary toilet facilities shall be provided during the course of demolition at a ratio of one toilet, plus one additional toilet for every 20 persons employed at the site.

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

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. During construction all vehicles entering or leaving the site must have their loads covered, and must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris and the site shall be grassed or otherwise rendered erosion resistant.

49. Site Amenities

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

Each toilet must:

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

- (c) be a temporary chemical closet.

50. 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.

51. 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.

52. Asbestos

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

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

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



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

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

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

53. Build Over Sewer - Hunter Water Corporation Requirements

The development must be constructed in accordance with the Hunter Water Corporation requirements as set out in the letter dated 12 May 2015, reference 2010-799.

54. 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.



55. Safety and Security

The development shall comply with the recommendations within the approved Safety Risk Matrix, prepared by Peddle Thorp and dated October 2015.

A comprehensive long-term facility management plan shall be prepared for the development which specifies crime mitigation measures for the development. A copy of the plan shall be submitted to the Principal Certifying Authority and approved prior to the issue of the Final Occupation Certificate. The long-term maintenance plan shall be complied with at all times. The long-term maintenance plan shall cover maintenance of vegetation, lighting, graffiti management and malicious damage. Lighting, if damaged or broken, shall be restored within 24 hours.

The development shall comply with the following requirements of the NSW Police:

Surveillance

- (a) Doors within the location shall have good access control, but enable staff to have good sight lines with each other.
- (b) CCTV cameras shall be installed both within and around the business to maximise surveillance opportunities. Cameras shall monitor the loading dock area, cash handling areas and any high cost merchandise areas with poor natural supervision. TV monitors shall enable staff to monitor activities on the camera. Recording equipment shall be installed away from the counter area to avoid tampering.
- (c) Proposed shelving within the development shall be limited in height, or transparent, to increase natural visibility within the premises and to the outside of the premises. Shelves shall be positioned so that staff behind the counter have good lines of sight.

Lighting

- (a) Security lighting shall be installed in and around the premises, particularly over entry/exit points to create an even distribution of light with no glare.
- (b) Lighting shall be provided within the car park area and utilised when operating hours extend into hours of darkness.

Territorial Reinforcement

- (a) Signage for way finding shall be provided throughout the development, particularly at entry and exit points. Signage shall be provided in locations where access to the public is restricted and shall warn intruders they will be prosecuted.
- (b) Signage shall be erected within the car park to notify users that the car park is for visitors of the development only.
- (c) "Park Smarter" signage shall be erected within the car park reminding people not to leave valuable items in plain view within vehicles.

Environmental Maintenance

- (a) Where possible, graffiti resistant materials shall be used in the construction of the development.
- (b) Graffiti shall be removed within 48 hours of it first appearing.

Space/Activity Management

- (a) Locker facilities shall be provided within the development for pool and gymnasium users to secure valuables while they are using the facilities.

Access Control

- (a) Main entry/exit points shall be fitted with single cylinder locksets which comply with Australian Standards and the Building Code of Australia.
- (b) Windows shall be fitted with key operated locksets which comply with Australian Standards and Building Code of Australia.
- (c) Bollards shall be installed at the main entry to the building to reduce opportunities for ram raid attacks.

- (d) Counters shall be of a width designed to reduce the opportunity for assault of staff and unauthorised access to behind counter areas.
- (e) Windows shall be reinforced with a shatter resistant film or laminated glass.
- (f) A safe designed and installed to Australian Standards shall be provided within the development.
- (g) A monitored intruder alarm system, including duress functionality that enables staff to manually activate the system, shall be installed within the development.

56. Noise – Gymnasium

The operating noise level of the music and PA system associated with the gymnasium on the premises shall comply with the following:

- (a) The LA10 noise level emitted from the premises shall not exceed the LA90 background noise level in any octave band frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 7:00am and midnight at the boundary of any affected residential premises.
- (b) The LA10 noise level emitted from the premises shall not exceed the LA90 background noise level in any octave band frequency (31.5Hz - 8kHz inclusive) between midnight and 7:00am at the boundary of any affected residential premises.

Notwithstanding compliance with the above, the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of midnight and 7:00am.

For the purpose of this condition, the LA10 is taken as the average maximum deflection of the noise emission from the premises.

A 5dB penalty shall be provided for any noise with a low frequency component between 31.5Hz – 250Hz or tonality.

57. 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.

58. 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 (EPA) 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.

59. 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 (EPA) sleep arousal criteria, outlined in the NSW publication Noise Guideline for Local Government.

The sleep disturbance criteria for this project is 55 dB LA1(1 minute) outside the bedroom window of any residential premises.

60. Acoustic Certification

The recommendations contained in the acoustic report prepared by Noise and Sound Services, Project Number: nss22141 – Final, dated April 2016, shall be incorporated into the design and construction of the development.

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

Upon completion of the works and prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified acoustic consultant

certifying that the works have been completed in accordance with their requirements and the development or proposed use is capable of operating in accordance with the design criteria.

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.

61. Construction Site Vibration

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

Prior to the issue of a construction certificate, a demolition and construction vibration management plan shall be submitted, or included with the required Construction Site Noise management plan.

62. Bunded Spillage Areas

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

63. Liquid Gaseous Wastes, Emissions and Odour Control

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

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

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

64. Emissions

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

65. Liquid Wastes

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

66. 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.

67. Ongoing Use Waste

Prior to the issue of a Construction Certificate for the development, a detailed Ongoing Use Waste Management Plan shall be prepared for the development and approved by the Principal Certifying Authority. The plans shall identify;

- (a) Types and amounts of waste likely to be generated;
- (b) Number and size of bins required;
- (c) Waste storage;
- (d) Presentation of bins for collection;
- (e) Methods of transport and disposal of wastes;
- (f) Frequency of waste collection;
- (g) Opportunities for waste reduction, re-use of materials and recycling.

A Waste Management Agreement shall be in place with Council and/or a private contractor for the regular removal of all putrescible, recyclable and green waste from the site, prior to the issue of any Occupation Certificate for the development.

68. 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.

69. 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.

70. Certification of Food Premises Fit-out

Prior to the issue of any Occupation Certificate for the development, 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"*.