

## Proposed Conditions

### Reason for the Imposition of Conditions

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

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

### 1. Prescribed Conditions

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

- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

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

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

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

## 2. Approved Documentation

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

- (a) Plans Reference:

Plans prepared by: Allen Jack & Cottier; Project Number. 15025			
Name of Plan	Drawing Number	Issue	Date
Site Plan – Overall	A1301	F	16/12/2016
Site Plan – Detailed	A1302	F	16/12/2016
General Arrangement Plan – Bld 1 & 2, 8, 9	A2101	H	16/12/2016
General Arrangement Plan – Bld 3 & 4, 7	A2102	H	16/12/2016
General Arrangement Plan – Bld 5, 6	A2103	H	16/12/2016

General Arrangement Plan – Bld 10 (Ground)	A2104	H	16/12/2016
General arrangement plan – Bld 10 (Level 1)	A2105	G	30/09/2016
Roof Plan – Bld 1 & 2, 8, 9	A2107	C	16/05/2016
Roof Plan – Bld 3 & 4, 7	A2108	B	29/04/2016
Roof Plan - Bld 5,6	A2109	C	16/05/2016
Roof Plan – Bld 10	A2110	C	16/05/2016
Elevations – Bld 1 & 2	A3101	E	16/12/2016
Elevations – Bld 3 & 4	A3102	E	16/12/2016
Elevations – Bld 5 & 6	A3103	F	16/12/2016
Elevations – Bld 7, 8 & 9	A3104	F	16/12/2016
Elevations – Bld 10	A3105	E	16/12/2016

Plans prepared by: Arcadia Landscape Architecture			
Name of Plan	Drawing Number	Issue	Date
Landscape Masterplan	101	T03	22/02/2017
Softworks Plan	401	7	16/12/2016
Softworks Plan	402	7	16/12/2016
Softworks Plan	403	7	16/12/2016
Softworks Plan	404	7	16/12/2016
Softworks Plan	405	7	16/12/2016
Softworks Plan	406	7	16/12/2016
Softworks Plan	407	7	16/12/2016
Softworks Plan	408	7	16/12/2016
Softworks Plan	409	7	16/12/2016
Softworks Plan	410	7	16/12/2016
Softworks Plan	411	7	16/12/2016
Softworks Plan	412	7	16/12/2016
Softworks Plan	413	7	16/12/2016
Landscape Details	502	4	30/06/2015
Landscape	503	4	30/06/2015

Specification			
Landscape Sections	601	7	December 2016
Fencing Plan	11	7	December 2016
Circulation Plan	12	7	December 2016
Detail Plan – Local park & Street	14	7	December 2016
Detail Plan – the Shops / Square	16	7	December 2016
Detail Plan – Front Gardens	18	7	December 2016
Detail Plan – Rear Gardens	20	7	December 2016
Elevation – Entry	23	7	December 2016
Indicative Plant Schedule	26	7	December 2016

Plans prepared by: Taylor Thomson Whitting; Project Number: 141125			
<b>Name of Plan</b>	<b>Drawing Number</b>	<b>Issue</b>	<b>Date</b>
Erosion and sediment control plan notes and details	SKC00	P1	15/07/2016
Erosion and sediment control plan	SKC01	P7	16/12/2016
Stormwater Plan	SKC02	P10	16/12/2016
Retaining wall details and elevations	SKC03	P4	16/12/2016
Sections Sheet	SKC04	P3	16/12/2016

(b) Document Reference:

<b>Document</b>	<b>Reference</b>	<b>Author</b>	<b>Date</b>
Site Waste Minimisation and Management Plan	-	HammondCare	30/06/2015
HammondCare Cardiff – Crime Prevention Through Environmental Design	-	HammondCare	July 2016
Vegetation Management Plan	A15069V	Travers Bushfire & Ecology	November 2016
Tree Assessment	A15069T	Travers Bushfire	November

		& Ecology	2016
	as amended by:		
Tree Retention Plan within 40m of Southern Boundary	A15069_T004	Travers Bushfire & Ecology	21/02/2017
Flora & Fauna Assessment	A15069F2	Travers Bushfire & Ecology	May 2016
Access Report	15025	Allen Jack & Cottier	23 June 2015
Stormwater Report – HammondCare Cardiff	141125	Taylor Thomson Whitting	16 December 2016
Flood Impact Report	141125	Taylor Thomson Whitting	16 December 2016
Correspondence	141125.P	Taylor Thomas Whitting	12 April 2017

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

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

### 3. Construction Certificate

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

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

### 4. 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.

### 5. Contribution to Provision of Public Amenities and Services (Sec. 94)

- (a) In accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and the Lake Macquarie City Council Development Contributions Plan Glendale Contributions Catchment -

2015, the monetary contributions in the attached Contributions Schedule must be paid to Council for the purposes identified in that Schedule.

- (b) From the date this determination is made until payment, the amounts of the contributions payable under the preceding clause will be indexed and adjusted at the close of business on:

14 August,  
14 November,  
14 February, and  
14 May;

in each year in accordance with indexation provisions within the Contributions Plan. The first date for indexation will occur on the first abovementioned date after the Notice of Determination becomes effective.

- (c) The contributions payable will be the amounts last indexed and adjusted in accordance with Clause (b) above. However, if no amount has been indexed and adjusted because the first date for indexation and adjustment has not arrived, the contributions payable shall be those in clause (a) above.
- (d) The contributions shall be paid to Council as follows:
- Development Applications involving subdivision – prior to the release of the Subdivision Certificate;
  - Development Applications involving building work – prior to the release of the first Construction Certificate;
  - Development Applications involving both subdivision and building work – prior to the release of the Subdivision Certificate or first Construction Certificate, whichever occurs first;
  - Development Applications where no Construction Certificate or Subdivision Certificate is required – prior to the commencement of any construction work or prior to any occupation, whichever occurs first;
  - Complying Development Certificates - prior to any work authorised by the application or certificate commencing.

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

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

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

A copy of the Lake Macquarie City Council Development Contributions Plan Glendale Contributions Catchment - 2015 may be viewed on Council's website, or a copy is available for inspection at the Council's Administrative Building

during Council's ordinary office hours at 126-138 Main Road, Speers Point, NSW.

## **6. 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.

## **7. Stormwater Disposal - Stormwater Detention and Harvesting**

The Stormwater Detention and Harvesting system submitted with any Construction Certificate shall be generally in accordance with the Stormwater Report and associated plans approved by the Development Consent prepared by Taylor Thomson Witting, Ref: 141125 dated 16 December 2016 and must comply with the following:

- (a) Stormwater shall be disposed of through a piped system designed in accordance with Australian Standard AS 3500 by a suitably qualified professional. Qualifications shall be in accordance with Part DQS.06 of Council's Engineering Guidelines.
- (b) Stormwater detention measures shall be constructed and maintained to ensure that the development does not increase upstream or downstream flood levels.
- (c) Detention storage shall be calculated and designed in accordance with "Australian Rainfall and Runoff 1987" and the Lake Macquarie City Council guideline – "Handbook for Drainage Design Criteria" and shall conform to the specifications and standards contained in the LMCC Engineering Guidelines.
- (d) Stormwater harvesting measures shall be constructed and maintained in accordance with clause 2.5.4 of DCP 1 (and supporting guidelines). Stormwater drainage plans shall include details of the harvesting system (eg rainwater tank and pump details plus reticulation diagrams).
- (e) On site stormwater detention on the site shall not be reduced following development as required by Clause 7.15 of the Lake Macquarie Local Environmental Plan 2014.

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.

## **8. Water Quality Control Facilities**

The applicant shall design and construct permanent Stormwater Quality Facilities generally in accordance with the design and plans prepared by Taylor Thomson Whitting.

Plans and calculations for such Stormwater Quality Control Facilities shall be submitted for approval with the Construction Certificate for each stage. The plan shall also include details of the extent and location of fencing, provide details of maintenance access and details of landscaping and species for the facility and their surrounds.

The plans for the facility shall detail the construction stages, i.e. the plans shall detail the design of the facility as a sediment basin and the plans shall detail the design of the facility in its final form.

The applicant shall include an "Operation and Maintenance Plan" with the Construction Certificate documentation, in accordance with Council's "Stormwater Quality Improvement Device (SQID) Guidelines".

## **9. 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.

## **10. 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."

## **11. Acoustic Certification**

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.

Construction Certificate plans shall carry the endorsement of a suitably qualified acoustic consultant certifying that the development can achieve compliance with acoustic conditions. Certification shall include details of any required works (if any) required to be carried out to achieve compliance.

## **12. Internal Acoustic Comfort Levels**

Internal acoustic comfort levels of the building shall comply with the following:

- a. NSW Department of Planning Development Near Rail Corridors and Busy Roads – Interim Guidelines
- b. AS 2107 (Recommended design sound levels and reverberation times for building interiors)

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.

Construction Certificate plans shall carry the endorsement of a suitably qualified acoustic consultant certifying that the development can achieve compliance with the above levels. Certification shall include details of any required works (if any) required to be carried out to achieve compliance.

## **13. Bushfire – Development on Bushfire Prone Land**

The development shall conform to the specifications and requirements of the document “*Planning for Bushfire Protection*” ISBN 0 9751033 2 6, produced by the NSW Rural Fire Service.

## **14. Bushfire Safety Authority from RFS**

The NSW Rural Fire Service has granted General Terms of Approval in relation to a Bush Fire Safety Authority under Section 100B of the Rural Fires Act:

### 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 property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

### Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a 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 are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

### Access

The intent of measures for 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 4.2.7 of 'Planning for Bush Fire Protection 2006'.

#### Evacuation and Emergency Management

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

4. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

#### Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

5. Construction of the northern, southern and western elevation(s) of the proposed Storage Rooms and Loading Dock shall comply with Sections 3 and 7 (BAL 29) 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'.
6. Construction of the eastern elevation(s) of the proposed Storage Rooms and Loading Dock shall comply with Sections 3 and 6 (BAL 19) 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'.
7. Construction of the proposed Age Care Buildings, Chapel, Administration Building and Shop 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'.
8. A minimum 1.8 metres high radiant heat shield made of non-combustible materials shall be constructed along the western boundary adjacent to the hazard, as demonstrated in Schedule 1- Plan of Bush Fire Protection Measures of the bush fire report prepared by Travers Bushfire and Ecology (Dated June 2015, Ref. A15069B). All posts and rails shall be constructed of steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth.

#### Landscaping

9. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'. In this regard the following landscaping principles are to be incorporated into the development:
  - Suitable impervious areas being provided immediately surrounding the building such as courtyards, paths and driveways;
  - Grassed areas/mowed lawns/ or ground cover plantings being provided in close proximity to the building;

- Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building;
- Maximum tree cover should be less than 30%, and maximum shrub cover less than 20%;
- Planting should not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters);
- When considering landscape species consideration needs to be given to estimated size of the plant at maturity;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such timber garden furniture way from the building; and
- Use of low flammability vegetation species.

## **15. Fire Trail Design**

Prior to the issue of the first Construction Certificate design details of the location of the fire trail across the riparian corridor shall be submitted to Council for consideration and approval.

## **16. General Terms of Approval under Section 15 of the Mine Subsidence Act, 1961**

The following General Terms of Approval have been issued by NSW Mine Subsidence Board and shall be complied with:

1. Demonstrate by geotechnical investigations that mine workings are;
  - a) Long term stable and there is no risk of mine subsidence affecting the site;

*Or alternatively;*

  - b) Eliminate any risk of mine subsidence by a suitable means, such as grouting.

*Or alternatively;*

  - c) By geotechnical investigation and analysis, recommend mine subsidence design parameters for the Boards acceptance.

In each case, the geotechnical investigation shall contain confirmation of the depth of coal seam, height of the workings, thickness of competent rock, as well as detailing the pillar dimensions used in any analysis. It should also include sensitivity and risk analysis, and a review of potential subsidence scenarios with a recommendation for the Board's consideration and acceptance.

The removal of mine subsidence risk shall be substantiated through advice from a qualified geotechnical engineer with experience in mine subsidence. A copy of the proposal with verification measures shall be submitted for the Boards acceptance. In addition to this, the outcomes of verification shall be reported for the Boards acceptance.

2. Where mine subsidence design parameters are nominated, or there is a risk of mine subsidence;
  - 2.1 Submit an "Impact Statement" prior to commencement of detailed design for acceptance by the Board, which shall;
    - a. Identify the Mine Subsidence Parameters used for the design.
    - b. List the structures and building elements.
    - c. Summarise the outcome of a mine subsidence risk assessment.
    - d. List the design mitigation measures proposed.
    - e. Comment on the sensitivity of the design to greater levels of mine subsidence.
  - 2.2 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 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 an additional grade for tilt due to mine subsidence, in excess of the minimum Code requirements for structures including pipes, gutters and wet areas.
    - e. For underground pipes or conduits, allow for flexible joints, flexible bedding surround and flexible building connections and penetrations.
    - f. Ensure there is sufficient capacity in any storage structure for tilt due to mine subsidence.
    - g. Locate underground structures to facilitate ease of repair and replacement.
    - h. Ensure internal finishes are installed in accordance with relevant codes and standards and industry best practice guidelines with additional provision for mine subsidence.

- i. 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,
  - j. Ensure there is provision for isolation joints between adjoining structures. For example between a building and adjacent paving.
  - 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.
- 2.3 Submit final design drawings incorporating the mine subsidence mitigation measures identified in the "Building Impact Statement" for approval by the Board prior to commencement of construction. This shall include certification by the project engineer to the effect that the improvement will remain "safe, serviceable and any damage from mine subsidence will be slight, localised and readily repairable" taking into account the mine subsidence parameters.
3. On completion, certification by a qualified structural engineer is to be forwarded to the Board, 'that all improvements have been constructed in compliance with plans approved by the Board under this development application with supporting documentation.

## **17. Roads and Maritime Service Requirements**

Roads and Maritime has reviewed the submitted strategic design of the proposed site access, and raises no objection to the proposal provided the following matters are included within the Conditions of Consent, and to be resolved within the concept design phase (WAD phase) in consultation with Roads and Maritime:

- Access to the site from Macquarie Road is to be restricted left in, left out. The raised concrete island proposed to be installed is to be a minimum 8 square metres and to restrict right turning manoeuvres into and out of the access. The concrete island is to be designed and constructed to the satisfaction of Roads and Maritime and Council.
- The southbound carriageway on Macquarie Road will direct stormwater from the proposed development running along the edge of through lane that will pool into the wheel path from Ch. 30 to 90 and shall be resolved.
- Plan C101 provides space for on-road cyclists although there are two pinch points which may compromise cyclist safety:
  - At the commencement of the deceleration lane; and
  - The tie in at the southern end of the job.
- Line marking and delineation types are not stated on the plans.

- Typical sections show the existing through lane to remain as is, although the plan shows that the new deceleration edge lane encroaches into the through lane.
- Design speed adopted was for 70km/h not 80km/h. RMS design requirement is for posted speed plus 10km/h.
- Cross sections do not show how the design transitions back into the existing on each end of the job.
- More detail is required on typical sections to indicate retaining wall heights, batter slopes and utilities that are within the clear zone.
- There should be an offset to the TB (give-way) line at the exit to the facility so a vehicle does not block a through cyclist path and force the cyclist onto the through lane.
- The through lane width of the southbound lane has been reduced to 3.2m forcing traffic to move closer to the road centerline and decreasing the safety factor for opposing traffic, 3.5m width should remain.
- Pedestrian facilities into the development – pedestrians should not be expected to walk on the access road to access the bus stop.
- Power pole relocations and other utility adjustments have not been indicated on the plans.

As road works are required on Macquarie Road (B89), Roads and Maritime will require the developer to enter into a WAD with Roads and Maritime. Roads and Maritime would exercise its powers and functions of the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act, as applicable, for all works under the WAD.

- All road works under the WAD shall be completed prior to issuing any Construction Certificate for the proposed development.
- All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to Roads and Maritime or Council, and to Council's requirements.

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

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

The fit-out of areas of the Café 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.

**19. Hoarding and Construction Site Safety Fencing**

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

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

**20. Waste Management**

All requirements of the approved Waste Management Plan must be implemented during the demolition, excavation and construction of the development.

## **21. 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.

## **22. 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.

## **23. 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.



## **24. 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.

## **25. Topsoil and Stockpiles of Materials**

Topsoil shall only be stripped from approved areas. It may be stockpile onsite for re-use during site rehabilitation and landscaping. Stockpiles of any material including but not limited to, soil, sand, aggregate, and spoil, stored on the site that is capable of being moved by water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb, and/or road surface. Suitable erosion and sediment controls shall be installed. The stockpile shall be treated so its surface is resistant to water and wind erosion. No stockpiles shall be located on the public footpath or road reserve without prior written approval from Council.

## **26. 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.

## **27. 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” 4<sup>th</sup> Edition, Landcom, 2004.

## **28. Excavation and Retaining**

Only retaining walls indicated on the approved plans shall be constructed under this consent.

No additional excavation/fill is to occur outside the area as shown on the approved plans.

No fill or retaining walls shall be located within any drainage easement located upon the subject property.

Retaining walls, footings and associated drainage works shall be located wholly within the subject property boundaries and shall be connected to the existing stormwater system or other approved stormwater system on the subject property.

**Note:** Some retaining walls are able to be erected without consent, as Exempt or Complying Development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP). Prior to erection of any retaining wall not approved under this consent, reference to the SEPP should be undertaken to ascertain whether approval is required.

## **29. Tree Protection Measures**

All 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.

All underground utilities and other required excavations are to be routed away from projected Tree Protection Zones, to a minimum of five metres radius from any tree 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.

## **30. Hollow Bearing Tree Removal**

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

### *Removal of Trees with Habitat Hollows*

Removal of trees with habitat hollows shall be undertaken outside of hollow dependent fauna hibernating and breeding periods (i.e. preferred clearing times occur in March/April and October / November). 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.

### *Nest Box Installation*

Eleven glider nest boxes and eleven microbat nest boxes are to be installed:

- At least 2 weeks prior to clearing and maintained for six years;
- At least 4 metres above ground;

- Shall be of a design that is consistent with NSW Government 2011, *"Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects - Guide 8: Nest boxes"*, prepared by the Roads and Traffic Authority, September 2011 and NSW Government 2008, *"Guidelines for the design, construction and placement of nestboxes"*, prepared by the Department of Environment, Climate Change and Water, Biodiversity Conservation Section.
- At an orientation that is suitable for the species that the nest box has been designed. Micro bat nest boxes should be orientated at a north to north westerly aspect. Bird and mammal boxes should be orientated at an east facing aspect;
- In a manner that minimises damage to the trees and surrounding vegetation; and
- With a unique number affixed that can be read from the ground.

#### *Nest Box Monitoring*

Nest boxes shall be monitored to determine their usage and repairs or replacement (as required). Monitoring shall be carried out on an annual basis for a minimum period of six years following installation and/ or as otherwise agreed with Council.

#### *Reporting*

Council's Development Planner Flora and Fauna shall be provided with a written report following:

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

Reports shall include the nest box identification number, artificial nest box or salvaged tree hollow type, GPS location (including GIS map), species and diameter at breast height of the host tree, artificial nest box or salvaged tree hollow height, nest box orientation, species use and nest box condition.

If feral bees establish in the nest box during the monitoring phase, arrangements for an appropriately qualified person is to be made to remove them. The box shall be replaced with one that has carpet on the inside of the box roof, and if appropriate, surface insect spray to deter bees from establishing.

### **31. No works on adjoining Council Land**

The Council land adjoining the site shall not be affected by site works, construction materials stockpiles, waste, building products and debris, site sheds, spoil placement or the like. No access for vehicles, machinery or goods to the site shall be gained across Council land without a written agreement from Council. Construction fencing shall be placed along all community land boundaries adjoining the development site.

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

Implementation of the VMP prepared by Travers Bushfire & Ecology dated November 2016 shall commence immediately upon any construction work commencing and shall be carried out in accordance with the VMP approved schedule of works. Annual Monitoring statements shall be provided to Council's Development Planner Flora and Fauna verifying compliance with the VMP. Implementation of the VMP may cease once outcomes of the VMP have been met, the works schedule completed and approval for the completion of works has been obtained from Council's Development Planner Flora and Fauna.

### **33. Category 3 Landscaping**

Landscaping shall be implemented/installed in accordance with the approved landscape plans and documentation as prepared by Arcadia Landscape Architecture Revision 7 dated December 2016.

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

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

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

Nominated street trees addressing street/ public road reserve (only) must be planted at minimum 75L pot size.

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

All landscaping shall be permanently maintained in good condition in accordance with the adopted DCP 2014 Guidelines – Landscape Design Guidelines.

In the event of any inconsistency between the Landscape Plan and the Vegetation Management Plan the Vegetation Management Plan shall take precedence.

### **34. Relocation of Council Easement**

The applicant shall arrange for the relocation of the easement for drainage and the stormwater pipe located in the easement that enters the property from

Macquarie Road and as shown on the plan prepared by Taylor Thomson Whitting, Drawing No. SKC02, Revision P10, dated 16 December 2016.

The applicant shall demonstrate that there is no reduction in the capacity of the affected pipe drainage systems.

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.

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

### **35. Parking Areas and Access Ways**

All parking areas and access ways shall be designed, constructed, sealed and drained in accordance with the standards nominated in Council's Development Control Plan 1, Volume 1 and 2 Engineering Guidelines and the Australian Standard 2890. All parking areas and access ways, line marking and signage shall be completed prior to the issue of an Occupation Certificate.

### **36. 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.

### **37. Noise - Construction Sites**

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

#### **Approved Construction Times**

The approved hours for construction of this development are –

Monday to Friday - 7.00am to 6.00pm.

Saturday – 8am to 1pm.

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

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

If the construction period is in excess of 26 weeks, a Noise Management Plan (NMP) shall be provided to Council prior to the issue of the first construction

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

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

**38. Construction Site Vibration**

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

**39. 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.

**40. 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.

**41. Feature Entry Walls**

The feature entry walls shall be located wholly on the subject site and shall be designed so as not to obstruct sight distances of vehicles entering and exiting the subject site as set out under AS 2890.1:2004 Parking Facilities.

**42. External Material Reflection**

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

**43. Commencement of the Use of the Land – Housing for Seniors or People with a Disability**

The development shall be occupied in accordance with the requirements of Chapter 3 Part 1 Clause 18 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

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

- (a) seniors, or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under SEPP (Housing for Seniors or People with a Disability) 2004.

**44. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 – Design Verification**

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

**45. Emergency Response Procedures**

Site specific emergency and evacuation procedures shall be prepared for the development, specifically with regard to flooding and bush fire events. A copy of the document shall be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate or Interim Occupation Certificate (whichever occurs first).

**46. Fire Sprinkler System**

A fire sprinkler system shall be provided within the development in accordance with the requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

**47. Fix Damage Caused by Construction Works**

Any damage or injury caused to a public road or associated structures including footpaths, drains, kerb and gutter and utility services caused as a consequence of the construction works shall be made good at the cost of the person with the benefit of the consent.

Any disused kerb and gutter and footpath crossing shall be removed and replaced with full kerb and gutter in accordance with Council's standards to match finished adjoining kerb and gutter. All replacement works are to be completed to the satisfaction of Council prior to the issue of an Occupation Certificate at the cost of the person with the benefit of the consent.

**48. 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.

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

Prior to the issue of any Occupation Certificate the Café 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"*.

**50. Noise - Sleep Arousal**

The L1 (one minute) operating noise level during night time hours of the premises, when measured at the window of any affected residential dwelling, shall comply with the NSW Office of Environment and Heritage sleep arousal criteria, calculated in accordance with Chapter 19 of the NSW Office of Environment and Heritage Noise Control Manual.

**51. Crime Prevention Through Environmental Design**

The construction of the development shall include all security measures outlined in HammondCare Cardiff – Crime Prevention Through Environmental Design (CPTED) report prepared by HammondCare, dated July 2016.

**52. Access to Facilities**

A mini bus shall be made available to residents of the facility 7 days per week to access facilities in accordance with State Environmental Planning Policy (Housing for Seniors or People With a Disability) 2004. The mini bus shall provide access to:

- Shops, bank service providers and other retail and commercial services that residents may reasonably require, and
- Community services and recreation facilities, and
- The practice of a general medical practitioner.

### **53. Provision of Services**

To meet the requirements of a residential care facility under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 the facility must include:

- a. Meals and cleaning services, and
- b. Personal care or nursing care, or both, and
- c. Appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care.

### **54. Deliveries**

All deliveries of goods shall occur between 7am and 6pm daily.

### **55. Advertising Structures and Signs**

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

### **56. Lighting**

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

### **57. 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.

### **58. 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.

#### **59. Medical / Pathological Waste**

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

#### **General Terms of Approval**

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

- Mine Subsidence Board
- NSW Rural Fire Service

### **CONTRIBUTION FEE SCHEDULE**

<b>DESCRIPTION</b>	<b>FEE AMOUNT</b>
GEU-Roads-Capital-R003/R005/R008/R009/R011-CPI	\$15,690.72
GEU-Roads-Land-R005/R008-LVI	\$64.35
GEU-Public Transport Facilities-CPI	\$2,606.87
GEU-Plan Preparation & Administration-CPI	\$22,417.48
	<b>TOTAL \$40,779.42</b>