

JOINT REGIONAL PLANNING PANEL

Hunter and Central Coast

JRPP No	2015HCC028
DA Number	DA/1657/2015
Local Government Area	Lake Macquarie City
Proposed Development	Health Services Facility (Mental Health Facility)
Street Address	1A Dudley Road, Charlestown Lot 100 DP1141495
Applicant	Rodd Hay and Associates Pty Ltd
Owner	NSW Department of Health (Hunter New England Health)
Number of Submissions	0
Regional Development Criteria	Crown Development > \$5 million
List all documents submitted with this report	Statement of Environmental Effects October 2015 Additional Information 21 December 2015
Recommendation	Approval with Conditions as agreed
Report by	Chris Dwyer
Report Date	23 March 2016

Executive Summary

Date Lodged: 13 October 2015

Submission Period: First Notification period 16 – 30 October 2015
Second Notification period 24 November 2015 -
10 December 2015

Zoning: SP2 Infrastructure (Health Services Facilities)
Lake Macquarie Local Environmental Plan 2014

Approval Bodies: Not applicable.

Concurrence Body: Not applicable.

Referral Agencies: Mine Subsidence Board

CIV: \$6.233 million

APPLICATION REFERENCES	
DA No	DA/1657/2015
Assessing Officer:	Chris Dwyer
Property Description:	1A Dudley Road, Charlestown Lot 100 DP1141495
Application Description:	Health Services Facility – Mental Health Facility
Owner's Consent:	Provided
Capital Investment Value:	\$6,233,000

Precise

The NSW Department of Health – Hunter New England Local Health District, proposes a Mental Health Facility for the Department's site at 1A Dudley Road, Charlestown.



Figure 1 – Aerial Photo of Site

The land is zoned SP2 Infrastructure and Health Services Facilities are specifically encouraged on the site.

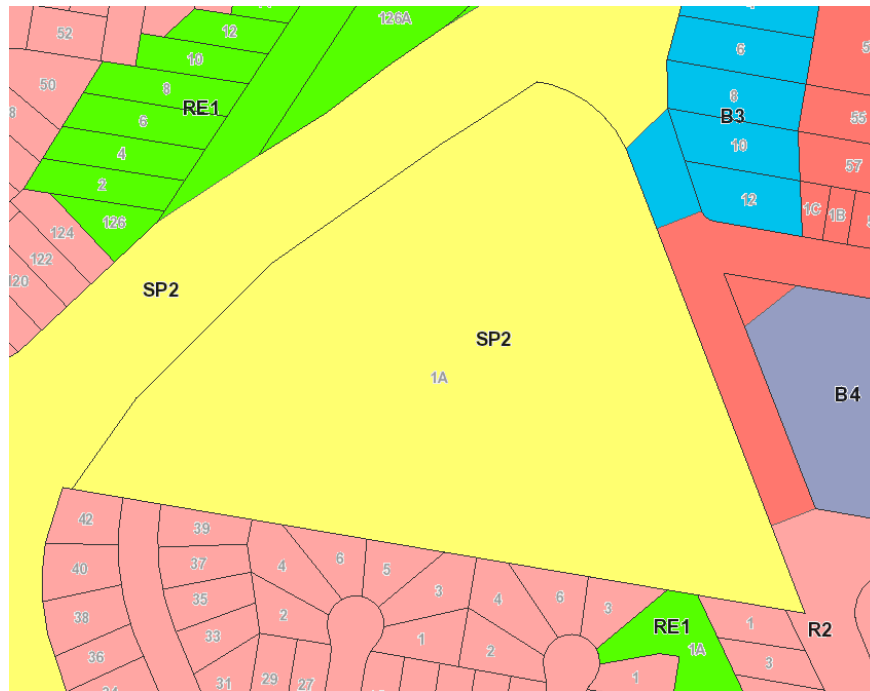


Figure 2 – Land Zoning – SP2 Infrastructure

The proposal is for a three storey Mental Health Facility located to the eastern boundary of the site with frontage and access to Dudley Road.

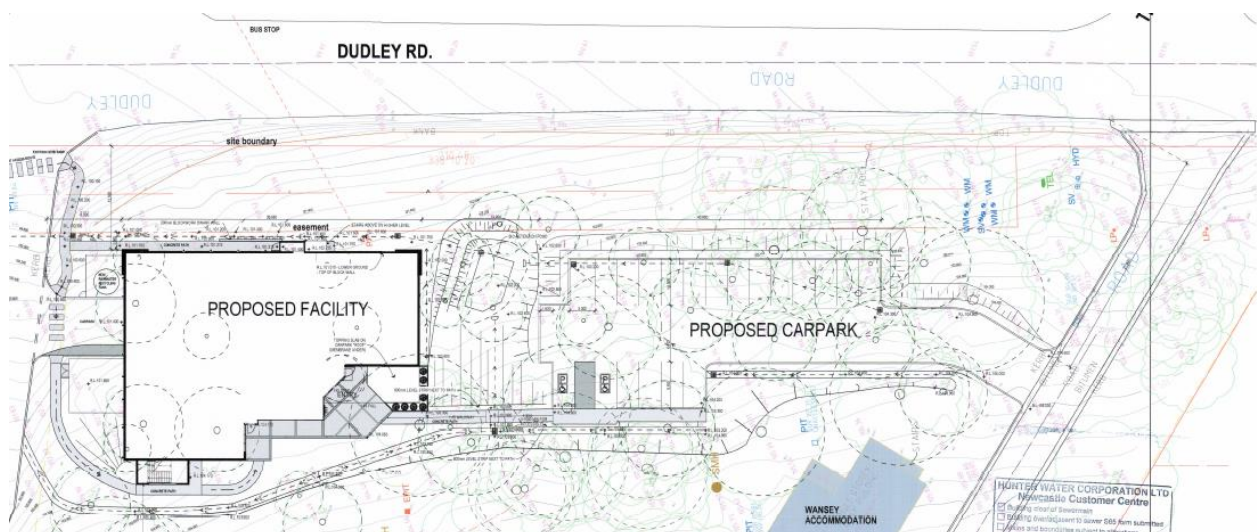


Figure 3 – Site Plan

The built form consists of a ground floor with 22 car parking spaces, first and second floors with offices and consulting rooms, amenities, waiting rooms, meeting rooms and staff rooms.

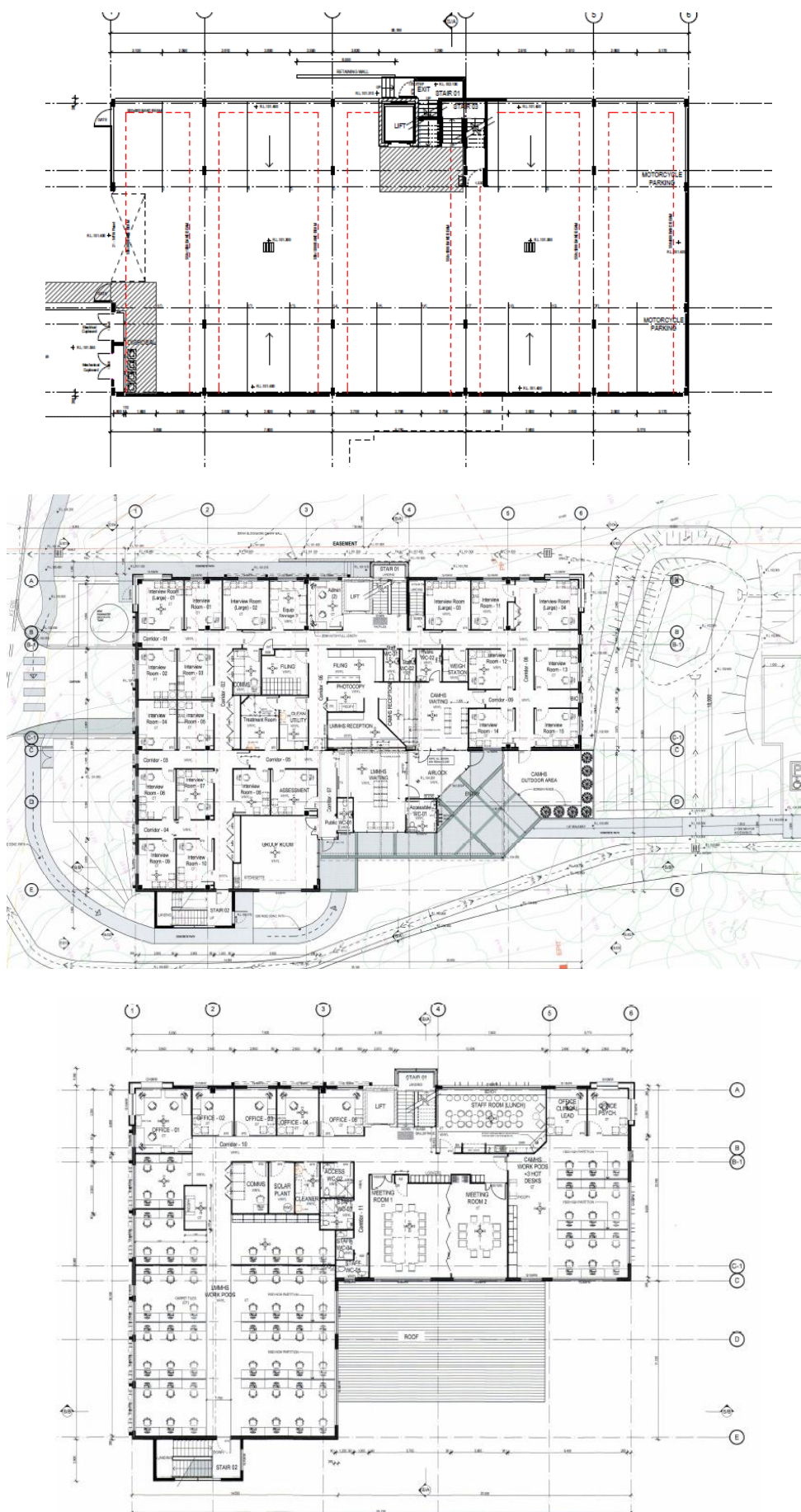


Figure 4 – Floor Plans

The proposal also includes an open air car park of 20 spaces to the south east of the development site.

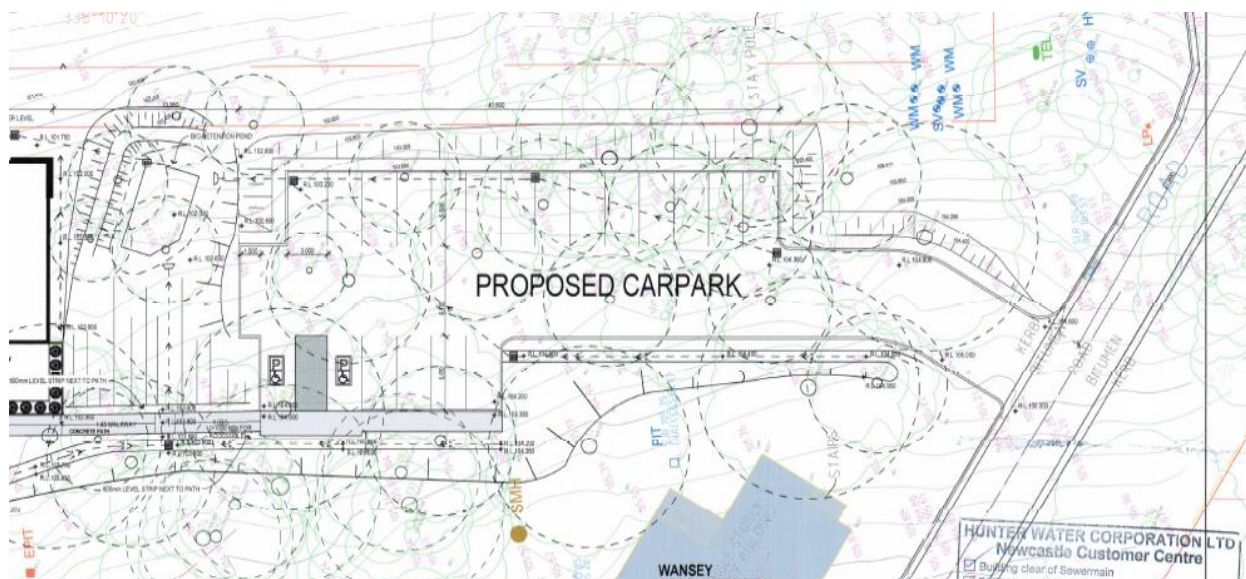


Figure 5 – Open air car park

The design of the building is one of an 'institutional' style with a structured, ratio based approach to elevations and fenestration. The elevations are assisted by elements of material changes, glazing features and window screens.



North East Perspective
(Dudley Rd)



South East Perspective
(Dudley Rd)



South West
Perspective
(Main Building Entry)



South East Perspective
(Dudley Rd)

Figure 6 – Building elevations / Perspectives

Environmental Planning and Assessment Act 1979

CLASSIFICATION OF DEVELOPMENT		Y/N
Is the development proposal <u>Local</u> Development?		N
Is the development proposal <u>Regional</u> Development?		Y
Crown Development over \$5 million CIV is Regional Development pursuant to Schedule 4A of the Act.		
Is notification necessary?		Y
Have all adjoining and affected owners been notified?		Y
Is the development proposal <u>State Significant</u> Development?		N
Is the development proposal <u>Advertised</u> Development?		N

DESIGNATED DEVELOPMENT		Y/N
Is the development proposal <u>Designated</u> Development?		N

INTEGRATED DEVELOPMENT	Y/N
Is the development proposal <u>Integrated</u> Development?	N – Crown Development Application

INTERNAL REFERRAL ASSESSMENT			
Building		Engineering	
Required?	Y	Required?	Y
Received?	Y	Received?	Y
Erosion and Sedimentation		Integrated Planning	
Required?	Y	Required?	Y
Received?	Y	Received?	Y
Environmental Management (Acoustics)		Landscape Architecture	
Required?	Y	Required?	Y
Received?	Y	Received?	Y
Flora and Fauna / Trees		Asset Management - Traffic	
Required?	Y	Required?	Y
Received?	Y	Received?	Y
Integrated Planning		CPTED	
Required?		Required?	Y
Received?		Received?	Y
Social Impact		Disabled Access	

INTERNAL REFERRAL ASSESSMENT

Required?	Y	Required?	Y
Received?	Y	Received?	Y
Developer Contributions			
Required?	Y		
Received?	Y		
Have all issues raised from the internal referrals been resolved?			N

Issues.

Two issues are raised with regard to engineering and road works/upgrades, and developer contributions.

Road Upgrades

Council's Chief Subdivision Engineer and Traffic and Transportation Officer both advise that Dudley Road is required to be widened and sealed with a kerb and gutter.

The issue was not addressed in the SEE. The requirement was conveyed to the applicant through proposed conditions of consent. As the applicant is the Crown, the conditions were not agreed to and as such road widening is not able to occur under this application. The applicant has indicated that the future development of the site for health purposes will occur in the coming years and that the issue of road widening may be considered at a later date. Although not a planning reason, the applicant has indicated that the Crown's budget did not allow for the road widening works.

Developer Contributions

Council's Coordinator Development Contributions advises that the development attracts the following contributions under the Charlestown Contributions Catchment – 2015 Plan as follows:

Facility	Rate per trip / worker	Number of trips / workers	Total Section 94 Contribution
CCA-Roads-Capital – R001/R002/R003/R004-CPI	\$669.26	121	\$80,980.77
CCA-Public Transport Facilities-CPI	\$12.94	80	\$1,035.39
CCA- Plan Preparation and Administration-CPI	\$40.47	80	\$3,237.51
Total			\$85,253.67

Developer contributions were not addressed in the SEE. The requirement was conveyed to the applicant through proposed conditions of consent. As the applicant is the Crown, the conditions were not agreed to and as such developer contributions are not able to be secured under this application.

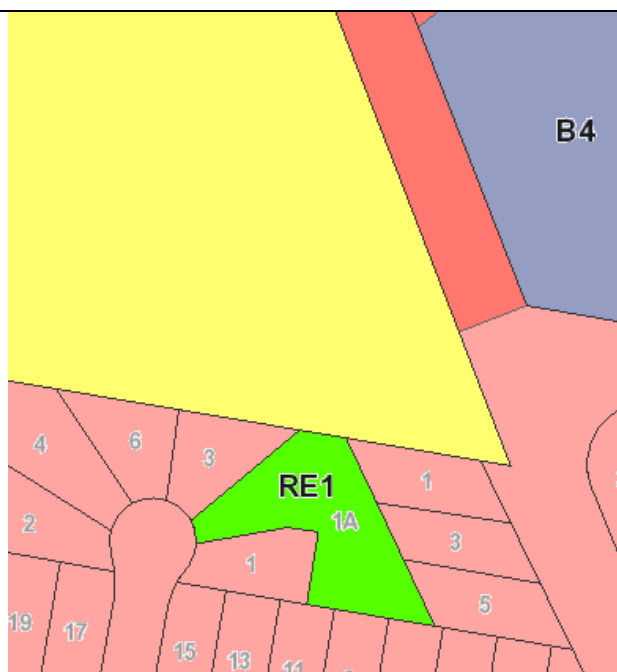
SECTION 5A CONSIDERATIONS**Y/N**

Having regard for Section 5A of the Environmental Planning and Assessment Act, do any of the following issues require further consideration?

N

SECTION 5A CONSIDERATIONS	Y/N
Whether the life cycle of a threatened species will be disrupted.	
Whether the life cycle of an endangered population will be disrupted.	
Whether the habitat of a threatened species or ecological community will be modified.	
Whether habitat will become isolated from other areas of interconnecting or proximate habitat.	
Whether critical habitat will be affected.	
Whether a threatened species, ecological community or habitat are represented in the region's conservation reserves.	
Whether the development is recognised as a threatening process.	
Whether any threatened species or ecological community is at the limit of its known distribution.	

SECTION 79C(1) EP&A ACT 1979 – POTENTIAL MATTERS FOR CONSIDERATION
(a)(i) the provisions of any environmental planning instrument (EPI)
State Environmental Planning Policies
State Environmental Planning Policy 19 – Bushland in Urban Areas
<p>The SEPP provides at clause 9:</p> <p>9 (2) <i>Where a public authority:</i></p> <ul style="list-style-type: none"> <i>(a) proposes to carry out development on land to which this clause applies, or</i> <i>(b) proposes to grant approval or development consent in relation to development on land to which this clause applies,</i> <p><i>the public authority shall not carry out that development or grant the approval or development consent unless it has taken into account:</i></p> <ul style="list-style-type: none"> <i>(c) the need to retain any bushland on the land,</i> <i>(d) the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland, and</i> <i>(e) any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.</i> <p>Land to the south of the site is zoned RE1.</p>



The proposal has been assessed against the above criteria. There will be no significant impact to the land zoned RE1 and the proposal complies with the provisions of the SEPP in this regard.

State Environmental Planning Policy (State and Regional Development) 2011

The development is captured by Schedule 4A of the Act and as such the Hunter and Central Coast Joint Regional Planning Panel is the consent authority (Clause 21).

State Environmental Planning Policy No. 44 – Koala Habitat Protection

Council's Flora and Fauna Officer advises that the conclusion of the SEPP 44 assessment (Firebird ecoSultants Pty Ltd dated 2 December 2015), that the site is not considered to constitute core Koala Habitat under SEPP 44, is concurred with and no further provisions of the SEPP 44 apply.

LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2014

Part 1 - Preliminary

1.9A	Suspension of covenants, agreements or instruments	Not applicable.
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Part 2 – Permitted or Prohibited Development

What is the land zoned?	SP 2 Health Services Facilities
What is the proposal for?	Health Services Facility (Community Mental Health Facility)
Is this permissible within the zone?	Yes
Does it meet the objectives of the zone?	Yes

2.4 - 2.8	Not applicable
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Part 4- Principal Development Standards


4.1 – 4.2B	Not applicable	
4.3	Height of	The height of building limit is 8.5 metres. The development

	buildings	does not comply with this provision. The applicant has lodged written submission under Clause 4.6 – see below.
4.4 – 4.5	Not applicable	
4.6	Exceptions to development standards	<p>The applicant lodged a written submission indicating that the height limit of 8.5 metres is not complied with in this instance and that the proposed height of the development is justified.</p> <p>The height of the building is 12.55 metres at the highest parapet roof line that extends for a significant percentage of the northern, eastern and southern elevations.</p> <p>Although this is a significant departure from the 8.5 metres, the applicant contends that the site is unique in nature and will be subject to a planning proposal that allows for a more intensive health related development on the site.</p> <p>The scale of the building on Dudley Road is able to be compared to and analysed within it's context and the larger site area that enables a favourable outcome in terms of building height.</p> <p>The non-conformance of the building height does not translate or result in a significant impact on the visual, privacy, overlooking, bulk or sale issues that would normally be associated with such a difference in height due to the site's relative isolation from neighbouring properties and it's likely future as a health 'hub'.</p> <p>Council's Integrated Planning Department confirm the planning proposal and raise no issue with the height non-conformance.</p> <p>The height of up to 12.55 metres is acceptable in the circumstances.</p>
Parts 5 – 6		
Not applicable.		
Part 7 – Additional local provisions		
7.1	Acid sulfate soils	The land is not identified as being affected by acid sulfate soils.
7.2	Earthworks	The matters listed in clause 7.2(3) have been considered by Council's Chief Subdivision Engineer and are satisfactory.
7.3-7.20	Not applicable.	
7.21	Essential Services	Essential services are available to the site.
7.22	Location of sex services premises	Not applicable.
Schedule 1 – Additional permitted uses		
Not applicable.		
(a)(ii) the provisions of any draft environmental planning instrument (EPI)		
Not applicable.		

(a)(iii) any development control plan	
DEVELOPMENT CONTROL PLAN 2014	
Part 1 – INTRODUCTION	
Section 1.15 – Development Notification Requirements	
Does the application require notification?	Y
Have all adjoining and affected properties been properly notified?	Y
Has the application being subject to an extended notification period under Cl. 1.15.5?	N

Parts 2 – 4
Not applicable.

Part 5 – DEVELOPMENT IN INDUSTRIAL, BUSINESS PARK & INFRASTRUCTURE ZONES		
Section 2 – Context & Setting		
2.1	Site Analysis	A site analysis plan has been lodged with the application.
2.2	Scenic Values	<p>An amount of vegetation is to be cleared and the building exceeds the LEP building height. The proposed building will be visible from Dudley Road and will result in a significant change to the visual character of the site from one of reasonable heavily vegetated to a relatively intense urban form.</p> <p>The context of this site and it's use allows for consideration of this dramatic change as Charlestown progresses to a more intensive retail and commercial hub. The land use requires the size and scale of building and will in all probability be followed by further built form of the same size and scale on the site.</p> <p>The visual impact assessment lodged with the application is concurred with.</p> <p>The transition from a vegetated site to a health campus is supported by the zoning of the land, and the current and likely future use. The scenic impact of the proposal is considered and supported in this context.</p>
2.3	Geotechnical	There are no geotechnical issues on the site.
2.4	Mine Subsidence	Whilst the application is Crown development and therefore not Integrated Development pursuant to Section 90(2) of the Act, it was referred to the Mine Subsidence Board for comment. The MSB provides conditions of consent which have been included in the draft conditions.
2.5	Contaminated Land	The land is not known to be contaminated and is assessed as being suitable for the intended purpose.
2.6	Acid Sulphate Soils	Not applicable.
2.7	Stormwater Management	Council's Chief Subdivision Engineer and Soil Erosion and Sedimentation Officer have reviewed the plans and advise that the measures to be undertaken to manage stormwater are

		adequate.
2.8-2.10	Not applicable.	
2.11	Bushfire	<p>The land is bushfire prone.</p>  <p>The level of vegetation clearance, asset protection zone and building type of construction has been reviewed against the bushfire threat assessment prepared by Firebird ecoSultants Pty Ltd dated 19 August 2015. The assessment and recommendations of the report are concurred with. No significant threat from Bushfire is experienced if the building and APZ are sited and constructed as per the report and building typology.</p>
2.12	Flora and Fauna	Council's Flora and Fauna Officer advises that the assessment of the native vegetation loss and Koala Habitat impact have been assessed and no objections are raised to the proposal in this regard.
2.13	Preservation of Trees and Vegetation	See comment above.
2.14-2.16	Not applicable.	
2.17	Social Impact	As indicated by the applicant the proposal for the mental health facility in the Charlestown locality is critical for the ongoing care and management of mental health issues for the population of Charlestown and the wider community. The social impacts of the proposal are overwhelmingly positive, obvious and widespread. The proposal is supported in this regard.
2.18	Economic Impact	Not applicable.
Section 3 – Development Design		
3.1	Streetscape	The streetscape outcomes of the proposal result in an acceptable building fenestration, articulation and design in

		general.
3.2	Street Setback	The front setback of 12.16 metres from Dudley Road is benefitted by an existing easement and landscaping that ensures that the impacts from a large, tall building are mitigated.
3.3	Building Bulk	The building's bulk will be evident from Dudley Road due to the transition from a generally well vegetated site along a major road, to one of a more urban and intensive built form. The design of the building includes articulation and fenestration along elevations fronting the street and perpendicular to the street but still visible. The design, although an obvious intensive increase in the land use, is acceptable in this regard.
3.4	Energy Efficiency & Generation	The applicant advises that the office building will be designed to provide for effective energy efficiency.
3.5	Solar Access & Orientation	The orientation of the building to the road frontage necessitates and sets the solar performance. Windows, openings and entrances have been designed to allow for an acceptable (though not optimal) solar access for the occupants and visitors to the building.
3.6	Landscape Design	Council's Landscape Architect advises that the landscaping proposed for the building and car park reflects an acceptable design response to the site and building function.
3.7	Street Tree Planting	See above. Existing street trees (located on the easement section of the site) to the Dudley Road frontage are to be retained.
3.8	Landscape and Tree Planting in Front Setback Areas	See above.
3.9	Landscape and Tree Planting in Car Parks – B7 Zone	Not applicable.
3.10	Fencing	No fencing is indicated on the plans.
3.11	Traffic and Transport	Council's Traffic and Transportation Engineer advises that from the information available as to the operation of the facility it appears that the car parking and transport impacts are satisfactory. The officer also advises however that infrastructure works should be required to Dudley Road, which is discussed elsewhere in this report as not an option available to the consent authority at this time.
3.12-3.14	Design of Parking & Service Areas	The design of these areas is satisfactory.
3.15	Car Parking Rates	The car parking appears to have been provided in accordance with the needs of the operator.
3.16	Non-Discriminatory Access	Council's Access Officer notes and supports the details of the access report lodged with the application as additional information on 21 December 2015.
3.17	Safety & Security	Council's CPTED Officer concurs with the CPTED report

		lodged as additional information on 21 December 2015.
3.18	Cut & Fill	The cut and fill on the site to allow for the development is consistent with the DCP provisions and no issues are raised in this regard.
Section 4 – Operational Requirements		
4.1-4.7	The operational aspects of the facility are satisfactory. The hours of operation, noise, construction management and traffic management are, by the applicant's indication, matters that will be managed by the Crown.	

Parts 6 – 12

Not applicable.

(a)(iia) - any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

There is no planning agreement that has been entered into under section 93F, and no draft planning agreement that a developer has offered to enter into under section 93F of the Act that relates to this development.

(a)(iv) – any matters prescribed by the regulations

<i>Primary Matters</i>	<i>Specific Considerations</i>
Clause 92 EP&A Regulation Government Coastal Policy	Not applicable.

(b) – the likely impacts of the development

Context & Setting Access, Transport & Traffic Public Domain Utilities Heritage Other Land Resources Water Soils Air & Microclimate Flora & Fauna Waste	Energy Noise & Vibration Natural Hazards Technological Hazards Safety, Security & Crime Prevention Social Impact on the Locality Economic Impact on the Locality Site Design & Internal Design Construction Cumulative Impacts
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The above issues have been assessed in preceding sections of this report.

(c) – the suitability of the site for the development

Does the proposal fit the locality?	The proposal forms the first recent addition to the NSW Health campus at 1A Dudley Road. The site has been operating, and is zoned, for the continued use as health services location and as such the proposal is suited to the locality.
Are the site attributes conducive to development?	The site attributes are conducive to the proposal.

(d) –any submissions made in accordance with this Act or the regulations	
Public submissions	No public submissions were received with regard to the proposal.
Submissions from public authorities	The Mine Subsidence Board provides conditions to be placed on any consent issued.
(e) –the public interest	
Federal, State and Local Government Interests and Community Interests	The provision of mental health services in the Lake Macquarie LGA and Charlestown in particular has a positive impact on Federal, State, Local and community interests and is supported in this regard.
Effect of Crown Conditions of Consent <p>The Crown considered draft conditions as proposed by Council. Both the Council Draft Conditions and the Crown response are located at Appendix A of this report.</p> <p>The effect of the Crown response is to significantly abridge landscaping requirements and graffiti removal, remove required road works, remove developer contributions (see also below) and remove acoustic auditing requirements.</p> <p>It is recognised that the proposal provides a mental health facility that assists in the management of health issues for the local community, however the need for infrastructure (particularly road works and through developer contributions) does not diminish or disappear due to the mental health facility land use. There is a clear nexus between the mental health facility and the required works and developer contributions.</p> <p>In removing conditions related to road works and developer contributions, cost effectively move to Council.</p> <p>Notwithstanding, the consent authority must determine the application in accordance with the Act and it is concluded that the proposal does not warrant refusal and in that case, conditional consent in accordance with the Crown terms, is recommended.</p>	

SECTION 80A CONSIDERATIONS	Y/N
Having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act, do any of the following issues require further assessment?	N
Whether any consent/right should be modified/amended?	
Whether any development should be modified or ceased?	
Whether the period of the development should be limited?	
Whether any building/works should be removed after period?	
Whether any works should be carried out regarding S79C?	
Whether any application details should be modified?	

SECTION 94 - CONTRIBUTIONS	Y/N
Is contributions required for the provision, extension or augmentation of public amenities and public services?	Y
Council's Coordinator Development Contributions advises that the development attracts the	

SECTION 94 - CONTRIBUTIONS**Y/N**

following contributions under the Charlestown Contributions Catchment – 2015 Plan as follows:

Facility	Rate per trip / worker	Number of trips / workers	Total Section 94 Contribution
CCA–Roads–Capital – R001/R002/R003/R004-CPI	\$669.26	121	\$80,980.77
CCA-Public Transport Facilities-CPI	\$12.94	80	\$1,035.39
CCA- Plan Preparation and Administration-CPI	\$40.47	80	\$3,237.51
Total			\$85,253.67

Developer contributions were not addressed in the SEE. The requirement was conveyed to the applicant through proposed conditions of consent. As the applicant is the Crown, the conditions were not agreed to and as such developer contributions are not able to be required under this application.

In response to the refusal to add the condition, Council's Coordinator Development Contributions advises the following:

"It is recognised the proposed development provides social benefits to the community, however the applicant has not quantified the value of the social benefit to support the claim that social benefits are in excess of the benefits provided by collecting section 94 contributions.

Regardless of the quantification of the social benefits, it is not appropriate to trade-off demands for infrastructure against social benefits.

There is a nexus between the development and contributions required, including staff and clients travelling by public transport and vehicles. The development will generate a need for local road upgrades and public transport facilities, and if contributions are not paid to Council, this will result in a shortfall of contributions to fund the infrastructure required by the development. The provision of social benefit does not negate the demand for local infrastructure resulting from the proposed development.

Whilst it is proposed for staff to be part of outreach programmes or spend time at other facilities, the required contributions reflect the capacity of the development."

SECTION 106 – EXISTING USE RIGHTS**Y/N**

Is the proposal prohibited under an environmental planning instrument in force?

N

ECOLOGICALLY SUSTAINABLE DEVELOPMENT**Y/N**

Having regards for the principles of ecologically sustainable development, do any of the following issues require further consideration?

N

Precautionary principle?

Intergenerational equity?

Conservation of biological diversity and ecological equity?

Improved valuation, pricing and incentive mechanisms?

RECOMMENDATION:

Based on the above assessment it is concluded that the proposed Mental Health Facility at 1A Dudley Road, Charlestown will provide an essential public health facility in the locality, will result in acceptable impacts on the environment and is supported.

It is also recommended that ongoing liaison between the land owner and Council be undertaken to promote an understanding and agreement on key infrastructure and developer contributions requirements as a result of future development on the site.

It is recommended that the development application be approved, subject to the conditions contained in Appendix B to this report, and as concurred with by the Crown.

DETERMINATION

At what level should the application be determined?	Hunter and Central Coast Joint Regional Planning Panel - Crown Development over \$5 million CIV.
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ENDORSEMENT

The staff responsible for the preparation of the report and recommendation to the JRPP has no pecuniary interest to disclose in respect of the application.

Chris Dwyer
Principal Development Planner
Lake Macquarie City Council

Appendix A – Draft Conditions and Crown Response

DRAFT CONDITIONS FOR DA/1657/2015

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:

Architectural Plans prepared by Rodd Hay and Associates Pty Ltd			
Name of Plan	Drawing Number	Revision	Date
Location Plan	7756-02	A	21.08.15
Site Plan	7756-03	A	21.08.15
Lower Ground Floor	7756-04	A	21.08.15
Ground Floor Plan	7756-05	A	21.08.15
First Floor Plan	7756-06	A	21.08.15
Elevations	7756-07	A	21.08.15
Elevations	7756-08	A	21.08.15
Sections	7756-09	A	21.08.15
Perspectives	7756-10	A	21.08.15

Sediment, Erosion and Stormwater Plans prepared by MPC Consulting Engineers Job No 15-570			
Name of Plan	Drawing Number	Issue	Date
Sedimentation and Erosion Control	C01	3	17.08.15

Plan			
Sedimentation and Erosion Control Details	C02	3	17.08.15
Stormwater Plan	C03	3	18.08.15
Stormwater Details	C04	3	17.08.15

Landscape Plans prepared by Moir Landscape Architecture, Project Number 1244			
Name of Plan	Drawing Number	Revision	Date
Photographic Analysis Plan	LP01	A	6.10.15
Landscape Site Analysis	LP02	A	6.10.15
Landscape Plan - West	LP03	A	6.10.15
Landscape Plan - West	LP04	A	6.10.15
Landscape Sections	LP05	A	6.10.15
Landscape Sections	LP06	A	6.10.15
Landscape Specifications and Detail	LP07	A	6.10.15

(b) Document Reference:

Document	Reference	Author	Date
Statement of Environmental Effects	Job 4942	de Witt Consulting	October 2015
Additional information letter – including all appendices	4942	de Witt Consulting	21 December 2015
Arborist Report	-	Abacus Tree Services	4 January 2016

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. 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 MPC Consulting Engineers, Ref: 15-570 dated 17 August 2015 and must comply with the following:

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

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

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

6. Geotechnical Report Compliance

The recommendations of the Geotechnical Report No. 81720 prepared by Douglas Partners dated June 2015 shall be complied with. Any works undertaken in relation to the development shall embody all the relevant recommendations of the Geotechnical Report.

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

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

7. 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.

8. Disability Access Requirements

Access for people with disabilities shall 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, and in compliance with the report and recommendations of the report Access for People with Disabilities Assessment Report, City Plan Services dated 17/12/2015.

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.

9. Retention of Trees and Native Vegetation (Development)

All native vegetation on the site shall be retained and protected unless it:

- (a) has been identified for removal on the approved plans or documentation; or
- (b) has been identified for selective removal by the NSW Rural Fire Service; or
- (c) is a tree or native vegetation, on the site, that is within close proximity to the approved buildings (ie; within 0 to 5 metres of the approved building) and provided it has not been identified for specific retention in any of the approved plans or documentation.

A separate application shall be made to Council in accordance with Clause 5.9 of LEP 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.

All reasonable measures shall be undertaken to protect all other native vegetation on the site and on adjoining lands from damage during construction. Such measures shall include but not be limited to:

- (a) installing exclusion fencing around vegetation that adjoins the construction area to minimise damage to vegetation that is to be retained. Exclusion fencing shall be installed prior to the issue of the first Construction Certificate or if no Construction Certificate is necessary, prior to the commencement of works and maintained in good working order for the duration of works. The person having the benefit of the consent shall notify Councils Development Planner Flora and Fauna when exclusion fencing has been installed;

- (b) prohibiting compaction and the placement of fill within 5 metres of trees and native vegetation that are to be retained;
- (c) keeping all vehicles, construction materials and refuse within areas approved for buildings, structures, access ways and car parks;
- (d) limiting the number of access points;
- (e) salvaging useable trees and shrubs which are felled for re-use, either in log form, or as woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots and stumps may only be disposed of at an approved site;
- (f) notifying all contractors, sub-contractors, and personnel of vegetation protection requirements of this condition.

10. 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.

11. 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.

12. Hours of Operation

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

Staff only

Mondays to Sundays 8:00am to 11:00pm

Visitors

Mondays to Sundays 8:00am to 5:00pm

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.

13. 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.

14. 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.

The applicant is to comply with recommendations outlined in the acoustic report MAC150208RP1 dated 15 December 2015, prepared by Oliver Muller Acoustics.

In this regard, the applicant is to apply all reasonable and feasible acoustic attenuation measures to reduce the potential intrusive impacts to surrounding premises.

Special consideration and liaison with the management of the Wansley Centre must be carried out both prior and during construction activities to ensure that noise impacts are minimised, particularly during the construction of the car park area.

15. Acoustic Certification

The recommendations contained in the acoustic report prepared by Muller Acoustic Consulting project number MAC150208RP1 dated 15 December 2015 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.

16. 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.

Evaluation of the potential vibration impacts to surrounding premises has been carried out by Oliver Muller Acoustics in Section 5.4 of report number MAC150208RP1, dated the 15 December 2015.

The applicant is to ensure that the safe working distances outlined in Table 18 are complied with during the construction operations, and vibration monitoring is carried out to ensure compliance is being achieved.

17. Tree Protection Measures

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 shall be implemented in accordance with the development phases outlined in *Section 7. Recommendations* of submitted Arborist Report (Abacus Tree Services, 4 January 2016).

Note: A separate application shall be made to Council 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.

18. Mine Subsidence Board requirements

The following condition is recommended by the Mine Subsidence Board by its letter dated 21 October 2015, reference FN75-00246L0.

Note that this Crown development consent is not subject to the Integrated Development Provisions of the Act (s90) and this condition does not form General Terms of Approval under the Act.

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

Or alternatively:

By geotechnical investigation and analysis, recommend mine subsidence design parameters for the Board’s 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.

- 2 Where mine subsidence design parameters are nominated:

- 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.

- 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 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 a qualified engineer to the effect that the improvement will remain "safe, serviceable and any damage from mine subsidence will be slight, localised and readily repairable" taking into account the 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.

19. Crime Prevention Through Environmental Design

The recommendations identified in the de Witt Consulting letter dated 21 December 2015, Section 9 Crime Prevention, regarding surveillance, access control, territorial reinforcement, activity and space management as they relate to building design, pedestrian access, lighting, car parking and landscaping shall be implemented.

In addition, any graffiti experienced on the site or building the subject of this development consent shall be removed within 24 hours of its appearance and broken or damaged external lighting is repaired within 48 hours.

Construction Works in a Public Road

20. Roadways and Drainage Works Standards

The Applicant shall arrange for all works in a public road to be designed and constructed in accordance with the following publications (as amended or updated), as applicable:-

- a. Australian Rainfall and Runoff, 1987.

- b. AUSTRROADS Guide To Traffic Engineering Practice.
- c. Council's DCP and supporting guidelines.
- d. Roads and Traffic Authority Road Design Guide.
- e. Roads and Traffic Authority Interim Guide To Signs and Markings.
- f. Managing Urban Stormwater documents (2004) by Landcom.
- g. The Constructed Wetlands Manual - Department of Land and Water Conservation, 1998.
- h. WSUD Technical Design Guidelines for South East Queensland
- i. Healthy Waterways – Water by Design Guidelines
- j. Subdivision Code
- k. Australian Standards including, but not limited to:-
 - AS1428 - Design for Access and Mobility, Part 1 General Requirements for Access and Part 4 Tactile Indicators,
 - AS2890 - Off Street Parking

Where any inconsistency exists between these documents the Applicant shall verify in writing with Council, the relevant standard to be adopted.

21. Details Required Prior to Commencement of Works in a Public Road

Construction works in accordance with this development consent shall not commence until:

- (a) detailed engineering plans and specifications (including a Design Certification Report and Checklists in accordance with the Lake Macquarie City Council Engineering Guidelines) relating to the work have been endorsed with a Construction Certificate by :-
 - (i) Council, or
 - (ii) an appropriately Accredited certifier accredited in accordance with the Building Professionals Board Accreditation Scheme, and
- (b) the person having the benefit of the development consent:-
 - (i) has appointed a Principal Certifying Authority, and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment, and
- (c) the person having the benefit of the development consent has given at least two (2) days notice to Council of the intention to commence works.

In accordance with Council's authority under Section 138 of The Roads Act 1993, a Private Certifier shall not issue a Construction Certificate for any works within an existing public road unless Lake Macquarie City Council has issued an approval for the works under section 138 of the Roads Act 1993.

Where Council is the Principal Certifying Authority for a subdivision an application for a Construction Certificate can only be made to Lake Macquarie City Council.

A fee for applications for Construction Certificates will be required to be paid in accordance with Council's fees and charges for Construction Certificates.

22. Dedication of Road Widening

The Applicant shall arrange for the dedication of land for road widening in Dudley Road to accommodate the proposed widening of the pavement and associated footpaving. The land shall be dedicated to Council at no cost. The land dedication shall take place prior to the issue of an Occupation Certificate.

23. Construction of Kerb and Gutter and Associated Works in Dudley Road

The Applicant shall construct in Dudley Road, along the frontage of the proposed development, kerb and gutter and associated road pavement, road shoulders and footpaving including drainage and adjustment to existing constructions in accordance with the provisions of the publications and standards identified in this consent. The road pavement shall be widened to a width of 13 metres.

No works shall commence on site prior to the issue of a Construction Certificate.

24. Pavement Standards

Residential road pavements shall be designed in accordance with "A Guide To The Design Of New Pavements For Light Traffic" - AUSTROADS 1998. Main and Industrial road pavements are to be designed in accordance with "Pavement Design, A Guide to the Structural Design of Road Pavements" - AUSTROADS 1992. Designs for road pavements shall be submitted to and approved by the Council or a Private Certifier prior to road pavements being constructed. Where work is to be undertaken within a classified Main Road the pavement design shall also be submitted to the Roads and Traffic Authority for its approval prior to the commencement of works.

25. Traffic Control Standards

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

26. Works as Executed Plan

An electronic copy of the Works as Executed Plans, certified by the Consulting Civil Engineer supervising the works or the Registered Surveyor in charge and certified by the Principal Certifying Authority, shall be supplied to the Council. Where applicable a Registered Surveyor's Certificate certifying that all pipes have been laid within the easements shown on the Final Plan of Subdivision shall also be submitted. The Works as Executed Plan shall, in addition to construction details, show limits and depths of filling, locations of service conduits and street names.

Note that a works as executed plan plotted on film will only be accepted where the original engineering design was hand drawn and not drafted using CAD software.

27. Bicycle Parking Racks

Secure bicycle parking/storage shall be provided to accommodate 6 bicycles on site. The installation and dimensions of the bicycle parking/storage shall be in accordance with the Austroads 'Cycling Aspects of Austroads Guides' and Australian Standard AS2890.3:1993. These works shall be completed prior to the issue of the Final Occupation Certificate.

28. Onsite Loading Facility

The on-site loading bay shall be provided within the open car park, and must be kept clear of goods and must not be used for any storage purposes, including garbage storage. The maximum sized vehicle for deliveries to this building is to be a Van.

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.

29. Car Parking and Allocation of Spaces

A total of 40 car parking spaces shall be constructed on the site in accordance with the minimum requirements of the Australian Standard AS/NZS 2890 as current at the time of construction, and maintained on the land in accordance with the approved plans.

The spaces shall be allocated in the following proportions:

Basement car park	20
Motorbike spaces	2
Open car park	18
Disabled car spaces	2

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

The required disabled car parking spaces shall be clearly marked and signposted in accordance with AS2890.6 for the sole use by disabled persons.

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

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

30. Landscaping

Landscaping shall be implemented/installed in accordance with the conditions of consent and approved landscape plans as prepared by Moir Landscape Architecture rev A dated 06.10.2015 with the following amendments:

- continue clumped informal street tree planting across the Dudley Road frontage to integrate with existing bushland fringe using species endemic to the site, mass plant embankment with understorey planting;
- increase clumped tree planting along perimeter of western swale using species endemic to the site; and
- show pedestrian linkages across streetscape and internal to other facilities within the campus.

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

Landscape works as per approved plans must conform to typical minimum planting densities comprising shrubs at a minimum 1 plant/750mm and groundcovers/low planting at a minimum 4 plants/m² pending species selected within all nominated areas dedicated to planting.

A concrete edge restraint to all lawn adjoining mass planting areas must be constructed and all planting areas covered with minimum 100mm mulch.

Nominated trees must be planted at minimum 45L pot size and during the establishment period maintained in such a manner as to promote good vigour and growth into maturity.

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 landscape works approved by this consent.

31. 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.

32. 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 Charlestown 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 Charlestown 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.

CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
CCA-Roads-Capital-R001/R002/R003/R004-CPI	\$80,980.77
CCA-Public Transport Facilities-CPI	\$1,035.39
CCA-Plan Preparation & Administration-CPI	\$3,237.51
	TOTAL \$85,253.67

Crown response

Capital Works
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Health
Hunter New England
Local Health District

10 March 2016

The General Manager
Lake Macquarie City Council
Box 1906
HRMC NSW 2310

ATTENTION: Chris Dwyer

Dear Chris,

RE: DAI1657/2015 – HEALTH SERVICES FACILITY LOT 100 DP 1141495
1A DUDLEY ROAD, CHARLESTOWN NSW 2290

1. INTRODUCTION AND BACKGROUND

We refer to your letter dated 3 March 2016 requesting Crown concurrence of development consent conditions. A number of the conditions need to be deleted or reworded as outlined in Table 1 and this letter.

Table 1 – Comments on proposed conditions

Condition	Change	Reason
1	Nil	
2	Nil	
3	Reword to: <i>The Applicant shall ensure that all new buildings and structures are constructed in accordance with the relevant requirements of the Building Code of Australia.</i>	Crown development does not require a Construction Certificate or Occupation Certificate as the Crown self-certifies. Section 109R EP& Act.
4	Delete	Crown development does not require a Construction Certificate or Occupation Certificate as the Crown self-certifies. Section 109R EP& Act.
5	<u>Reword to:</u> 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 MPC Consulting Engineers, Ref: 15-570 dated 17 August 2015 and	Crown development does not require a Construction Certificate or Occupation Certificate as the Crown self-certifies. Section 109R EP& Act.

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	<p>must comply with the following:</p> <p>(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.</p> <p>(b) Stormwater detention measures shall be constructed and maintained to ensure that the development does not increase upstream or downstream flood levels.</p> <p>(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.</p> <p>(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).</p> <p>Delete (part):</p> <p><i>Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first:</i></p> <p>(e) to (g).</p>	
6	<p><u>Reword to:</u></p> <p>Geotechnical Report Compliance</p> <p>The recommendations of the Geotechnical Report No. 81720 prepared by Douglas Partners dated June 2015 shall be complied with. Any works undertaken in relation to the development shall embody all the relevant recommendations of the Geotechnical Report.</p> <p>Where the geotechnical report requires inspections, a geotechnical engineer shall inspect the works at the stages as specified in that report.</p> <p>Delete (part):</p> <p><i>Prior to the issue of the first Construction Certificate, the engineering plans shall be certified as being designed in accordance with the approved Geotechnical Report by a suitably qualified structural / civil engineer.</i></p>	<p>Crown development does not require a Construction Certificate or Occupation Certificate as the Crown self-certifies.</p> <p>Section 109R EP& Act.</p>
7	<p><u>Reword to:</u></p>	<p>The development will not create any disused crossing and Crown development does not require</p>

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	<p>Fix Damage Caused by Construction Works</p> <p>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.</p> <p>Delete (part):</p> <p><i>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.</i></p>	an Occupation Certificate.
8	<p><u>Reword to:</u></p> <p>Disability Access Requirements</p> <p>Access for people with disabilities shall be in accordance with the report and recommendations of the report Access for People with Disabilities Assessment Report, City Plan Services dated 17/12/2015 that references Australian Standard AS 1428.1.</p> <p>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.</p> <p>The following legislation may be relevant:</p> <ul style="list-style-type: none"> -The NSW Disability Services Act 1993 -The Commonwealth Disability Discrimination Act 1992 -NSW Anti Discrimination Act 1977. <p>For further information please consult:</p> <ul style="list-style-type: none"> -Human Rights and Equal Opportunity Commission -NSW Anti Discrimination Board. 	The development has been designed to comply with the requirements of the access report as an alternative solution under the Building Code of Australia.
9	Nil	
10	Nil	
11	<p><u>Reword to:</u></p> <p>Parking Areas and Access Ways</p> <p>All parking areas and access ways shall be designed,</p>	The development is Crown development and does not require an Occupation Certificate.

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	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. Delete (part) <i>All parking areas and access ways, line marking and signage shall be completed prior to the issue of an Occupation Certificate.</i>	
12	Nil	
13	Delete	The Crown will maintain the property to minimise potential noise to adjacent properties. Ongoing reporting to Council is not appropriate or needed for the proposed Mental Health Facility. Condition 14 requiring a NMP appropriately deals with noise management.
14	<u>Reword to:</u> 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 prepared. 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 <i>Protection of the Environment Operations Act 1997</i>) 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	The development is Crown development does not require a Construction Certificate.

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	<p>impacts from noise and a complaints handling system.</p> <p>The applicant is to comply with recommendations outlined in the acoustic report MAC150208RP1 dated 15 December 2015, prepared by Oliver Muller Acoustics.</p> <p>In this regard, the applicant is to apply all reasonable and feasible acoustic attenuation measures to reduce the potential intrusive impacts to surrounding premises.</p> <p>Special consideration and liaison with the management of the Wansey Centre must be carried out both prior and during construction activities to ensure that noise impacts are minimised, particularly during the construction of the car park area.</p>	
15	<p>The proponent is to comply with recommendations outlined in the acoustic report MAC150208RP1 dated 15 December 2015, prepared by Oliver Muller Acoustics.</p>	<p>The Crown will maintain the property to minimise potential noise to adjacent properties. Ongoing reporting to Council is not appropriate or needed for the proposed Mental Health Facility.</p> <p>Condition 14 requiring a NMP appropriately deals with noise management.</p>
16	Delete	Condition 14 requiring a NMP appropriately deals with noise management.
17	Nil	
18	Nil	
19	<p>Reword to:</p> <p>Crime Prevention Through Environmental Design</p> <p>The recommendations identified in the de Witt Consulting letter dated 21 December 2015, Section 9 Crime Prevention, regarding surveillance, access control, territorial reinforcement, activity and space management as they relate to building design, pedestrian access, lighting, car parking and landscaping shall be implemented.</p> <p>Delete (part):</p> <p><i>In addition, any graffiti experienced on the site or building the subject of this development consent shall be removed within 24 hours of its appearance and broken or damaged external lighting is repaired within 48 hours.</i></p>	<p>The requirement to remove graffiti within 24 hours was not identified in the CPTED report, furthermore the Crown will manage the site to appropriate standards for this type of facility.</p>
20	Nil	
21	Nil	

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22	Delete	<p>The proposed development will generate 14 trips in the morning and afternoon peak periods and this level of traffic generation does not warrant land dedication for road widening.</p> <p>Furthermore, there is a Hunter Water easement at the front of the property (approximately 4.6 metres wide) along Dudley Road that precludes land dedication.</p>
23	Delete	<p>The proposed development will generate 14 trips in the morning and afternoon peak periods and this level of traffic generation does not warrant road widening.</p>
24	Nil	
25	Nil	
26	Nil	
27	Delete (part) <i>These works shall be completed prior to the issue of the Final Occupation Certificate.</i>	<p>The development is Crown development does not require an Occupation Certificate.</p>
28	Nil	
29	Delete (part): <i>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.</i>	<p>The development is Crown development does not require an Occupation Certificate.</p>
30	Reword to: Landscaping shall be implemented/installed in accordance with the conditions of consent and approved landscape plans as prepared by Moir Landscape Architecture rev A dated 06.10.2015. Delete (part): <i>with the following amendments:</i> <ul style="list-style-type: none"> • <i>continue clumped informal street tree planting across the Dudley Road frontage to integrate with existing bushland fringe using species endemic to the site, mass plant embankment with understorey planting;</i> • <i>increase clumped tree planting along perimeter of western swale using species</i> 	<p>Landscaping will occur in accordance with the landscaping plan prepared by a registered landscape architect.</p> <p>Services within the site are discrete and provide a separate health service and do not require linkages.</p> <p>There is a Hunter Water easement at the front of the property (approximately 4.6 metres wide) along Dudley Road that precludes tree planting.</p>

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	<p>endemic to the site; and</p> <ul style="list-style-type: none"> show pedestrian linkages across streetscape and internal to other facilities within the campus. <p>All landscape works shall be constructed by members of the Landscape Contractors Association of Australia under the full supervision of the appropriately qualified landscape consultant until the Landscape Compliance Report is received by the Principal Certifying Authority or LMCC.</p> <p>Landscape works as per approved plans must conform to typical minimum planting densities comprising shrubs at a minimum 1 plant/750mm and groundcovers/low planting at a minimum 4 plants/m² pending species selected within all nominated areas dedicated to planting.</p> <p>A concrete edge restraint to all lawn adjoining mass planting areas must be constructed and all planting areas covered with minimum 100mm mulch.</p> <p>Nominated trees must be planted at minimum 45L pot size and during the establishment period maintained in such a manner as to promote good vigour and growth into maturity.</p> <p>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 landscape works approved by this consent.</p>	
31	Nil	
32	Delete	<p>There is an urgent and ongoing need for mental health assistance for members of the Lake Macquarie and broader community. The intended outcome of the proposal is to permit mental health related activities at the site in accordance with the needs of the community. Significant social and economic community benefit will be achieved by the purpose built facility. The mental health service will continue to assist community members lead fulfilling and positive lives through support, assistance and encouragement. The social benefits of the facility are in excess of any benefit that would be provided by collecting Section 94 contributions.</p> <p>Any contributions paid to Council would come from the project budget and thus potentially result in a</p>

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	<p>reduced outcome for the community and those in need of support. Additionally, there is no nexus between the proposal and public infrastructure. Visitors and staff also do not place any additional demand on public facilities such as open space or other community facilities. A significant proportion of staff are part of outreach programmes or spend time at other facilities such as the Mater Hospital resulting in reduced occupants of the building further reducing potential for increased demand for public infrastructure.</p> <p>The building will not generate significant demand for any public infrastructure and given the social benefits provided by the development Council should not seek Section 94 contributions.</p> <p>Furthermore the former Development Contributions – Practice Notes state Crown Development Applications and Conditions of Consent – Circular D6 (Department of Urban Affairs and Planning, 1995) provides a limit on imposition of levies on Crown development. The circular limits contributions to local road traffic management and stormwater.</p>
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2. CONCLUSION

This letter addresses potential development conditions that may be sought to be imposed by Council. In accordance with Section 89(1)(a) of the EP&A Act we request that you delete or amend conditions as outlined in Table 1. The proposed development of a mental health facility will benefit the local and broader community, improve mental health, create employment in construction and health and provide a dedicate facility for the service to operate long term.

If you require further information please do not hesitate to contact me on (02) 492 14844

Yours sincerely,

A handwritten signature in blue ink that reads "B. Evans".

Brett Evans
Manager Capital Works

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Appendix B – Conditions of Consent – As Revised and Agreed by Crown

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:

Architectural Plans prepared by Rodd Hay and Associates Pty Ltd			
Name of Plan	Drawing Number	Revision	Date
Location Plan	7756-02	A	21.08.15
Site Plan	7756-03	A	21.08.15
Lower Ground Floor	7756-04	A	21.08.15
Ground Floor Plan	7756-05	A	21.08.15
First Floor Plan	7756-06	A	21.08.15
Elevations	7756-07	A	21.08.15
Elevations	7756-08	A	21.08.15
Sections	7756-09	A	21.08.15
Perspectives	7756-10	A	21.08.15

Sediment, Erosion and Stormwater Plans prepared by MPC Consulting Engineers Job No 15-570			
Name of Plan	Drawing Number	Issue	Date
Sedimentation and Erosion Control Plan	C01	3	17.08.15
Sedimentation and Erosion Control Details	C02	3	17.08.15

Stormwater Plan	C03	3	18.08.15
Stormwater Details	C04	3	17.08.15

Landscape Plans prepared by Moir Landscape Architecture, Project Number 1244			
Name of Plan	Drawing Number	Revision	Date
Photographic Analysis Plan	LP01	A	6.10.15
Landscape Site Analysis	LP02	A	6.10.15
Landscape Plan - West	LP03	A	6.10.15
Landscape Plan - West	LP04	A	6.10.15
Landscape Sections	LP05	A	6.10.15
Landscape Sections	LP06	A	6.10.15
Landscape Specifications and Detail	LP07	A	6.10.15

(b) Document Reference:

Document	Reference	Author	Date
Statement of Environmental Effects	Job 4942	de Witt Consulting	October 2015
Additional information letter – including all appendices	4942	de Witt Consulting	21 December 2015
Arborist Report	-	Abacus Tree Services	4 January 2016

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. Stormwater Disposal - Stormwater Detention and Harvesting

The Stormwater Detention and Harvesting system shall be generally in accordance with the plans approved by the Development Consent prepared by MPC Consulting Engineers, Ref: 15-570 dated 17 August 2015 and must comply with the following:

- (a) Stormwater shall be disposed of through a piped system designed in accordance with Australian Standard AS 3500 by a suitably qualified professional. Qualifications shall be in accordance with Part DQS.06 of Council's Engineering Guidelines.
- (b) Stormwater detention measures 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).

4. Geotechnical Report Compliance

The recommendations of the Geotechnical Report No. 81720 prepared by Douglas Partners dated June 2015 shall be complied with. Any works undertaken in relation to the development shall embody all the relevant recommendations of the Geotechnical Report.

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

5. 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.

6. Disability Access Requirements

Access for people with disabilities shall be in accordance with the report and recommendations of the report Access for People with Disabilities Assessment Report, City Plan Services dated 17/12/2015.

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.

7. Retention of Trees and Native Vegetation (Development)

All native vegetation on the site shall be retained and protected unless it:

- (a) has been identified for removal on the approved plans or documentation; or
- (b) has been identified for selective removal by the NSW Rural Fire Service; or
- (c) is a tree or native vegetation, on the site, that is within close proximity to the approved buildings (ie; within 0 to 5 metres of the approved building) and provided it has not been identified for specific retention in any of the approved plans or documentation.

A separate application shall be made to Council in accordance with Clause 5.9 of LEP 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.

All reasonable measures shall be undertaken to protect all other native vegetation on the site and on adjoining lands from damage during construction. Such measures shall include but not be limited to:

- (a) installing exclusion fencing around vegetation that adjoins the construction area to minimise damage to vegetation that is to be retained. Exclusion fencing shall be installed prior to the issue of the first Construction Certificate or if no Construction Certificate is necessary, prior to the commencement of works and maintained in good working order for the duration of works. The person having the benefit of the consent shall notify Council's Development Planner Flora and Fauna when exclusion fencing has been installed;
- (b) prohibiting compaction and the placement of fill within 5 metres of trees and native vegetation that are to be retained;
- (c) keeping all vehicles, construction materials and refuse within areas approved for buildings, structures, access ways and car parks;
- (d) limiting the number of access points;
- (e) salvaging useable trees and shrubs which are felled for re-use, either in log form, or as woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots and stumps may only be disposed of at an approved site;
- (f) notifying all contractors, sub-contractors, and personnel of vegetation protection requirements of this condition.

8. 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.

9. 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 and Engineering Guidelines and the Australian Standard 2890.

10. Hours of Operation

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

Staff only

Mondays to Sundays 8:00am to 11:00pm

Visitors

Mondays to Sundays 8:00am to 5:00pm

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.

11. 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.

The applicant is to comply with recommendations outlined in the acoustic report MAC150208RP1 dated 15 December 2015, prepared by Oliver Muller Acoustics.

In this regard, the applicant is to apply all reasonable and feasible acoustic attenuation measures to reduce the potential intrusive impacts to surrounding premises.

Special consideration and liaison with the management of the Wansey Centre must be carried out both prior and during construction activities to ensure that noise impacts are minimised, particularly during the construction of the car park area.

12. Acoustic Certification

The recommendations contained in the acoustic report prepared by Muller Acoustic Consulting project number MAC150208RP1 dated 15 December 2015 shall be complied with.

13. Tree Protection Measures

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 shall be implemented in accordance with the development phases outlined in *Section 7. Recommendations* of submitted Arborist Report (Abacus Tree Services, 4 January 2016).

Note: A separate application shall be made to Council 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.

14. Mine Subsidence Board requirements

The following condition is recommended by the Mine Subsidence Board by its letter dated 21 October 2015, reference FN75-00246L0.

Note that this Crown development consent is not subject to the Integrated Development Provisions of the Act (s90) and this condition does not form General Terms of Approval under the Act.

- 4 Demonstrate by geotechnical investigations that the mine workings are long term stable and there is no risk of mine subsidence affecting the site;

Or alternatively:

By geotechnical investigation and analysis, recommend mine subsidence design parameters for the Board's 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.

- 5 Where mine subsidence design parameters are nominated:
 - 5.1 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.
 - 5.2 The final design shall:
 - e. Be developed from the concept design accompanying the Building Application.
 - f. Include sufficient drawing plans, long-sections, elevations and details, to describe the work and proposed mine subsidence mitigation measures.
 - g. Include design mitigation measures to reduce the transfer of horizontal strain into building structures.
 - h. 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.
 - i. For underground pipes or conduits allow for flexible joints, flexible bedding surround and flexible building connections and penetrations.
 - j. Ensure there is sufficient capacity in any storage structure for tilt due to mine subsidence.
 - k. Locate underground structures to facilitate ease of repair and replacement.
 - l. Ensure internal finishes are installed in accordance with relevant codes and standards and industry best practice guidelines with additional provision for mine subsidence.
 - m. 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.
 - n. 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.
 - 5.3 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 a qualified engineer to the effect that the improvement will remain “safe, serviceable and any damage from mine subsidence will be slight, localised and readily repairable” taking into account the mine subsidence parameters.
- 6 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.

15. Crime Prevention Through Environmental Design

The recommendations identified in the de Witt Consulting letter dated 21 December 2015, Section 9 Crime Prevention, regarding surveillance, access control, territorial

reinforcement, activity and space management as they relate to building design, pedestrian access, lighting, car parking and landscaping shall be implemented.

Construction Works in a Public Road

16. Roadways and Drainage Works Standards

The Applicant shall arrange for all works in a public road to be designed and constructed in accordance with the following publications (as amended or updated), as applicable:-

- a. Australian Rainfall and Runoff, 1987.
- b. AUSTROADS Guide To Traffic Engineering Practice.
- c. Council's DCP and supporting guidelines.
- d. Roads and Traffic Authority Road Design Guide.
- e. Roads and Traffic Authority Interim Guide To Signs and Markings.
- f. Managing Urban Stormwater documents (2004) by Landcom.
- g. The Constructed Wetlands Manual - Department of Land and Water Conservation, 1998.
- h. WSUD Technical Design Guidelines for South East Queensland
- i. Healthy Waterways – Water by Design Guidelines
- j. Subdivision Code
- k. Australian Standards including, but not limited to:-
 - AS1428 - Design for Access and Mobility, Part 1 General Requirements for Access and Part 4 Tactile Indicators,
 - AS2890 - Off Street Parking

Where any inconsistency exists between these documents the Applicant shall verify in writing with Council, the relevant standard to be adopted.

17. Details Required Prior to Commencement of Works in a Public Road

Construction works in accordance with this development consent shall not commence until:-

- (a) detailed engineering plans and specifications (including a Design Certification Report and Checklists in accordance with the Lake Macquarie City Council Engineering Guidelines) relating to the work have been endorsed with a **Construction Certificate** by :-
 - (i) Council, or
 - (ii) an appropriately Accredited certifier accredited in accordance with the Building Professionals Board Accreditation Scheme, and
- (b) the person having the benefit of the development consent:-
 - (i) has appointed a Principal Certifying Authority, and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment, and
- (c) the person having the benefit of the development consent has given at least two (2) days notice to Council of the intention to commence works.

In accordance with Council's authority under Section 138 of The Roads Act 1993, a Private Certifier shall not issue a Construction Certificate for any works within an existing public road unless Lake Macquarie City Council has issued an approval for the works under section 138 of the Roads Act 1993.

Where Council is the Principal Certifying Authority for a subdivision an application for a Construction Certificate can only be made to Lake Macquarie City Council.

A fee for applications for Construction Certificates will be required to be paid in accordance with Council's fees and charges for Construction Certificates.

18. Pavement Standards

Residential road pavements shall be designed in accordance with "A Guide To The Design Of New Pavements For Light Traffic" - AUSTROADS 1998. Main and Industrial road pavements are to be designed in accordance with "Pavement Design, A Guide to the Structural Design of Road Pavements" - AUSTROADS 1992. Designs for road pavements shall be submitted to and approved by the Council or a Private Certifier prior to road pavements being constructed. Where work is to be undertaken within a classified Main Road the pavement design shall also be submitted to the Roads and Traffic Authority for its approval prior to the commencement of works.

19. Traffic Control Standards

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

20. Works as Executed Plan

An electronic copy of the Works as Executed Plans, certified by the Consulting Civil Engineer supervising the works or the Registered Surveyor in charge and certified by the Principal Certifying Authority, shall be supplied to the Council. Where applicable a Registered Surveyor's Certificate certifying that all pipes have been laid within the easements shown on the Final Plan of Subdivision shall also be submitted. The Works as Executed Plan shall, in addition to construction details, show limits and depths of filling, locations of service conduits and street names.

Note that a works as executed plan plotted on film will only be accepted where the original engineering design was hand drawn and not drafted using CAD software.

21. Bicycle Parking Racks

Secure bicycle parking/storage shall be provided to accommodate 6 bicycles on site. The installation and dimensions of the bicycle parking/storage shall be in accordance with the Austroads 'Cycling Aspects of Austroads Guides' and Australian Standard AS2890.3:1993.

22. Onsite Loading Facility

The on-site loading bay shall be provided within the open car park, and must be kept clear of goods and must not be used for any storage purposes, including garbage storage. The maximum sized vehicle for deliveries to this building is to be a Van.

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.

23. Car Parking and Allocation of Spaces

A total of 40 car parking spaces shall be constructed on the site in accordance with the minimum requirements of the Australian Standard AS/NZS 2890 as current at the time of construction, and maintained on the land in accordance with the approved plans.

The spaces shall be allocated in the following proportions:

Basement car park	20
Motorbike spaces	2
Open car park	18
Disabled car spaces	2

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

The required disabled car parking spaces shall be clearly marked and signposted in accordance with AS2890.6 for the sole use by disabled persons.

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

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

24. Landscaping

Landscaping shall be implemented/installed in accordance with the conditions of consent and approved landscape plans as prepared by Moir Landscape Architecture rev A dated 06.10.2015.

25. 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.