

## **Conditions of Consent**

(Approved subject to the conditions specified in this notice and in accordance with the stamped approved plans.)

## **Reason for the Imposition of Conditions**

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

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

## **1. Prescribed Conditions**

- (a) The work must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (b) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

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

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

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

## **2. Inspections**

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

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

### 3. Approved Documentation

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

(a) Plans Reference:

Architectural Plans prepared by: Jackson Teece; Project No: 2014076			
Name of Plan	Drawing Number	Issue	Date
Cover Sheet	00	2	10/12/2015
Site Analysis	01	2	10/12/2015
Existing Ground Floor	03	4	10/12/2015
Existing Lower Ground Floor	04	4	10/12/2015
Existing Roof	05	2	10/12/2015
Existing Elevations	06	2	10/12/2015
Demolition	10	3	10/12/2015
Booragul Campus Site	15	2	10/12/2015
Proposed Ground Floor	20	9	10/12/2015
Proposed Lower Ground Floor	21	8	10/12/2015
Proposed Roof	22	5	10/12/2015
Proposed Elevations	30	2	10/12/2015
Proposed External Signage	35	1	10/12/2015
Proposed Sections	40	2	10/12/2015

Engineering Plans prepared by: Lindsay Dynan; Project No: 11975			
Name of Plan	Drawing Number	Issue	Date
Stormwater Drainage	01	D	26/2/2016

Sediment & Erosion Control	02	B	10/12/2015
Sediment Drainage	03	C	26/2/2016

Landscape Plans prepared by: Terras Landscape Architects; Project No: 10833.5

<b>Name of Plan</b>	<b>Drawing Number</b>	<b>Issue</b>	<b>Date</b>
Cover Sheet	-	C	Dec 2015
Site Analysis	01	C	Dec 2015
Landscape Design Report	02	C	Dec 2015
Landscape Masterplan	03	C	Dec 2015
Pond Area Landscape Plan	04	C	Dec 2015
Section A/05 Pond Area	05	C	Dec 2015
Entry Courtyard Landscape Plan	06	C	Dec 2015
Section B/06 Entry Courtyard	07	C	Dec 2015
CA Brown Courtyard Landscape Plan	08	C	Dec 2015
Section C/09 CA Brown Courtyard	09	C	Dec 2015
North Eastern Courtyard Landscape Plan	10	C	Dec 2015
Section D/11 Northeastern Courtyard	11	C	Dec 2015
Fred Lean Landscape Plan	12	C	Dec 2015
Building Void Landscape Plan	13	C	Dec 2015

Day Therapy Centre Landscape Plan	14	C	Dec 2015
Suggested Planting Palette	15	C	Dec 2015
Proposed Tree Removal and Retention	16	C	Dec 2015

(b) Document Reference:

Document	Reference	Author	Date
Statement of Environmental Effects	5588	De Witt Consulting	4/12/2015
Bushfire Report	1847	Eco Logical	30/12/2015
Acoustic Assessment (Amended)	151058/6087	Spectrum Acoustics	Mark 2016 (Version II)
Accessibility Report	AN15-205828	Philip Chun	19/11/2015
Geotechnical Report	82859.00	Douglas Partners	Oct 2015
Arborist Report	10833.5	Terras Landscape Architects	22/10/2015

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

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

#### 4. Construction Certificate

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

**Note:** If the Construction Certificate is issued by a Principal Certifying Authority that is not Council it will be necessary to lodge the Construction Certificate and other

approved documents with Council within two days of such approval. (Clause 142(2) EPA Regulation 2000).

## **5. Occupation Certificate**

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

## **6. Stormwater Disposal**

The Stormwater Disposal and Management system submitted with any Construction Certificate shall be generally in accordance with the plans approved by the Development Consent prepared by Lindsay Dynan, Ref: 11975 dated 10 December 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 controls 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.

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) and (b) as shown above. **Note:** This may be shown on the Works As Executed Plan.

## **7. Erosion and Sediment Control Plan**

Prior to the release of the first Construction Certificate or any works commencing onsite (including, but not limited to, demolition or vegetation clearing), the final Erosion and

Sediment Control Plan (ESCP)/Soil and Water Management Plan (SWMP) shall be submitted to, and approved by, Council's Erosion and Sediment Control Officer. It shall comply with the following:

- (a) All information required for area of disturbance associated with the development in accordance with Council's DCP;
- (b) Show locations of erosion and sediment control measures for each stage including temporary and permanent controls, prior to demolition, during construction, prior to revegetation, landscaping or building, and the order in which they will be installed for the development and each stage to suit the activity occurring onsite at that time;
- (c) Assessment of the onsite soil type(s) including distribution, sediment type, erosion hazard,
- (d) Calculations for the sizing of any sediment traps (including excavated basins and temporary traps);
- (e) Details of proposed erosion and sediment controls including clean water diversions, for works within the drainage channel in the centre of the site;
- (f) Details of the treatment of sediment-laden water captured in any sediment traps prior to its release from the site to meet Council's nominated water quality criteria for turbidity of less than 50mg/L, including proposed flocculants/coagulants and rates;
- (g) All erosion and sediment control measures shall be appropriate for the Sediment Type onsite;
- (h) Prior to the release offsite of any water (including, but not limited to, ground water, overland flow or rain water) captured onsite, the water shall be tested to ensure its Total Suspended Solids (TSS) level is less than or equal to 50mg/L. A sample of the water shall be retained onsite for inspection by Council or the Private Certifier. The sample shall be at least 250ml and kept in a clean, clear, plastic container. The date and time the sample was taken shall be recorded on the container.
- (i) Aluminium based flocculent products are not permitted to be used without prior written approval from an appropriate LMCC officer.
- (j) Captured water may be removed from site using other methods including, but not limited to, directly into a holding tank on a vacuum or sucker truck. It shall be deposited at an approved waste management facility.
- (k) Clear separation of clean and dirty water;
- (l) Temporary and permanent dust suppression measures on disturbed areas;
- (m) Inspection, maintenance and removal schedules for all erosion and sediment control measures; and

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

- The Plan has been developed by an appropriately qualified and experienced professional in erosion and sediment control;
- The Plan complies with the requirements for the area of disturbance as per DCP 2014 and points (a) to (m) above;
- The Plan and associated documents, calculations and drawings, have been prepared to a standard which, if properly implemented, will achieve the water release criteria of 50mg/L of Total Suspended Solids (TSS); and
- All erosion and sediment control measures are in accordance with Council's DCP 2014.

#### **8. 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.

#### **9. Management of Site - Erosion Prevention and Sediment Control**

All disturbed areas shall be revegetated or rendered erosion resistant in accordance with DCP 2014 Guidelines – Erosion Prevention and Sediment Control Guidelines as soon as practical, and no later than the timeframes specified in Managing Urban Stormwater: Soils and Construction “The Blue Book” 4<sup>th</sup> Edition, Landcom, 2004.

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

Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.

Stockpiles of topsoil, sand, aggregate, spoil or other material stored on the site that is capable of being moved by running water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb, and/or road surface. Suitable sediment and erosion control devices shall be installed prior to the stockpile being created. The stockpile shall be treated so its surface is erosion resistant to wind and water action.



No stockpiles of topsoil, sand, aggregate, spoil or other material shall be located on the public footpath or road reserve.

#### **11. Category 3 Landscaping**

Landscaping shall be implemented/installed in accordance with the approved landscape plans and documentation as prepared Terras Landscape Architects dated December 2015.

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

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

Species such as Tradescantia rhoeo and Dietes bicolour are not to be planted.

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

Nominated Street Trees addressing street/ Public Road reserve (only) must be planted at minimum 75L Pot size.

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

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

#### **12. Consolidation of Lots**

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, Lot 66 DP 592211 and Lot 10 DP 1048813 shall be consolidated and registered at the Land and Property Information Services and a copy of the registered plan shall be provided to Council.

#### **13. Advertising Structures and Signs**

Erection of any signs shall be in accordance with the signage details approved by this consent. No other signage is to be erected without further 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.

**14. 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.

**15. Lighting**

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

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

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

**17. SEPP Seniors - Occupancy Restriction**

In accordance with the provisions of State Environmental Policy (Seniors Housing and People with a Disability) 2004, the development shall only provide accommodation for:

- (a) seniors or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

A restriction as to user shall be registered against the title of the property prior to the issue of a Final Occupation Certificate on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to above.

**18. Building Waste**

Prior to any construction work commencing, containment of building waste materials shall be provided within the boundaries of the building site, above natural or excavated ground level, by a screened area of silt stop fabric or shade cloth, having minimum dimensions of 2.4 x 2.4 x 1.2 metres high OR equivalent size waste disposal bin.

The enclosure or bin shall be maintained for the term of the construction to the completion of the development.

The enclosure or bin shall be regularly cleaned to ensure proper containment of the building wastes generated on the site.

Appropriate provision is to be made to prevent wind blown rubbish escaping from the containment.

## **19. Removal, Management and Transportation of Fill**

All excavated fill material that is to be removed from the site shall only be distributed to:

- (a) A NSW Office of Environment and Heritage licensed waste disposal facility. A copy of the receipts from the waste disposal facility shall be kept and shall be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or authorised officer of Council upon request; or
- (b) A site which has a current development consent for the importation of fill material. A copy of the current development consent for the site to which the material is proposed to be distributed must be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or authorised officer upon request.

All removed excavated material shall be transported and disposed of in accordance with the NSW Office of Environment and Heritage guidelines applicable at the time of removal.

## **20. Dust Suppression**

During the extraction, removal, and transportation of material associated with the works, the person having the benefit of the consent shall ensure that airborne dust is contained within the work site or transport vehicles, and does not impact on the amenity of the surrounding environment.

Effective environmental controls and practices shall be implemented and maintained to the satisfaction of Council or the Principal Certifying Authority.

## **21. Asbestos**

If asbestos is encountered during construction or demolition work, even if the works are partial demolition (eg one wall), measures must be in place in accordance with WorkCover NSW guidelines and the *Occupational Health & Safety Regulations 2001*

NSW. Work shall not commence or continue until all the necessary safeguards required by WorkCover NSW are fully in place.

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

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



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

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

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

## **22. 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.

## **23. 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.

#### **24. 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.

#### **25. Acoustic Certification**

The recommendations contained in the acoustic report prepared by Spectrum Acoustics, project number 151058/6081\_Ver11 March 2016, dated October 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.

## **26. Emissions**

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

## **27. Garbage Storage Areas**

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

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

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

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

## **28. Loading Dock and Driveway**

The loading dock and driveway shall be graded and drained to a collection sump for the control of any spillages or cleaning waste generated. Wastes shall be directed to the sewer in accordance with the requirements with the Hunter Water Corporation. Details shall be provided to the Principal Certifying Authority prior to the issue of the first Construction Certificate.

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

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

The fit-out of areas used for food preparation, storage or display, shall comply with the requirements of the *Food Act 2003*, *Food Regulation 2010*, and *Australian Standard AS4674 "Design, construction and fit-out of food premises"*.

Note: Particular attention should be paid to:

- Routing of plumbing & electrical conduit
- Installation of hand wash basins and cleaners sinks
- Construction of floors, walls and ceilings
- Finishes of floors, walls and ceilings
- Cool room construction
- Installation of fixtures fittings and equipment
- Toilet facilities and airlocks
- Installation of light fittings
- Installation of floor wastes
- Ventilation and exhaust systems

(b) **Plans and Specifications**

Any application for the first construction certificate shall be accompanied by plans and specification demonstrating compliance with the Food Act and Regulations, and relevant Australian Standards.

(c) **Mechanical Ventilation**

Installation of any mechanical ventilation system(s) shall comply with the provisions of Part 2 of the Australian Standard AS1668.

(d) **Partition Wall Construction**

Any partition wall (that do not extend to the ceiling), sills or other ledges located within food preparation areas shall be splayed on top at an angle of 45 degrees to prevent storage of articles and reveal build-up of food waste, dirt, grease or other visible matter.

(e) **Waste Traps**

Any bucket traps, grease traps and associated sewer connections shall be installed in accordance with the requirements of Hunter Water Corporation.

(f) **Vulnerable Persons Establishment**

Any requirements of the NSW Food Authority relating to provisions for vulnerable persons are to be determined and incorporated at design stage.

### **30. Certification of Food Premises Fit-out**

Prior to the issue of any Occupation Certificate the food premises shall be inspected by an appropriately qualified person who shall certify that the premises, including the construction and installation of all equipment, fixtures, fittings and finishes therein,

complies with the *Food Act 2003*, *Food Regulation 2010*, and *Australian Standard AS 4674 "Design, construction and fit-out of food premises"*.

### **31. External Agency Requirements**

The following External Agencies have issued approval for the subject development. The development shall be undertaken in accordance with the requirements of the these agencies, as listed below:

#### NSW Rural Fire Service

- Parts of the proposed shown in Figure 4 of the 'Bushfire Protection Assessment' prepared by EcoLogicial ('15GOSBUS-1847', 30 November 2015) and the proposed entry/waiting/cafe building shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- At the commencement of building works, and in perpetuity, the entire property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- The provision of water, electricity and gas shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
- Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', including the preparation of an emergency/evacuation plan consistent with the NSW Rural Fire Service document titled 'Guidelines for the Preparation of Emergency/Evacuation plan'.

#### Mine Subsidence Board

- By geotechnical investigation and analysis, recommend mine subsidence design parameters for the Board's acceptance based on a credible worst case mine subsidence scenario. Suite 3 Feldwin Court 30 Hely Street The geotechnical investigation shall as a minimum assess the condition of the nearby Wyong 2259 mine-workings; the height, size and condition of the pillars, the thickness of PO Box 157 Wyong 2259 Telephone: (02) 4352 1646 competent rock, the pillar dimensions used in any analysis, and undertake a sensitivity Facsimile: (02) 4352 1757 and risk analysis.
- Submit a "Mine Subsidence Impact Statement" prior to commencement of detailed design for acceptance by the Board. This shall;
  - a) Nominate the mine subsidence design parameters
  - b) List the structures and building elements.
  - c) List the design mitigation measures proposed.



- Submit a final design incorporating the design methodology contained in the final "Mine Subsidence Impact Statement", for acceptance by the Board prior to commencement of construction. This shall include certification by a qualified structural engineer to the effect that the improvement constructed will be safe, Quality serviceable and any repairs required would be slight, localised and readily repairable ISO 9001 in the event of mine subsidence.
- Establish a number of permanent survey marks to AHD so that building movement can be monitored should mine subsidence occur. Details are to be forwarded to the Board.
- The final design shall;
  - a) Be developed from the concept design accompanying the Building Application.
  - b) Where necessary include design mitigation measures to reduce the transfer of horizontal strain.
  - c) Where necessary include an additional grade for tilt due to mine subsidence.
  - d) Where necessary include design measures for underground pipes or conduits such as flexible joints, flexible bedding surround and flexible building connections and penetrations.
  - e) Locate all underground pipes or conduits to facilitate ease of repair and replacement.
  - f) Ensure internal finishes are installed in accordance with relevant codes and standards and industry best practice guidelines with additional provision for mine subsidence.
  - g) 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,
- 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.

#### Ausgrid

- Construction of the development shall be undertaken in accordance with the recommendations of Ausgrid's letter dated 18 January 2016.

#### Sydney Trains

- Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all measures recommended in the report to control that risk. A copy of the report is to

be provided to the Principal Certifying Authority with the application for a Construction Certificate.

- Prior to occupation, appropriate fencing shall be installed along the rail corridor to prevent unauthorised access to the rail corridor. The current boundary fencing along the rail corridor shall be heightened or replaced by a higher boundary fence along the culvert. Details of the type of fencing and the method of erection are to be to Sydney Trains satisfaction prior to the fencing work being undertaken. Sydney Trains may provide supervision, at the developers cost, for the erection of the new fencing.
- The developer shall make provision for easy and on-going access by rail vehicles, plant and equipment to support maintenance and emergency activities. A no parking zone is to be put into effect where the rail corridor access gates are located.
- In the event that the proposed development involves ground penetration deeper than 2m and within 25m of the rail corridor, the applicant shall submit to Sydney Trains for endorsement prior to the Construction Certificate of the following items:
  - a) Geotechnical and Structural report/drawings
  - b) Construction methodology with details pertaining to structural support during excavation
  - c) Cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor.

Detailed Survey Plan showing the relationship of the proposed development with respect to RailCorp's land and infrastructure.

### **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 Section 94 Contributions Plan No. 1 – City Wide – Glendale Catchment 2004 (as amended), the monetary contributions in the attached Contributions Schedule must be paid to Council for the purposes identified in that Schedule.
- (b) From the date this determination is made until payment, the amounts of the contributions payable under the preceding clause will be indexed and adjusted at the close of business on:
  - 14 August,
  - 14 November,
  - 14 February, and

14 May;

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

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

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

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

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

A copy of the Lake Macquarie Section 94 Contributions Plan No. 1 – City Wide – Glendale Catchment 2004 (as amended) may be viewed on Council's website, or a copy is available for inspection at the Council's Administrative Building during Council's ordinary office hours at 126-138 Main Road, Speers Point, NSW.

## CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
Glendale Catchment - Management - CPI	\$395.82
Glendale Catchment - CF - West Lake - Cap - CPI	\$22.40
	<b>TOTAL \$418.22</b>