

Proposed draft conditions DA/2122/2015 – 42 Fairfax Road Warners Bay

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. 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: Team 2 Architects; Project Number. 568			
Name of Plan	Drawing Number	Issue	Date
Cover Sheet	DA-000	N	25.08.2016
Site Plan	DA-010	M	25.08.2016
Proposed Roof Plan	DA-016	K	25.08.2016
Proposed Ground Plan (1/3)	DA-150	K	24.08.2016
Proposed Ground	DA-151	N	24.08.2016

Plan (2/3)			
Proposed Ground Plan (3/3)	DA-152	R	24.08.2016
Proposed Lower Ground Plan (1/3)	DA-153	I	24.08.2016
Proposed Lower Ground Plan (2/3)	DA-154	L	24.08.2016
Proposed Lower Ground Plan (3/3)	DA-155	T	24.08.2016
Proposed Lower Ground -1 Plan (1/1)	DA-156	V	25.08.2016
Accessibility Access Plan	DA-160	I	25.08.2016
Elevations	DA-200	K	24.08.2016
Sections	DA-300	M	24.08.2016
Shadow Diagrams Proposed	DA-902	J	25.08.2016
Waste Management Plans	DA-1002	B	24.08.2016

Stormwater Management Plans prepared by: Team 2 Architects; Project Number. SY150079			
Name of Plan	Drawing Number	Issue	Date
Cover Sheet, Notes and Legends	-	-	08.06.16
Stormwater Management Plan Lower Ground Car Park	C2.01	C	08.06.16
Stormwater Management Plan Ground Floor	C2.02	C	08.06.16
Civil Details	C3.01	C	08.06.16
Soil Erosion and Sediment Control Plan	C4.01	C	08.06.16
Soil Erosion and Sediment Control Plan and Details	C4.02	C	-

Landscape Plans prepared by: Terras Landscape Architects; Project Number. 10738.5

Name of Plan	Drawing Number	Issue	Date
Location Plan	L01	D	25.07.16
Landscape Plan	L02	F	12.08.2016
Plant Schedule	L03	C	12.08.2016

(b) Document Reference:

Document	Reference	Author	Date
Arborist Report Warner Bay Private Hospital	10738.5	Terras Landscape Architects	25.08.2016
Stormwater Drainage Management Report	Warners Bay Private Hospital V3	ACOR	July 2016
DA Disability Access Audit Desktop Review	70595	Mckenzie Group	07/12/15
Acoustic and Air Warners Bay Private Hospital	08243-X	Wilkinson Murray	June 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. Contribution to Provision of Public Amenities and Services (Sec. 94)

- (a) In accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and the Lake Macquarie City Council Development Contributions Plan Glendale Contributions Catchment - 2015, the monetary contributions in the attached Contributions Schedule must be paid to Council for the purposes identified in that Schedule.
- (b) From the date this determination is made until payment, the amounts of the contributions payable under the preceding clause will be indexed and adjusted at the close of business on:

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

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

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

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

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

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

A copy of the Lake Macquarie City Council Development Contributions Plan Glendale Contributions Catchment - 2015 may be viewed on Council's website, or a copy is available for inspection at the Council's Administrative Building during Council's ordinary office hours at 126-138 Main Road, Speers Point, NSW.

6. Buildings & Structures

Prior to the release of the first or any Construction Certificate by the Principal Certifying Authority a Materials Board, inclusive of colour scheme, is to be submitted to Lake Macquarie City Council for approval. The Materials Board is to include fencing details.

All materials to be used are to have non-reflective properties (low reflective properties in the case of windows).

7. NSW Rural Fire Service General Terms of Approval

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

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

1. At the commencement of building works and in perpetuity, asset protection zones (APZ) shall be provided for 65 metres to the east of the proposed development shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

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

2. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.

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

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack.

4. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

8. Mine Subsidence Board General Terms of Approval

1. Submit a final design for acceptance by the Board prior to commencement of construction. It shall include certification by a qualified structural engineer to the effect that the improvements will remain *"safe, servicable and any damage from mine subsidence will be slight, localised and readily repairable"* taking into account the following subsidence parameters;
 - a) Maximum Vertical Subsidence = 200mm
 - b) Maximum horizontal ground strains = +/- 2mm/m
 - c) Maximum tilt = 2mm/m
 - d) Maximum radius of curvature = 5km².
2. Submit a building impact statement prior to commencement which demonstrates how the impact of mine subsidence will be managed. It shall identify;
 - a) The design parameters adopted
 - b) The main building elements materials and finishes
 - c) Proposed mine subsidence mitigation measures
3. The final design drawings shall;
 - a) Include sufficient drawing plans, long sections, elevations to describe the work and proposed mine subsidence mitigation measures
 - b) Include design mitigation measures to reduce the transfer of horizontal strains into the building structures
 - 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 or 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.
4. On completion, certification by a qualified structural engineer is to be forwarded to MSB, that all improvements have been constructed in compliance with plans approved by the Board under this development application with supporting documentation.

9. Crime Prevention Through Environmental Design

Surveillance

1. Fencing - The installation of security perimeter fencing along the rear (eastern boundary) of the property, the replacement of fencing between Biddabah Public School and the WBPH (southern boundary) and the installation of security fencing along northern boundary, east of the Cherrywood retirement village.
2. Wayfinding - The requirement for a detailed way finding plan as part of the detailed design phase of the project.
3. Vegetation - Trees not to have a canopy clearance less 2 meters at the time of planting and shrubs not to exceed a height of 1.2 meters.
4. Concealment – entrapment opportunities - That the angled partition that separates the main entry into the reception area of the mental health unit from the deliveries/loading area be constructed of a material that is visually permeable and that allows clear line of sight into the deliveries area on the western side of this partition and vica versa.

Lighting

5. Lighting - The requirement for a detailed lighting plan as part of the detailed design phase of the project. New car park to be adequately lit, in compliance with AS 1158.1.2:2010 and to support the operation of CCTV at night.
6. CCTV - The use of CCTV as part of technical surveillance measures required for the new car park and other areas of the new development. The requirement to ensure that a suitably detailed functional specification is provided to support the installation of CCTV.

Territorial Reinforcement

7. Signage/ Location Markers - The incorporation of cautionary and advisory security signage be incorporated into the detailed design phase of the project.
8. Vulnerability Night Workers - Adoption of a parking management plan to reduce the risk of persons parking/accessing vehicles at in the new car park during the hours of darkness.

Environmental Maintenance

9. Vandalism - That the property maintenance team employed by the WBPH, adopt a policy of rapid removal when it comes to graffiti damage. Providing a maximum time frame of 24 hours for the removal of any graffiti upon its appearance
10. Waste bins/ Storage Areas - The requirement to ensure that the bin storage area located adjacent to the vehicle turning circle is secured and accessible to authorised persons only.

Access Control

11. The requirement to utilise voice (and/or video) intercom system and remote release door control for main entry of the new Mental Health Clinic.

10. 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 Accor Consultants Pty Ltd, Ref: SY150079, Issue B, dated 8 June 2016 and must comply with the following:

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

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.

11. Erosion and Sediment Control Plan

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

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

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

1. This plan has been developed, certified and signed off by an appropriately qualified and experienced professional in erosion and sediment control;
2. The plan complies with the requirements for the area of disturbance in accordance with DCP 2014;
3. 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
4. All erosion and sediment control measures are in accordance with DCP 2014.

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

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

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

12. 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.

13. Disability Access Requirements

Access for people with disabilities must be provided from the building(s) to kerb ramps and footpaths along the street frontage, by means of a continuous path of travel in accordance with Australian Standard AS 1428.1.

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

14. 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.

15. Arborist Report Amendment

Prior to the commencement of any site works or the issue of the first or any Construction Certificate by the Principal Certifying Authority, Arborist Report prepared by Terras Landscape Architects, project number 10738.5, dated 25.08.2016, revision F, shall be amended to retain tree 56.

16. Protection Measures for Trees and Native Vegetation

All native trees and vegetation both on the site and on adjoining properties shall be retained and protected in accordance with DCP 2014 Guidelines – 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.

A separate application shall be made to Council in accordance with Clause 5.9 of Lake Macquarie Local Environmental Plan 2014 for the removal of any other trees or native vegetation. This includes application for the removal of any understorey vegetation or the stripping of ground cover vegetation that is outside those areas approved for construction.

Specific Tree Protection Measures are to include (not limited to):

- A Tree Protection Zone (TPZ) is to be established around trees identified to be retained in accordance with Australian Standard *AS4970-2009 – Protection of Trees on Development Sites*
- A 1.8 metre high chain mesh fence is to be erected around the TPZ prior to works (within site) and must remain intact until construction is completed.
- All underground utilities and other required excavations are to be routed away from identified Tree Protection Zones of trees to be retained.
- Any excavation within the vicinity of identified TPZs is to be carried out by hand, with all care taken not to damage tree roots. If tree roots greater than 30mm are found during works that need to be severed, they are to be cut with a saw (not ripped).
- Fences around Tree Protection Zones must be sign posted to warn of its purpose.

- Harmful Materials – storage of materials, building waste, excavated spoil, cement or any harmful materials are not permitted within TPZs.
- Any minor pruning of trees must be carried out in accordance with Australian Standard AS 4373-2007 - *Pruning of Amenity Trees*, by a suitably qualified Arborist.

17. Vegetation and Fauna Management Plan and Implementation

A person qualified in natural vegetation management, ecology or bush regeneration shall be retained to prepare a Vegetation and Fauna Management Plan (VFMP) in consultation with Council's Development Planner Flora and Fauna. The VFMP shall be prepared in accordance with the *Lake Macquarie City Council Guideline for Vegetation Management Plans*. The VFMP shall be submitted, to and approved by Council's Development Planner Flora and Fauna prior to the issue of the first construction certificate.

The VFMP shall include:

- Replacement of any tree lost with preferred endemic feed trees of the squirrel glider including swamp mahogany *Eucalyptus robusta*;
- Replacement of any hollows lost with nest boxes suitable to the squirrel glider and includes provision for maintenance in perpetuity;
- Rehabilitate remaining habitat on the site including primary, secondary and tertiary weeding of weeds such as morning glory, privet, camphor laurel and crofton weed that are heavily impacting remaining vegetation on site.

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

18. Hollow Bearing Tree Removal

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

Removal of Trees with Habitat Hollows

Removal of trees with habitat hollows shall be undertaken outside of hollow dependent fauna hibernating and breeding periods (i.e. preferred clearing times occur in March/April and October / November). Any hollow-bearing trees shall be felled in one to two metre sections, beginning at the top of the crown. Lengths cut from the tree(s) shall be in a manner that will preserve the hollow(s) with each section inspected and appropriately treated to minimise impact to fauna.

Nest Box Installation

Nest boxes are to be installed:

- At least 2 weeks prior to clearing and maintained in perpetuity;
- At a ratio of 2:1;

- At least 4 metres above ground;
- Be of a design suitable for species that may be residing in trees marked for removal;
- Be of a design that is consistent with NSW Government 2011, *"Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects - Guide 8: Nest boxes"*, prepared by the Roads and Traffic Authority, September 2011 and NSW Government 2008, *"Guidelines for the design, construction and placement of nestboxes"*, prepared by the Department of Environment, Climate Change and Water, Biodiversity Conservation Section.
- At an orientation that is suitable for the species that the nest box has been designed. Micro bat nest boxes should be orientated at a north to north westerly aspect. Bird and mammal boxes should be orientated at an east facing aspect;
- In a manner that minimises damage to the trees and surrounding vegetation; and
- With a unique number affixed that can be read from the ground.

Nest Box Monitoring

Nest boxes shall be monitored on an annual basis to determine their usage and repairs or replacement (as required).

Reporting

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

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

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

19. Management of Site - Erosion Prevention and Sediment Control

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

20. 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.

21. Category 3 Landscaping

Landscape works shall be constructed in accordance with the approved landscape plans as follows:

Location Plan L01 ver C

Landscape Plan L02 ver F

Plant Schedule L03 ver C

as scheduled in these Conditions of Consent.

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

Trees along the southern boundary shall be *Elaeocarpus* 'Eumundi' and *Elaeocarpus* 'Prima Donna' 75Lt planted at 5m centres to provide a continuous vegetative screen along the boundary with Biddabah Public School. Trees to be maintained by the proponent until establishment and any failing trees replaced.

Fencing along the southern boundary to comprise lapped and capped 2100mm timber fence with the palings positioned on the school side of the fence frame.

Landscape works must conform to planting densities as scheduled comprising plants at nominated spacing's in all areas dedicated to planting. All planted areas covered with a minimum of 100mm mulch to aid plant establishment.

All landscape works to be maintained to achieve continuous healthy growth improving amenity and aesthetics over the site and meeting the aims for development in the zone.

At the practical 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.

22. Southern Boundary Planting

Shrub planting shall be provided along the southern boundary of the existing and proposed portions of the subject building for a minimum length of 90m, as shown in red on the approved Landscape Plan prepared by Terras Landscape Architects, Drawing No. L02 dated 26/8/2016. These plantings shall comprise a diversity of tall screening shrubs with a minimum mature height of 3000mm planted at minimum 1500mm intervals. Details are to be submitted to Council prior to the issue of any Construction Certificate.

23. Boundary Fencing

Boundary shall be provided along the southern boundary adjoining Biddibah Public School and along the eastern edge of the development, within the

subject site, and returning along the northern boundary to the existing colorbond fence with a height of 2.1 metre high, and be constructed of a lapped and capped timber design. To reduce the impact of the development on the adjoining owners timber panelling is to be located on the school side of the proposed southern fence. All costs associated with the removal and replacement of any fence shall be borne by the person with the benefit of the consent and not the relevant neighbouring property owners.

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

24. Car Parking and Allocation of Spaces

A total of fifty six (56) new 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, ensuring the provision of 152 car parking spaces for the total development

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 for the sole use by disabled persons.

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.

25. 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.

The overflow car parking area shall be designed generally in accordance with the plan prepared by Accor Consultants Pty Ltd, reference SY150079, dated 30 November 2011. The parking surface shall be constructed from reinforced turf, constructed in accordance with an engineer's design.

26. 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.

27. External Storage of Products

The external storage or display of any products on the development site is not permitted.

28. Onsite Loading Facility

The onsite loading facility shall be constructed clear of designated car parking spaces and driveways, must be kept clear of goods and must not be used for any storage purposes, including garbage storage.

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. Excavation and Retaining

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

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

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

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

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

30. 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.

31. Site Amenities

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

Each toilet must:

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

32. 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.

33. 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.

34. 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.

35. Dial Before You Dig

Prior to commencement of work, the free national community service “Dial Before You Dig” shall be contacted on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.



36. 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.

Roof top air conditioning condensers must operate in a “night-mode” between the hours of 10pm to 7am in accordance with the recommendations of the Acoustic Assessment prepared by Wilkinson Murray dated June 2016.

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.

37. Noise - Construction Sites

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

Approved Construction Times

The approved hours for construction of this development are –

Monday to Friday - 7.00am to 6.00pm.

Saturday – 8am to 1pm.

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

Construction Periods in Excess of 26 Weeks

If the construction period is in excess of 26 weeks, a Noise Management Plan (NMP) shall be provided to Council prior to the issue of the first construction certificate. Such plan shall be prepared with the assistance of a suitably qualified acoustic engineer, indicating whether the use of machinery, plant and equipment during those operations can be completed without causing offensive noise (as defined in the *Protection of the Environment Operations Act 1997*) in the neighbouring area. The NMP shall be complied with at all times during the construction period and shall identify any mitigation measures to control noise, noise monitoring techniques and reporting methods, likely potential impacts from noise and a complaints handling system.

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

38. Noise - Sleep Arousal

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

39. Acoustic Certification

The recommendations contained in the acoustic report prepared by Wilkinson Murray report number 08243-X Version A, dated June 2016, shall be incorporated into the design and construction of the development, including acoustic treatment of fans and ducting as outlined in the report.

A suitably qualified acoustic consultant shall be engaged to assist with the preparation of the final building plans and specifications to ensure compliance with assumed acoustic performance of plant and recommended noise attenuation measures.

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 design requirements and the development or proposed use is capable of operating in accordance with the design criteria.

40. 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.

41. Liquid Gaseous Wastes, Emissions and Odour Control

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

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

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

42. 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.

43. 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.

44. 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"*.

CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
Roads-Capital-R003/R005/R008/R009/R011-CPI	\$19,265.46
Roads-Capital-R002-CPI	\$6,402.16
Roads-Land-R005/R008-LVI	\$79.74
Roads-Land-R002-LVI	\$94.54
Public Transport Facilities-CPI	\$278.93
Plan Preparation & Administration-CPI	\$891.68
	TOTAL \$27,012.51