

Answers to questions raised by Panel Members in response to supplementary report and draft conditions:

- The Supplementary Report indicates that Council has had further consultation with the Office of Water who clarified that a 30m riparian zone is to be established. Could you please ask Council to confirm whether the proposed revised conditions in relation to this aspect of the application takes this requirement into account. As part of the proposed building encroaches into what was to a landscape zone which is now to be a riparian zone does this have any affect on the plans before the Panel or is Office of Water consenting to such encroachments, with a controlled activity permit still to be obtained in the future? I am just not clear on whether the change in advice provided by Office of Water has any impact on the plans before us - is there certainty regarding the proposed design in this respect?*

Consultation with DPI Water in this regard was undertaken prior to the JRPP meeting on 8 December 2016. The officer at DPI Water was advised of Councils intention to impose a condition of consent requiring all of the area within the 30m setback from the creek to comprise riparian vegetation, which they have advised in writing is supported. DPI Water had also been sent (prior to the JRPP meeting) the plan that is copied below which illustrates the building encroachment into the 30m zone.

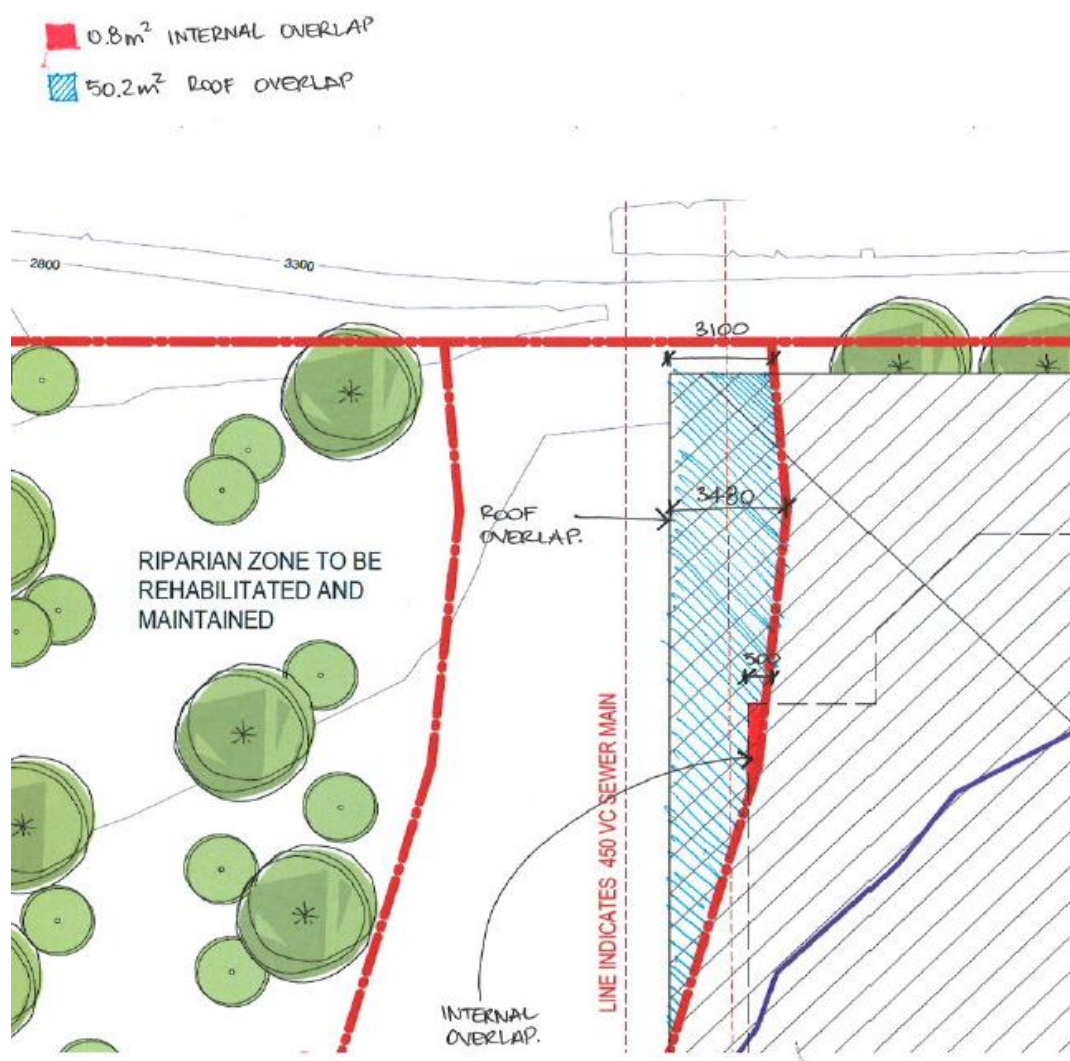


Figure 1 within the approved Vegetation Management Plan referenced in Condition No.20 below, shows the extent of the 30m buffer as comprising a Vegetated Riparian Zone (VRZ).

It is recommended that Condition No's.20 & 30 be amended as follows to provide clarity in this regard and to require amendment to the landscape plan (that shows the last 10m of the riparian setback as being turfed).

## **20. Riparian Zone Protected in Perpetuity**

Native vegetation is to be retained and rehabilitated within **the entirety of** the 30m riparian buffer to South Creek (from top of creek bank) in accordance with the approved Vegetation Management Plan (VMP). ~~and illustrated on the approved landscape plans, with the area to be rehabilitated to be clearly defined from the developed area.~~

**The area to be rehabilitated shall be clearly defined from the developed area with** the extent of the **30m** Vegetated Riparian Zone (VRZ) **shall to be** demarcated **on site** by the concrete pathway as shown on the '*Landscape Masterplan Ground and Entry plan*' (Dwg.1100). All planting to the south of this pathway shall comprise riparian vegetation (not turfed) with signage provided to clearly indicate that this area should not be traversed.

The applicant shall create a Public Positive Covenant, under Section 77B of the *Conveyancing Act 1919*, over the area of the site identified as the Vegetated Riparian Zone, requiring that the area be managed in accordance with the requirements of the VMP. The covenant shall also prohibit the erection of any structures (other than those approved under this consent), provision of fill material or clearing of native vegetation within this zone and stipulate that any fencing within this area shall not block stormwater flows or collect debris in storm events.

Council is to be identified as the party empowered to release, vary or modify the Covenant, which shall be created prior to the issue of the final Occupation Certificate for the development.

## **30. Landscaping**

Landscaping shall be implemented/installed in accordance with the approved landscape plans and documentation as prepared by GSA Group (Project No.15659), Revision dated 27 June 2016, Vegetation Management Plan (VMP) and specifications as scheduled in the conditions of consent.

**The Landscape Plans, Drawing No.1100 (Issue D) '*Landscape Masterplan Ground and Entry*' shall be amended to reflect the requirements of Condition No.20 of the consent, for the entirety of the 30m buffer to South Creek to comprise riparian vegetation (not turf). The amended plan shall be included in the plans submitted to the Principal Certifying Authority with the application for a Construction Certificate.**

All landscape works shall be carried out by members of the Landscape NSW & ACT Master Landscapers Association and implemented under the full supervision of the appropriately qualified landscape contractor until the Landscape Compliance Report is received by the Principal Certifying Authority.

Street trees along Warners Bay Road shall be *Melaleuca linariifolia* 75L planted at 8cm centres on the southern side of the footpath pending services. Planting detail as per LMCC Landscape Standard Drawings 2016 LSD-PLA-01. Street trees to be maintained by the proponent for 52 weeks.

Landscape works must conform to planting densities as scheduled comprising planting at nominated spacings in all areas dedicated to planting. A hard garden retaining edge (timber or concrete) shall be installed to all planting areas adjoining turf surfaces and all planted areas covered with minimum 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.

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

2. *Condition 41 1st Paragraph mentions 1 disabled car space but the third paragraph mentions disabled car spaces. Could Council please confirm whether it is one or more than 1 disabled space required. Further some refinement to the wording of the 4th paragraph is suggested to clarify that some spaces being the western bays will be sign posted as staff spaces. Suggest wording be changed as follows:*

*"No spaces shall be marked, signposted or otherwise identified as being for the sole use of staff only, except the spaces adjacent to the driveway indicating that the western parking bays are to be utilised for staff parking. This is to reduce potential vehicular/pedestrian conflict within the driveway area and path to linking to public transport services at the front of the site."*

The requirement is for the provision of one disabled parking space on site. Condition No.41 is recommended to be amended to refine the wording and to clarify the required number of disabled spaces, as follows:

#### **41. Car Parking and Allocation of Spaces**

A total of 36 car parking spaces shall be constructed on the site (including one disabled space) 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 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 a staff member or visitor of the development and are not to be used as public carparking.

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

~~No spaces shall be marked, signposted or otherwise identified as being for the sole use of staff only, however, signage~~ **Signage** shall be erected adjacent to the driveway to indicate that the ~~western~~ parking **bays to the north-west of the driveway** are to be utilised for staff parking. This is to reduce potential vehicular/pedestrian conflict within the driveway area and path linking to public transport services at the front of the site.

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.

3. *Condition 14 includes a requirement for fixed angled privacy screens for ground level to prevent overlooking but this condition does not also include level 1. I recall the Panel thought the Level 1 angled screens shown on the plans may not prevent overlooking due to the angle of the screens particularly for the southern end of the building and that solar access to rooms may be improved if the location of screens was flipped. I suggest the condition be amended to ensure that the Level 1 screens also be required to prevent overlooking as per the new ground level condition.*

Recommended amendment to Condition No.14, as follows:

#### **14. Window Screening**

Windows at the rear of the ground floor level on the western elevation (to rooms 28, 30, 32, 33 & 34) shall be provided with fixed angled privacy screens to prevent overlooking to the adjacent rear yards of the properties along Jonathan Street. **All of the privacy screens to the western elevation of the building, at both ground floor and level 1 shall be fixed in such a position as to prevent overlooking to adjacent properties.**

A notation(s) shall be added to the plans that the area between the screens and the room windows for these windows, and those provided with screens on Level 1, is a "void" in order to provide clarity that these spaces are not intended for additional balconies.

This additional screening and notation(s) shall be included in the plans submitted to the Principal Certifying Authority with the application for a Construction Certificate.

4. *Condition 39 is a little confusing as it requires lapped and capped timber fence unless the applicant consults with neighbours and that the fence be painted a dark natural colour. Is it Council's intent that the timber fence be painted a dark natural colour or could it stay natural timber? - this would be a lot of timber to paint. Does timber fencing also satisfy the requirement for it to be an acoustic fence? Alternatively should the condition say that if a non-timber fence is used that this be an earthy colour? I think it would be better for the condition to say an alternative to timber may be used if the applicant receives agreement from each neighbour rather than simply consults with neighbours as the wording of the condition at present could allow the applicant to satisfy consultation by sending the neighbours a letter but it does not currently require their agreement.*

The intent of this condition was that the fencing materials could comprise either lapped and capped timber or fencing of an alternative material (ie. Colorbond) in a dark natural colour as agreed with neighbours (on re-reading it is poorly worded).

The requirements for the materials and heights of the acoustic fencing are set out in Condition No.65, which is contradictory in regards to fence heights and is subsequently recommended to be amended to correct this. Condition No's.39 & 65 are recommended to be amended as follows:

### **39. Boundary Fencing**

Side boundary fencing shall be constructed on site in accordance with the locations indicated on the approved Landscape Plans to a height of 2.2m from the existing ground level and having regard to the acoustic fencing requirements to the front setback. The acoustic fencing (**as recommended in the approved acoustic report**) within the front setback shall also be increased in height to 2.2m for both side boundaries.

The fencing material (**apart from that specified for the acoustic fencing**) shall comprise lapped and capped timber fencing or other materials **of a dark natural colour and consistent for the length of the boundary. The fencing material shall be determined in accordance with written consent from the respective property owners.** ~~in consultation with adjacent property owners of a consistent material (for the length of the boundary) and comprising a dark natural colour, in order to minimise the dominance of the extent of side fencing to the site.~~

Any new side boundary fencing to the eastern side boundary, along the 30m **riparian zone** setback from the creek, ~~(to the building)~~ shall comprise **dark coloured (black) permeable palisade style fencing adjacent to the riparian area similar to that existing in this location.**

Fencing is not preferred to the rear boundary at all, however, if any fencing along the southern side (rear) of the building or along the rear boundary is required, shall comprise permeable fencing that permits the movement of both water flows and native fauna.

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.

### **65. Acoustic Requirements and Certification**

The recommendations contained in the acoustic report prepared by Spectrum Acoustics project number 151151 dated June 2016 and *Response to Council – Warners Bay Aged Care dated 26 October* shall be incorporated into the design and construction of the development. In particular:

- An acoustic barrier shall be provided to the carpark on the eastern side of the front setback to a height of 2.2m.
- An acoustic barrier shall be provided to the western side of the front setback (to be located on the boundary) to a ~~minimum height of 1.8m~~ **height of 2.2m.**



- The Acoustic barriers shall comprise a fence containing no holes or gaps and makes contact with the ground and has a mass of at least 15kg/m<sup>2</sup> (ie, lapped and capped palings or Hebel panels).
- Provide appropriate noise screening to mechanical plant enclosure at the rear of the development. For sound power level up to 80 dB(A) this would comprise a 9mm fibre cement screen, or should the total sound power level of the plant exceed 80 dB(A) the enclosure would need to be roofed and have solid walls, essentially making it a plant room.

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.

I have updated the set of amended recommended conditions of consent accordingly (attached as Appendix "A").



Fiona Stewart  
**Development Planner**  
**Development Assessment and Compliance**

## **APPENDIX “A”**

### **Recommended Amended Conditions of Consent**

#### **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.

**Additional inspections required under other legislation:**

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

**3. Approved Documentation**

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

(a) Plans Reference:

Plans prepared by: Jackson Teece; Project Number. 2014126			
Name of Plan	Drawing Number	Issue	Date
Cover Sheet & Site Plan	DA00	B	1 July 2016
Site Analysis/Demolition Plan	DA01	B	1 July 2016
Proposed Site Plan	DA02	C	1 July 2016
Sub Floor Plan	DA09	F	1 July 2016
Ground Level Floor Plan	DA10	J	1 July 2016
Level 1 Floor Plan	DA11	J	1 July 2016
Roof Plan	DA12	E	1 July 2016
Elevations	DA30	C	1 July 2016
Sections	DA40	B	1 July 2016
Signage and Fencing Plan	DA60	A	1 July 2016

(b) Plans Reference:

Plans prepared by: MPC Consulting Engineers; Project No. 16-152			
Name of Plan	Drawing Number	Issue	Date
Cover Sheet & Locality	C01	04	30 June 2016



Site Layout Plan	C02	04	30 June 2016
General Arrangement Plan (sheet 1 of 2)	C03	04	30 June 2016
General Arrangement Plan (sheet 2 of 2)	C04	04	30 June 2016
Typical Sections & Details	C05	04	30 June 2016
Road Longitudinal Sections & Kerb Return Profiles	C06	04	30 June 2016
Site Earthworks Plan	C07	04	30 June 2016
Stormwater Drainage Plan	C08	04	30 June 2016
Stormwater Longitudinal Sections (sheet 1 of 2)	C09	04	30 June 2016
Stormwater Longitudinal Sections (sheet 2 of 2)	C10	04	30 June 2016
Erosion & Sedimentation Control Plan*	C11	04	30 June 2016

**\*The “Temporary Sediment Basin” to be relocated further to the west away from the existing riparian trees to be retained.**

(c) Plans Reference:

Plans prepared by: Group GSA; Project Number. 15659			
Name of Plan	Drawing Number	Issue	Date
Landscape Cover Sheet	0000	C	27 June 2016
Landscape Illustrative Masterplan	1000	C	27 June 2016
Landscape Masterplan Ground and Entry	1100	D	27 June 2016
Landscape Plan Central Courtyard	1101	C	28 January 2016
Landscape Plan External Courtyards	1102	D	27 June 2016
Landscape Indicative Plant Schedule – Sheet 1	2001	B	27 June 2016
Landscape Indicative Plant Schedule – Sheet 2	2002	B	27 June 2016

(d) Plans Reference:

Plans prepared by: Northrop; Project Number. NL151532			
<b>Name of Plan</b>	<b>Drawing Number</b>	<b>Issue</b>	<b>Date</b>
Flood Storage Cross Sections	SK01	Rev 1	21 October 2016

(e) Document Reference:

<b>Document</b>	<b>Reference</b>	<b>Author</b>	<b>Date</b>
Statement of Environmental Effects	Proposed Aged Care Facility – 64-72 Warners Bay Road	deWitt Consulting	February 2016
Stormwater Drainage Report	Proposed RACF at 64 Warners Bay Road, Warners Bay	MPC Consulting Engineers	October 2016
Vegetation Management Plan	Warners Bay - APP	Firebird ecoSultants P/L	June 2016
Statement of Compliance for People with a Disability	BUPA Warners Bay Job No. 215494	Accessible Building Solutions	25 January 2016
Report on Geotechnical Investigation and Waste Classification Assessment	Project 81777.00	Douglas Partners	September 2015
Waste Management Plan	Bupa Care Services – Warners Bay, NSW	Universal Food Services	15 May 2016
Odour Assessment Report	12184-701/1	RCA Australia	May 2016
Arboricultural Impact Appraisal and Method Statement	64-72 Warners Bay Road, Warners Bay, NSW	Naturally Trees	22 June 2016
Noise Assessment Report	Project No: 151151	Spectrum Acoustics	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.

**4. Construction Certificate**

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

The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the approval has been provided to Council.

**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. Prior to the issue of the Occupation Certificate**

Prior to the issue of the Final Occupation Certificate for each stage of the development, the earthworks, retaining walls and driveways (applicable to that stage) shall be completed to the satisfaction of the Principal Certifying Authority.

**7. Commencement of the Use of the Land**

The approved use of the land shall not commence until all relevant conditions of this consent have been complied with and a Final or Interim Occupation Certificate has been issued. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

**8. 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.

## **9. Development Staging**

The staging of the development is to be undertaken in accordance with the following:

### Stage 1

- Residential Aged Care Facility
- Driveway and carparking area
- Works to riparian zone

### Stage 2

- Health Hub building

**10. Use of Health Hub building**

The services to be located within the Health Hub building shall be provided for residents of the facility only and not be available to the public, to ensure that on-site parking provision is adequate to support the use.

Details of specific uses within the building and staffing numbers shall be provided to Council prior to the issue of the final Occupation Certificate for this stage of works.

**11. Staff Numbers**

The maximum number of staff on site at any one time (for both the residential aged care facility and associated health hub building) shall not exceed 40.

**12. Ancillary Uses**

The café, hairdressers, function room, kitchen, and laundry shall not be used for separate commercial use. They shall only be used as ancillary to the residential aged care facility for use by residents, visitors, and staff.

**13. Restriction on Balcony Use**

The two balconies to the rear of both ground level and level 1 (four in total) adjacent to the common lounge areas, shall be restricted in use to between 8.00am and 8.00pm daily, in order to minimise acoustic privacy impacts to adjacent properties. Appropriate signage and/or management practices shall be implemented prior to occupation to facilitate the requirements of this condition.

**14. Window Screening**

Windows at the rear of the ground floor level on the western elevation (to rooms 28, 30, 32, 33 & 34) shall be provided with fixed angled privacy screens to prevent overlooking to the adjacent rear yards of the properties along Jonathan Street. All of the privacy screens to the western elevation of the building, at both ground floor and level 1 shall be fixed in such a position as to prevent overlooking to adjacent properties.

A notation(s) shall be added to the plans that the area between the screens and the room windows for these windows, and those provided with screens on Level 1, is a “void” in order to provide clarity that these spaces are not intended for additional balconies.

This additional screening and notation(s) shall be included in the plans submitted to the Principal Certifying Authority with the application for a Construction Certificate.

**15. Relocation of Egress Pathways**

The egress paths along both sides of the building shall be relocated to be sited a minimum of 600mm off the respective side boundaries to provide for additional screen planting between the pathway and the fencing.

The egress path relocation shall be shown on plans submitted to the Principal Certifying Authority with the application for a Construction Certificate.

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

The Stormwater Detention and Harvesting system submitted with any Construction Certificate shall be generally in accordance with the Stormwater Drainage Report dated October 2016 plans approved by the Development Consent prepared by MPC Consulting Engineers, Ref: 16-152 dated 30/6/2016 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 DCP 2014 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 DCP 2014 Engineering Guidelines.
- (d) Stormwater harvesting measures shall be constructed and maintained in accordance with the DCP 2014 Water Cycle Management Guideline. Stormwater drainage plans shall include details of the harvesting system (eg rainwater tank and pump details plus reticulation diagrams). Note that the harvesting tank size shall be at least 52,000 litres and shall be used to for irrigation of the landscaping.

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.

#### **17. Additional Flood Mitigation Measures**

The walls adjacent to the south-western fire stair shall be re-designed as columns (in accordance with Northrop advice NL151532\_B02v1, dated 25

October 2016) in order to minimise potential increase in inundation to adjacent properties from flood waters.

**18. 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.

**19. General Terms of Approval - Controlled Activity under the Water Management Act 2000**

The following General Terms of Approval have been issued by NSW Department of Primary Industries – Water, on 8 December 2016, and shall be complied with.

Plans, standards and guidelines

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 202/2016 and provided by Council:

- i. Site plan, map and/or surveys – Landscape Masterplan Ground and Entry, project no.15659 – DRW 1100 (27/6/16 – version D).

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities area amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.

2. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

3. The consent holder must prepare or commission the preparation of:

- i. Vegetation Management Plan
- ii. Works Schedule



- iii. Erosion and Sediment Control Plan
- 4. All plans must be prepared by a suitably qualified person and submitted to the DPI Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DPI Water's guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals](http://www.water.nsw.gov.au/Water-Licensing/Approvals).
  - i. Vegetation Management Plans
  - ii. Laying pipes and cables in watercourses
  - iii. Riparian Corridors
  - iv. In-stream works
  - v. Outlet structures
  - vi. Watercourse crossings
- 5. The consent holder must:
  - i. Carry out any controlled activity in accordance with approved plans and;
  - ii. Construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional; and
  - iii. When required, provide a certificate of completion to DPI Water.

#### Rehabilitation and maintenance

- 6. The consent holder must carry out a maintenance period of two (2) years after practical completion of the controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the DPI Water.

#### Reporting requirements

- 7. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.

#### Security deposits

- 8. The consent holder must provide a security deposit (bank guarantee or cash bond) – equal to the sum of the cost of complying with the obligations under any approval – to DPI Water as and when required.

#### Access-ways

- 9. The consent holder must design and construct all ramps, stairs, access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by DPI Water.
- 10. The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by DPI Water.

#### Drainage and Stormwater

- 11. The consent holder is to ensure that all drainage works:
  - i. Capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water; and
  - ii. Do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.

#### Evacuation

12. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.

#### River bed and bank protection

13. The consent holder must establish a riparian corridor along South Creek in accordance with a Vegetation Management Plan to be approved by DPI Water.

#### Groundwater

14. The consent holder must ensure that any construction below ground level does not result in the need for permanent dewatering, other than in accordance with licence conditions approved by DPI Water.

### **20. Riparian Zone Protected in Perpetuity**

Native vegetation is to be retained and rehabilitated within the entirety of the 30m riparian buffer to South Creek (from top of creek bank) in accordance with the approved Vegetation Management Plan (VMP).

The area to be rehabilitated shall be clearly defined from the developed area with the extent of the 30m Vegetated Riparian Zone (VRZ) to be demarcated on site by the concrete pathway as shown on the '*Landscape Masterplan Ground and Entry plan*' (Dwg.1100). All planting to the south of this pathway shall comprise riparian vegetation (not turfed) with signage provided to clearly indicate that this area should not be traversed.

The applicant shall create a Public Positive Covenant, under Section 77B of the *Conveyancing Act 1919*, over the area of the site identified as the Vegetated Riparian Zone, requiring that the area be managed in accordance with the requirements of the VMP. The covenant shall also prohibit the erection of any structures (other than those approved under this consent), provision of fill material or clearing of native vegetation within this zone and stipulate that any fencing within this area shall not block stormwater flows or collect debris in storm events.

Council is to be identified as the party empowered to release, vary or modify the Covenant, which shall be created prior to the issue of the final Occupation Certificate for the development.

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

Implementation of the Final Vegetation Management Plan (Firebird ecoSultants June 2016) shall commence immediately upon any construction work commencing and shall be carried out in accordance with the Vegetation Management Plan (VMP) approved schedule of works. Annual Monitoring statements shall be provided to Council's Development Planner Flora and Fauna verifying compliance with the VMP. Implementation of the VMP may cease once outcomes of the VMP have been met, the works schedule completed and approval for the completion of works has been obtained from Council's Development Planner Flora and Fauna.

### **22. Construction Environmental Management Plan**

A Construction Environmental Management Plan (CEMP) shall be prepared and implemented for the proposed works. The CEMP shall detail appropriate

mitigation measures for a range of construction activities and shall include but not be limited to the following:

- erosion and sediment control;
- uncovering of contamination or contaminated materials;
- acid sulfate or saline soils;
- spill management, dust suppression;
- construction noise and vibration;
- waste management;
- construction traffic management plan (CTMP), including vehicle routes, truck numbers, hours of operation, access and parking arrangements, signage requirements to warn road users of temporarily changed traffic conditions and the like;
- air quality and dust management / mitigation procedures;
- noise and vibration management / mitigation procedures prepared in accordance with the Interim Construction Noise Guideline (DECC, 2009b), operation of plant and machinery in a quiet and efficient manner and the inclusion of a noise and vibration complaints register and the management of complaints, and
- any other matter relevant to this site or the proposed works.

The waste management plan shall identify:

- types and amounts of waste likely to be generated;
- waste storage issues;
- methods of transport and disposal of wastes;
- opportunities for waste reduction, re-use of materials and recycling; and
- requirements for compliance with the Waste Avoidance and Resource Recovery Act 2001.

The CEMP shall be prepared and approved by Council prior to any works commencing on the site, including clearing or earthworks. The requirements of the CEMP shall be implemented on site at all times.

## **23. Retention of Trees and Native Vegetation**

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.

#### **24. Dilapidation Survey Report**

Prior to the commencement of works (including demolition) on the land, a dilapidation survey report prepared by a suitably qualified practising engineer, of properties and existing public infrastructure potentially affected by the proposed development, shall be lodged with Council and submitted to the Principal Certifying Authority.

The dilapidation survey report shall locate the area within which the damage may be potentially caused to nearby and neighbouring properties as a result of the carrying out of demolition or construction works pursuant to this consent. The report is to include a description of the location and nature of any existing observable defects to the properties and existing public infrastructure, including a photographic record.

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

#### **25. Driveway Design and Construction**

The driveway to the garage or car parking area of the development shall be designed and constructed in accordance with the following requirements and Council Standard Drawing: EGSD-104 (available from Councils website).

- a) The Driveway design levels at the front boundary shall be obtained from Council's Asset Management Department prior to design of the driveway.
- b) The Driveway Longitudinal Section, incorporating the design level provided by Council and other construction details (i.e. concrete thickness and reinforcement), shall be submitted to the Principal Certifying Authority for approval with the Construction Certificate.
- c) In accordance with AS 2890.2:2002 the maximum gradient of any driveway or ramp shall not exceed 1V:6.5H (15.4%).
- d) Where changes of grade occur, suitable transitions shall be designed to meet the "Design Vehicle Ground Clearance Diagrams" in Figure A1 of AS2890.2:2002.

## **26. Vehicles Access Crossing and Kerb Layback**

A paved vehicular access including kerb layback from the property boundary to the street shall be installed in accordance with DCP 2014 Engineering Guidelines and Councils Standard Drawings: EGSD-103, EGSD-201 or EGSD-104 (available from Councils website).

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

Prior to the commencement of work the person having the benefit of the consent shall contact Council for footpath levels so that a suitable driveway can be constructed to provide vehicular access onto the site.

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

Any disused kerb and gutter and footpath crossing shall be removed and replaced with full kerb and gutter to match adjoining kerb and gutter to the satisfaction of Council.

## **27. 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 DCP 2014 Engineering Guidelines and the Australian Standard AS2890. All parking areas and access ways, line marking and signage shall be completed prior to the issue of an Occupation Certificate.

## **28. Concrete Footpath**

Concrete footpaths 1.2 metres wide shall be constructed/reconstructed along the full length of the street frontage at the cost of the person having the benefit of the consent. Concrete footpaving shall be constructed in accordance with Lake Macquarie City Council standard drawing EGSD-301 which is available from Councils website.

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

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

**29. 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.

**30. Landscaping**

Landscaping shall be implemented/installed in accordance with the approved landscape plans and documentation as prepared by GSA Group (Project No.15659), Revision dated 27 June 2016, Vegetation Management Plan (VMP) and specifications as scheduled in the conditions of consent.

The Landscape Plans, Drawing No.1100 (Issue D) '*Landscape Masterplan Ground and Entry*' shall be amended to reflect the requirements of Condition No.20 of the consent, for the entirety of the 30m buffer to South Creek to comprise riparian vegetation (not turf). The amended plan shall be included in the plans submitted to the Principal Certifying Authority with the application for a Construction Certificate.

All landscape works shall be carried out by members of the Landscape NSW & ACT Master Landscapers Association and implemented under the full supervision of the appropriately qualified landscape contractor until the Landscape Compliance Report is received by the Principal Certifying Authority.

Street trees along Warners Bay Road shall be *Melaleuca linariifolia* 75L planted at 8m centres on the southern side of the footpath pending services. Planting detail as per LMCC Landscape Standard Drawings 2016 LSD-PLA-01. Street trees to be maintained by the proponent for 52 weeks.

Landscape works must conform to planting densities as scheduled comprising planting at nominated spacings in all areas dedicated to planting. A hard garden retaining edge (timber or concrete) shall be installed to all planting areas adjoining turf surfaces and all planted areas covered with minimum 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.

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

### **31. Tree Protection Measures**

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

Additional tree protection measures are to be implemented in accordance with the Tree Protection Plan and accompanying Recommendations as outlined in approved Arboricultural Impact Appraisal and Method Statement Report by 'Naturally Trees' (Scales, 22/06/2016).

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

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.

### **32. Public Domain Works – Street Trees**

All landscape works within the Public Domain (road reserve) shall be coordinated with Council's Project Manager during the construction period. Contact details for Council's Coordinator of Project Management, City Projects contactable on 49210333

Witness or hold points must be communicated in an appropriate time (minimum 7 days prior to commencement of landscape works within the public domain) with Council's Coordinator of Project Management for the following inspections (where applicable) to be carried out by Council's Project Manager:

- Commencement of Public Domain Works (witness point).
- Set out of tree pits (witness point).
- Excavation of tree pits with regard to Council's Street Tree planting detail and specifications (hold point).
- Tree delivery prior to installation (hold point). Note: .if desired, arrangements may be made to inspect trees prior to delivery to assist in avoiding rejection due to poor quality (NB inspection will still be required on site prior to installation).
- Commencement of tree planting (witness point).
- Completion of tree planting, including installation of any guards / grates (witness point).

The following submissions must be submitted in a timely manner by the Contractor to Council's Project Manager:

- Batch Certificates for all imported soil in accordance with AS4419 - 2003.
- Certification that nominated street tree complies with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).

Manufacturer's warranty and maintenance information for all proprietary products.



**33. Water Harvesting and Irrigation**

The full capacity of the rainwater harvesting tanks is proposed to be used exclusively for irrigation of landscaping on the site.

An automated irrigation system shall be installed for the development to utilise the capacity of the water tanks on a daily basis for watering of the landscaped areas on the site.

**34. 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.

**35. 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.

**36. Consolidation of Lots**

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, Lots 11 DP 656806 and Lots 1, 2, 3 and 4 DP 515152 shall be consolidated and registered at the Land and Property Information Services and a copy of the registered plan shall be provided to Council.

**37. Service Delivery Vehicles**

No service delivery vehicles, buses or any other vehicles fitted with reversing alarms are to access the site between 10:00pm and 7:00am daily, due to potential acoustic impacts to adjacent residential uses.

**38. Safety and Security**

The development is to be in accordance with the recommendations of the Crime Risk Assessment Report (deWitt Consulting, dated February 2016) and incorporate the following minimum measures to achieve Crime Prevention Through Environmental Design outcomes:

- Details regarding proposed access control measures, particularly around the back of house and building entries should be provided at the construction certificate stage.
- Landscaping maintenance should promote natural surveillance with pruning of low branches to approximately 2 metres high, and the pruning of ground cover and hedges at around waist height. Maintenance should also ensure the ongoing effectiveness of lighting and signage.
- Signage should be provided throughout the development, inclusive of car parking areas and vehicle access entrances/exits. The signage is to be clear, legible and useful, to identify areas, uses and any access restrictions, aid way finding throughout the area and reduce opportunity for excuse making behaviour and loitering.
- Consideration should be given to the use of maintenance plans for the site to ensure timely repair of damaged property, lighting, and removal of graffiti.
- Lighting should be designed in accordance with AS 1158.1 to provide appropriate lamps and lighting levels to mitigate pedestrian crime risk and fear. Where damaged or broken, lighting shall be repaired within 48 hours.
- Lighting should provide an appropriate continuous illumination to public areas such as driveways, pathways and parking. Lighting should promote surveillance, aid identification, and mitigate potential entrapment or hiding areas (including the sub floor areas at the rear of the building).
- External lighting is to be directed toward approaches to buildings rather than illuminating observers or vantage points (windows and doors).
- Activation based lighting should be used for less frequently used areas such as emergency egress pathways and fire exits.
- Materials and finishes should be chosen for ease of graffiti removal and any graffiti shall be removed within 24 hours of its appearance.

### **39. Boundary Fencing**

Side boundary fencing shall be constructed on site in accordance with the locations indicated on the approved Landscape Plans to a height of 2.2m from the existing ground level and having regard to the acoustic fencing requirements to the front setback. The acoustic fencing (as recommended in the approved acoustic report) within the front setback shall also be increased in height to 2.2m for both side boundaries.

The fencing material (apart from that specified for the acoustic fencing) shall comprise lapped and capped timber fencing or other materials of a dark natural colour and consistent for the length of the boundary. The fencing material shall be determined in accordance with written consent from the respective property owners.

Any new side boundary fencing to the eastern side boundary, along the 30m riparian zone setback from the creek, shall comprise permeable palisade style fencing similar to that existing in this location.

Fencing is not preferred to the rear boundary at all, however, if any fencing along the southern side (rear) of the building or along the rear boundary is required, shall comprise permeable fencing that permits the movement of both water flows and native fauna.

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.

#### **40. 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.

#### **41. Car Parking and Allocation of Spaces**

A total of 36 car parking spaces shall be constructed on the site (including one disabled space) 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 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 a staff member or visitor of the development and are not to be used as public carparking.

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

Signage shall be erected adjacent to the driveway to indicate that the parking bays to the north-west of the driveway are to be utilised for staff parking. This is to reduce potential vehicular/pedestrian conflict within the driveway area and path linking to public transport services at the front of the site.

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.

#### **42. Bicycle Parking Racks**

Secure bicycle parking/storage shall be provided to accommodate bicycles for employees of the facility, in a location that is secure and readily accessible by staff.

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.

#### **43. 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.

#### **44. 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
- NSW Anti Discrimination Board.

#### **45. 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.

#### **46. Hoarding and Construction Site Safety Fencing**

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

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

#### **47. General Terms of Approval - Mine Subsidence Board**

The Mine Subsidence Board has granted conditional approval to the development, subject to the following conditions:

1. The submission of final drawings prior to the commencement of construction, and containing a certification by a qualified structural engineer that improvements have been constructed for the following parameters and any damage, would be slight, localized and readily repairable.
  - a. Maximum vertical subsidence of 200mm.
  - b. Maximum ground strains of  $\pm 2\text{mm/m}$ .
  - c. Maximum tilt of 1.5 mm/m.
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 the 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.

#### **48. 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 Soil and Water Management Plan (SWMP) shall be submitted to, and approved by Council. 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 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;
- (f) All erosion and sediment control measures shall be appropriate for the Sediment Type onsite;
- (g) 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.
- (h) Aluminium based flocculent products are not permitted to be used without prior written approval from an appropriate LMCC officer.
- (i) 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.
- (j) Clear separation of clean and dirty water;
- (k) Temporary and permanent dust suppression measures on disturbed areas;
- (l) Inspection, maintenance and removal schedules for all erosion and sediment control measures; and
- (m) 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;
  - (a) The Plan complies with the requirements for the area of disturbance as per DCP 2014 and points (a) to (l) above;
  - (b) 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
  - (c) All erosion and sediment control measures are in accordance with Council's DCP 2014.

#### **49. 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.

#### **50. Filling Importation and Compaction**

Prior to works commencing, documentary evidence shall be provided to Council demonstrating that the proposed fill material is either:

- (a) Uncontaminated virgin excavated natural material (VENM) as defined under the provisions of the NSW Protection of the Environment Operations Act 1997; or
- (b) The material is from a known origin and composition, free of contamination from manufactured chemicals, process residues, building debris, sulfidic ores, or other foreign matter; or
- (c) Fill which has been characterised and validated by a suitably qualified and experienced site contamination consultant, in accordance with the NSW Office of Environment and Heritage publication "Contaminated Sites - Sampling Design Guidelines dated September 1995".

Prior to works commencing, written certification from a suitably qualified geotechnical engineer that the material is suitable for the proposed use on the site, shall be provided to Council. Only that material certified by the geotechnical engineer shall be imported to the site.

Written details are to be kept of address of the origin of the fill; quantities, dates, and times of delivery from each location; registration numbers and driver's identification details; and laboratory test results/consultants reports and available for inspection by the Principal Certifying Authority or Council upon receipt of a written request.

All fill shall be placed in accordance with the standards specified in Table 5.1 of AS 3798-2007 "Guidelines on Earthworks for Commercial and Residential Developments."

#### **51. Dust Suppression**

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



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

**52. 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.

**53. External Material Reflection**

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

**54. Disability Access Design Audit**

A disability access design audit which has been certified by an accredited access consultant shall be submitted, certifying the development's compliance with the Building Code of Australia and the Disability Discrimination Act 1992 in relation to the provision of equity in access for disabled persons.

This certification shall be submitted to the Principal Certifying Authority with the application for a Construction Certificate.

**Note:**

- (a) Compliance with the Building Code of Australia only, can still leave a building professional or building owner in contravention of the Disability Discrimination Act 1992.
- (b) The Association of Consultants in Access Aust Inc at [www.access.asn.au](http://www.access.asn.au) may be able to provide further information.

**55. Ausgrid Requirements**

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

**56. No works on adjoining Public Reserve**

The public reserve adjoining the site shall not be affected by site works, construction materials stockpiles, waste, building products and debris, site sheds, spoil placement or the like. No access for vehicles, machinery or goods to the site shall be gained across the public reserve without a written license from Council. All costs associated with such a license shall be payable by the person having the benefit of the consent.

**57. Unobstructed Footpath Access**

The person having the benefit of the consent shall maintain unobstructed footpath access within the public road reserve at all times. Building materials shall not be placed or stored within the road reserve.

In the case of sites where it is not possible to keep the footpath or road reserve clear during construction works written approval from Council shall be obtained prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The area shall be signposted and such signposting be maintained in a way that ensures public safety at all times.

## **58. Demolition**

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

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

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

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

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

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

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

## **59. 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.

**60. 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.

**61. 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.

**62. 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.

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.

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.

**63. 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.



**64. 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.

**65. Acoustic Requirements and Certification**

The recommendations contained in the acoustic report prepared by Spectrum Acoustics project number 151151 dated June 2016 and *Response to Council – Warners Bay Aged Care dated 26 October* shall be incorporated into the design and construction of the development. In particular:

- An acoustic barrier shall be provided to the carpark on the eastern side of the front setback to a height of 2.2m.
- An acoustic barrier shall be provided to the western side of the front setback (to be located on the boundary) to a height of 2.2m.
- The Acoustic barriers shall comprise a fence containing no holes or gaps and makes contact with the ground and has a mass of at least 15kg/m<sup>2</sup> (ie, lapped and capped palings or Hebel panels).

- Provide appropriate noise screening to mechanical plant enclosure at the rear of the development. For sound power level up to 80 dB(A) this would comprise a 9mm fibre cement screen, or should the total sound power level of the plant exceed 80 dB(A) the enclosure would need to be roofed and have solid walls, essentially making it a plant room.

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.

#### **66. 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.

#### **67. 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.

#### **68. Bunded Spillage Areas**

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

#### **69. Liquid Gaseous Wastes, Emissions and Odour Control**

The building shall be constructed to comply with the requirements as set out in the Qualitative Odour Assessment (RCA Australia, dated May 2016).

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.

**70. 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.

**71. Medical / Pathological Waste**

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

**72. 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.

**73. 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.

**74. Building Over Drainage Easements**

Any works within or over an easement for drainage shall not affect or interfere with the structural integrity or operation of the pipe system within that easement. Access for maintenance must be preserved within the easement.

Any damage to the pipe system caused by the works, within or over the easement shall be repaired at the cost of the owner of the land.

**Note:** The terms of the easement should be consulted prior to commencing any works.

**75. Restriction of Site Access to Prevent Unauthorised Filling**

The property entry and exit points shall be secured at all times to prevent the unauthorised entry of vehicles, and to ensure that the site manager can control and prevent dumping of waste and potentially contaminated material whilst fill material is being imported or managed on site.

**76. Excavation – Aboriginal Relics**

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

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

**77. Excavation – Non Indigenous Relics**

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

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

**78. 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.

## **79. 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"*.

## **80. Public Roadways and Drainage Works Standards**

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

- a. Australian Rainfall and Runoff, 1987.
- b. Council's DCP and supporting guidelines.
- c. AUSTROADS Guide to Road Design Guide.
- d. Roads and Martine Services Delineation Guidelines.
- e. Managing Urban Stormwater documents (2004) by Landcom.
- f. The Constructed Wetlands Manual - Department of Land and Water Conservation, 1998.
- g. WSUD Technical Design Guidelines for South East Queensland
- h. Healthy Waterways – Water by Design Guidelines
- i. 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.

#### **81. Details Required Prior to Commencement – Public Road Works**

Any public road 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. A Construction Certificate application must be lodged with Lake Macquarie City Council for the works.

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.

#### **82. Construction of Kerb and Gutter and Associated Works**

The Applicant shall construct in Warners Bay Road, for the full frontage of the development site, kerb and gutter and an associated parking lane including drainage and adjustment to existing constructions (including removal of redundant driveway crossovers) in accordance with the provisions of the publications and standards identified in this consent.

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

#### **83. Linemarking and Signposting**

The applicant shall arrange for the provision of linemarking and sign posting along the Warners Bay Road frontage as follows:-

"No parking" signs and appropriate linemarking are to be provided to the western side of the on street parking spaces, at the approach to the driveway access for the site, in consultation with Council Traffic Engineers (a minimum 10m distance provided clear of obstructions) to enable safe vehicular access.

All regulatory linemarking and sign posting on Public roads shall be submitted to Council's Traffic Facilities & Road Safety Committee. The works shall not commence until approved by the Committee.

**84. Pavement Standards**

Residential road pavements shall be designed in accordance with "A Guide To The Design Of New Pavements For Light Traffic" - AUSTRROADS 2006. Main and Industrial road pavements are to be designed in accordance with "Pavement Design, A Guide to the Structural Design of Road Pavements" - AUSTRROADS 2012. 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.

**85. 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.

**86. Notification to Neighbours**

Written notification shall be given by the Applicant to landowners and residents who live adjacent to the proposed development or who may be affected by the proposed works. The notification should include the expected date of commencement of works and a brief description of the works.

**87. Notice of Commencement of Works - Roads**

Road construction works shall not commence until a meeting between the contractor and a representative of the Council has taken place on site.

In accordance with Section 81A(4) the Council must be given at least two days notice in writing prior to such meeting taking place.

The notice shall also include the names of the contractor undertaking construction and the developer's supervising officer.

**88. Compliance Certificate for Works – Road Works**

The Applicant shall obtain and submit a **Compliance Certificate/s** to certify that all road construction works have been constructed in accordance with this Development Consent, the **Construction Certificate** and all other standards specified in this consent.

An application for the Compliance Certificate and associated application fees shall be submitted prior to the commencement of works identified on the respective Construction Certificate.

The Compliance Certificate will be required to be issued prior to the issue of the Occupation Certificate.

**89. Final Plan Submission**

The Applicant shall submit an application for a **Subdivision Certificate** accompanied by an original copy of the Final Plan of Subdivision for the consolidation of lots. The location of all buildings and/or other permanent improvements shall be indicated on one (1) additional full-size print. When all conditions of the Development Consent relating to this subdivision have been satisfactorily complied with the **Subdivision Certificate** will be issued.

**90. House Numbering**

A minimum of 4 weeks prior to lodgement of the Subdivision Certificate with Council, the applicant shall provide a draft Final Plan of Subdivision to Council's Land Information section. Council will then provide house numbering for the lots within the subdivision for inclusion on the Survey Plan in accordance with Clause 60 of the Surveying and Spatial Information Regulation 2012.

**91. Section 50 Certificate**

Prior to the issue of a Subdivision Certificate, a certificate of compliance under **Section 50** of the **Hunter Water Act 1991** for this development shall be submitted to the Principal Certifying Authority.

Advice: Council does not forward notification of the subdivision approval to the Hunter Water Corporation. It is the Applicants responsibility to make all pertinent arrangements with the Hunter Water Corporation.

**92. Application Fees for Required Certificates for Road Works**

The Applicant shall obtain any certificates as required to satisfy the conditions of this Consent.

For Council to process applications for these certificates the following fees would be payable:

<b>Subdivision Certificate</b>	<b>\$415</b>	Plus <b>\$60</b> Archival Fee	(inc GST)
<b>Construction Certificate</b>	<b>\$600</b>	Plus <b>\$60</b> Archival Fee	(inc GST)
<b>Compliance Certificate</b>	<b>\$900</b>	Plus <b>\$60</b> Archival Fee	(inc GST)

Applications for these certificates should be lodged on the approved application form and accompanied by the appropriate fee.

Where the development includes construction works valued at \$25,000.00 or more, the applicant must pay the Long Service Levy, as detailed in the Building and Construction Industry Long Service Payments Scheme. The Levy must be paid prior to the issue of the Construction Certificate. The Levy may be paid directly to the Long Service Payments Corporation or to Council as agent for

the Corporation. The Levy rate is 0.35% of the cost of building and construction works.

**The above application fees are subject to change each financial year without notice and confirmation should be obtained from Council prior to the lodgement of any application.**

**93. General Terms of Approval**

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

- Mine Subsidence Board
- Department of Primary Industries - Water

## **CONTRIBUTION FEE SCHEDULE**

<b>DESCRIPTION</b>	<b>FEE AMOUNT</b>
COA-Public Transport Facilities-CPI	\$2,000.67
COA-Plan Preparation & Administration-CPI	\$32,427.51
	<b>TOTAL \$34,428.18</b>

**Advisory Note:**

**Hunter Water Requirements**

The owner is required to comply with the requirements of the Hunter Water Act 1991, relevant to the development. If you require further information, please contact Hunter Water on 1300 657 657.



Fiona Stewart

**Development Planner**  
**Development Assessment and Compliance**

(For and on behalf of the Hunter & Central Coast Joint Regional Planning Panel)