

## APPENDIX B - Draft Conditions

**Section 96 (2) Application No:** DA2015/0508.01

**Land:** Part Lot A DP 350420 Lot 1 DP 725264 Part Lot A DP 394165 Part Lot B DP 394165

**Property Address:** 150, 152, 154 and 156 Lake Road Elmore Vale NSW 2287

**Proposed Development:** Staged development for demolition of buildings, erection of one hundred and four dwellings, associated site works and four lot into six lot subdivision

### SCHEDULE 1

#### REASONS FOR CONDITIONS

1. The conditions of this consent have been imposed in accordance with Section 80A of the *Environmental Planning and Assessment Act 1979* (NSW). The conditions relate to any matter referred to in Section 79C(1) of relevance to the development the subject of the consent and are imposed to ensure that the development is undertaken in an orderly manner, with acceptable impacts on the natural and built environment.

#### APPROVED DOCUMENTATION

2. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan No / Supporting Document	Reference / Version	Prepared by	Dated
Site Survey Plan	Sheet 1 Issue 6	RPS Australia	02/09/16
Site Survey	Sheet 2 Issue 6	Kim Gerrish Design	02/09/16
Staging Plan	Sheet 3 Issue 6	Kim Gerrish Design	05/09/16
Overall site layout plan	Sheet 4 Issue 6	Kim Gerrish Design	05/09/16
Typical Floor Plans	Sheet 5 Issue 6	Kim Gerrish Design	02/09/16
Typical Floor Plans	Sheet 6 Issue 6	Kim Gerrish Design	02/09/16
Overall Site landscape Area Calculations	Sheet 7 Issue 6	Kim Gerrish Design	02/09/16
Overall Site Lower Floor Plans	Sheet 8 Issue 6	Kim Gerrish Design	02/09/16
Overall Site Upper Floor Plans	Sheet 9 Issue 6	Kim Gerrish Design	02/09/16
Roof Plan	Sheet 10 Issue 6	Kim Gerrish Design	02/09/16
Elevations	Sheet 11 Issue 6	Kim Gerrish Design	02/09/16
Floor Plans and Elevation	Sheet 12 Issue 6	Kim Gerrish Design	02/09/16
Floor Plans and Elevations	Sheet 13 Issue 6	Kim Gerrish Design	02/09/16
Floor Plans and Elevations	Sheet 14 Issue 6	Kim Gerrish Design	02/09/16
Floor Plans and Elevations	Sheet 15 Issue 6	Kim Gerrish Design	02/09/16
Floor Plans and Elevations	Sheet 16 Issue 6	Kim Gerrish Design	02/09/16

Floor Plans and Elevations	Sheet 17 Issue 6	Kim Gerrish Design	02/09/16
Site Section DD	Sheet 18 Issue 6	Kim Gerrish Design	02/09/16
Proposed Site Sections and Overall Calculations	Sheet 19 Issue 6	Kim Gerrish Design	02/09/16
Shadow Diagrams 9.0 am, 10.00 am and 12.00 noon	Sheet 20, 21 , and 22 Issue 6	Kim Gerrish Design	02/09/16
Landscape Plan	Sheet 1 to 5 General Changes	Forum Urban Sanctum	May 2015 08/09/16
Acoustic Assessment Report	Ref: 151005/5642_II	Spectrum Acoustic	28/4/2015 & 8/09/16
Bushfire Threat Assessment		RPS Australia East	29/04/15
Crime Assessment Report		SLN Building	Undated
Detailed Contamination Assessment	JME15117 -Lake Road	JM Environments	9/12/15
Ecological Assessment	PR118414-1	RPS Australia	29/04/15
Geotechnical Investigation	Ref: Q2014_31 –	Valley Civilab	13/11/2014
Aboriginal Due Diligence Assessment and Statement of Heritage Impact	PR118414-4	RPS Australia	April 2015
Preliminary Arboriculture Report	Ref No: 06-0814	Treeology Pty	Nov 2014
Social Impact Assessment		SNL Building	18/5/2015
Statement of Environmental Effects and Amended SoEE for Section 96		SNL Building	21/5/2015 5/09/16
Stormwater Management Strategy	NL140429 Rev:D	Northrop Engineers	07/09/16
Concept Stormwater and Levels Plan	Sheets 1 of 3 Job No NL140429 Rev: F, D and E Drw: C2DA	Northrop Engineers	07/09/16
Civil Details Sheet	NL140429 Rev: C and B	Northrop Engineers	07/09/16
Traffic Impact Assessment	Issue: Ver 03/18052015 Reference: P0290	SECA solutions	May 2015

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

- 2a) Communal recreational facilities including, but not limited to tables, chairs, shading structure(s) and tap(s) shall be provided in an appropriate accessible area(s) with details to the satisfaction of the Certifying Authority prior to issue of a Construction Certificate.
- 3a) Each stage of the development complying with all conditions within Schedule 2 and the specific conditions within the respective stages as detailed below. The Stages are required to be undertaken in numerical order.

- Stage 1 – Schedule A
- Stage 2 – Schedule B
- Stage 3 - Schedule C
- Stage 4 - Schedule D
- Stage 5 - Schedule E
- Stage 6 - Schedule F

These conditions relate to Section 94 Contribution and require payment prior to the release of the relevant construction certificates for each stage. A total of \$1,346,365.65 shall be paid prior to the final stage.

### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

3. On-site visitor parking accommodation is to be provided for a minimum of 44 vehicle spaces and 5 motorcycles spaces and such be set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle DCP 2012. Full details are to be included in documentation for a Construction Certificate application.
4. The proposed garage door openings are to be a minimum width of 2.4m clear for single garages and 4.8m clear for double garages. Full details are to be included in documentation for a Construction Certificate application.
5. The car park is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities. Full details are to be included in documentation for a Construction Certificate application.
6. Opposing traffic flows on Road 1 at the intersection of Road 2 and Road 4 to be separated by the provision of a continuous median island extending from the driveway entry at Lake Road to the Roundabout on Road 1. Full details are to be included in documentation for a Construction Certificate application.
7. All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. Full details are to be included in documentation for a Construction Certificate application.
8. The visitor parking bays are to be constructed in paving bricks or in a suitable alternative visually unobtrusive paving material which contrasts in colour and texture with that used in the construction of the driveway. Full details are to be included in documentation for a Construction Certificate application.
9. Kerbing or dwarf walls having a minimum height of 100mm are to be constructed along the edge of all garden or lawn areas adjacent to driveways and parking bays sufficient to discourage the encroachment of vehicles thereon. Full details are to be included in documentation for a Construction Certificate application.
10. Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2m in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance in accordance with AS/NZS 2890.1:2004
11. Parking facilities - Off-street car parking. Full details are to be included in documentation for a Construction Certificate application.

12. Roof water from the proposed new work is to be directed to the proposed water tank and being reticulated there from to any new toilet cisterns and cold water washing machine taps, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be installed in accordance with Australian Standard AS 3500, the relevant plumbing regulations and the requirements of the Hunter Water Corporation. Full details are to be included in documentation for a Construction Certificate application.
13. Overflows from the On Site Detention (OSD - Minimum 980m<sup>3</sup> storage volume) tank and the Biofiltration basin (Minimum 155m<sup>3</sup> storage volume) and any additional discharge controls (if required) are to be directed to Council's drainage system by means of an energy dissipation rock scour pad drainage structure over the Council table drain. Full details are to be provided with the Construction Certificate application.
14. All stormwater runoff from the proposed development being managed in accordance with the requirements of Section 7.06 'Stormwater' of Newcastle Development Control Plan 2012, as indicated on the stormwater management concept plans and stormwater management report prepared by Northrop Consulting Engineers Job No. NL140429, Drawings numbers as listed in the approved drawing list. Full details are to be included in documentation for a Construction Certificate application.
15. All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls, full details are to be included in documentation for a Construction Certificate application.
16. The easement to drain water within the site is to be shaped to contain any overland stormwater flow along the course of the easement and is to be kept clear of obstruction at all times. Full details are to be included in documentation for a Construction Certificate application.
17. Fences are to be constructed in a high quality presentation style of attractive appearance and of sufficient height to afford adequate privacy to residents in accordance with the performance criteria and provisions of Newcastle Development Control Plan 2012. Full details are to be included in the documentation for a Construction Certificate application.
18. The proposal shall comply with the recommendations contained within the Bushfire Safety Authority prepared by Rural Fire Service (letter dated 27 October 2015). Full details are to be included in the documentation for a Construction Certificate application.
19. The proposal shall comply with the general terms of approval issued by the Department of Primary Industries Water (letter dated 9 November 2015). Full details are to be included in the documentation for a Construction Certificate application.
20. Working drawings and specifications of the proposed building are to be submitted to the NSW Mine Subsidence Board for approval prior to an application for a Construction Certificate and any requirements of the Board are to be included in the documentation for a Construction Certificate application (refer to mine subsidence letter dated 17 December 2015).
21. All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required under the conditions of this consent are required to be detailed on a comprehensive landscape design plan and specification. The required comprehensive landscape design plan and specifications is to be in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:

- a) cross sections through the site where appropriate
- b) proposed contours or spot levels
- c) botanical names
- d) quantities and container size of all proposed trees
- e) shrubs and ground cover
- f) details of proposed soil preparation
- g) mulching and staking
- h) treatment of external surfaces and retaining walls where proposed
- i) drainage, location of taps and
- j) appropriate maintenance periods.

The plan is to be prepared by a qualified landscape designer and be included in documentation for a Construction Certificate application.

- 22. The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's compliance certificate (refer s50 Hunter Water Act 1991) is to be included in documentation for a Construction Certificate application.
- 23. Adequate facilities are to be provided within the proposed individual private courtyards, or in another adequately screened location, for the storage of garbage. Full details are to be included in documentation for a Construction Certificate application.
- 24. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on an Erosion and Sediment Control Plan that is to be submitted for approval with the Construction Certificate application. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
- 25. The proposed street lighting for the new road network within the site is to be minimum P4 pedestrian lighting category including car park lighting of the premises and is to be designed, positioned, and installed, including appropriate shielding and orientation of the lighting fixture, as to not give rise to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding properties in accordance with Australian Standard *AS 4282: 1997 Control of the obtrusive effects of outdoor lighting*. Full details are to be included in the documentation for a Construction Certificate application.
- 26. A dilapidation report prepared by a suitably qualified person shall be submitted to the Certifying Authority and Council prior to the issue of the Construction Certificate. The dilapidation report shall document and photograph the current structural condition of the adjoining buildings, infrastructure and roads.
- 27. The developer is to design the following works within Lakes Road frontage (based on the Concept Public Domain Plan prepared by Northrop Consulting Engineers Project No. 140429 Dwg No. C4 DA Rev C dated 07/12/2015) adjacent to the site at no cost to Council and in accordance with Council's guidelines, design specification and City Centre Public Domain Technical Manual.
  - a) Public Domain Works
    - i. Construct new footpath, retain/install stone kerb and gutter. The scope of footpath works to extend 5m beyond the property boundary.
    - ii. Install new (5) street trees and grass verge as indicated on the plans in accordance with Council requirements.

- iii. Upgrade/install street lighting within 10m-20m of the vicinity of the development to Ausgrid requirements and P2 lighting category.
- iv. Upgrade kerb ramps to nearest intersections at both ends which provide direct access to the site to Council and Australian Standards.
- v. Remove all redundant driveways, install new kerb and gutter and repair any road works.
- vi. Install any required parking and mandatory signage's to ensure that the footpath widths are made available for access.
- vii. Repair any damages caused during construction.

Detailed public domain plan is to be provided to Council for review and approval as part of the S138 Road Act Type 2 application.

In this regard the separate approval from Council must be obtained for all works within the public road reserve, pursuant to Section 138 of the Roads Act 1993, prior to the release of the Construction Certificate. Engineering design plans and specifications for the works being undertaken in the public road reserve are required to be prepared by a suitably qualified practising civil engineer with experience and competence in the related field and submitted to Council for approval with the Section 138 application.

Note: An additional fee will be required by Council for the assessment of engineering plans submitted for the public road works. In this regard the developer is advised to confer with Council's Development & Building Services Section in order to confirm this fee.

These works are not approved until consent under Section 138 of the *Roads Act 1993 (NSW)* has been granted by Council. An application under Section 138 must be applied for and approved before the issue of a Construction Certificate.

28. A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993 (NSW)*, before the issue of a Construction Certificate.

29. Prior to the issue of a Construction Certificate, the proponent preparing and submitting to the Principal Certifying Authority and Council an Environmental Management Plan (EMP) for construction/demolition works on the site, such to be kept on site and made available to authorised Council Officers upon request. The EMP is to include but not be limited to:

- a) A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
- b) A water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
- c) A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions.
- d) A noise and vibration management program, detailing measures to minimise the impact of the development on local amenity. Provision for noise and vibration monitoring during works should be incorporated into the program.

30. The RMS terms of approval requirements for the road works associated with the driveway entry at Lake Road as set in the RMS Letter dated 06/11/2015 Ref. No. CR2015/004453, SF2015/109378 is to be addressed prior to issue of any construction certificate. The applicants are to enter into a Works Authorisation Deed (WAD) agreement with RMS and all associated road works, driveway works including sign posting, line marking, kerb and gutter and footpath works associated with the construction of the new driveway entry is to be completed prior to RMS standards and satisfaction prior to the issue of any construction certificate.
31. All new internal roads and associated structures including kerb and gutter, drainage are to be designed by an appropriately qualified and experienced civil/structural/hydraulic/geotechnical engineer. The road pavement design, drainage and associated civil works are to be designed for a minimum of 50 year life. Full details including geotechnical investigation for road pavement design (consideration to be given or staging and construction vehicles) to be provided to the Principal Certifying Authority prior to issue of any construction certificate.
32. All downpipes discharging to the rainwater tanks are to have pre-storage insect, debris and vermin control (e.g. a rainwater head being leaf screened and vermin and insect proof) to minimise the contamination of captured roof water. A first flush device is to be provided for the inlet to the tank and a backflow prevention device is to be installed in the tank overflow outlet before connecting to the stormwater drainage system. If the roof downpipes are charged to the rainwater tank, all pipes are to be chemically welded and the stormwater system is to be designed such that the system is capable of being flushed in the event of pipe blockage (e.g. capped relief access points at the lowest level of stormwater drainage).
33. A Maintenance Manual for all water quality devices is to be prepared in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). The Maintenance Manual is to address maintenance issues concerning the water quality devices including routine monitoring and regular maintenance and be kept on site at all times. Establishment and maintenance of the water quality devices in accordance with the Maintenance Manual prepared by the applicant is to be completed prior to occupation of this site for the intended use.
34. All onsite stormwater detention and water quality treatment systems are to be individually identified and sign posted in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). Full details are to be included in documentation for a Construction Certificate application.
35. The Applicant being required to pipe the development site discharge through Newcastle City Council's (NCC's) land (Lot 3054 DP 1202601) to connect to the existing watercourse and piped culvert under the cycleway.
- 38a) The design will need to satisfy the requirements of Council's Technical Manual for Stormwater and Water Efficiency and Standard Drawings and the following specific requirements.
  - a) Direct connection of stormwater overflow to Council's stormwater assets at the natural watercourse (an earth swale drain is not considered to be an acceptable conveyance method).
  - b) Construction of private pit and pipe infrastructure to connect the development with the natural watercourse.
  - c) Level of the outlet pipe of private stormwater to be as such it can be fully integrated with the natural water course.
  - d) Construction of an integrated rock headwall at the natural watercourse to ensure flows from the development enter the watercourse and do not impact

on the stability of the natural watercourse and existing cycleway infrastructure.

- e) Works need to be contained within Council's land with minimum impact on existing vegetation and slope stability of the cycleway. Expert arborist and geotechnical reports will be required to confirm this requirement.
- f) A drainage easement over the route being established prior to Occupation of the development with all costs borne by the applicant.

Full construction drawings being submitted to the land owner, Newcastle City Council, for review and approval prior to the issuing of any Construction Certificates for the development.

### **CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE**

36. Toilet facilities are to be available or provided at the work site before works begin and 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 is to:

- a) Be a standard flushing toilet connected to a public sewer, or
  - b) Have an on-site effluent disposal system approved under the *Local Government Act 1993* (NSW), or
  - c) Be a temporary chemical closet approved under the *Local Government Act 1993* (NSW).
37. Building demolition is to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures.
38. A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with Australian Standard 2601:2001 - The Demolition of Structures. A copy of the Hazardous Substances Management Plan is to be provided to Council (marked to Attention: Compliance Services) and the demolisher prior to commencement of work.
39. The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:
- a) Demolition works shall be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan shall be kept on-site for the duration of the proposed development
  - b) The removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
  - c) A copy of all waste disposal receipts are to be kept on-site for the duration of the proposed development and made available to authorised Council Officers upon request
  - d) Seven working days' notice in writing is to be given to Council and the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor. Notification to owners/occupiers of neighbouring premises shall also include Council's contact telephone number



(49742000) and the Workcover Authority of NSW telephone number (49212900) and;

- e) On sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.

- 40. Any waste containers used in association with the proposed demolition are to be located on the site where possible.

Note: Where this is not feasible, application must be made for Council's approval to position the container on the adjacent public road in accordance with Council's adopted Building Waste Container Policy.

- 41. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
- 42. The demolisher is to ensure that all services (ie Water, telecommunications, gas, electricity, sewerage etc.), are disconnected in accordance with the relevant authority's requirements prior to demolition. (Note Ausgrid's letter of 22 June 2015).
- 43. Any demolition/waste building materials that are not suitable for recycling are to be disposed of at Council's Summerhill Waste Management Facility or other approved site.
- 44. Waste management shall be implemented in accordance with the approved Waste Management Plan. At a minimum, the following measures shall be implemented during the construction phase:

- a) A waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste
- b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets
- c) Appropriate provision is to be made to prevent windblown rubbish leaving the site and
- d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

Note: Fines may be issued for pollution/littering offences under the *Protection of the Environment Operations Act 1997* (NSW).

- 45. A rigid and durable sign is to be erected on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:
  - a) showing the name, address and telephone number of the Principal Certifying Authority for building work and subdivision work, and
  - b) showing the name, address and telephone number of the Principal Contractor for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
  - c) stating that unauthorised entry to the work site is prohibited, and

- d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

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.

- 46. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 47. In the case of residential building work for which the *Home Building Act 1989* (NSW) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.
- 48. All excavations and backfilling are to be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.
- 49. If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided and adequate provision must be made for drainage.
- 50. All building materials, plant and equipment is to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves including the road reserve is not permitted.
- 51. A Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries, is to be submitted to the Principal Certifying Authority before construction is commenced.
- 52. Commercial/industrial type vehicular crossings is to be constructed across the public footway at Lake Road entrance/exits at no cost to Council and in accordance with Council's A17 Series design specifications and City Centre Public Domain Manual and such crossing being properly maintained.

Note: A separate approval from Council/RMS (as applicable) must be obtained for all works within the public road reserve pursuant to Section 138 of the Roads Act 1993. For further information contact Council's Works Depot on 49746000 to request a Road Opening Approval. A fee will be payable in this regard.

- 53. Any proposed paving works within the public footway are to be in accordance with the requirements of Council's specifications and Public Domain Manual.

Note: It will be necessary for the Developer to notify water, telecommunications, gas and electricity authorities of the proposed paving works in order to enable the various authorities to carry out and complete any necessary repairs and/or amplification to their respective services before such works are commenced.

- 54. Prior to commencement of site works the developer is to submit to Council for approval a Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase.
- 55. The Construction Traffic Management Plan is to be prepared by a Roads & Maritime Services accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3:2009 - Manual of uniform traffic devices - traffic control for works on roads. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.

56. Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.
- 59a) On-site car parking accommodation is to be provided for a minimum of 44 vehicles and such being set out generally in accordance with the details indicated on the submitted plans except as otherwise provided by the conditions of consent.
57. All parking bays are to be permanently marked out on the pavement surface.
58. The proposed visitor parking bays are to be clearly indicated by means of signs and/or pavement markings.
59. The vehicular entrance and exit driveways and the direction of traffic movement within the site are to be clearly indicated by means of reflectorised signs and pavement markings.
60. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
- Monday to Friday, 7:00 am to 6:00 pm and
  - Saturday, 8:00 am to 1:00 pm.

No noise from construction/demolition work is to be generated on Sundays or public holidays.

61. Council's 'PREVENT POLLUTION' sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary so it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of demolition and construction work.

Note: Council's 'PREVENT POLLUTION' sign can be obtained by presenting your development application receipt at Council's Customer Enquiry Counter at 282 King Street Newcastle.

62. Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.
63. Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Order that is permitted to be used as a fill material under the conditions of the associated Resource Recovery Exemption, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment (Waste) Regulation 2014*.
64. Documentation demonstrating the compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption must be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Exemption. This documentation must be provided to Council officers or the Principal Certifying Authority on request.
65. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> Edition - Vol. 1 (the 'Blue Book') published by Landcom,

2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

66. Prior to the commencement of work, a 3m wide all weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand shall not be stockpiled on the all-weather vehicle access.
67. All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are limited to:
  - a) Restricting topsoil removal
  - b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion)
  - c) Alter or cease construction work during periods of high wind and
  - d) Erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.
68. Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to Council by a Surveyor registered under the *Surveying and Spatial Information Act 2002* (NSW).
69. A suitably qualified ecologist to be on-site during tree clearing to manage the identification, management and protection of flora and in particular, fauna, which are located on the site.
70. All public trees that are required to be retained must be physically protected in accordance with the City of Newcastle Urban Forest Technical Manual 'Section 8.0 Protection Measures'.

The tree protection fencing must remain in place and maintained until all works have been completed, with no waste materials, washouts, equipment or machinery to be stored within the fenced area.

#### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE, A SUBDIVISION CERTIFICATE OR A STRATA CERTIFICATE**

71. All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to the issue of an Occupation Certificate. Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to Council within fourteen days of receipt.
72. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council's satisfaction prior to the completion of demolition work or prior to the issue of any occupation certificate in respect of development involving building work.
73. The developer is to design and construct the following works within Lakes Road frontage (based on the Concept Public Domain Plan prepared by Northrop Consulting Engineers Project No. 140429 Dwg No. C4 DA Rev C dated 07/12/2015) adjacent to the site at no cost to Council and in accordance with Council's guidelines, design specification and City Centre Public Domain Technical Manual:
  - a) Public Domain Works

- i. Construct new footpath, retain/install stone kerb and gutter. The scope of footpath works to extend 5m beyond the property boundary.
- ii. Install new (5) street trees and grass verge as indicated on the plans in accordance with Council requirements.
- iii. Upgrade/install street lighting within 10m-20m of the vicinity of the development to Ausgrid requirements and P2 lighting category.
- iv. Upgrade kerb ramps to nearest intersections at both ends which provide direct access to the site to Council and Australian Standards.
- v. Remove all redundant driveways, install new kerb and gutter and repair any road works.
- vi. Install any required parking and mandatory signage's to ensure that the footpath widths are made available for access.
- vii. Repair any damages caused during construction.

Detailed public domain plan is to be provided to Council for review and approval as part of the S138 Road Act Type 2 application.

Such works are to be implemented prior to the issuing of an Occupation Certificate for the proposed development.

In this regard the separate approval from Council must be obtained for all works within the public road reserve, pursuant to Section 138 of the Roads Act 1993, prior to commencement. Engineering design plans and specifications for the works being undertaken in the public road reserve are required to be prepared by a suitably qualified practising civil engineer with experience and competence in the related field and submitted to Council for approval with the Section 138 application.

Note: An additional fee will be required by Council for the assessment of engineering plans submitted for the public road works. In this regard the developer is advised to confer with Council's Development & Building Services Section in order to confirm this fee.

- 74. Any redundant existing vehicular crossing is to be removed at no cost to Council. The road reserve and kerb being restored to, Council's satisfaction, to match the existing infrastructure. Works are to be completed prior to the issuing of a Final Occupation Certificate for the proposed development.
- 75. A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, shall be submitted to the Principal Certifying Authority and to The City of Newcastle prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
- 76. The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.
- 77. A Landscape Practical Completion Report is to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.
- 80a) The premises are to be identified by the provision of house and street numbers on the building exterior and mailbox.

The minimum numeral heights shall be:

- a) Exterior of the building = 75mm and
  - b) Group mailbox - street number = 150mm  
- house number = 50mm
78. The decommissioning and removal of the on-site sewage management systems is to be carried out in accordance with *Advisory Note 3 - Destruction, Removal or Reuse of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems and other Sewage Management Facility Vessels* prepared by NSW Health dated May 2006.
- 83a) Appropriate acoustic treatment for proposed residential dwellings 1-11, as outlined in the Overall Site Layout prepared by Kim Gerrish Building Design Pty Ltd dated 6 September 2016, is to be implemented in accordance with the recommendations set out in the Noise Assessment prepared by Spectrum Acoustics dated 8 September 2016. Written final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the Noise Assessment prepared by Spectrum Acoustics dated 8 September 2016 is to be submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation Certificate.
79. An application is to be made for a Subdivision Certificate. The application is to be supported by a survey plan of subdivision, seven copies thereof and a Section 50 Certificate from the Hunter Water Corporation. If legislation requires, the Subdivision Certificate must be approved prior to the Occupation Certificate. The Subdivision Certificate shall include appropriate easements for the lots fronting Lake Road.

#### **CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT**

80. The landscaped areas are to be kept free of parked vehicles, stored goods, garbage or waste material and being permanently maintained.
81. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.
82. Proposed parking areas, vehicle bays, driveways and turning areas are to be maintained clear of obstruction and be used exclusively for purposes of car parking, loading and unloading, and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.
83. Any washing, degreasing or steam cleaning of vehicles, plant, engines, mechanical equipment or parts is to be carried out within a wash bay or dedicated cleaning unit connected to the sewers of the Hunter Water Corporation in accordance with an approved Trade Waste Agreement or to a waste collection system for disposal by a licensed waste transport contractor in accordance with the Department of Environment and Climate Change 'Waste Classification Guidelines Part 1: Classifying Waste'. Under no circumstances are such activities to be carried out elsewhere on site.
84. A Maintenance Manual for all water quality devices is to be prepared in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). The Maintenance Manual is to address maintenance issues concerning the water quality devices including routine monitoring and regular maintenance and be kept on site at all times. Establishment and maintenance of the water quality devices in accordance with the Maintenance

#### **ADVISORY MATTERS**

- a) Retaining walls not clearly noted on the approved plans or outside of the parameters of 'exempt development' as specified in *State Environmental Planning Policy*

(*Exempt and Complying Development Codes*) 2008 (NSW) are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to the retaining wall taking place.

- b) An application is to be submitted to Council for the removal or pruning of any trees located more than three metres from the dwelling, wall measured from the centre of the trunk to the footings of the dwelling, excluding carports and pergolas.
- c) It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- d) Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- e) Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required of any adjoining owner under the provisions of the *Dividing Fences Act 1991* (NSW).
- f) Prior to commencing any construction works, the following provisions of the *Environmental Planning and Assessment Act 1979* (NSW) (the 'Act') are to be complied with:
  - o A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act
  - o A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and
  - o Council is to be given at least two days' notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
- g) Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000* (NSW).
- h) It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- i) Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979* (NSW), which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.

## END OF CONDITIONS

## **Schedule A Stage 1**

A1 A total monetary contribution of \$25,645.06 is to be paid to Council, pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979* (NSW), towards the provision of the following public amenities and public services within the locality, such contribution to be payable prior to the issue of a Construction Certificate for stage 1 in respect of the proposed development.

- a) Traffic and Transport \$1,779.74
- b) Social Infrastructure \$23,865.32

Note: i) This condition is imposed in accordance with the provisions of the Newcastle City Council's Western Corridor Section 94 Contribution Plan 2013 operational from 13 January 2014. A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.

- ii) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

<b>Indexation quarters</b>	<b>Approx release date</b>
September	Late October
December	Late January
March	Late April
June	Late July



## **Schedule B Stage 2**

- B1 A total monetary contribution of \$243,628.07 is to be paid to Council, pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979* (NSW), towards the provision of the following public amenities and public services within the locality, such contribution to be payable prior to the issue of a Construction Certificate for stage 2 in respect of the proposed development.

- a) Traffic and Transport \$ \$16,907.53
- b) Social Infrastructure \$ \$226,720.54

Note: i) This condition is imposed in accordance with the provisions of the Newcastle City Council's Western Corridor Section 94 Contribution Plan 2013 operational from 13 January 2014. A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.

- ii) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

<b>Indexation quarters</b>	<b>Approx release date</b>
September	Late October
December	Late January
March	Late April
June	Late July

### **Schedule C Stage 3**

C1 A total monetary contribution of \$269,273.13 is to be paid to Council, pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979* (NSW), towards the provision of the following public amenities and public services within the locality, such contribution to be payable prior to the issue of a Construction Certificate for stage 3 in respect of the proposed development.

- a) Traffic and Transport \$18,687.27
- b) Social Infrastructure \$250,585.86

Note: i) This condition is imposed in accordance with the provisions of the Newcastle City Council's Western Corridor Section 94 Contribution Plan 2013 operational from 13 January 2014. A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.

- ii) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

<b>Indexation quarters</b>	<b>Approx release date</b>
September	Late October
December	Late January
March	Late April
June	Late July

#### **Schedule D Stage 4**

D1 A total monetary contribution of \$307,740.72 is to be paid to Council, pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979* (NSW), towards the provision of the following public amenities and public services within the locality, such contribution to be payable prior to the issue of a Construction Certificate for stage 4 in respect of the proposed development.

- a) Traffic and Transport \$21,356.88
- b) Social Infrastructure \$286,383.84

Note: i) This condition is imposed in accordance with the provisions of the Newcastle City Council's Western Corridor Section 94 Contribution Plan 2013 operational from 13 January 2014. A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.

- ii) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

<b>Indexation quarters</b>	<b>Approx release date</b>
September	Late October
December	Late January
March	Late April
June	Late July

## **Schedule E Stage 5**

- E1 A total monetary contribution of \$230,805.54 is to be paid to Council, pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979* (NSW), towards the provision of the following public amenities and public services within the locality, such contribution to be payable prior to the issue of a Construction Certificate for stage 5 in respect of the proposed development.

- a) Traffic and Transport \$16,017.66
- b) Social Infrastructure \$214,787.88

Note: i) This condition is imposed in accordance with the provisions of the Newcastle City Council's Western Corridor Section 94 Contribution Plan 2013 operational from 13 January 2014. A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays

- ii) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

<b>Indexation quarters</b>	<b>Approx release date</b>
September	Late October
December	Late January
March	Late April
June	Late July

## **Schedule F Stage 6**

E1 A total monetary contribution of \$269,273.13 is to be paid to Council, pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979* (NSW), towards the provision of the following public amenities and public services within the locality, such contribution to be payable prior to the issue of a Construction Certificate for stage 6 in respect of the proposed development.

- a) Traffic and Transport \$18,687.27
- b) Social Infrastructure \$250,585.86

Note: i) This condition is imposed in accordance with the provisions of the Newcastle City Council's Western Corridor Section 94 Contribution Plan 2013 operational from 13 January 2014. A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays

- ii) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

<b>Indexation quarters</b>	<b>Approx release date</b>
September	Late October
December	Late January
March	Late April
June	Late July