

Draft Conditions (Version4)

Development Consent No: DA/675/2017

Property Address: Lot 122 DP 578045, Lot 1 DP 1116535, Lot 2 DP 1116535, Lot 3 DP 32518, Lot 2 DP 155951, Lot 1 DP 155951, Lot 122 DP 578045, Lot 3 DP 155951, Lot 4 DP 32518
482 The Esplanade, WARNERS BAY NSW 2282, 486 The Esplanade, WARNERS BAY NSW 2282, 12 King Street, WARNERS BAY NSW 2282, 14 King Street, WARNERS BAY NSW 2282, 16 King Street, WARNERS BAY NSW 2282, 1 Howard Street, WARNERS BAY NSW 2282, 488 The Esplanade, WARNERS BAY NSW 2282

Description of Development: Mixed Use Development (Residential Flat Building, Commercial Premises And Associated Works)

Reason for the Imposition of Conditions

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

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

1. Prescribed Conditions

- (a) The work must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (b) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

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

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

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

2. Inspections

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

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

Additional inspections required under other legislation:

- 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: Stewart Architecture; Project Number. 1635			
Name of Plan	Drawing Number	Issue	Date
Location & Drawing Schedule	DA000	H	7/03/2018
Plan -Site	DA007	H	7/03/2018
Development Summary	DA011	D	7/03/2018
Plan - Basement 1	DA101	J	7/03/2018
Plan - Lower Ground	DA102	K	7/03/2018
Plan - Upper Ground	DA103	L	7/03/2018
Plan - Level 2	DA104	J	7/03/2018
Plan - Level 3	DA105	J	7/03/2018
Plan - Level 4	DA106	J	7/03/2018
Plan - Level 5	DA107	J	7/03/2018
Plan - Level 6	DA108	J	7/03/2018
Plan - Level 7	DA109	J	7/03/2018
Plan - Roof	DA110	J	7/03/2018
Elevations – West/North	DA201	J	7/03/2018
Elevations – North/South	DA202	I	7/03/2018
Elevations - Internal	DA203	J	7/03/2018
Sections	DA301	J	7/03/2018
Sections	DA302	K	7/03/2018
Perspective	DA401	G	7/03/2018
Perspective	DA402	I	7/03/2018

Perspective	DA403	H	7/03/2018
Perspective	DA404	H	7/03/2018
Perspective	DA405	H	7/03/2018
Perspective	DA406	E	7/03/2018
Perspective	DA407	F	7/03/2018

Landscape Plans prepared by: Terras Landscape Architects; Project Number. 11159.5			
Name of Plan	Drawing Number	Issue	Date
Trees Removal	3	C	16/04/2018
Concept Plan	5	F	16/04/2018
Perspective 1	6	F	16/04/2018
Perspective 2	7	F	16/04/2018
Design Elements	8	F	16/04/2018
Plant Palette	9	F	16/04/2018
Concept Plan – Upper Ground	10	F	16/04/2018
Concept Plan – Level 02	11	F	16/04/2018
Perspective 1	12	F	16/04/2018
Perspective 2	13	F	16/04/2018
Perspective 3	14	F	16/04/2018
Perspective 4	15	F	16/04/2018
Sections	16	F	16/04/2018
Design Elements – Pavement	17	F	16/04/2018
Design Elements - Lighting	18	C	16/04/2018
Plant Palette	19	C	31/07/2017

(b) Document Reference:

Document	Reference	Author	Date
Statement of Environmental Effects		ADW Johnson	
Response to Council & SEPP Commentary		Stewart Architecture	
Preliminary Fire Safety Engineering Review	CA170039	Defire	21/11/2017
Landscape Design Report	11159.5	Terras Landscape Architecture	16/04/2018
Email Correspondence		ADW Johnson	5/12/2017

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

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

4. Construction Certificate

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

Note: If the Construction Certificate is issued by a Principal Certifying Authority that is not Council it will be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval. (Clause 142(2) EPA Regulation 2000).

5. Occupation Certificate

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

6. Commercial Tenancies

This development consent approves the occupation or use of the Commercial Tenancies under this consent for the purpose of Commercial Premises.

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 Glendale Contributions Catchment - 2015, the monetary contributions in the attached Contributions Schedule must be paid to Council for the purposes identified in that Schedule.
- (b) From the date this determination is made until payment, the amounts of the contributions payable under the preceding clause will be indexed and adjusted at the close of business on:
- 14 August,
14 November,
14 February, and
14 May;
- in each year in accordance with indexation provisions within the Contributions Plan. The first date for indexation will occur on the first abovementioned date after the Notice of Determination becomes effective.
- (c) The contributions payable will be the amounts last indexed and adjusted in accordance with Clause (b) above. However, if no amount has been indexed and adjusted because the first date for indexation and adjustment has not arrived, the contributions payable shall be those in clause (a) above.
- (d) The contributions shall be paid to Council as follows:
- Development Applications involving subdivision – prior to the release of the Subdivision Certificate;
 - Development Applications involving building work – prior to the release of the first Construction Certificate;

- Development Applications involving both subdivision and building work – prior to the release of the Subdivision Certificate or first Construction Certificate, whichever occurs first;
- Development Applications where no Construction Certificate or Subdivision Certificate is required – prior to the commencement of any construction work or prior to any occupation, whichever occurs first;
- Complying Development Certificates - prior to any work authorised by the application or certificate commencing.

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

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

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

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

9. Commencement of Works

No demolition or construction works are to commence prior to the issuing of a Construction Certificate.

10. Design Amendments

This development consent is subject to the following design amendments:

- Non-discriminatory access in accordance with Part D3 of the National Construction Code and AS 1427.1-2009 is to be provided for Tenancy 4 in terms of on-grade access to the upper level and outdoor area, and to accessible facilities.
- The entrances to adaptable unit types 1A and 3D require accessible entrance circulation spaces in accordance AS1428.2:1992-11.5.2 in pre-adaptive state to satisfy AS 4299.
- A continuous path of accessible travel throughout adaptable unit type 2B to provide access to a visitable toilet at the pre-adaptive state is to be provided.
- Details demonstrating compliance with AS1926.1-2012 and Part 3.9.3. Swimming Pools: of the National Construction Code.

- E. Sight distances are to be compliant with AS2890.1 CL 3.2.4 for the driveway entry off Howard Street.
- F. Sections for the carpark depicting the ramp long sections (grades and clearance).
- G. Clearance above shared spaces/disabled spaces to be a minimum 2500mm (AS2890.6 CL 2.4).
- H. Shared spaces /disabled spaces in the basement to comply with AS2890.6 (Fig 2.2) for access out of the rear of the shared space.
- I. Typical widths of parking spaces to be detailed on plans.
- J. Shared commercial/visitor parking spaces are to comply with Category 3 widths under AS2890.1 Fig. 2.2).
- K. The parking space Comm/Vis 17 is to be moved forward 1m to increase the reversing/manoeuvring area for Comm/Vis 23.
- L. Plans of the Lower Ground and Basement 1 car park levels which identify the location of storage lockers relative to parking spaces. All storage lockers shall be accessible without relying on the adjoining car parking space being vacant except where the storage locker and the car parking space relate to the same residential unit.
- M. The Bio Retention Area is to be located away from the street interface, preferably at the podium level. The Landscape Plans are to be amended to reflect the location of the Bio Retention Area and required/suitable plantings.

Revised plans incorporating the design amendments are to be submitted to and approved by Council prior to the release of the first or any Construction Certificate. The Principal Certifying Authority must not release the first or any Construction Certificate without evidence of Council having approved the revised plans.

11. Notice of Commencement of Works – Council Land

Construction works shall not commence on Council Land until a meeting between the contractor and a representative of Council's Project Management Section has taken place on site.

Council may require up to seven days notice in writing prior to such meeting taking place. This meeting will outline the LMCC Quality Assurance requirements for the project.

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

12. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) is to be submitted to Council's Asset Management Department for approval prior to release of the first or any Construction Certificate by the Principal Certifying Authority. The CTMP is to be implemented prior to the commencement of works and maintained until the completion of the development.

The CTMP is to include a Vehicle Movement Plan and Traffic Control Plan. It shall be prepared with the intention of minimising impact on the operation of the road network, damage to Council's assets and neighbouring properties.

13. Kerb and Guttering

Kerb and guttering, road pavement, shoulder sealing and associated drainage works shall be reconstructed along the full length of the street frontage at the cost of the person having the benefit of the consent. No works shall commence prior to the issue of the Construction Certificate.

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 issue of a Compliance Certificate/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

14. Footpaths

Full width footpaths shall be constructed/reconstructed along the full length of the street frontage, in accordance with the Warners Bay Streetscape Master Plan, at the cost of the person having the benefit of the consent.

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 Belmont Streetscape Master Plan.

15. Geotechnical Report Compliance

The recommendations of the Geotechnical Report shall be complied with. Any works undertaken in relation to the development shall embody all the relevant recommendations of the Geotechnical Report.

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

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

16. Stormwater Disposal - Stormwater Detention and Harvesting

Prior to the release of the Construction Certificate the person having the benefit of this consent is to submit to Council for approval a Stormwater Management Plan in accordance with DCP 2014 and generally consistent with the Stormwater management Plan by Marline Building Services Engineers (reference 9157). The Principal Certifying Authority must not release the first or any Construction Certificate without evidence of Council having approved a Stormwater Management Plan for the development.

Note, the Stormwater Management Plan must include rainwater tanks with a minimum 7500L capacity.

The Stormwater Detention and Harvesting system submitted with any Construction Certificate shall be in accordance with the approved plans 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).

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. Driveway Design and Construction

The driveway to the garage or car parking area of the development shall be designed and constructed in accordance with DCP 2014, the following requirements and Council Standard Drawing: EGSD-104 (available from Council's 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) The maximum gradient of the driveway shall not be steeper than 1V:5H (20%).
- (d) Suitable transition areas a minimum of 2 metres long shall be provided at the front boundary and at the entry to the garage or car parking area in accordance with AS 2890.1:2004.

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.

18. Erosion and Sediment Control

The Soil and Water Management Plan (SWMP) is to be submitted to Council for approval prior to the release of the first or any construction certificate. The Principal Certifying Authority must not issue the first or any Construction Certificate without evidence of Council having approved the SWMP for the development.

The plan shall contain information required for the area of disturbance of the development or its distinct and separate stages in accordance with DCP 2014, and

include a statement *“Materials, whether liquid or solid, removed from any ESC measure, including dewatering of any excavation, during maintenance or decommissioning shall be disposed of in a manner that does not cause ongoing soil erosion or water pollution. This may include hydrocarbons or heavy metals.”*

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

- i) This plan has been developed, certified and signed off by an appropriately qualified and experienced professional in erosion and sediment control;
- ii) The plan complies with the requirements for the area of disturbance in accordance with DCP 2014;
- iii) 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
- iv) All erosion and sediment control measures are in accordance with DCP 2014.

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

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

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

19. 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.

20. 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.

Designated accessible parking bays are to comply with AS2890.6.

The development and the communal facilities are to comply with the Access to Premises Standards 2010.

Unisex accessible toilet facilities and ambulant toilet facilities must comply with AS1428.1.

The Principal Certifying Authority must not release the first or any Construction Certificate with being satisfied as to the development's compliance with the above.

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.

21. Tactile Indicators

The development shall have tactile indicators installed in accordance with AS 1428.4 and the Warners Bay Streetscape Master Plan.

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.

22. 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.

Whilst construction is in progress the developer is to provide to Council on a monthly basis a report that stipulates any new observed defects and how those defects have been repaired.

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.

23. Controlled Activity under the Water Management Act 2000

The person having the benefit of the development consent is to obtain a Controlled Activity Approval under the Water Management Act 2000 from NSW Water due to the proposed works intercepting the water table, prior to commencement of construction work.

24. Management of Site - Erosion Prevention and Sediment Control

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

25. Topsoil and Stockpiles of Materials

Topsoil shall only be stripped from approved areas. It may be stockpile onsite for re-use during site rehabilitation and landscaping. Stockpiles of any material including but not limited to, soil, sand, aggregate, and spoil, stored on the site that is capable of being moved by water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb, and/or road surface. Suitable erosion and sediment controls shall be installed. The stockpile shall be treated so its surface is resistant to water and wind erosion. No stockpiles shall be located on the public footpath or road reserve without prior written approval from Council.

26. Landscape Works

Landscaping works shall be constructed in accordance with the approved landscape plans and documentation as prepared Terras in Job No. 11159.5, dated 31/7/2017..

All landscape works shall be implemented under the full supervision of an appropriately qualified landscape contractor and member of LNA Master Landscapers Association.

Street trees along King Street shall comprise 3x *Tristania laurina* 100lt planted at nominated centres along the northern streetscape, with paving designed to recognize the tree pits. Custom tree guards as per the Warners Bay Streetscape Master Plan (detail 6) and Warners Bay Streetscape Technical Guidelines. Street trees to be maintained by the proponent for 52 weeks.

Street trees along The Esplanade shall comprise 3x *Tristania laurina* 100lt planted at nominated centres within the road reserve with detailing as per the LMCC Landscape Standard Drawings Feb 2016 LSD-PLA-04. Standard tree guards as per the Landscape Standard Drawings Feb 2016 LSD-GUA-01. Street trees to be maintained by the proponent for 52 weeks.

Street trees along Howard Street shall comprise 2x *Callistemon 'Harkness'* 100lt planted at nominated centres along the streetscape and paving designed to recognize the tree pits. Custom tree guards as per the Warners Bay Streetscape Master Plan (detail 6) and Warners Bay Streetscape Technical Guidelines. Street trees to be maintained by the proponent for 52 weeks.

Landscape works shall conform to planting densities as scheduled with plants at nominated spacings in areas dedicated to planting. A concrete garden retaining edge 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 shall 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 completion of landscape works, the landscape consultant who prepared the documentation shall submit to the Principal Certifying Authority a Landscape Compliance Report prior to issue of Occupation Certificate that establishes satisfactory completion of the landscaping works approved by this consent.

27. Public Domain Works – Softworks and Hardworks

A Construction Certificate application shall be lodged with and approved by Lake Macquarie City Council (LMCC) prior to any works commencing in the public domain. The plans are to be completed by a degree qualified landscape architect (category 3 landscape consultant) and comply with the approved landscape plans.

Plans are to include details and specification information suitable for construction with no generic reference to concept plans or Council guidelines. All plans to be consistent and cross-reference with engineering documentation.

The plans are to reference the standard hold and witness points listed below for hard and soft works and include contact details for LMCC Project Management Coordinator to assess and sign off on public domain works. Plans to include 52 week establishment phase for all works within the public domain.

All landscape and public domain works approved by the subdivision certificate application shall be coordinated during the construction period with Council's Project Management Coordinator contactable on 4921 0333. The following witness and hold points shall be observed:

Street Trees

Witness & Hold Points

- o Set out of tree pits within existing concrete footpath (hold point).
- o Excavation of tree pits with root barrier and sub-surface drainage installed in accordance with LMCC's Landscape Technical Drawings Feb 2016 – relevant street tree details (hold point).
- o Evidence of certification of all associated imported topsoil for street tree planting in accordance with AS4419 – 2003 to be provided to Council's Project Management coordinator (hold point).
- o Tree delivery prior to installation and certification to comply with AS2303-2015 'Tree Stock for Landscape Use' (hold point).
- o Commencement of tree planting (witness point).
- o Installation of each layer/horizon of growing medium (witness point).
- o Completion of tree planting, including the installation of tree guards, in accordance with LMCC's Landscape Technical Drawings Feb 2016 (witness point).

Hardscape Works (as applicable)

- o Form Work inspection (hold point)
- o Pre pour inspections for pavement and pathways (hold point)
- o Installation of tactile ground surface indicators as per manufacturers recommendations and Australian Standards
- o Review of works as executed with Project Management officer prior to landscape compliance report sign off (hold point).

At the practical completion of works, the landscape consultant that produced the subdivision certificate application shall submit a Landscape Compliance Report to the LMCC Project Management Coordinator that certifies that all landscape works have received the relevant witness and hold point inspections, implemented and maintained

in accordance with this subdivision certificate application. This compliance report is required prior to LMCC issuing a compliance certificate for the works.

The landscape consultant that prepared the landscape subdivision certificate application shall submit two Landscape Maintenance Reports to LMCC Project Management Coordinator at 26 weeks and 52 weeks after practical completion. This report will certify that at 26 and 52 weeks after practical completion the approved public domain works are being satisfactorily maintained.

28. Roads And Drainage Construction Standards

The Applicant shall arrange for all relevant works within the public road reserve 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.

29. Roadways, Accessways And Footways

The applicant shall construct all works within the public domain as outlined within this consent prior to the issue of the first Occupation Certificate.

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

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.

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.

Roads & Maritime Services

The following conditions of the RMS are to be complied with prior to the release of the Occupation Certificate (Interim or Final):

The person with the benefit of this consent is to install traffic calming devices, such as speed cushions, to slow traffic in King Street between The Esplanade roundabout and the pedestrian signals near John Street.

All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to Roads and Maritime or Council, and to Council's requirements.

Note:

1. As road works are required on The Esplanade and King Street (B89), Roads and Maritime will require the developer to enter into a WAD with Roads and Maritime. Roads and Maritime would exercise its powers and functions of the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act, as applicable, for all works under the WAD (Attachment A to correspondence by the RMS dated 20 April 2018).
2. The Conditions of Consent do not guarantee Roads and Maritime's final consent to the specific road work, traffic control facilities and other structures or works, for which it is responsible, on the road network. Roads and Maritime must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work.

The WAD process, including acceptance of design documentation and construction, can take time. The developer should allow sufficient lead time within the project development program to accommodate this process. It is therefore suggested that the developer work through this process as soon as possible with the Roads and Maritime.

Notice of Commencement of Works for Public Domain

Construction works shall not commence until a meeting between the contractor and a representative of the Principal Certifying Authority (PCA) has taken place on site.

In accordance with Section 81A(4) the PCA 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.

Works as Executed Plan For Public Domain Works

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

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

Compliance Certificate for Public Domain Works

The Applicant shall obtain and submit a Compliance Certificate/s to certify that all construction works and associated development 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 Subdivision Certificate.

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

30. Application Fees for Required Public Domain Works Certificates

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

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

Public Domain Works Construction Certificate **\$ 1500** Plus **\$65** Archival Fee (inc GST)

Public Domain Works Compliance Certificate **\$ 1700** Plus **\$65** 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.

31. Service Infrastructure Prohibited External of Development

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the building. Details confirming compliance with this condition must be shown on construction certificate plans and detailed with construction certificate specifications. Required external vents or vent pipes on the roof or above the eaves must be shown on construction certificate plans and detailed with construction certificate specifications. External vents, roof pipes or air conditioning plant must not be visible from any place unless detailed upon development consent plans. Where there is any proposal to fit external service pipes or the like this must be detailed in an amended development (s96) application and submitted to Council for determination.

Vent pipes required by Hunter Water must not be placed on the front elevation of the building or front roof elevation. The applicant, owner, and builder must protect the appearance of the building from the public place and the appearance of the streetscape by elimination of all external services excluding vent pipes required by Hunter Water and those detailed upon the development consent plans

32. Consolidation of Lots

Prior to the issue of the first or any Construction Certificate, Lot 122 DP 578045, Lots 1 & 2 DP 1116535, Lots 3 & 4 DP 32518, Lots 1, 2 & 3 DP 155951, shall be consolidated and registered at the Land and Property Information Services and a copy of the registered plan shall be provided to Council.

33. 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.

34. New Boundary Fencing

The new boundary fence consisting of a 1.8 metre high colorbond fence is to be erected along the southern boundary to reduce the impact of the development on the adjoining owners. 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.

35. 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.

36. Car Parking and Allocation of Spaces

A total of 227 car parking spaces and 1 car wash bay shall be constructed on the site in accordance with the minimum requirements of the Australian Standard AS/NZS 2890 as current at the time of construction, and maintained on the land in accordance with the approved plans.

The spaces shall be allocated in the following proportions:

Residential	184 spaces
Shared Spaces for Commercial & Residential Visitors	36 spaces
Commercial Units	7 spaces (1 per Unit)
Disabled car spaces	12 spaces (1 per Adaptable Residential Unit and 1 for Commercial/Residential

	Visitors)
Car Wash Bay	1 space

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

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

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

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.

37. Visitor/Commercial Car Parking

- A. Prior to the release of the first or any Construction Certificate, a Visitor/Commercial Car Park Management Plan is to be submitted to Council for approval. The Management Plan is outline a strategy for turning over the usage of the Visitor/Commercial car parking between the hours of 8am and 6pm

The Principal Certifying Authority must not release the first or any Construction Certificate without evidence of Council having approved the Car Parking Management Plan.

- B. All visitor/commercial car parking spaces shall be clearly marked and signposted and made available for use at all times by visitors and employees / clientele.

The car parking spaces shall not be fitted with any equipment serving to render the car park inaccessible at any time, with the exception to restrict ingress to the Lower Ground Car Park between the hours of 9pm and 7am.

No spaces shall be marked, signposted or otherwise identified as being for the sole use of staff only.

Visitor car parking spaces shall be assigned to the common property should the development be strata subdivided.

38. Motorbike Parking

Motorbike parking shall be provided to accommodate 10 motorbike on the site in accordance with the approved plans. The installation and dimensions of the motorbike parking 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.

39. Bicycle Parking and Facilities

Bicycle parking shall be provided to accommodate a minimum 20 bicycles on the site in accordance Section 5.3 of Part 4 of DCP2014.

The bicycle parking is to be split between being provided at street level and in a secure facility in the Lower Ground car park.

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.

40. 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 Guidelines - 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 a Final Occupation Certificate.

Prior to the issuing of a Final Occupation Certificate, the applicant shall engage a Traffic Engineer to inspect the Basement 1 and Lower Ground car parks to determine any additional safety measures such as convex mirrors, signage and the like. Any recommended measures are to be installed prior to the issuing of an Occupation Certificate.

41. 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.

42. External Storage of Products

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

43. Hours of Operation

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

Mondays to Fridays

7am to 10pm (inclusive of outdoor dining)#

Saturdays

7am to 10pm (inclusive of outdoor dining)#

Sundays and Public Holidays

8am to 6pm (inclusive of outdoor dining)*

7am to 8am and 6pm to 9pm (internal operations)*

- # All customers are to have completed dining and the outdoor dining furniture is to be removed prior to 10pm.
- * Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.

44. Car Washing Bay

The designated car washing bay(s) shall be constructed clear of the designated car parking spaces and driveways and shall be accessible at all times.

The designated car washing bay(s) shall be roofed, bunded and graded to a floor sump which drains to the Hunter Water Corporations (HWC) reticulated sewer in accordance with HWC requirements.

Prior to the issue of a Construction Certificate, plans and specifications for the proposed wash bay, including bunding, drainage and the installation of any proposed oil/waste separator, shall be submitted to the accredited certifier.

45. Cladding

Where metal cladding material is to be used on the external walls, a report by a suitably qualified Fire Engineer is to be submitted to the Principal Certifying Authority verifying the cladding material is non-combustible and compliant with the National Construction Code.

The Principle Certifying Authority must not release the first or any Construction Certificate prior to receiving the report.

46. External Material Reflection

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

47. 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:

- (i) the Building Code of Australia;
- (ii) 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 may be able to provide further information.

48. Underground Electrical Services

The development is to be serviced by underground electrical services. All above ground power lines fronting the development site on Howard Street (western side), King Street (southern side) and The Esplanade (eastern side) are to be removed and placed underground subject to the requirements of Ausgrid.

An exception to the above is permitted whereby poles are retained/installed for street lighting and to provide connection via overhead power lines to the northern side of King Street.

49. 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.

50. Building Sustainability Index (BASIX) Certificate

The development shall be constructed in accordance with a current Building Sustainability Index (BASIX) certificate.

Should there be any changes to the specifications of the development (e.g. colour, insulation, etc), except where restricted or excluded by any condition of consent, an amended/new BASIX Certificate shall be obtained and may be relied upon as having complied with this condition.

A copy of any amended/new BASIX Certificate shall be submitted by the Principal Certifying Authority to Council within fourteen days of the receipt of the BASIX Certificate. Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, certification of compliance with the BASIX Certificate shall be provided to the Principal Certifying Authority.

51. Native Tree Removal

Native trees may be removed only in accordance with the following:

- (a) within five metres of an approved building or structure, as measured from the outermost projection of the building to the trunk of the tree, and
- (b) within one metre of a sealed driveway to a building or structure for which approval has been granted and on the same allotment.

An approved building or structure does not include drainage, excavation, or garden shed but does include underground water storage structures, inground pools and septic tanks.

A sealed driveway is a driveway or car park with an impervious surface such as concrete, pavers, bitumen but does not include gravel.

This condition does not apply if another condition of this development consent or the approved landscaping plan requires the trees or native vegetation to be retained.

A separate application shall be made to Council for the removal or lopping of any other native tree or trees on the property.

52. 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.

53. Construction Parking Plan

A Construction Parking Plan shall be prepared and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

This Plan shall detail the locations at which construction employees/contractors park their vehicles, and the options available regarding public transport. The Plan is to be provided to all construction employees and contractors as part of the site induction process.

The purpose of the Plan is to minimise the impacts to adjoining land owners and public/commercial car parking facilities in the locality.

54. 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.

55. Waste Management

All requirements of the approved Waste Management Plan must be implemented during the demolition, excavation and construction of the development.

Prior to release of the first or any Construction Certificate, the person having the benefit of this consent is to submit documentary evidence to the Principal Certifying Authority

of the engagement of a waste contractor who will service the development in a manner consistent with the approved Waste Management Plan.

56. Linemarking and Signposting for Public Roads

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 and a Construction Certificate issued by the Council.

The submission to the Traffic Facilities & Road Safety Committee must include the following details:

Loading Zone hours are restricted 7am to 10am Monday to Saturday

1P Parking restricted to 10am to 6pm Monday to Saturday

57. Works on a Road

Prior to the carrying out of any works on a road, the person having the benefit of the consent shall apply to Council for an approval under s138 of the Roads Act 1993. The road shall not be opened until the approval has been issued. The person having the benefit of the consent shall pay to Council the calculated road restoration fee (where the road surface is disturbed) prior to the issue of any occupation certificate.

The person having the benefit of the consent is given permission to open a grassed or natural surface footpath for the installation of all water services, cables, or mains. Upon completion of the work, the footpath shall be restored to its original state and ensure that there are no hazards that may impact on the public.

All precautions must be taken to protect the public while work is in progress. Traffic control shall be undertaken in accordance with Australian Standard AS1742 – Manual Uniform Traffic Control Services – Parts 1, 2 and 3.

58. 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.

59. 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.

60. 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.

61. 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.

62. 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.

63. Asbestos

If asbestos is encountered during construction or demolition work, even if the works are partial demolition (e.g. one wall), measures must be in place in accordance with SafeWork NSW guidelines and the *Occupational Health & Safety Regulations 2001*. Work shall not commence or continue until all the necessary safeguards required by SafeWork NSW are fully in place.

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

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



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

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

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

64. Signage – Over or Adjacent to Public Places

During the placement of signage above or adjacent to a public place (footpath, road or public reserve), pedestrian control measures to protect the public during construction, must be implemented in accordance with a Traffic Management Plan. The Traffic Management Plan is to be prepared by an accredited Traffic Controller, and approved by Council, prior to the erection of the sign.

Throughout the course of demolition and construction of any signage, Council's footpath is to be kept clear at all times to allow unobstructed access by pedestrians. Where it is not possible for Council's footpath to be kept clear, it will be necessary to make an application to Councils' Asset Management Department, to erect barricades and the like, to provide safe pedestrian access.

The contractor installing the signage must have a current public liability insurance with a reputable insurer of not less than \$20,000,000 in respect of each accident.

The owner of the signage shall maintain current public liability insurance for an amount of \$20,000,000 with a reputable insurer while ever the signage is erected over Council owned, maintained or controlled land. A copy of this insurance shall be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first.

An approval shall be obtained to install hoarding, site fencing or overhead protective structures over or adjoining a public place ie. a footpath or a public reserve to the appropriate standard. Application to Council's Asset Management Department is required. No work on hoarding is to commence until written approval is obtained from Council. This does not apply to site fencing on the property boundary or within private property, that is clear of any hoarding.

Note: Fees are payable as set out in Councils' Pricing Policy.

65. Signage Requirements & Installation Certification

To ensure the safety of the public, all signage shall be installed in a secure manner in accordance with the manufacturer's specifications. The installation of the signage is not to involve measures that would cause irreversible damage to the building.

Certification from the signage installer shall be submitted prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first that the signage has been adequately installed and affixed to the building in accordance with the manufacturer's details.

66. 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.



67. 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.

68. On-Street Delivery/ Loading Zone

The on-street delivery/loading zone adjoining the development on the western side of Howard Street, between the driveway entry/exit and the King Street intersection shall be submitted to Council's Traffic Facilities & Road Safety Committee. The works shall not commence until approved by the Committee and a Construction Certificate issued by the Council.

69. 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 the Project Specific noise Levels which have been logged and calculated by Spectrum Acoustics and outlined in their Noise Impact Assessment, project number 171395, dated April 2017.

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.

70. 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.

71. 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 Noise Guideline for Local Government.

72. 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.

73. Acoustic Certification

The recommendations contained in the acoustic report prepared by Spectrum Acoustics, project number 171395 dated April 2017 shall be incorporated into the design and construction of the development.

A suitably qualified acoustic consultant shall be engaged to assist with the preparation of the final building plans and specifications to ensure compliance with any acoustic conditions and that no other noise nuisance is created to the neighbourhood.

Upon completion of the works and prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified acoustic consultant certifying that the works have been completed in accordance with their requirements and the development or proposed use is capable of operating in accordance with the design criteria.

At 90 days of operation a suitably qualified acoustic consultant shall test, measure and certify that the development is operating, at that time, in accordance with the approved acoustic report.

74. Liquid Gaseous Wastes, Emissions and Odour Control

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

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

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

75. 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.

76. Swimming Pool

The pool safety barrier shall comply and be constructed in accordance with the provisions of the *Swimming Pools Act 1992*, *Swimming Pools Regulation 2008* and Australian Standard AS-1926-2007.

A switchboard shall not be installed within or above the swimming pool zone or spa pool zone nor within a sauna, pursuant to AS 3000 - 2007 - Electrical Installations.

Swimming pool waste water shall be disposed to comply with the following:

Backwashing systems, emptying and waste water from vacuuming systems, shall discharge into the sewerage system in accordance with the Hunter Water Corporation requirements.

The swimming pool/spa water recirculation and filtration system installation shall comply with AS 1926.3-2003 Swimming pool safety - Water recirculation systems.

77. Contaminated Land Remediation and Validation

Prior to commencement of works associated with the built form of the development:

- (a) The site shall be remediated in accordance with the Remediation Action Plan (RAP) dated the 28th March 2017, prepared by Coffey, and
- (b) A suitably qualified and experienced contaminated land consultant shall validate that the site has been remediated. Validation shall be provided in accordance with the Guidelines for Consultants Reporting on Contaminated Sites (NSW Office of Environment and Heritage 2011).
- (c) The validation report shall include a clear statement that the consultant considers the subject site to be suitable for the proposed use.

Note: Certification from the person who carried out remediation works shall be provided to Council in accordance with the requirements of clause 18 of State Environmental Planning Policy No 55 - Remediation of Land.

CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
GWR-Open Space & Recreation Facilities-Capital-CPI	\$834,216.99
GWR-Open Space & Recreation Facilities-Land-LVI	\$149,363.19
GWR-Open Space & Recreation Facilities-Land-CPI	\$4,542.50
GWR-Roads-Capital-R003/R005/R008/R009/R011-CPI	\$-161.93
GWR-Roads-Capital-R002-CPI	\$-53.79
GWR-Roads-Land-R005/R008-LVI	\$-0.76
GWR-Roads-Land-R002-LVI	\$-0.90
GWR-Public Transport Facilities-CPI	\$5,733.96
GWR-Community Facilities-Capital-CPI	\$217,435.01
GWR-Community Facilities-Land-LVI	\$25,349.25
GWR-Plan Preparation & Administration-CPI	\$46,393.15
	TOTAL \$1,282,816.67