REASONS FOR CONDITIONS

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.

GENERAL CONDITIONS

1. Approved Documentation

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
Traffic Report	1	MRCagney Pty Ltd	6 Apr 2017
Site Waste Minimisation Plan		TVS Architects	undated
Site Survey	6714	Degotardi, Smith & Partners	13 Nov 2000
Stormwater Strategy Plans	S01, S02 issue 1	Coastplan Group	Mar 2017
Stormwater Drainage Quality Control Report	16148 issue 1	Coastplan Group	Mar 2017
SEPP 65 Statement		TVS Architects	3 Apr 2017
Statement of Environmental Effects	16104	Coastplan Group	April 2017
Landscape Concept Plans	SD001B, 10B, 100B, 110B, 150B, 160B, 170A, 190A, 200B, 300B, 500B, 600B, 800B, 801B, 900B, 901B, 902B, 903B, 950A, 951A, 952A		3 Apr 2017
Geotechnical Report	RGS01471.1-AB	Regional Geotech Solutions	31 Jan 2016
Ecological Assessment	116013_REO-001 Rev O	East Coast Environmental	31 Mar 2017
Cultural Heritage Report		Yettica Cultural Consulting Service	undated
Crime Prevention Through Environmental Design Report	16104	Coastplan Group	March 2017
Safer by Design Evaluation	Letter	NSW Police Force	14 Jul 2017
Arborist Report		TLC Tree Solutions	25 Mar 2017
Acoustic Report	M17612.01	Matrix Thornton	29 Mar 2017
Basix Certificate	810706M		9 May 2017
Access Report	AN17-208250 Rev 01	Philip Chun	30 Mar 2017
Stratum Staging Plans	Stage 1A Stage 1B Stage 2	TVS Architects TVS Architects TVS Architects	10 Aug 2017 10 Aug 2017 11/15 Aug 2017

	Stage 3 Stage 4	TVS Architects TVS Architects	11 Aug 2017 11 Aug 2017
Water NSW response	letter	Water NSW	undated
Architectural Plans			
Development Statistics	5490.09 (1)	TVS Architects	3 Apr 2017
Location Plan	5490.10 (1)	TVS Architects	3 Apr 2017
Site Context Diagram	5490.11 (1)	TVS Architects	3 Apr 2017
ESD Strategies	5490.12 (1)	TVS Architects	3 Apr 2017
Sun Penetration Design Study	5490.14 (1) 5490.15 (1)	TVS Architects	3 Apr 2017
Communal Open Space	5490.16 (1)	TVS Architects	3 Apr 2017
Waste Management Plan	5490.17 (1)	TVS Architects	3 Apr 2017
Staging Plan	5490.18 (1)	TVS Architects	3 Apr 2017
Site Plan	5490.21 (1)	TVS Architects	3 Apr 2017
Lower Basement 2 Plan	5490.22 (2)	TVS Architects	14 Jun 2017
Lower Basement 1 Plan	5490.23 (2)	TVS Architects	14 Jun 2017
Ground Floor Plan	5490.24 (2)	TVS Architects	14 Jun 2017
Level 1 Floor Plan	5490.25 (1)	TVS Architects	3 Apr 2017
Level 2 Floor Plan	5490.26 (1)	TVS Architects	3 Apr 2017
Level 3 Floor Plan	5490.27 (5)	TVS Architects	28 Aug 2017
Level 4 Floor Plan	5490.28 (5)	TVS Architects	28 Aug 2017
Level 5 Floor Plan	5490.29 (4)	TVS Architects	28 Aug 2017
Level 6 – Floor Plan	5490.30 (4)	TVS Architects	28 Aug 2017
Level 7 Floor Plan	5490.31 (4)	TVS Architects	28 Aug 2017
Level 8-9 Floor Plan	5490.32 (4)	TVS Architects	28 Aug 2017
Level 10 Floor Plan	5490.33 (2)	TVS Architects	3 Apr 2017
Roof Plan	5490.34 (1)	TVS Architects	3 Apr 2017
Typical Unit Plan	5490.40 (3)	TVS Architects	28 Aug 2017
Typical Unit Plan	5490.41 (1)	TVS Architects	3 Apr 2017
Typical Unit Plan	5490.42 (1)	TVS Architects	3 Apr 2017
Typical Unit Plan	5490.43 (1)	TVS Architects	3 Apr 2017
Level 4 Cinema Plan	5490.44 (1)	TVS Architects	26 Jun 2017
Elevations	5490.50 (3)	TVS Architects	28 Aug 2017
Elevations	5490.51 (3)	TVS Architects	28 Aug 2017
Elevations	5490.52 (3)	TVS Architects	28 Aug 2017
Elevations	5490.53 (2)	TVS Architects	28 Aug 2017
Site sections	5490.60 (1)	TVS Architects	3 Apr 2017
Materials and Finishes	5490.70 (1)	TVS Architects	3 Apr 2017
Materials and Finishes	5490.71 (1)	TVS Architects	3 Apr 2017
Materials and Finishes	5490.72 (1)	TVS Architects	3 Apr 2017
Library zone plan Ground	5490.80 (1)	TVS Architects	3 Apr 2017
Library Zone plan level 1	5490.81 (1)	TVS Architects	3 Apr 2017
Survey Plan	5490.82 (1)	TVS Architects	3 Apr 2017
Typical Unit Plan (Mirrored)	5490.40 (1)	TVS Architects	3 Apr 2017
Typical Unit Plan (Mirrored)	5490.41 (1)	TVS Architects	3 Apr 2017
Typical Unit Plan (Mirrored)	5490.42 (1)	TVS Architects	3 Apr 2017
Typical Unit Plan (Mirrored)	5490.43 (1)	TVS Architects	3 Apr 2017

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.

Reason: To ensure compliance.

2. Staging of the Development

The development is to be undertaken in accordance with the approved ‘staging plan’ as generally described by the following:

Stage 1 – Basement and mezzanine car park under Building A, part basement and mezzanine car park under Building B, Ground Level public buildings and restaurant space 3 & 4, Seniors Housing units in Building A and public domain / road works to Lake Street.

Stage 2 – Remainder of Basement and mezzanine car park under Buildings B & C, ground level restaurants/café 1 & 2, ground level public domain and services space, Seniors Housing units in Building B, public domain / road works to Middle Street adjacent to the development site and West Street

Stage 3 – Seniors Housing Tower C, Cinema, Supermarket, Gymnasium.

Stage 4 – Hotel, Serviced Apartments, Childcare Centre & Nightclub, Public domain / completion of Middle Street roadworks.

Reason: In the interests of consistency.

3. Staging of the Development

The development is to be undertaken in accordance with the approved 'staging plan' and is to be constructed in the following sequence:

- The stage 1 car park, stage 1 public / civic buildings and stage 1 public domain works are to be completed with evidence of an Occupation Certificate being issued prior to occupation of any stage of the development.

- The car park identified within stage 2 is to be constructed and operational with evidence of an Occupation Certificate being issued for the car park, prior to the Occupation of any other development stage (other than stage 1).

- Once works associated with Stage 1 and the car park within stage 2 inclusive of associated public domain works is constructed and operational, any other development stage can be undertaken.

Note: Nothing in this consent precludes the development from being constructed in one stage.

Reason: To ensure the development is undertaken in logical and appropriate fashion and in the public interest.

4. Separate application required for the use and/or fit out of individual tenancies

Separate development consent shall be obtained for use and/or fitout of any tenancy that differs from that approved under this development consent, unless such work or use is exempt development.

Reason: To ensure compliance with the terms of this consent.

5. Compliance with National Construction Code Series - Building Code of Australia

All building work must be carried out in accordance with the requirements of the National Construction Code Series - Building Code of Australia as in force on the date the application for the relevant Construction Certificate or complying development certificate was made.

Reason: Prescribed condition under the Environmental Planning & Assessment Regulation 2000.

6. Support for neighbouring buildings

If an excavation extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

a) protect and support the adjoining premises from possible damage from the excavation, and
b) where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

Reason: Prescribed condition under the *Environmental Planning and Assessment Regulation 2000*.

7. Adjustment to Utility Services

All adjustments to existing utility services made necessary by the development are to be undertaken at no cost to Council.

Reason: To ensure utility services remain in a serviceable condition.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

8. Section 94 Contributions

A total monetary contribution of $2,965,657.05 is to be paid to Council, pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979*, the relevant contribution to each stage is to be payable prior to the issue of a Construction Certificate in respect of the relevant stage of the proposed development:

Stage 1 - $804,440.07
Stage 2 - $837,973.77
Stage 3 - $550,898.10
Stage 4 - $772,345.11

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.

Reason: In the public interest and pursuant to Section 94 of the EP&A Act 1979.

9. Design Verification

A design verification statement as defined in *State Environmental Planning Policy* 65 and the *Environmental Planning & Assessment Regulation 2000* shall be submitted to the Certifying Authority from a qualified designer in documentation for a Construction Certificate for each stage. The statement shall confirm the Construction Certificate Plans and specifications achieve or improve the design quality of the development for which consent is granted, having regard to the design quality principles set out in Part 2 of the SEPP 65.

Note: '*Qualified Designer'* means a person registered as an architect in accordance with the Architects Act 2003.

Reason: To ensure the consent is implemented to a high standard and to comply with the Clause 143A of the EP&A Regulation 2000.

10. Australian Standard - Adaptable Housing AS 4299 - 1995

Prior to the release of a Construction Certificate for the development of each relevant stage of Apartments, details demonstrating that each unit and the associated car parking will meet the minimum provisions provided for in Australian Standard – Adaptable Housing AS 4299-1995 is to be submitted in documentation for certification.

Should there be inconsistencies between the Australian Standard and the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, the latter will prevail.

Reason: In the interests of providing high quality seniors housing and to meet the requirements of the Great Lakes Local Environmental Plan 2014.

11. Details of Cinema

Prior to the release of a Construction Certificate for Stage 3, full details are to be provided to the Certifying Authority for the design and layout of the 800 seat cinema. The Cinema is to be designed in general accordance with the approved cinema layout plan and is to include appropriate acoustic treatment to meet the design standards required in the approved acoustic report.

Reason: To ensure an acceptable amenity standard is achieved.

12. Details of Childcare

Prior to the release of a Construction Certificate Stage 4, full details are to be provided to the Certifying Authority for the design and layout of the childcare centre. The child care is to be designed in general accordance with the approved childcare layout plan and is to include appropriate acoustic treatment to meet the design standards required in the approved acoustic report.

Reason: To ensure an acceptable design standard is achieved.

13. Waste Areas

Prior to the release of the Construction Certificate for each described Development Stage, the Certifying Authority is to be satisfied that the plans are amended to ensure the following:

Residential Units: Each waste disposal chute service area is to be designed to have capacity for at least 3 x 3 cubic metre garbage bulk bins and 3 x 1.50 cubic metre recycling bulk bins.

The access refuse collection point on Middle Street is to be increased to accommodate at least $24m^2$ of bulk waste storage area.

Hotel: The hotel refuse area is to be increased to at least $9m^2$ in area.

Ground Level Commercial: The refuse area is to be enlarged to $22m^2$.

Public accessible open space: Adequate dual garbage / recycling litter bins are to be placed throughout the publicly accessible areas of the development in consultation with Council's Waste Services Section.

Street level bin enclosure: The bin enclosure on Middle Street is to be amended to ensure is can accommodate a least 3 x 3 metre and 3 x 1.50 metre bulk bins.

Collection Vehicles Access: Clearance heights at contractor refuse collection points are to be a minimum of 6.2 metres.

Reason: To ensure the development can provide adequate facilities in perpetuity and in the interests of public health.

14. Street Parking

Prior to the issue of a Construction Certificate, the approved plans are to be amended to achieve the following requirements:

a) Car parking in Lake and West Streets is to be revised in general accordance with AS 2890.5. Where feasible maintain the 45^0 car parking in Lake Street.
b) Parallel street parking spaces along the site frontage in Lake Street with loading zone and parking for a minimum of two vehicles with caravans including at least one space for a person with a disability.
c) A minimum 25 x 90^0 angled car parking spaces along the southern side of Middle Street.

Reason: In the interests of public facilities.

15. Vehicle parking and access

Prior to the issue of a Construction Certificate for each relevant stage, plans and specifications detailing access, parking and manoeuvring on the site must be submitted to and approved by the Certifying Authority. Vehicular access, parking and manoeuvring must be in accordance with Australian Standards AS/NZS 2890.1 and AS 2890.2 in respect of the following items:

a) Car park and driveway layout.
b) Taxi area at the Porte Cochere driveway.
c) Pavement description (ie being concrete/ bitumen or a similar hard paved surface).
d) Site conditions affecting the access.
e) Suitable changes of gradient must be provided for along the critical path along each of the vehicle travel paths as recommended in:
    - AS 2890.1 for the vehicle;
    - AS 2890.2 Table 3.2 for all trucks that will access the development.
f) Turning paths for vehicles entering/exiting the ramp and main traffic routes through the development site and carparks to comply with:
    - For cars - AS2890.1 table 2.2 and figures 2.8 and 2.9.
    - For trucks - AS2890.2 tables 3.1 and 3.2.
g) Existing and design levels.
h) Drainage (pipes, pits, on-site detention, etc.).
i) Accessible car parking space/s designed in accordance with Australian Standard AS/NZS 2890.6: Parking facilities - Off-street parking for people with disabilities;
j) Line-marking and signage.

The plan shall also identify the allocation of car parking spaces for the approved uses. A total of 496 car parking spaces are to be allocated and provided within the development in general accordance with:

- MidCoast Council's DCP 2014 (except where there is justification for temporal demand will allow for the dual use); and
- SEPP (Housing for Seniors or People with a Disability) 2004 (where applicable).

The engineering plans and specifications must be designed by a qualified practising transport / transport engineer. The engineer must be a corporate member of the Institution of Engineers Australia or must be eligible to become a corporate member and have appropriate experience and competence in the related field.

Reason: To ensure suitable vehicular access and manoeuvrability is provided within the development.

16. Vehicle Barriers

A suitably qualified and experienced structural engineer must design suitable vehicle barriers along the perimeters of the Level 1 and Level 2 car parking levels, vehicle ramps and any connecting structures within the development that provides vehicle access and where there is a drop of over 600mm, to prevent vehicles from accidently leaving the edge, in accordance with the principles of AS 1170. Plans and specifications must be submitted to and approved by the Certifying Authority prior to the release of the Construction Certificate for the relevant stages.

Reason: To ensure adequate provision is made for the safety of people utilizing the car parking areas and associated vehicle ramps.

17. Bicycle Parking

Full details are to be provided in documentation for a Construction Certificate detailing how bicycle storage is to be provided within each stage as described below.

a) Stage 1 - 61 x class 2 bicycle enclosure & 20 x class 3 bicycle rails - the bike parking compound (with toilet/shower facilities for workers)
b) Stage 2 - 68 x class 2 bicycle enclosure & 23 x class 3 bicycle rails
c) Stage 3 - 36 x class 2 bicycle enclosure & 5 x class 3 bicycle rails
d) Stage 4 - 25 x class 2 bicycle enclosures & 6 x class 3 bicycle rails (18 spaces are to be allocated to the serviced apartments).

The bicycle storage is to be designed and implemented in accordance with the Australian Standard AS/NZS 2890.3: *Parking facilities - Bicycle parking facilities* and Council's DCP 14.

Reason: To ensure the street car parking and the internal car and bicycle parking is constructed to suitable standard.

18. Traffic Management Plan

Prior to the issue of a Construction Certificate for Stages 1 and 2, a Traffic Management Plan detailing adequate traffic management measures (inclusive of lights, mirrors and signage) must be provided at least for the identified locations below to manage the internal traffic flows of the development.

The traffic management plan must be designed by an appropriate experienced and qualified Traffic engineer and be approved of by the Certifying Authority.

a) Security and control for after-hours operation and management of the car park
b) The access ramp to Middle Street between heavy and light vehicles;
c) The garbage services locations throughout the development;
d) The service vehicle path (entry from West Street and exit to Middle Street);

e) The ramp intersections, in particular the intersection of the two ramps at the north-eastern corner of the property.

Reason: To ensure public safety of motorist and pedestrians within the development.

19. Works within the Road Reserve

An application for a Public Engineering Works Permit (PEWP) must be submitted to and approved by Council for works within the road reserve, prior to the issue of a Construction Certificate for the relevant stages.

Reason: To ensure works within Council's road reserve are constructed to a suitable standard for public safety.

20. Driveway Levels Application

Prior to issue of a Construction Certificate for each stage, the developer is to have made application for a Driveway Levels Application for the associated driveway accesses to Council and obtained approval.

Driveways must be constructed by a qualified/licensed contractor at no cost to Council in accordance with the driveway levels and construction standards issued by Council and the following requirements:

a) All driveways constructed with concrete.
b) The driveway servicing the Porte Cochere (located within the Council footpath reserve area) is to be designed for taxi pick up/set down for access to the hotel, the driveway is to have a one-way direction west to east.

Reason: To ensure works within Council's road reserve are constructed to a suitable standard for public safety.

21. Bond required to Guarantee against Damage to Public Land

Prior to the issue of Construction Certificate in Stage 1, a Damage Bond Application form together with payment of a bond in the amount of $200,000 and a non-refundable administration fee of $330 must be submitted to Council and remain in place until the completion of the entire development consisting of all stages.

The bond is payable for the purpose of funding repairs to any damage that may result to Council assets from activities/works associated with the construction of the development and to ensure compliance with Council standards and specifications. The bond and administration fee can be transferred should Stages be constructed continuously.

A final inspection will be carried out by the responsible Council officer and the bond (minus any fees required for additional inspections) will be considered for refund:

a) once all works, including landscaping, driveway construction, turfing etc, have been completed, and
b) following issue of an occupation certificate by the certifying authority.

The damage bond is reviewed periodically and therefore the fee and bond amount payable will be determined from Council's current fees and charges document at the time of lodgement of the damage bond.

Reason: Protection of public assets.

22. Groundwater Quality Assessment

Prior to the issue of a Construction Certificate for stage 1, a groundwater quality assessment must be undertaken and a report be provided to Council. The groundwater quality assessment must be undertaken by suitably qualified person and must:

a) Investigate the levels of coliforms and E.coli in groundwater;
b) Investigate the source/s of bacterial contamination (if any, which may exceed ANZECC water quality guidelines for receiving waters);
c) Include requirements/recommendations for the removal and/or repair of pollution sources;
d) Identify potential risks to workers associated with dewatering/construction activities and include procedures and actions to mitigate risks.

Reason: To protect public health and the environment.

23. Geotechnical Report — Engineering Works

Prior to the issue of the Construction Certificate for Stages 1 and 2 and 4, a Geotechnical Engineer and Dewatering Specialist must undertake the following:

a) Determine whether acid sulphate soils are present over the development site.
b) Should acid sulphate soils be present the Geotechnical Engineer must determine and submit for approval a suitable acid sulphate management plan to the Certifying Authority. All excavation must adhere to the approved acid sulphate soil management plan with any soils first treated to the EPA requirements prior to acceptance at a Council tip.
c) Prepare a dewatering management plan to manage the risk of damage to adjacent properties due to dewatering induced settlement, potential impacts on nearby registered water bores and includes the development of a groundwater model for the:
    i) Construction period: The model shall determine a suitable dewatering system that includes and ensures the re-injection of any extracted groundwater to ground within/adjacent to the development site. The system must be designed and monitored so that any properties adjacent to the development site are not adversely affected.
    ii) Post development: that includes any requirements for:
        (a) Structural stability of the development with a fluctuating water table that includes the influence of sea level rise to the year 2060. (Note that the 1 in 100 year Wallis Lake flood level for the year 2060 is RL 2.40 m AHD).
        (b) Tanking and waterproofing the lift wells and the basement carparks up to at least the adjacent ground levels.
        (c) A suitable medium for the ground water to drain around and under the basement car park. Such a system shall include the existing developments and also the assumption that the adjacent properties will be redeveloped and have a similar basement. Such a medium system must ensure the natural/existing flow of the groundwater is maintained and not adversely affect (eg slow/constrain/ partially block/dam) the movement of the ground water through this development site and/or adjacent sites.
        (d) The adjacent properties similarly redeveloped with a basement, and possibly change/influence the groundwater level and characteristics;

The acid sulphate soil, dewatering management plans shall be submitted to and approved by Council prior to issue of the associated Construction Certificates.

Reason: Management of acid sulphate soils, dewatering, site stability and public safety.

24. Basement Car Park Pump-Out

Prior to the issue of a Construction Certificate for Stages 1 & 2, plans and specifications detailing a pump-out system for the stormwater drainage that enters the basement car park from the driveway ramps must be submitted to and approved by the Certifying Authority.

The pump wet well must have a storage capacity that:

a) Has a minimum factor of safety of 1.5 larger than the volume required for a 1 in 100 year storm; or
b) Is not to be less than average recurrence interval (ARI) =10 years and duration of 120 minutes.

The pump system must be designed:

a) With a minimum of two pumps being installed in parallel (with each pump capable of discharging at the designed discharge rate) connected to a control board so that each pump will operate alternately.
b) In accordance with *Australian Standard AS/NZS 3500.3: Plumbing and drainage – Stormwater drainage.*
c) With electrical pumps to comply with *Australian Standard AS/NZS 3000: Electrical installations*.
d) With the pump system draining to a silt arrester/stilling pit within the property and then draining by gravity to either Council's storm water drainage system or alternatively to a suitable infiltration system suitably located within the development site and designed by a suitably qualified and experienced engineer.

Note: The pump system where it discharges to the Council road or stormwater system must not drain/include seepage/groundwater that may migrate through the basement water proofing/tanking barriers. Any seepage water must be drained to in accordance with the dewatering management plan.

Reason: To prevent nuisance flooding and maintain occupant amenity.

25. Stormwater Quality Management Concept and Treatment measures

Prior to the issue of a Construction Certificate for stage 1, engineering plans and specifications for the stormwater management system, shall be submitted to and approved by the Certifying Authority. Engineering plans are to be designed in accordance with the approved Stormwater Strategy Plans (Drawing numbers S01 and S02 issue 1, prepared by Coastplan Group, March 2017), the approved Stormwater Drainage Quality Control Report (ref 16148 issue 1 prepared by Coastplan Group, March 2017) and any amendments contained within these conditions.

A 1ML rainwater tank is to collect 100% of the roof water and is to be plumbed into the laundry and toilets in all of the proposed units, 74 toilets in the commercial units and all toilets in the hotel.

A 10KL rainwater tank is to collect water from the elevated terrace between building A and B and connect to the 'bioretention area A' in the Southern Eastern corner of the development. The area between the Eastern boundary and building A drains to this bioretention area.

Bioretention areas B, C, D and E are to treat stormwater runoff from ground level areas.

The bioretention basins must be in compliance with the Stormwater Strategy Plans, the approved Stormwater Drainage Quality Control Report and meet the following criteria:

a) Designed in accordance with Water by Design (2006), 'Water Sensitive Urban Design – Technical Design Guidelines for South East Queensland', South East Queensland Healthy Waterways Partnership.
b) Consist of 500mm of sandy loam filter media consistent with WSUD Engineering Procedures (Melbourne Water, 2005) with minimum 200mm of depth for water detention, the top of the bioretention is to be finished a minimum of 50mm (freeboard) above the maximum water level.
c) Sides and base must be lined with a HDPE impermeable liner or equivalent.
d) Contain at least two species of plants selected from Great Lakes Councils Fact Sheet 15 'Local plant selection for raingardens, guidance for Water Sensitive Design DCP 54' dated 10 April 2014, planted at densities indicated in the fact sheet.
e) Filter media shall be of uniform sandy loam texture and be consistent with the specifications contained in Adoption Guidelines for Stormwater Biofiltration Systems, Facility for Advancing Water Biofiltration, (Monash University, June 2009).
f) Be located outside of the tree protection zone of trees that will be retained in the development

Reason: To ensure water quality requirements as contained in the Water Sensitive Design section of the Great Lakes Development Control Plan 2014 are met.

26. Stormwater Drainage

Prior to the issue of a Construction Certificate for each stage, plans and specifications of the stormwater drainage system, must be submitted to and approved by the Certifying Authority. This system must be designed in accordance with Australian Standard AS/NZS 3500.3: Plumbing and drainage — Stormwater drainage.

On-site stormwater detention must be designed for any area that will drain to Lake Street to restrict stormwater discharge to the pre-development runoff rate for all storms up to a 1 in 100 storm.

Stormwater drainage must be designed to direct all water to a Council approved drainage system to prevent discharge runoff onto adjoining land. This is applicable to the south eastern corner of the development adjacent to Lake Lane, the stormwater drainage from this area will need to be directed along the property boundary to discharge into the stormwater drainage system in Middle Street.

Note that all piped drainage lines over adjoining land must be located within drainage easements at no cost to Council.

The plans and specifications must be designed by a qualified practising civil engineer/surveyor. The civil engineer/surveyor is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties.

27. Structural Details

Prior to the issue of a Construction Certificate for Stages 1 and 2, structural drawings prepared by a suitably qualified and experienced structural engineer must be

submitted to and approved by the Certifying Authority. The plans must include details for:

a) All reinforced concrete floor slabs and/or beams or raft slab (having due regard to the possible differential settlement with the water table.
b) Footings of the proposed structure.
c) Structural steel beams/columns.
d) Details of how it is proposed to construct the basement car park with a waterproof membrane with a minimum level up to the adjacent finished ground level (or as recommended by the geotechnical engineer) and include:
    i) Management of groundwater.
    ii) The retaining wall construction.
        (a) The applicant shall do an investigation of all underground services adjacent to the site including determining the location and level of the service.
        (b) The owner's consent for any associated anchor ties constructed within adjacent properties.
        (c) For any anchor ties constructed within the adjacent Council road reserves and prior to the issue of a Construction Certificate the applicant must have a minimum $20,000,000 public liability to cover the time these construction works are in operation and a minimum $10,000 bond. After the completion of the retaining wall construction:
            (i) The anchor ties must be fully removed for the first 3 metres below the adjacent ground level/s.
            (ii) Cut and destressed where ties located over 3.0 metres depth.
            (iii) Any anchor ties maintained on the adjacent properties must have an easement created over the affected area
            (iv) The applicant's engineer shall inspect and certify that any anchor ties etc have been removed/destressed in compliance with the above conditions.

Reason: To ensure structural stability of the development and safety.

28. Dilapidation Report

A dilapidation report prepared by a suitably qualified person shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate for Stage 1. The dilapidation report shall document and photograph the current structural condition of the adjoining buildings, infrastructure and roads.

Reason: To ensure construction techniques do not adversely affect the buildings on the adjacent sites.

29. Erosion and Sediment Control Plan

Prior to the issue of each staged Construction Certificate, an erosion and sediment control plan prepared by a suitably qualified person in accordance with *"The Blue Book — Managing Urban Stormwater (MUS): Soils and Construction"* (Landcom) must be submitted to and approved by the Certifying Authority.

Reason: To protect the environment from the effects of erosion and sedimentation.

30. Landscape Plan (Revised Landscape Key Plan and Design Statement)

A qualified and experienced landscape architect shall prepare a Landscape Plan (Revised Landscape Key Plan and Design Statement). The plan shall be prepared and submitted to Council for review and approval prior to the issue of any Construction Certificate.

The plan shall be generally consistent with the approved Landscape Concept Plans.
The plan shall show clearly:

a) The predominant (greater than 70% of each vegetation layer) use of plants that are locally native to the Forster area, including species considered locally "*iconic*" (such as Cabbage Tree Palm, Small-leaved Fig, Magenta Lilly Pilly, Coast Banksia, Brushbox, Celery Wood, etc);
b) The location of all buildings, and all associated infrastructure (including but not limited to car parks, paths, pavements, driveway areas, seating, rain gardens, etc);
c) Details of earthworks including excavations, cut and fill, mounding and retaining walls;
d) The locations of all nine (9) trees to be retained and protected on the land and its frontages including details of the tree protection zones for each tree (to comprise the use of permeable surfaces or extended garden beds encompassing all of the identified trees calculated TPZ as per the Arborists Report of TLC Tree Solutions 2017)
   The nine (9) trees that are to be retained are those trees on the plans submitted with the development application and notated as trees: 38, 44, 65, 66, 67, 68, 69, 70 and 72;
e) Details of plant species, quantities, densities, planting locations and height and spread at maturity that are to be utilised in the landscaping;
f) Details of the proposed staging of landscaping activities;
g) Details of the area of established and maintained lawns;
h) Details of planting procedure and maintenance;
i) Details of the use and type of mulch on the land;
j) Details of the use and the type and quantity of soil material to be imported to the land; and
k) The removal of the following species from planting lists in the approved Landscape Concept Plans and replacement with a suitable native plant alternative:
   i. *Elaeocarpus eumundii* (replaced with *Syzygium paniculatum* propagated from remnant trees in Forster)
   ii. *Flindersia brayleyana* (replaced with *Polyscias elegans*)
   iii. *Atractocarpus fitzalanii* (replaced with *Cupaniopsis anacardioides*)
   iv. *Plumeria obtuse* (replaced with *Glochidion ferdinandi*)
   v. *Peltophorum pterocarpum* (replaced with *Ficus obliqua*)
   vi. *Thysolaena maxim* (replaced with a suitable local native plant)
   vii. Chonemorpha fragrans (replaced with a suitable local native plant)
   viii. *Rhapis excelsa* (replaced with *Linospadix monostachya*)
   ix. Monstera deliciosa (replaced with a suitable local native plant)
   x. Philodendron Xanadu (replaced with a suitable local native plant)
   xi. Philodendron scandans (replaced with a suitable local native plant)

The plan shall also reflect the details contained in the Arborists Report tree protection plan prepared by TLC Tree Solutions (2017).

Reason: To provide landscaping to compensate for the removal of trees from the land and to enhance the landscape amenity of this site.

31. Acoustic Attenuation

Prior to the issue of a Construction Certificate for each stage of the development, plans and specifications detailing the measures to reduce noise impacts on surrounding residential properties and the building occupants internally must be submitted to and approved by the Certifying Authority.

The building must be acoustically designed and constructed to meet the requirements of Australian Standard AS/NZS 2107: Acoustics - Recommended design sound levels and reverberation times for building interiors.

Evidence from an appropriately qualified person demonstrating that the design will achieve the requirements of the Matrix Industries Acoustic Assessment (Report Number: M17612.01, dated March 29, 2017) and the Australian standard must be submitted with the plans and specifications.

Reason: To maintain the amenity of building occupants.

32. Acoustic Treatment Car Park Air Vents

Prior to the issue of a Construction Certificate for stage 1 and stage 2, plans and specifications detailing the measures to reduce noise impacts from the ventilation chimneys to the basement car park on surrounding residential properties and the building occupants internally must be submitted to and approved by the Certifying Authority.

The building must be acoustically designed and constructed to meet the requirements of Australian Standard AS/NZS 2107: Acoustics - Recommended design sound levels and reverberation times for building interiors.

Evidence from an appropriately qualified person demonstrating that the design will achieve the Australian standard must be submitted with the plans and specifications.

Reason: To maintain the amenity of neighbouring properties.

33. Food Premises Fitout

Prior to the issue of a Construction Certificate for each stage of the development containing food premises, plans and specifications for the fit-out of the food premises must be submitted to and approved by Council. The food premises must be designed to comply with the requirements of the Food Act 2003, the Food Standards Code and the Australian Standard AS 4674: Design, construction and fit-out of food premises and include the following details:

a) A hand washing basin that is of an adequate size to allow hands and arms to be easily cleaned must be installed in all parts of the premises where open food is handled. Small domestic type hand wash basins are not adequate in commercial situations. The hand wash basins must be in addition to any wash-up sinks.
b) Hot and cold water to the hand wash basins must be delivered through a hands free mixer tap. The hand basins must be provided with liquid soap and single-use towels at all times.
c) All cupboards, benches and shelving must be constructed of materials that are smooth, impervious to moisture and able to be easily cleaned. Particular attention must be made to the underside of the benches to ensure that they are constructed so they are impervious and can be easily cleaned.
d) Ceiling, wall and floor finishes in the food premises must comply with Australian Standard AS 4674: Design, construction and fit-out of food premises.
e) Ceiling lights must be either installed flush with the ceiling surface or designed free from any features (such as ledges) that would harbour dirt, dust or insects or make the fitting difficult to clean.
f) Coving must be installed at the intersection of floors with walls in the food premises in accordance with Australian Standard AS 4674: Design, construction and fit-out of food premises. Coving must be integral to the surface finish of both floor and wall and installed in such a manner as to form a continuous uninterrupted surface.
g) Either a floor waste with a solids trap and stand alone tap or a cleaners sink (sluice sink) must be provided. Cleaners sinks must be provided with an adequate supply of hot and cold water and be located away from food preparation areas.

Reason: To ensure public health and safety.

34. Crime Prevention

Prior to the issue of a Construction Certificate, details as to how the conclusions of the CPTED reports and NSW Police recommendations will be implemented for the relevant stage are to be provided to the Certifying Authority.

The recommendation and design treatments are to be verified by a qualified person in consultation with the local police.

Reason: In the interests of public safety.

35. Electricity Substation

Prior to the issue of the Stage 1 Construction Certificate, plans detailing the location of the required electricity substation within the site must be submitted to and approved by the Certifying Authority. The substation must be located in accordance with the requirements of the electricity supply authority.

Reason: To ensure the development has an adequate and safe electricity supply.

36. Essential Energy Easements

Prior to issue of a Construction Certificate, details are to be provided to the Certifying Authority ensuring that any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the subject property are complied with.

Reason: To protect existing infrastructure.

37. MidCoast Water Approval

Prior to the issue of each Construction Certificate, a Certificate of Compliance from MidCoast Water is to be obtained, stating that satisfactory arrangements have been made for the provision of MidCoast Water services to the development.

Reason: To ensure suitable water and sewage disposal is provided to the development.

38. Detail of Pool Fence

Prior to the issue of a Construction Certificate for each of the swimming pools, plans and specifications for the fence around the swimming pool must be submitted to and approved by the certifying authority. The fence must be in accordance with the *Swimming Pools Act 1992 and Australian Standard AS1926.1: Swimming pool safety – Safety barriers for swimming pools*.

Reason: To ensure the development complies with swimming pool barrier construction standards.

PRIOR TO THE COMMENCEMENT OF ANY WORK

39. Construction Certificate Required

Prior to the commencement of any building construction work (including excavation), a Construction Certificate must be issued by a Certifying Authority.

Enquiries regarding the issue of a Construction Certificate can be made to Council's Customer Service Centre on 6591 7222.

Reason: Statutory requirement under the Environmental Planning and Assessment Act 1979.

40. Notification of Commencement and Appointment Of Principal Certifying Authority

Prior to the commencement of any building construction work (including excavation), the person having the benefit of the development consent must appoint a Principal Certifying Authority and give at least two (2) days notice to Council, in writing, of the persons intention to commence construction work.

Reason: Statutory requirement under the Environmental Planning and Assessment Act 1979.

41. Site Management Plan

Prior to commencement of any work a Site Management Plan (SMP) shall be submitted to Council for approval. The plan shall detail:

a) the works to be carried out, hours of operation, estimated duration of works, traffic management;
b) an incident response plan, site signage and contacts;
c) how odour, noise, dust, water and sediment generated on site will be managed and mitigated;
d) how excavations will be managed including any pit dewatering and water disposal; and
e) how excavated material:
    i. will be classified and as necessary disposed of off-site (describing location and obtaining approvals for such disposal); and
    ii. if reserved for reuse, how it will be stockpiled, and validated for on-site reuse.

Reason: To protect the environment and ensure public health and safety.

42. Traffic Management/Control Plan

Prior to the commencement of work for each stage, a traffic management plan including measures to be employed to control traffic (inclusive of construction vehicles) during construction of the development must be submitted to and approved by the Certifying Authority. All works that will adversely affect the vehicle and pedestrian movements adjacent to the development are not to be undertaken during school and public holidays. The traffic control plan must be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, Traffic Control at Work Sites Version 2 and Australian Standard AS 1742.3: Manual of uniform traffic control devices - 'Traffic control for works on roads'.

The plan must incorporate measures to ensure that motorists using the road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction of the site or adjacent to the site.

The traffic control plan must be prepared by an accredited person trained in the use of the current version of RTA Traffic Control at Work Sites manual.

Reason: To ensure public health and safety during the construction of the development.

43. Details of Asbestos Removal

Prior to the commencement of any demolition work, details of the SafeWork NSW licensed asbestos removalist engaged to undertake the demolition and asbestos removal work must be provided in writing to Council. A documented copy of the Asbestos Removal Control Plan for the demolition (which must nominate the appropriately licensed waste facility where the material is to be disposed of) and evidence of SafeWork NSW notification must be provided with the details of the removalist.

Reason: To ensure public health and safety.

44. Identification of Hollow-Bearing Trees

Prior to the commencement of works, Council's Senior Ecologist or a qualified ecologist shall undertake a hollow-bearing tree survey and marking program.

Each of the trees approved for removal for the construction of the approved development that contain a hollow potentially used by vertebrate fauna shall be identified in spray-paint with a "H".

Reason: To identify hollow-bearing trees in the development area for appropriate supervision during tree clearing activities.

45. Water NSW General Terms of Approval

Prior to the commencement of any works involving dewatering on the proposed site, a Water Supply Work Approval from Water NSW is to be obtained.

The requirements provided in the attached Water NSW response letter are to be complied with.

Reason: To ensure compliance with the Water Management Act and in the interests of Environmental Protection.

46. Toilet Facilities Sewered Areas

Prior to the commencement of work, toilet facilities must be provided at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a standard flushing toilet connected to a public sewer.

Reason: To maintain public health.

47. Site Construction Sign

Prior to the commencement of work, a sign or signs must be erected in a prominent position at the frontage to the site.

a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
b) 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
c) stating that unauthorised entry to the work site is prohibited.

The 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.

Reason: Prescribed condition under the Environmental Planning and Assessment Regulation 2000.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION

48. Public Engineering Works

The following public engineering works shall be carried out within the road reserves and comply with Council's standards/specifications and requirements:

Stage 1:
Road works along the full site frontage in Lake Street including:

- Redesign the roundabout at the intersection of West and Lake Streets including profile/mill the existing to have a minimum 50mm thick AC10 resheet.
- Roundabout for the vehicle access/driveway to service the property in Lake Street and the associated means of draining the roundabout.
- Profiling/milling of road pavement (where required) and full width 30 mm asphaltic concrete road carriageway re-sheet and tack seal along the full site frontage in Lake Street starting from the existing roundabout at the intersecting of Lake and West Streets up to and including the new roundabout that will service the Lake Street driveway/entrance.
- Construction of kerb returns at the intersection of Lake and West Streets.
- Reconstruct kerb and gutter.
- Landscaping including minimum 1.2m wide footpath paving within the road/nature reserve.
- Street stormwater drainage pipeline if required.
- Bus shelter and associated works including bus zone signage, paving and tactile marking in accordance with Commonwealth Disability Standards for Accessible Public Transport.
- Landscaping that includes/provides a minimum 1.2 m wide footpath within Lake Street.
- Dedication of corner splay (5m x 5m) at the intersection of Lake / West Streets.
- Undergrounding of electricity along the southern side of Lake Street from the western side of West Street to the power pole outside 6 Lake Street.
- Street lights for the Lake Street roundabouts.
- All line marking.
- Stormwater drainage and treatment facilities.
- All required street signage including:
    - A vehicle space for a person with a disability.
    - Timed parking for a:
        - loading bay - 14m long truck: and
        - 2 spaces for cars with caravans.

Stage 2:

- Reconstruct the kerb and gutter in West Street.
- Kerb blister for the Norfolk Island Pine tree in West Street.
- Stormwater drainage and treatment facilities in West Street.
- All required street signage including:
    - a vehicle space for a person with a disability in West Street.
    - 3 timed vehicle spaces in West Street.
- Adjust the roundabout and any associated stormwater drainage in Lake / West Street intersection including profiling/milling of road pavement (where required) and re-sheet.
- Milling of road pavement (where required) in West and Middle Streets.
- Full width 30 mm asphaltic concrete road carriageway re-sheet including profiling/milling of road pavement (where required) along the full site frontages in West and Middle Streets.

- Raised threshold including upgrading street lighting.
- Under grounding of electricity in West Street from the north side of Lake Street to Short Street.
- Landscaping that includes/provides a minimum 1.2 m wide footpath within West Street.
- Dedication of corner splay (3m x 3m) at the intersection of West / Middle Streets.

Stage 4:

- 25 x 90 degree car parking spaces in Middle Street including kerb and gutter, a dish gutter across the pumping station, sealed pavement and adjacent street lighting.
- Full width 30mm asphaltic concrete road carriageway re-sheet including profiling/milling of road pavement (where required) along Middle Streets from West Street site boundary to Macintosh Street.
- 2.5m wide concrete footpath along the northern side of Middle Street in combination with timber boardwalk across street trees roots where required. Works to extend across the development site to Macintosh Street.

Reason: To ensure works within Council's road reserve are constructed to a suitable standard and for public safety.

49. Acid Sulphate and Dewatering Management Plans

All works are to be carried out in accordance with the approved Acid Sulphate and Dewatering Management Plans.

Reason: Management of acid sulphate soils, dewatering, site stability and public safety.

50. Acidic Soils

Prior to the pouring of any concrete within any excavation of the site the applicant's structural/geotechnical engineer must inspect and certify:

a) That the concrete is to be placed/constructed to their requirements and recommendations for the site's acidic soil profile; and
b) That any potential acid sulphate soils have been treated in accordance with the approved acid sulphate soils management plan.

Reason: To protect the construction work against acidic soils.

51. Site Management Plan

All works to be carried out in accordance with the approved Site Management Plan (SMP).

Reason: To protect the environment and ensure public health and safety.

52. Public Safety Requirements

All care is to be taken to ensure the safety of the public in general, road users, pedestrians and the adjoining property while the development is being constructed. Public liability insurance cover, for a minimum of $20 million, is to be maintained for the duration of the construction of the development for each stage and Council is to be nominated as an interested party on the policy. Council is not held responsible for any negligence caused by the undertaking of the works.

Reason: To ensure public health and safety during the construction of the development.

53. Site Access

Public access to the site and building works, materials and equipment on the site is to be restricted, when building work is not in progress or the site is unoccupied. The public safety provisions must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

Reason: To ensure public health and safety during the construction of the development.

54. Implementation of Stormwater Strategy

Construct the stormwater management systems in accordance with the approved engineering plans and specifications for Stormwater Quality Management.

Protect bioretention areas with sediment and erosion control measures during construction, connect stormwater to the bioretention after all hardstand areas have been paved or sealed and cleaned.

Install bioretention filter media according to WSUD Engineering Procedures (Melbourne Water, 2005).

Test filter media after installation to confirm infiltration rates are consistent with Adoption Guidelines for Stormwater Biofiltration Systems, Facility for Advancing Water Biofiltration, (Monash University, June 2009).

Reason: To ensure water quality requirements as contained in the Water Sensitive Design section of the Great Lakes Development Control Plan 2014 are met.

55. Inspection of Stormwater Treatment Measures

Inspect stormwater treatment measures during construction to verify compliance with the approved plans. Inspection is to be undertaken by a suitably qualified person (such as the designer of the stormwater strategy).

Verify construction of bioretetnion systems in accordance with the sign off forms in *'Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands' Healthy Waterways, 2010* and include but not be limited to:

a) Earthworks and functional (hydraulic) structures and under drainage prior to covering in.
b) Filter media including NATA test results from supplier
c) Finished levels
d) landscape installation and establishment

Signed inspection forms and NATA test results must be supplied to Council for approval.

Reason: To ensure that the stormwater treatment systems are constructed in accordance with approved plans, standards and conditions of consent.

56. Maintenance of Erosion and Sediment Control Measures

Erosion and sediment control measures shall be maintained at all times in accordance with the approved erosion and sediment control plan until the site has been stabilised by permanent vegetation cover or hard surface.

Reason: To protect the environment from the effects of erosion and sedimentation.

57. Construction Dust Suppression

All necessary works must be undertaken to control dust pollution from the site. These works must include, but are not 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;
d) erect green or black shadecloth mesh or similar products, 1.8m high around the perimeter of the site.

Reason: To maintain amenity during construction of the development.

58. State Survey Mark

The state survey mark PM 15149 located at the north western corner of the property must be identified and protected during the construction works.

Reason: To ensure that the state survey mark is protected.

59. Survey of Building Location

A survey certificate prepared by a registered surveyor must be submitted to the certifying authority at the following stages of the development:

a) Set-out prior to any excavation
b) At each level (not including roof level) prior to the pouring of concrete indicating levels to Australian Height Datum (AHD) and set out of the building in relation to the boundaries of the site.
c) At roof level prior to either the pouring of concrete or sheeting of roof framing, indicating the height to AHD.

Reason: To ensure compliance with the approved plans.

60. Tree Protection

The nine (9) trees that are identified to be retained on the plans submitted with the development application and notated as trees: 38, 44, 65, 66, 67, 68, 69, 70 and 72, must be protected from all direct and indirect harm associated with the construction at all times.

The construction shall be in a manner that avoids impact, harm or removal trees that are to be retained and stockpiles, machinery and equipment shall not be used or placed in the tree protection zones of trees that are to be retained. Landform modification (cut/ fill) shall not occur in the tree protection zones of trees that are to be retained.

Reason: To protect trees that are to be retained.

61. Tree Removal

All trees on the land and its direct frontages are approved for removal for the development except for the nine (9) trees that must (in accordance with this consent) be retained and managed.

Trees and shrubs removed from the study area shall be re-used in log form or as mulch. No felled vegetation shall be burnt.

Reason: To manage the removal of trees for the approved development.

62. Project Arborist and Implementation of the Tree Protection Plan

All of the actions outlined in the Tree Protection Plan (Appendix 1 of the Arborists Report of TLC Tree Solutions dated 25 March 2017) shall be fully implemented at relevant development stages as part of the approved construction.

A qualified arborist, who holds a Diploma of Horticulture (Arboriculture) Australian Qualification Framework (AQF 5) or equivalent with demonstrated experience in high level tree assessment and diagnosis shall be engaged to direct the implementation of the Tree Protection Plan and advise on tree protection and management during construction work on the land in the vicinity of trees to be retained.

All required root pruning/ canopy pruning on identified trees shall be kept to a minimum and shall be supervised and directed by the project arborist.

Trees on the land that are to be protected must be managed in accordance with Australian Standard AS4970-2009 Protection of Trees on Development Sites.

Reason: To ensure that trees on the subject land are adequately protected and managed during the relevant stages of the construction.

63. Procedure for the Removal of Marked Hollow-Bearing Trees

The following methods shall be adopted during and after the removal of the hollow-bearing trees identified by Council's Senior Ecologist:

a) Council's Senior Ecologist shall be informed prior to the removal operation of the date and time of the removal operation.
b) The trees shall be felled sensitively using dismantling techniques (or other suitably sensitive methods) to minimise mortality and injury risks to resident fauna and the arborists shall inspect the hollows progressively as they work.
c) Removal of the identified hollow-bearing tree shall be conducted by qualified contractors with an appropriately trained Ecologist in attendance, who shall inspect the hollows and recover any injured or displaced native fauna found affected by the work. Fauna collected during the tree clearing that are uninjured shall be released in an appropriate location determined through consultation with Council and local animal welfare groups. Injured fauna shall be transported to local fauna carers.
d) The Ecologist shall provide a report to Council's Senior Ecologist within one-week of the hollow tree-clearing operation. This report shall outline the results of the fauna recovery operation including details of the hollows removed (number, entrance diameter, cavity length, cavity dimension), fauna species affected (including number, sex, breeding status) and evidence of former species presence.

Reason: To protect hollow-dependent fauna.

64. Procedure for the Removal of Trees

During the physical removal of the approved trees, the following shall be adopted at all times:

a) Tree removal shall be conducted by licensed and qualified arborists or tree removal contractors

b) Removal of approved trees shall be conducted using appropriate methods only and in a manner that protects trees that are to be retained on the land
c) Removal of approved trees shall be conducted in a manner that avoids the movement of machinery in the root zones of trees that are to be retained on the land.

Reason: To protect significant trees and minimise the impacts of the development on native vegetation.

65. Construction Times

Construction and/or demolition works, including deliveries on or to the site must not unreasonably interfere with the amenity of the neighbourhood and must occur only in accordance with the following:

a) Monday to Friday, from 7 am to 6 pm.
b) Saturday, from 8 am to 1 pm.

No construction and/or demolition work, including deliveries are to take place on Sundays or Public Holidays.

Reason: To maintain amenity during construction of the development.

66. Comply with Traffic Management Plan

The approved traffic management plan for each stage must be implemented and maintained for the duration of the development works.

Reason: To ensure public safety during the construction of the development.

67. Removal of Asbestos

All asbestos containing materials associated with demolition works must be removed, handled and disposed of in accordance with the requirements of SafeWork NSW and the following requirements:

a) the demolition and removal must be undertaken by a SafeWork NSW licensed demolition contractor who holds an appropriate SafeWork Asbestos Removal Licence for the material to be demolished.
b) All asbestos must be removed from the site and be disposed of at an approved licensed waste facility. All asbestos waste must be delivered to an approved licensed waste facility in heavy duty sealed polyethylene bags.
c) The bags are to be marked “Caution Asbestos” with 40mm high lettering. A minimum of Twenty four (24) hours notice must be given to the waste facility prior to disposal.
d) Receipts of the disposal of all asbestos to a licensed waste facility must be provided to Council within seven (7) days of the demolition.
e) A copy of an Asbestos Clearance Certificate prepared by a suitably qualified independent person is to be provided to Council within seven (7) days of the completion of the demolition.

Reason: To protect public health and safety and to ensure the correct disposal of asbestos waste.

68. Aboriginal Heritage

This consent does not authorise the harming of an Aboriginal object or place. Under the National Parks and Wildlife Act 1974, it is the responsibility of all persons to ensure that harm does not occur to an Aboriginal object or place. If an Aboriginal object is

found, whilst undertaking development work, all work must stop and the NSW Office of Environment and Heritage notified. All directions of the Office of Environment and Heritage must be complied with at all times.

Reason: To protect Aboriginal heritage.

69. Aboriginal Field Officer to be on Site for all Earthworks

An Aboriginal Field Officer from the NSW National Parks and Wildlife Service and/or the Local Aboriginal Land Council must be present during all earthworks. The identity of the appointed person is to be made known to Council two days prior to commencing earthworks.

Reason: To protect Aboriginal heritage.

70. Essential Energy

Any works undertaken in close proximity to Essential Energy's electricity infrastructure shall be in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.

Reason: To protect existing infrastructure.

71. Builders Rubbish to be contained on Site

All builders rubbish is to be contained on the site in a suitable waste bin/enclosure. Building materials must be delivered directly onto the property. Footpaths, road reserves and public reserves must be maintained clear of rubbish, building materials and other items at all times.

Reason: To ensure that materials and waste do not adversely affect traffic or pedestrian safety and amenity.

72. Temporary Pool Fencing

Temporary fencing must be installed around each pool during its construction to prevent entry by children. The temporary fencing must remain in place until permanent fencing is erected.

Reason: To ensure public safety.

CONDITIONS TO BE SATISFIED PRIOR TO THE RELEASE OF OCCUPATION CERTIFICATE

73. Public Engineering Works

Prior to the issue of an Occupation Certificate for Stages 1, 2 and 4, all public engineering works must completed in compliance with Council's engineering guidelines, specifications and standards. Upon completion of the public works a final inspection must be arranged with Council and a Certificate of Practical Completion must be issued by Council.

Reason: To ensure compliance with Council's specification for engineering works.

74. Works-as-Executed Plans

Prior to the issue of each Occupation Certificate for Stages 1, 2 and 4, works-as-executed plans, certified by a suitably qualified engineer or a registered surveyor, must be submitted to Council. Where the design is carried out utilising computer aided design (CAD), computer files must be provided on compact disc (CD) with the final drawings. The plans shall include all lot and road boundaries, lot numbers and easements. The data must be supplied in accordance with the requirements of Council's GIS Officer.

Reason: To provide Council with accurate records of civil works.

75. Redundant Works in the Road Reserve to be Removed

Prior to the issue of an Occupation Certificate, redundant footpath crossings and/or access culverts must be removed and reconstructed and footway access restored at no cost to Council.

Reason: To ensure public safety and facilitate the preservation of on street parking spaces.

76. Completion of Car Parking Areas and Provision of Signs

Prior to the issue of an Occupation Certificate for Stage 1, 2 and 4, the car parking areas associated with each of these stages must be constructed in accordance with the approved plans and be fully line-marked. Signs must be erected clearly indicating the availability of off-street parking and the location of entry/exit points, visible from both the street and the subject site.

Reason: To ensure that adequate parking facilities for the development are provided on site.

77. Driveways

Prior to the issue of an Occupation Certificate for Stages 1 and 2, the driveways associated with each of these stages must be constructed from the edge of the road formation to the property boundary in accordance with the approved Driveway Levels Application.

Reason: To ensure suitable vehicular access to the development.

78. Traffic Management Plan

Prior to the issue of an Occupation Certificate the traffic management measures identified in the approved internal Traffic Management Plan shall be installed and verified by a qualified traffic engineer.

Reason: To ensure public safety of motorist and pedestrians within the development.

79. Basement Car Park Pump-Out

Prior to the issue of an Occupation Certificate for Stages 1, 2 & 4, certification from a suitably qualified engineer shall be provided to the Certifying Authority certifying that the basement stormwater pump out system has been installed in accordance with the approved plans and specifications.

Signs must be erected and a manual provided to inform the future body corporate/owner of the development that regular maintenance of the basement car park pumps is required.

Reason: To prevent nuisance flooding and maintain occupant amenity.

80. Stormwater Drainage Work

Prior to the issue of an Occupation Certificate for each stage, all stormwater drainage shall be installed in accordance with approved plans and specifications.

Reason: To ensure compliance with the development consent and statutory requirements.

81. Water Sensitive Design Maintenance

Prior to the issue of an Occupation Certificate an Operation and Maintenance Plan for the Water Sensitive Design measures shall be submitted to the Certifying Authority for approval.

The following details shall be included in the Operation and Maintenance Plan:

a) location and nature of stormwater management structures such as pits, pipes, bioretention gardens and any other stormwater structures and drainage works;
b) detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures including the frequency of such activities;
c) positions responsible for inspection and maintenance activities including a reporting protocol and checklists (refer to Councils example maintenance plan for bioretention);
d) procedures for managing water quality emergencies including the identification of authorities to be notified.

Reason: To ensure water quality measures installed on the site can be adequately maintained.

82. Landscaping

The Registered Proprietor of the land, or their agents, shall fully implement all of the required actions outlined in the approved Landscape Plan as per the instructions set-out in that Plan for the relevant stage.

A Certificate of Practical Completion shall be issued by an appropriately qualified horticulturalist/landscape architect to demonstrate that landscaping has been appropriately completed prior to the issue of each Occupation Certificate.

Reason: To appropriately conduct landscaping on the subject land.

83. Tree Protection Plan

The Registered Proprietor of the land, or their agents, shall fully implement all of the required actions outlined in the approved Tree Protection Plan.

A Certificate of Practical Completion shall be issued by an appropriately qualified arborist to demonstrate that tree management has been appropriately completed prior to the issue of each Occupation Certificate.

Reason: To appropriately manage trees on the subject land.

84. Installation of Compensatory Nesting Boxes

Prior to the issue of any Occupation Certificate six (6) durable nesting boxes, comprising boxes of a size and configuration suitable for micro-chiropteran bats shall be sourced by the Registered Proprietor and installed by qualified arborists in the trees retained on the land or on the adjoining Penenton Creek Reserve. Nesting boxes shall

be equivalent to the design as identified in the Nest Box Book or similar guide and shall be of suitably durable materials. Not more than one box shall be installed on any individual tree and these shall be not less than 4-metres from the ground surface and in a sheltered aspect.

Reason: To compensate for the removal of hollows from hollow-bearing trees on the land.

85. Acoustic Certification

Prior to the release of an Occupation Certificate for each stage of the development, the acoustic treatments approved in documentation for the Construction Certificate are to be verified by an appropriately qualified acoustic engineer and details provided confirming the relevant acoustic levels are met.

Reason: In the interests of public and residential amenity.

86. BASIX

All commitments listed in the relevant BASIX certificate for each relevant stage of 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.

Reason: To ensure compliance with SEPP BASIX.

87. Construction of Food Premises

Prior to the issue of an Occupation Certificate for each stage of the development, the food premises in that stage shall be constructed in accordance with the approved plans, the requirements of the Food Act 2003, the Food Standards Code and the Australian Standard AS 4674: Design, construction and fit-out of food premises.

Reason: To ensure public health and safety.

88. Public Swimming Pool and Spa Pool Requirements

The following must be undertaken in relation to the public swimming pool located on Level 1 of the hotel building (Building D) and the public swimming pool and spa located in the communal recreation space on Level 6 (adjacent to Building B) prior to the issue of an Occupation Certificate for their respective stages:

a) Certification from an appropriately qualified person stating that the circulation rate and turnover period for the swimming pools and spa complies with the *Health Protection NSW. Public swimming pool and spa pool advisory document. Sydney: 2013* must be submitted to Council;
b) Written contamination management procedures to be used in emergency situations are to be kept with the result logbook prior to the issue of an Occupation Certificate.
c) Photometric testing equipment based on DPD reagents using standards capable of measuring to 0.1 mg/L units within the required disinfectant range must be provided;
d) A final inspection must be carried out by Councils Environmental Health Officer.

Reason: To maintain public health.

89. Pool safety

Prior to the issue of an occupation certificate that relates to any of the swimming pools, a sign must be erected in the immediate vicinity of the pool bearing the words *'Young children must be supervised when using this swimming pool'*. The sign must be in a prominent position and be in accordance with the *Swimming Pools Regulation 2008*. Fences, gates, walls, etc. enclosing the general swimming pool area must be maintained in good repair and condition at all times. Depth markers must be installed 150 mm above the water line of the proposed swimming pool.

Reason: Statutory requirement and safety.

90. Haulage Levy

Prior to the issue of each Occupation Certificated, details of the amount of fill that has been imported to the site and the material that has been excavated and removed from the site must be submitted to Council for the purpose of calculating the haulage levy. The haulage levy is required to be paid in accordance with the Great Lakes Wide Development Contributions Plan 2007, as may be updated from time to time. The haulage levies (where applicable) shall be paid to Council prior to the issue of the Occupation Certificate.

Reason: Maintenance and repair of public assets.

91. Underground Electricity

Prior to the issue of an Occupation Certificate for Stages 1, 2 & 4:

- the low and high voltage overhead power lines, and street light overhead power lines and telecommunication cables located along/adjacent to the site frontages must be relocated underground at no cost to Council and to the satisfaction of the relevant service authority; and
- written evidence shall be provided to the Certifying Authority stating that satisfactory arrangements have been made with an electricity supply authority for the provision of underground electricity supply to the development.

Reason: To ensure compliance with the Council/energy supply authority policy for the provision of underground power supply.

92. MidCoast Water approval

Prior to the issue of each Occupation Certificate, a Certificate of Attainment from MidCoast Water is to be obtained, stating that satisfactory arrangements have been made and all payments finalised for the provision of MidCoast Water services to the development.

Reason: To ensure suitable water and sewage disposal is provided to the development.

93. Section 88B Instrument

Prior to the issue of the any Occupation Certificate, the whole of the site is to be consolidated into one title and an instrument created under Section 88B of the Conveyancing Act 1919 must be registered on the Certificate of Title and confirmation of registration must be submitted to Council.

The Section 88B Instrument must provide for the items listed in the following table:

Items for inclusion in the Section 88B Instrument	Details of Item
Dedicated corner splays	Dedication of corner splays: • with 5m legs at the intersection of Lake and West Streets; • with 3m legs at the intersection of West and Middle Streets.

Reason: To ensure the proper management of land.

94. Restriction of Use

Prior to the issue of any relevant Occupation Certificate, a restriction as to user is to be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting use of the approved 139 Seniors Housing Apartments as follows:

The approved Seniors Housing Apartments exclude the four penthouse units numbered B1001, B1002, C1001 and C1002.

The instrument is to identify that the units are to be used only for the purposes of:

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

The restriction shall remain in place unless a separate application is made to the determining body for consideration of alternate uses.

Seniors and disabled persons are as defined in the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.*

Reason: The application was assessed on the basis that the apartments would be used for Seniors Housing purposes and to meet the requirements of clause 18(1) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.*

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF STRATA SUBDIVISION CERTIFICATE

95. MidCoast Water Approval

Prior to the issue of each Subdivision Certificate, a Certificate of Compliance from MidCoast Water is to be obtained, stating that satisfactory arrangements have been made and all payments finalised for the provision of MidCoast Water services to the development.

Reason: To ensure suitable water and sewage disposal is provided to the development.

96. Essential Energy

Prior to the issue of each Strata Subdivision Certificate a Notification of Arrangement from Essential Energy (confirming satisfactory arrangements have been made for the provision of power) shall be submitted to Council. It is the Applicant's responsibility to

make the appropriate application with Essential Energy for the supply of electricity to the subdivision/development, which may include the payment of fees and contributions.

Reason: To ensure suitable energy infrastructure is provided to the development.

CONDITIONS TO BE SATISFIED DURING THE OPERATION OF THE SITE

97. Restriction of Use

The approved Seniors Housing Apartments (all 139 apartments excluding the four penthouse units numbered B1001, B1002, C1001 and C1002) are to be used only for the purposes of:

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

unless a separate application is made to the determining body for consideration of alternate uses.

Seniors and disabled persons are as defined in the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.*

Reason: To ensure that the apartments would be used for Seniors Housing purposes and to meet the requirements of clause 18(1) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.*

98. Maintenance of Stormwater Treatment Measures

Maintain stormwater treatment measures for the life of the development in accordance with the approved WSUD Operations and Maintenance Manual, with the exception of the approved bioretention pods within the West and Lake Street road reserves which shall be maintained for a period of 5 years from the date of installation.

Reason: To ensure ongoing compliance with Council's water quality objectives.

99. Public Swimming Pool and Spa Pool Health Requirements

The public swimming pool located on Level 1 of the hotel building (Building D) and the public swimming pool and spa located in the communal recreation space on Level 6 (adjacent to Building B) must be operated and maintained in accordance with the Public Health Act 2010, the Public Health Regulation 2012 and the *Health Protection NSW. Public swimming pool and spa pool advisory document. Sydney: 2013 (or as amended)*.

These pools must be equipped with:

(a) An effective water circulation system;
(b) An automated or continuous metered disinfectant dosing control system.

Sampling of the water within these pools must be undertaken in accordance with the Public Health Act 2010, the Public Health Regulation 2012 and the *Health Protection NSW. Public swimming pool and spa pool advisory document. Sydney: 2013* and results gained must be registered in a logbook that is kept on the premises. Results must be kept onsite for a period of at least six (6) months.

Reason: To maintain public health.

100. Ongoing Maintenance of Food Premises

The food premises must at all times comply with the requirements of the Food Act 2003, the Food Standards Code and Australian Standard 4674 - 2004 Design, construction and fit-out of food premises.

Reason: To maintain public health and safety.

101. Food Notification

Prior to the commencement of the operation of each food business, a food notification must be completed through Council.

Reason: To ensure public health and safety.

102. Health Inspection

Prior to the commencement of the operation of each food business, a final inspection must be undertaken by Council's Environmental Health Officer.

Reason: To ensure public health and safety.

103. Offensive Noise

Noise associated with the premises including all associated mechanical plant and equipment must not be a source of "offensive noise" at the nearest affected premises:

"offensive noise" is defined under the Protection of the Environment Operations Act 1997 as noise:

a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
   i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
   ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or

b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulation.

Reason: To maintain acoustic amenity to adjoining properties.

104. External Entertainment

Amplified and live music shall not be in external areas of the development.

Reason: To protect the amenity of adjoining residences.

105. Hours of operation

The permitted hours of operation for the proposed uses of the development must be restricted to within the hours specified below:

Use	**Start Time**	**Finish Time**
Supermarket	7:00am	10:00pm
Retail Shops	7:00am	10:00pm
Restaurants/Cafes	6:00am	10:00pm

Cinemas	10:00am	11:00pm
Gymnasium	24 hour	24 hour
Nightclub	7:00pm	Midnight

Any alteration to the above hours of operation will require the further consent of Council.

Reason: To protect the amenity of adjoining premises.

106. Hours of Services and Deliveries

All Services and Deliveries is to be limited to be carried out during the hours of:
7:00am – 6:00pm Monday to Saturday
8:00am – 4:00pm Sundays

All waste collections and any cleaning of waste and services areas are to be restricted to between the hours of:
7:00am – 6:00pm Monday to Saturday
8:00am – 4:00pm Sundays

Any alteration to the above hours of operation will require the further consent of Council.

Reason: To protect the amenity of adjoining premises.

107. Ground Level Food and Drink Patrons

Each ground level food and drink premises is to be restricted to providing a maximum number of customers / patrons as described below and is to include the designated outdoor areas. Each premise is to be provide seating for all customers.

Location	**Number of Patrons**
Restaurant/ Café (1) **North West corner**	155
Restaurant/ Café (2) **North West corner adjacent Residential lobby**	127
Restaurant/ Café (3) **North East corner of Building B**	259
Restaurant/ Cafe (4) **North west corner of Building A adjacent Visitor Information Centre**	97

Reason: In the interests of protecting public amenity, to reduce anti-social behaviour, to ensure compliance with Building Code of Australia with regard to amenities.

ADVISORY MATTERS

Signage

This approval does not consider any advertising or business identification signage. Any signage is to be the subject of subsequent Development Applications.

Reason: In the interests of protecting public amenity.

Protection of Infrastructure

Prior to carrying out any works, a “Dial Before You Dig” enquiry must be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995 (NSW)*.

Reason: To prevent unnecessary delays, costs and disruption.