

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.

3. Approved Documentation

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

(a) Plans Reference:

Architectural Plans prepared by: Jackson Teece; Project No: 2014076			
Name of Plan	Drawing Number	Issue	Date
Cover Sheet	001	3	23/6/17
Survey	002	3	23/6/17
Site Analysis	003	3	23/6/17
Demolition	050	3	23/6/17
Site Plan	060	3	23/6/17
Floor Plan - Basement 1	099	3	23/6/17
Floor Plan - Ground Floor	100	3	23/6/17
Floor Plan – Level 1	101	3	23/6/17
Floor Plan – Roof Plan	102	3	23/6/17
Elevations	300	3	23/6/17
Exterior Materials	301	3	23/6/17
Sections – 01	400	3	23/6/17
Shadow Diagram	600	3	23/6/17
Photomontage 1	700	3	23/6/17
Photomontage 2	701	3	23/6/17

Landscape Plans prepared by: Terras Landscape Architects; Project No: 11688.5			
Name of Plan	Drawing Number	Issue	Date
Landscaping Documentation - Site	-	F	26/9/17

Plan			
Tree Retention and Removal Plan	L01	F	31/7/2017
Areas to be Irrigated and Fencing Plan	L02	F	31/7/2017
Building Undercroft Treatment	L03	F	31/7/2017
Hardworks Plan A	L04	F	31/7/2017
Hardworks Plan B	L05	F	31/7/2017
Hardworks Plan C	L06	F	31/7/2017
Hardworks Plan D	L07	F	31/7/2017
Hardworks Plan E	L08	F	31/7/2017
Hardworks Plan F	L09	F	31/7/2017
Hardworks Plan G	L10	F	31/7/2017
Hardworks Plan H	L11	F	31/7/2017
Hardworks Plan I & J	L12	F	31/7/2017
Softworks Plan K	L13	F	31/7/2017
Softworks Plan L	L14	F	31/7/2017
Softworks Plan M	L15	F	31/7/2017
Softworks Plan N	L16	F	31/7/2017
Softworks Plan O	L17	F	31/7/2017
Softworks Plan P	L18	F	31/7/2017
Softworks Plan Q	L19	F	31/7/2017
Softworks Plan R	L20	F	31/7/2017
Softworks Plan S	L21	F	31/7/2017
Softworks Plan T	L22	F	31/7/2017
Softworks Plan U & Plant Schedule	L23	F	31/7/2017
Details 1	L24	F	31/7/2017
Details 2	L25	F	31/7/2017
Details 3	L26	F	31/7/2017
Details 4	L27	F	31/7/2017

Details 5	L28	F	31/7/2017
Details 6	L29	F	31/7/2017

Engineering Plans prepared by: GHD; Project No: 22-18839

Name of Plan	Drawing Number	Issue	Date
Cover Sheet	000	A	28/6/17
Stormwater Plan	001	C	23/6/17
Road Layout Plan	002	B	23/6/17
Road Longitudinal Section and Typical Section	003	B	23/6/17
Typical Swale Sections	004	B	23/6/17
ESC Plan	010	B	23/6/17
ESC Details – 1	011	B	23/6/17
ESC Details - 2	012	B	23/6/17

(b) Document Reference:

Document	Reference	Author	Date
Statement of Environmental Effects	5588	DeWitt Consulting	June 2017
Bushfire Report	17HNG-6299	Eco Logical	18 May 2017
Acoustic Report	171366/7054	Spectrum Acoustics	15 May 2017
Geotechnical Report	82859.04	Douglas Partners	April 2017
Access Report	AN17-208624	Philip Chun	12 May 2017
Crime Risk Assessment	-	DeWitt Consulting	May 2017
Waste Management Plan	-	DeWitt Consulting	May 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. Commencement of the Use of the Land – Housing for Seniors or People with a Disability

The development shall be occupied in accordance with the requirements of Chapter 3 Part 1 Clause 18 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first a restriction as to user shall 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 the use of any accommodation to which this application relates to the kinds of people referred to below. The development shall only be occupied by:

- (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 SEPP (Housing for Seniors or People with a Disability) 2004.

7. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 – Design Verification

Independent verification from an accredited access consultant shall be submitted to the Principal Certifying Authority certifying that the development has been constructed in accordance with the SEPP, prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first.

8. Disability Access Design Audit

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

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

Note:

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

9. Stormwater Disposal

The Stormwater Design submitted with any Construction Certificate shall be generally in accordance with the plans approved by the Development Consent prepared by GHD, Ref: 22-18839 Revision B dated 23 June 2017 and must comply with the following:

- (a) Stormwater shall be disposed of through a piped system designed in accordance with Australian Standard AS 3500 by a suitably qualified professional. Qualifications shall be in accordance with Part DQS.06 of Council's Engineering Guidelines.

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first:

- (b) All drainage works shall be carried out generally in accordance with the approved Construction Certificate plans.

- (c) 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.
- (d) Certification by the engineer, is to be submitted to the Principal Certifying Authority that any changes comply with the original design intentions.
Note: This may be shown on the Works As Executed Plan.

10. Geotechnical Report Compliance

The recommendations of the Geotechnical Report No. 82859.04 prepared by Douglas Partners dated April 2017 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.

11. 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 an Occupation Certificate.

12. Driveway Design and Construction - Residential

The driveway to the garage or car parking area of the development shall be designed and constructed in accordance with the following requirements and Council's Standard Drawings: EGSD-201 and EGSD-202 (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, at the entry to the garage or car parking area and at any other locations along the driveway where the grade changes necessitate a transition in accordance with AS 2890.1:2004.

13. Concrete Footpath

A concrete footpath 1.5 metres wide shall be constructed from the existing bus stop in York Street to connect to the internal footpath system. Where the footpath is located on a public road, it shall be constructed in accordance with Lake Macquarie City Council standard drawing EGSD-301 which is available from Council's website.

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 Council's DCP 1 Volume 2 Engineering Guidelines.

14. Public Domain Works – Street Trees

A subdivision construction certificate for all softworks in the public domain shall be lodged with Council. Plans shall be prepared by a qualified landscape architect. All public domain landscape works shall be coordinated during the construction period with Council's Project Management Coordinator contactable on 4921 0333. The following witness and hold points for street trees shall be observed:

Street Trees

Witness & Hold Points

- Set out of tree pits (witness point).
- 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).
- 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).
- Tree delivery prior to installation and certification to comply with AS2303-2015 'Tree Stock for Landscape Use' (hold point).
- Commencement of tree planting (witness point).
- Installation of each layer/horizon of growing medium (witness point).
- Completion of tree planting, including installation of any guards, feature panels / grates in accordance with LMCC's *Landscape Technical Drawings Feb 2016* (witness point).

The landscape consultant that produced the landscape SCC shall submit a **Landscape Compliance Report** to Council's Project Management Coordinator certifying that all landscape works have received the relevant witness and hold point inspections,

implemented and maintained in accordance with the SCC. This compliance report shall be provide prior to LMCC issuing a compliance certificate for the works.

The landscape consultant that prepared the landscape SCC (or a local Consultant with equivalent qualifications) shall submit two **Landscape Maintenance Reports** to LMCC Project Management Coordinator at 26 weeks and 52 weeks after practical completion. This report shall certify that at 26 and 52 weeks after practical completion the approved public domain works are being satisfactorily maintained.

15. Landscape Works

Landscape works shall be constructed in accordance with the approved landscape plans and specification as scheduled in these Conditions of Consent.

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 York Street Road shall be Magnolia 'Little Gem' 100Lt and Eucalyptus 'Dry White' 45 Lt planted as indicated on landscape plans and per LMCC Landscape Standard Drawings 2016 LSD-PLA-02. Street trees shall be maintained by the proponent for 52 weeks.

Landscape works shall conform to planting densities as scheduled comprising planting at nominated spacings in all areas dedicated to planting. A hard garden retaining edge (timber or concrete) shall be installed to all planting areas adjoining turf surfaces and all planted areas covered with minimum 100mm mulch to aid plant establishment.

All landscape works 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 practical completion of landscape works, the landscape consultant who prepared the documentation shall submit to the Principal Certifying Authority a Landscape Compliance Report prior to issue of Occupation Certificate that establishes satisfactory completion of the landscape works approved by this consent.

16. Retention of Trees and Native Vegetation (Development)

All native vegetation on the site shall be retained and protected unless it:

- (a) has been identified for removal on the approved plans or documentation; or
- (b) has been identified for selective removal by the NSW Rural Fire Service; or
- (c) is a tree or native vegetation, on the site, that is within close proximity to the approved buildings (ie; within 0 to 5 metres of the approved building) and

provided it has not been identified for specific retention in any of the approved plans or documentation.

A separate approval from Council will be required for the removal of any other trees or native vegetation. This includes application for the removal of any understorey vegetation or the stripping of ground cover vegetation that is outside those areas approved for construction.

All reasonable measures shall be undertaken to protect all other native vegetation on the site and on adjoining lands from damage during construction. Such measures shall include but not be limited to:

- (a) installing exclusion fencing around vegetation that adjoins the construction area to minimise damage to vegetation that is to be retained. Exclusion fencing shall be installed prior to the issue of the first Construction Certificate or if no Construction Certificate is necessary, prior to the commencement of works and maintained in good working order for the duration of works. The person having the benefit of the consent shall notify Councils Development Planner Flora and Fauna when exclusion fencing has been installed;
- (b) prohibiting compaction and the placement of fill within 5 metres of trees and native vegetation that are to be retained;
- (c) keeping all vehicles, construction materials and refuse within areas approved for buildings, structures, access ways and car parks;
- (d) limiting the number of access points;
- (e) salvaging useable trees and shrubs which are felled for re-use, either in log form, or as woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots and stumps may only be disposed of at an approved site;
- (f) notifying all contractors, sub-contractors, and personnel of vegetation protection requirements of this condition.

17. Construction and Fit-out of Food Premises

(a) General Construction

The fit-out of areas used for food preparation, storage or display, shall comply with the requirements of the *Food Act 2003*, *Food Regulation 2010*, and *Australian Standard AS4674 "Design, construction and fit-out of food premises"*.

Note: Particular attention should be paid to:

- Routing of plumbing & electrical conduit
- Installation of hand wash basins and cleaners sinks

- Construction of floors, walls and ceilings
- Finishes of floors, walls and ceilings
- Cool room construction
- Installation of fixtures fittings and equipment
- Toilet facilities and airlocks
- Installation of light fittings
- Installation of floor wastes
- Ventilation and exhaust systems

(b) **Plans and Specifications**

Any application for the first construction certificate shall be accompanied by plans and specification demonstrating compliance with the Food Act and Regulations, and relevant Australian Standards.

(c) **Mechanical Ventilation**

Installation of any mechanical ventilation system(s) shall comply with the provisions of Part 2 of the Australian Standard AS1668.

(d) **Partition Wall Construction**

Any partition wall (that do not extend to the ceiling), sills or other ledges located within food preparation areas shall be splayed on top at an angle of 45 degrees to prevent storage of articles and reveal build-up of food waste, dirt, grease or other visible matter.

(e) **Waste Traps**

Any bucket traps, grease traps and associated sewer connections shall be installed in accordance with the requirements of Hunter Water Corporation.

18. Certification of Food Premises Fit-out

Prior to the issue of any Occupation Certificate the food premises shall be inspected by an appropriately qualified person who shall certify that the premises, including the construction and installation of all equipment, fixtures, fittings and finishes therein, complies with the *Food Act 2003*, *Food Regulation 2010*, and *Australian Standard AS 4674 "Design, construction and fit-out of food premises"*.

19. Local Government Act Compliance – Hairdressers

To ensure compliance with the Local Government (General) Regulation 2005, the construction and operation of the premises are to be carried out in accordance with the standards set out in Schedule 2, Part 2 of the Regulation, "Standards for Hairdressers".

20. Constructional Standards for Hairdressers

Refer to the publication "Guidelines for the Construction and Operation of Hairdressing, Beauty and Skin Penetration Premises".

21. Hand Wash Basins

Hand wash basins and disinfection solution shall be provided for use by medical staff in accordance with the requirements of Hunter New England Population Health. The design and installation shall comply with the relevant Australian Standards.

22. Treatment Rooms

Treatment rooms to be fitted out in accordance with requirements of constructional requirements of NSW Health – Hunter New England Population Health.

23. Medical / Pathological Waste

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

24. Warm Water Systems

The warm water systems shall be installed to comply with AS/NZS 3666. D1:2011 Part 1; Design, Installation and Commissioning.

25. Acoustic Assessment Report

Council has reviewed and relied on the information contained in the Noise and Vibration Assessment Report from Spectrum Acoustics Noise and Vibration Consultants (Ref: 171366/7054) dated 15 May 2017.

The consultant shall be engaged by the developer to ensure proper attenuation measures such as barriers, acoustic suppression material window glazing installation and the correct sound power levels of specified mechanical plant, including location, is

installed within the development and thus complying with the acoustic consultant's recommendation.

Prior to the issue of the Occupation Certificate, certification from the consultant advising that the acoustic design has incorporated noise mitigation measures complying with the consultant's requirements and thus the relevant noise policies and standards shall be submitted to Council.

Upon completion of work, certification shall be provided from the acoustic consultant within ninety (90) days after issue of the Occupation Certificate certifying the works have been completed in accordance with their requirements and that the desired acoustic performance has been achieved.

26. 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.

27. 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.

28. Noise – Ongoing Operation of Machinery, Plant and Equipment

The Laeq (15 minute) operating noise level of machinery, plant, equipment, or any other operational noise source, when measured at the boundary of another premises, shall comply with either the amenity or intrusiveness criteria calculated in accordance with the NSW Office of Environment and Heritage Industrial Noise Policy. For assessing amenity criteria, the area shall be categorised in accordance with the guidelines outlined in Chapter 2 of that Policy.

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, certification from a suitably qualified acoustic consultant shall be submitted to the Principal Certifying Authority, demonstrating compliance with the above.

29. 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.

30. Advertising Structures and Signs

Signage must be undertaken in accordance with the approved plans, except where modified by the conditions of this consent below:

- The free standing sign at the Toronto Road corner/entry (identified on the approved landscaping plans as Wall Type 4) shall be limited to a maximum width of 5m, and signage width of 4m. The maximum height must not exceed 2.5m, and signage height of 1.6m.

To avoid unnecessary visual impact, signage shall not be internally or externally illuminated unless further approval is obtained from Council.

Development consent shall be obtained from Council prior to the erection of any other advertising structures or signs on the site. This requirement does not apply to any exempt, complying, or previously approved signage.

31. 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.

32. External Material Reflection

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

33. Bunded Spillage Areas

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

34. 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.

35. Loading Dock and Driveway

The loading dock and driveway shall be graded and drained to a collection sump for the control of any spillages or cleaning waste generated. Wastes shall be directed to the sewer in accordance with the requirements with the Hunter Water Corporation. Details shall be provided to the Principal Certifying Authority prior to the issue of the first Construction Certificate.

36. Goods Receivable Dock & trafficable Areas

Any spillage, wastes or rubbish generated as a result of activities or the area being hosed down are to be contained so as to prevent access to drainage sumps, pollution

of water and with control methods to prevent pollutants from leaving the site with stormwater run-off.

37. Erosion and Sediment Control

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

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

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

- 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.

38. 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.

39. 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.

40. 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.

41. Filling Importation and Compaction

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

- (a) Uncontaminated virgin excavated natural material (VENM) as defined under the provisions of the NSW Protection of the Environment Operations Act 1997; or

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

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

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

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

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. Waste Management

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

48. 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.

49. 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.

50. 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.

51. 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.

52. Excavation – Aboriginal Relics

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

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

53. Ausgrid Requirements

The development shall be undertaken in accordance with any requirements of Ausgrid, and their general comments dated 23/8/2017. Ausgrid's requirements shall be obtained prior to the issue of any Construction Certificate, and a copy of the such requirements shall be submitted to Council and the Principal Certifying Authority. All works shall comply with the requirements of Ausgrid.

54. Sydney Trains

The development shall be undertaken in accordance with the requirements of Sydney Trains and their approval dated 27/10/2017, including the following conditions:

- An acoustic assessment is to be submitted to Council prior to the issue of a Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

- Given the development site's location next to the rail corridor, drainage from the development (during and post) must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.
- Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan regarding any potential risk to or from the rail corridor and assets, for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on the rail corridor. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.
- During all stages of the development, environmental legislation and regulations will be complied with.
- During all stages of the development extreme care shall be taken to prevent environmental harm within the railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- During all stages of the development, extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

55. Subsidence Advisory NSW

The development is to be undertaken in accordance with the requirements of the Mine Subsidence Advisory, and their approval dated dd/mm/yyyy.

56. NSW Rural Fire Service

The development is to be undertaken in accordance with the requirements of the NSW Rural Fire Service, and their approval dated 31/7/2017 including the following conditions.

- New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate, and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- Any new Class 10b structures as defined per the 'Building Code of Australia' shall be non-combustible.
- The entire property shall be managed in perpetuity as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- Water, electricity and gas shall comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.
- Arrangements for emergency and evacuation shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
- Any new landscaping to the site shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

57. 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 Toronto Contributions Catchment - 2016, 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 Toronto Contributions Catchment - 2016 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.