

## **Recommended Conditions for DA/251/2013 – Amendment A**

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Proposed changes to Conditions as granted under Development Consent no. 251/2013 on 5 March 2015:

1. The modification of the following conditions:
  - 3 Approved Documentation
  - 4 Construction Certificates
  - 6 Sequence of Development
  - 7 Bulky Goods Retail Units
  - 8 Staging of Development
  - 10 Concurrence Conditions by the NSW Office of Environment & Heritage
  - 12 General Terms of Approval – Approval under Section 22 of the Coal Mine Compensation Act 2017
  - 13 Roads & Maritime
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  - 16 Concrete Footpath – Public Domain
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  - 34 Category 3 Landscaping
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  - 39 Pylon Signs
  - 40 Advertising Structures and Signs
  - 41 South Street Entry
  - 42 Restaurant Service Vehicle Manoeuvring
  - 43 Car parking and Allocation of Spaces
  - 46 Directional Signage

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- 47 Pedestrian Crossings
  - 51 Hours of Operation
  - 53 Materials and Finishes
  - 54 Screening of Roof Top Plant & Equipment
  - 56 Ausgrid Requirements
  - 57 Construction Traffic Management
  - 58 Bus Shelter
  - 66 Demolition
  - 68 Site Amenities
  - 71 Build Over Water mains – Hunter Water Corporation Requirements
  - 77 Acoustic Certification
  - 82 Liquid Wastes
  - 83 Garbage Storage Areas
  - 85 Construction and Fit-out of Food Premises
  - 87 Public Domain Works – Street Trees
  - 88 Construction of Kerb and Gutter and Associated Works on Public Roads
  - 93 RMS Approval to Works Required
  - 95 Details Required prior to Commencement
2. Insert the following conditions:
- 13A Works on Council Land – Licence Requirements
  - 16A Concrete Footpath – Mick Bird Oval
  - 16B Pedestrian Facilities – Lake Street
  - 26A Plan of Management for Trolley Containment
  - 34A Screen Planting
  - 74A Asbestos Control Plan
  - 75A South Street Access
  - 87A Intersection Upgrade – South Street
  - 87B Drainage
3. Delete the following conditions:
- 98 Erosion Controls

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## 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

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- (iii) stating that unauthorised entry to the work site is prohibited.

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

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

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

## **2. Inspections**

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

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

### **Additional inspections required under other legislation:**

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

## **3. Approved Documentation**

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

(a) Plans Reference:

The development shall be in accordance with the following:

Architectural Plans prepared by: Buchan; Project Number. 316137			
<b>Name of Plan</b>	<b>Drawing Number</b>	<b>Issue</b>	<b>Date</b>
Overall Site Plan	ATP-200	P12	22 May 2017
Bunnings Warehouse Site Plan Lot 1	ATP-220	P04	27 March 2017
Bunnings Warehouse Floor plan Lot 1	ATP-221	P04	27 March 2017
Bunnings Warehouse Roof Plan Lot 1	ATP-222	P03	27 March 2017
Bunnings Warehouse North & South Elevations Lot 1	ATP-223	P05	28 April 2017
Bunnings Warehouse East & West Elevations	ATP-224	P05	28 April 2017
Bunnings Warehouse Sections	ATP-225	P04	28 April 2017
Site Plan Lot 2	ATP-251	P07	10 May 2017
Tenancy Floor & Roof Plans Lot 2	ATP-252	P05	17 May 2017
Tenancy Elevations & Section Lot 2	ATP-254	P06	17 May 2017
Family Restaurant Tenancy Lot 2	ATP-260	P08	22 May 2017
Overall Rear Elevations Lot 3	ATP-290	P04	25 May 2017
Retaining Wall Sections	ATP-291	P04	6 June 2017
Shadow Diagram	ATP-292	P04	6 June 2017
Aerial View	ATP-293	P03	6 June 2017
Perspectives	ATP-294	P01	6 June 2017
Retaining Wall Sections	ATP-295	P03	6 June 2017

Landscape Plans prepared by: Site Image, Project Number: SS17-3531			
Name of Plan	Drawing Number	Issue	Date
Cover Sheet	000	I	10 July 2018
Landscape Plan 1	101	H	9 July 2018
Landscape Plan 2	102	H	9 July 2018
Landscape Plan 3	103	I	9 July 2018
Landscape Plan 4	104	J	10 July 2018
Landscape Plan 5	105	I	10 July 2018
Landscape Details	501	B	9 July 2018
Landscape Sections	601	E	10 July 2018

Civil Drawing Plans prepared by: Mott MacDonald, Project Number: MMD-382538-C-DR-00-S96			
Name of Plan	Dwg No.	Issue	Date
Cover Sheet	0001		3 July 2018
General Notes and Legends Sheet 1	0002	P7	27 July 2018
General Arrangement Plan	0005	P6	2 July 2018
Soil and Water Management Plan – Sheet 1	0010	P5	19 December 2017
Soil and Water Management Plan – Sheet 2	0011	P5	19 December 2017
Soil and Water Management Notes and Details	0115	P5	19 December 2017
Soil and Water Management Notes and Details	0016	P5	19 December 2017
Siteworks and Stormwater Plan Sheet 1	0110	P7	27 July 2018
Siteworks and Stormwater Plan Sheet 2	0111	P7	27 July 2018

Siteworks and Stormwater Sheet 3	0112	P7	27 July 2018
Siteworks and Stormwater Sheet 4	0113	P7	27 July 2018
Siteworks and Stormwater Sheet 5	0114	P7	27 July 2018
Site Sections Sheet 1	0120	P3	2 July 2018
Site Sections Sheet 2	0121	P3	2 July 2018
Stormwater Details Sheet 1	0150	P6	2 July 2018
Siteworks Details Sheet 1	0160	P6	2 July 2018
Typical OSD Tank Details Sheet 1	0179	P1	2 July 2018
DRAINS Catchment Plan	0180	P5	2 July 2018
MUSIC Catchment Plan	0181	P5	2 July 2018
Retaining Wall Alignment Plan Sheet 1	0200	P2	2 July 2018
Retaining Wall Alignment Plan Sheet 2	0201	P2	2 July 2018
Retaining Wall Longsections Sheet 1	0210	P2	2 July 2018
Retaining Wall Longsections Sheet 2	0211	P2	2 July 2018
Retaining Wall Longsections Sheet 3	0212	P2	2 July 2018
Retaining Wall Longsections Sheet 4	0213	P2	2 July 2018
Concept Cut and Fill Plan Sheet 1	0220	P2	2 July 2018
Concept Cut and Fill Plan Sheet 2	0221	P2	2 July 2018



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(b) Document Reference:

Document	Reference	Author	Date
Section 96(2) Application to DA/251/2013 20 Pacific Highway Bennetts Green	SA6493	URBIS	June 2017
As Amended By			
Addendum and Response to RFI for DA/251/2013/A 20 Pacific Highway Bennetts Green	SA6493	URBIS	21 December 2017
As Amended by:			
2 <sup>nd</sup> Addendum and Response to RFI for DA/251/2013/A 20 Pacific Highway Bennetts Green	SA6493	URBIS	11 July 2018
Email Correspondence	Bennetts Green – Update on Referrals – Response to landscape Referral	URBIS	26 July 2018

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.

Notwithstanding any other condition of this consent, the consent permits separate Construction Certificates to be issued for the development in stages, provided that conditions of consent relevant to the development incorporated within that stage have been complied with prior to the release of the relevant Construction Certificate.

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**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**

No part of the development shall be occupied or used prior to the issuing of an Interim Occupation Certificate, by the Principal Certifying Authority, for that part of the development.

A Final Occupation Certificate is to be issued by the Principal Certifying Authority at the completion of the development.

**6. Sequence of Development**

The first or any Construction Certificate shall not be issued/released by the Principal Certifying Authority unless application for registration of the Linen Plan of Subdivision has been made through the Office of Land and Property Information.

Note, this condition has been satisfied with the registration of Deposited Plan 1214343.

**7. Bulky Goods Retail Units**

This development consent authorises the occupation or use of the Units 1-5 for Bulky Goods Retail, subject to a fitout application. Occupation or use of the Units for a land use other than Bulky Goods Retail shall be subject to a separate development consent or Complying Development Certificate.

**8. Staging of Development**

The development is staged pursuant to with S80(4) of the Environmental Planning and Assessment Act, 1979, and the following:

Stage 1A, being the subject of this development consent, incorporates the following:

Subdivision

Building Products Warehouse and Showroom

Restaurant

Lot 2 Bulky Goods Units 1 to 5

Lot 3 Bulky Good Units (concept approval only – see Stage 1B)

Demolition

Signage

Landscaping

Civil and Stormwater

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Intersection upgrades at Pacific Highway and South Street

Car parking and access ways associated with the Building Products Warehouse and Showroom, Lot 2 Bulky Goods Units and Restaurant

Service Road at the rear of the Lot 2 Bulky Goods Units, connecting with the internal round-a-bout servicing the access off the Pacific Highway and Groves Road intersection

Public Domain Works

Stage 1B, being subject to separate Development Consent, incorporates the following:

Lot 3 Bulky Goods Units

Intersection upgrade at Lake Street

Service Road at the rear of Lot 3 Bulky Goods Units

Car parking and access ways associated with Lot 3 Bulky Goods Units

Landscaping associated with Lot 3 Bulky Goods Units

Public Domain Works

Stage 1C, is specifically excluded from this Development Consent, and is subject to separate Development consent, incorporates the following:

Lot 3 service station and take away fast food outlet

## **9. Voluntary Planning Agreement**

Pursuant to Section 93I(3) of the Environmental Planning and Assessment Act 1979, the Planning Agreement as exhibited and adopted by Lake Macquarie City Council shall be entered into within 10 days of the granting of this consent.

The obligations of the Planning Agreement are to be fulfilled by the party having the benefit of the consent.

No work shall commence, nor any Construction Certificate or Subdivision Construction Certificate be issued until such agreement has been entered into.

The party having benefit of the consent should read and be aware of the contents and requirements of the Planning Agreement. A copy can be inspected at Council's Administration Building located at 126 – 138 Main Road, Speers Point by contacting Council's Development Contributions Section.

## **10. Concurrence Conditions by the NSW Office of Environment & Heritage**

- (1) The development must be undertaken in accordance with the Species Impact Statement (SIS) including but not limited to the ameliorative measures documented in Section 7 of the SIS.
- (2) The provision of biodiversity offset at Ryhope ('the Offset') as shown in Figure 1 of this Concurrence Report must be secured in perpetuity for conservation prior to any construction certificate being granted. Evidence of this is to be provided to the planning authority prior to the granting of any construction certificate by the Principal Certifying Authority. As a minimum such evidence is to include transfer of the 4.35 hectares of unmade roads (known as Lot 1 DP 1198888) in the Offset from

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the applicant to the consent authority; a Planning Agreement with the consent authority or future owner of the offset land demonstrating commitment and funding for ongoing conservation management; and a Section 88E instrument under the Conveyancing Act 1919 securing the land for conservation purposes.

- (3) The proponent must only sell the 4.35 hectares of unmade roads in the Offset (shown in Figure 1 of this Concurrence Report) to Lake Macquarie City Council, as described in section 7.3.1 of the SIS.
- (4) The proponent must develop a 'Vegetation Management Plan' and a 'Plan of Management' for the Offset land as required under the Planning Agreement. A Vegetation Management Plan must be submitted to and approved by Lake Macquarie City Council's nominated delegate prior to the granting of any construction certificate. A Plan of Management is to be submitted to and approved by Lake Macquarie City Council prior to completion of maintenance works.
- (5) The Vegetation Management Plan must be implemented in accordance with the requirements of the Planning Agreement agreed between the proponent and Lake Macquarie City Council until such time as the Offset Land has reached a Stable State. Stable State means the condition of the Offset Lands so that they require minimum management works to maintain conservation value and can be mainly self-managed with only low levels of annual maintenance management after the maintenance works have been undertaken.

The Proponent must provide funding to Lake Macquarie City Council in accordance with the provisions of the Planning Agreement for the ongoing management of the Offset Land after it has reached a Stable State. The Offset Land will then be managed by the Council in accordance with a 'Plan of Management' prepared in accordance with the Planning Agreement. The Plan of Management will contain a provision requiring consultation with OEH's Planning Senior Team Leader, Hunter Central Coast Branch on review of the plan by the Council.

Note: Definitions. For the purposes of this Concurrence references to:

- 'Stable State' *means* the condition of the Environmental Conservation Lands so that they require minimum management works to maintain conservation value and can be mainly self-managed with only low levels of annual maintenance management after the Maintenance Works have been undertaken and which must have achieved, at a minimum:
  - a) 100% removal of Noxious Weeds and Transformer Weeds (unless otherwise agreed with the Planning Authority, acting reasonably);
  - b) a locked gate at the start of the fire trail, nearest Wakefield Road;
  - c) fencing on the perimeter of the Environmental Conservation Lands to prevent illegal vehicular access and at a minimum, the fencing is to be constructed along the Wakefield Road boundary including with adequate returns;
  - d) removal of rubbish (unless otherwise agreed by the Planning Authority, acting reasonably);
  - e) prevention of accelerated erosion through erosion control generally in accordance with the 'Blue Book', *Managing urban stormwater*:

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*Soils and construction Volume 1*, Landcom, Fourth Edition, March 2004 ISBN 0-9752303-3-7; and

- f) signs on the perimeter to promote appropriate use of the Environmental Conservation Land. Signage is to be approved by Planning Authority prior to installation, but excludes the upgrade of the track through the Environmental Conservation Lands; and
  - 'OEH's Planning Senior Team Leader, Hunter Central Coast' means Planning Senior Team Leader, Hunter Central Coast Branch, *Office of Environment and Heritage, Department of Premiers and Cabinet*.
- (6) The Offset land must be managed for conservation in perpetuity, as per OEH's offsetting principles (OEH 2011b).
- (7) The measures stated in Section 7 of the SIS must be implemented and in addition to the following conditions:
- a) The proponent must enter into an access/works license with Council's Property Department for translocation work (described below) on Council land, and /or as otherwise agreed with the Planning Authority. Any license is to be entered into prior to issue of any construction certificate;
  - b) The proponent must translocate ten (10) ten plants of Small-flower Grevillea from across the development footprint on Lot 10 DP 1013486 into the part of Tulootaba Reserve (Lot 3 DP 1214343) shown by yellow cross-hatching in Figure 3 of the report '*Grevillea parviflora* subsp. *parviflora* translocation areas reassessment, Bennetts Green', by Eco Logical Australia (dated 16 November 2017);
  - c) Any translocated plants must be planted within the area enclosed by exclusion fencing as described in Section 7.2 of the SIS;
  - d) Any translocated plants must be removed in a mass of soil at least 30cm diameter by 50 cm deep centred on any existing stem, and each plant with soil wad must be carefully planted so as not to harm any of the naturally occurring stems of Small-flower Grevillea outside the development footprint. The soil around each plant must remain intact during the translocation and planting steps. Care must be exercised so that shape of the hole conforms to the shape of soil wad so as to prevent holes or settling of soil that could adversely affect plant survival. All plants must be watered in well within one (1) hour of being translocated;
  - e) Translocation must be supervised by an appropriately qualified ecologist;
  - f) Each translocated plant must be allocated a unique number, be photographed, have its maximum height measured and its location recorded by GPS (Eastings and Northings in World Geodetic System (WGS) 84, Zone 56);
  - g) The translocation must be done in accordance with 'Guidelines for the Translocation of Threatened Plants in Australia (Second Edition)' produced by the Australian Network for Plant Conservation;
  - h) The translocated plants must be monitored on an annual basis for a period of five (5) years in which the number and height of live stems; presence of

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flower buds, open flowers, developing fruit, ripe fruit or old fruit, stem, number of dead stems, height of dead stems per plant is noted, and each translocated plant is photographed. Annual monitoring reports to be submitted to the planning authority over the 5 year monitoring period; and

- i) Weeding and other appropriate management activities, as determined by an appropriately qualified ecologist may be conducted in and around the translocated plants of Small-flower Grevillea. Existing indigenous groundcover species, including shrubs and vines must be retained in the proposed translocation receival areas.



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

The following General Terms of Approval have been issued by NSW Office of Water on 19 April 2013 and shall be complied with.

### Plans, standards and guidelines

(1) These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 251/2013 and provided by Council:

- (i) Site plan, map and/or surveys
- (ii) Structural design and specifications
- (iii) Vegetation Management Plan
- (iv) Works Schedule
- (v) Erosion and Sediment Control Plan
- (vi) Soil and Water Management Plan
- (vii) Rehabilitation Plan

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

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

(3) The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

### Rehabilitation and maintenance

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

## **12. General Terms of Approval – Approval under Section 22 of the Coal Mine Compensation Act 2017**

The following General Terms of Approval have been issued by NSW Mine Subsidence Board and shall be complied with:

### Building – 4 May 2018

General



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## Plans, standards and guidelines

- (1) The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or modified by the conditions of this approval.

Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application for consideration by Subsidence Advisory NSW. If amendment to the design result in the development not remaining substantially the same as that approve by this approval, a new Application will have to be submitted to Subsidence Advisory NSW.

- (2) This approval expires 5 years after the date the approval was granted if construction work has not physically commenced.

## Prior to Commencement of Construction

- (3) Prescribed Design Parameters

The proposed structure(s) is to be designed to be “*safe, serviceable and any damage from mine subsidence shall be limited to very slight in accordance with AS28870 (Damage Classification) and readily repairable*” using the subsidence parameters outline below:

- a) Maximum vertical subsidence: 200mm
  - b) Maximum Horizontal Strains: (+/-):1mm/m
  - c) Maximum Tilt: 3 mm/m
  - d) Maximum Radius of Curvature: 12 km
- (4) Submit an “Engineering Impact Statement” prior to commencement of detailed design for acceptance by SANSW, which shall identify the:
    - a. Mine Subsidence Parameters used for the design.
    - b. Main Building elements and materials.
    - c. Risk of damage due to mine subsidence.
    - d. Design measures proposed to control the risks.
    - e. Comment on the:
      - Likely building damage in the event of mine subsidence.
      - Sensitivity of the design to greater levels of mine subsidence.
  - (5) Submit a final design incorporating the design methodology contained in the “*Engineering Impact Statement*”, for acceptance by Subsidence Authority NSW prior to commencement of construction. It shall include certification by a qualified structural engineer to the effect that the improvements will remain “*safe, serviceable and any damage from mine subsidence shall be limited to ‘very slight’ damage in accordance with AS2870 (Damage Classification), and readily repairable*” taking into consideration the mine subsidence parameters outlined above.

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- (6) Upon completion of construction, works-as-executed certification by a qualified engineer is to be forwarded to the Subsidence Advisory NSW confirming that construction was in accordance with the plans approved by Subsidence Advisory NSW.

Subdivision – 15 January 2015

The Mine Subsidence Board has granted its approval for this subdivision, subject to:

- (a) The number, size and boundaries of lots being substantially as shown on the approved plan, and
- (b) Notification being made to the Board of any changes to lot numbering and of the registered DP number.

**13. Roads & Maritime Service**

The following requirements of the Roads & Maritime Services are to be complied with:

Pacific Highway/Groves Road intersection

- The developer shall upgrade the Pacific Highway / Groves Road intersection by providing a fourth leg for vehicular access into and out of the subject site. The upgrade shall be designed and constructed in accordance with Austroads *Guide to Road Design 2010* (with Roads and Maritime supplements) and Roads and Maritime *Traffic Signal Design* to the satisfaction of Roads and Maritime including, but not limited to, the following works:
  - A right turn storage lane shall be provided on the southbound Pacific Highway approach to Groves Road. The lane shall be minimum of 100\* metres in length, not including tapers.
  - A left turn deceleration lane, in accordance with Drawing No. ATP-200 of project number 316137, revision P12, dated 22 May 2017 - (Attachment B) in terms of lane layout, shall be provided on the northbound Pacific Highway approach to Groves Road.
  - The proposed fourth leg shall be left out only.
  - The southbound Pacific Highway kerbside departure lane shall be extended from the Groves Road intersection, across the frontage of the development and merge prior to the South Street intersection.
  - The traffic signal phasing shall be designed to ensure that the operational performance, network efficiency and road safety of the Pacific Highway is maintained.

Proposed new signalised intersection south of Groves Road

- The developer shall design and construct a new three leg Traffic Signal Controlled intersection south of Groves Road. The intersection shall be designed and constructed in accordance with Austroads *Guide to Road Design* (with Roads and Maritime supplements) and Roads and Maritime *Traffic Signal Design* to the satisfaction of Roads and Maritime including, but not limited to, the following works:

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- A right turn storage lane shall be provided on the southbound Pacific Highway at the new intersection south of Groves Road. The lane shall be a minimum of 65\* metres in length, not including tapers.
  - A left turn deceleration lane shall be provided on the northbound Pacific Highway at the new intersection south of Groves Road. The lane shall be a minimum of 50\* metres in length, not including tapers.
  - The three travel lanes southbound shall be extended through this intersection.
  - The traffic signal phasing shall be designed to ensure that the operational performance, network efficiency and road safety of the Pacific Highway is maintained.

\*Note, distances relate to the minimum requirement for the modelling purposes, and not the minimum requirement from Austroads and RMS Guidelines.

Proposed left out only access at the southern end of the site

- The developer shall design and construct a new left out only vehicular access from the Pacific Highway at the southern end of the site. The access shall be designed and constructed in accordance with Austroads *Guide to Road Design* (with Roads and Maritime supplements) and to the satisfaction of Roads and Maritime including, but not limited to, the following:
  - The driveway shall be angled to restrict any access of vehicles from the Pacific Highway,
  - The driveway shall be restricted to service vehicles only.

General

- Priority shall be given to vehicles entering the site from the new southern TCS, over vehicles travelling through the site. Can be managed through the provision of a Stop sign on the internal through road immediately after the pedestrian crossing, to give priority to vehicles turning right towards Lot 2.
- Roads and Maritime recommend that the following matters be resolved to improve the efficiency of the internal roundabout at Groves Road (these can be conditioned):
  - Removal / relocation of the four parking spaces fronting the Family Restaurant site closest to the roundabout, alternatively providing a barrier along the centre of the aisle to restrict any motorists from turning right into these spaces,
  - Consideration to removing the access between the roundabout at the service road, alternatively making this access an exit from the roundabout only,
  - Amending the access to the service station site from the roundabout to be entry only,
  - Further detail to be provided for Roads and Maritime / Council review prior to first Construction Certificate for the proposed development, excluding any Construction Certificate for site clearing and bulk earthworks.

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- All signalised intersections shall be designed and constructed to accommodate on-road cyclists unless specified otherwise by Roads and Maritime. If cyclists cannot be accommodated on-road due to site constraints, and subject to agreement by Roads and Maritime, adequate provision shall be made off-road.
  - All traffic lanes shall be 3.5 metres in width on the Pacific Highway and at traffic signal controlled intersections, or as determined by Roads and Maritime.
  - Co-ordination and linking of all traffic control signals is required at full cost to the developer, to Roads and Maritime requirements.
  - Appropriate pedestrian and cyclist facilities, foot/cycle paths and ramps, connecting to traffic signal controlled intersections shall be provided to the satisfaction of Roads and Maritime and Council. Pedestrian fencing on a concrete strip base shall be required in certain areas to prevent any unwarranted pedestrian movements, including across the Pacific Highway. This will be identified as part of the design review process through the WAD.
  - Street lighting shall be provided at all intersections and pedestrian crossings to the relevant Australian Standard, or as determined by Roads and Maritime.
  - All works associated with the proposed development shall be at full cost to the developer and at no cost to Roads and Maritime or Council.
  - A Construction Traffic Management Plan (CTMP) shall be prepared and include a Vehicle Movement Plan and a Traffic Control Plan. The CTMP shall be prepared with the intention of having minimal impact on the operation of the State road network during the construction phase of the development. All access is to be via the local road network. The CTMP shall be submitted to Roads and Maritime and Council for review and acceptance prior to any construction activities (including site clearing and bulk earthworks) commencing on site.
  - As road works are required on the Pacific Highway (JW10), the Roads and Maritime will require the developer to enter into a WAD with Roads and Maritime. Roads and Maritime will exercise its powers and the functions of the roads authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act, as applicable, for all works under the WAD (Attachments A).
  - The WAD shall be executed prior to the issuing the first construction certificate for the proposed development, excluding any Construction Certificate for site clearing and bulk earthworks.
  - All road works required under the WAD shall be constructed to practical completion to the satisfaction of RMS prior to an Occupation Certificate (interim or final) being granted for any stage of the building works.
  - All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to Roads and Maritime or Council, and to Council's requirements.
  - Signs should be constructed entirely within private property and should not encroach or overhang, into the road reserve.

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- All signs should meet the criteria contained in the Department of Planning's *Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017)* including, but not limited to, Section 3.3.3 Illumination and reflectance.
  - All signs meet the requirements of Schedule 1 Assessment Criteria of the *State Environmental Planning Policy (SEPP) No. 64 – Advertising and Signage*.
  - No sign approved on the structure, including the LED screen, should incorporate:
    - Flashing lights or messages.
    - Animated display, moving parts or simulated movement. Note, video and animated electronic signs are prohibited.
    - Complex displays that hold a driver's attention beyond "glance appreciation".
    - Displays resembling traffic signs or signals, or giving instruction to traffic by using words including, but not limited to, words such as 'halt' or 'stop'.
    - A method of illumination that distracts or dazzles.
  - Electronically changeable messages displayed on the sign must meet the 'Digital Sign Criteria' outlined within the Section 2.5.8 of the Department Planning's *Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017)*. The following key criteria should be conditioned:
    - Each advertisement must be displayed in a completely static manner, without any motion, for a dwell time of not less than 10 seconds.
    - Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.
    - The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen.
    - An electronic log of a sign's operational activity must be maintained by the operator for the duration of the development consent and be available to the consent authority and/or Roads and Maritime Services to allow a review of the sign's activity in case of a complaint.
  - Roads and Maritime may direct the screening, modification or removal of a structure if, in the opinion of Roads and Maritime, the structure is considered a traffic hazard under Section 104 of the Roads Act 1993.
  - On receipt and review of the concept design (including turning path templates for all movements into and out of the site and at the Pacific Highway / Groves Road intersection) Roads and Maritime reserves the right to revise its requirements. Operational performance, network efficiency and road safety will all be considered and assessed, in conjunction with the geometric design, to ensure they are maintained to the satisfaction of Roads and Maritime.
  - Roads and Maritime may need to make modifications to traffic arrangements at intersections in the future to meet the increasing demands of the network and all road users.

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## **Works on Council Land – Licence Requirements**

Prior to the applicant undertaking works on Council land (Tulootaba Reserve, 1D South Street, Windale and Mick Bird Oval, 1C South Street, Windale) in accordance with the conditions of this consent, a licence from Council's Property Department is to be obtained and maintained for the duration of the access.

### **14. Water Course Rehabilitation**

The recommendations of the 'Crokers Creek Watercourse Rehabilitation Plan' by Ecological, dated 29 January 2016 (Project No. 2477) are to be implemented by the applicant. Council's Senior Ecosystems Officer is to inspect the work and provide the applicant with a sign off acknowledging satisfactory completion of the works in accordance with the Rehabilitation Plan.

The Principal Certifying Authority shall not release the first or any Interim or Final Occupation Certificate without evidence of Council's Senior Ecosystems Officer having provided a certificate of completion of the rehabilitation works.

### **15. Stormwater Disposal - Stormwater Detention, Harvesting & Water Quality**

The Stormwater system submitted with any Construction Certificate shall be generally in accordance with the plans approved by the Development Consent prepared by Mott MacDonald and must comply with the following:

- (a) Stormwater shall be disposed of through a piped system designed in accordance with Australian Standard AS 3500 by a suitably qualified professional. Qualifications shall be in accordance with Part DQS.06 of DCP 2014 Engineering Guidelines.
- (b) Stormwater detention measures shall be constructed and maintained to ensure that the development does not increase upstream or downstream flood levels.
- (c) Detention storage shall be calculated and designed in accordance with "Australian Rainfall and Runoff 1987" and the Lake Macquarie City Council guideline – "Handbook for Drainage Design Criteria" and shall conform to the specifications and standards contained in DCP 2014 Engineering Guidelines.
- (d) Stormwater quality measures shall be constructed and maintained to ensure that the quality of stormwater runoff from the development complies with the recommendations of Council's DCP and associated stormwater guidelines.
- (e) Stormwater harvesting measures shall be constructed and maintained in accordance with the DCP 2014 Water Cycle Management Guideline. Stormwater drainage plans shall include details of the harvesting system (eg rainwater tank and pump details plus reticulation diagrams).
- (f) Prior to the issue of a Construction Certificate for any stormwater management works (not including a Construction Certificate for site clearance and bulk earth works), a suitable qualified engineer shall certify that the stormwater design is consistent with the assumptions and recommendations of stormwater modelling assessments undertaken for the development.

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

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- (g) All drainage works shall be carried out generally in accordance with the approved Construction Certificate plans.
  - (h) 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.
  - (i) Certification by the engineer, is to be submitted to the Principal Certifying Authority that any changes comply with the requirements (a), (b), (c), (d) and (e) as shown above. **Note:** This may be shown on the Works As Executed Plan.

## **16. Concrete Footpath – Public Domain**

At the cost of the person having benefit of the consent, concrete footpaths 1.2 metres wide shall be constructed:

- (i) in accordance with the approved plans;
- (ii) extend along the southern side of Lake Street from the Lake Road access for the Service Road to the existing footpath located on the western side of the PCYC;
- (iii) from the western side of the pedestrian overpass of the Inner City Bypass to the existing footpath located on the southern side of Lake Street, north of the Windale Bowling Club.

Concrete footpaving shall be constructed in accordance with Lake Macquarie City Council standard drawing EGSD-301 which is available from Councils website. An approval under s138 of the Roads Act 1993 shall be obtained from the appropriate roads authority prior to the issue of the relevant Construction Certificate for those works. No footpath works shall commence prior to the issue of a Construction Certificate.

Prior to the issue of the final Occupation Certificate a certificate shall be issued by the Principal Certifying Authority stating that the work has been undertaken in accordance with the Council's DCP 1 Volume 2 Engineering Guidelines.

## **16A. Concrete Footpath – Mick Bird Oval**

At the cost of the person having benefit of the consent, a concrete footpath 1.2 metres wide shall be constructed connecting the existing footpath adjoining the entry to the Mick Bird Oval, eastern side of South Street.

Concrete footpaving shall be constructed in accordance with Lake Macquarie City Council standard drawing EGSD-301 which is available from Councils website. No footpath works shall commence prior to the issue of a Construction Certificate. The work shall be undertaken in accordance with the Council's DCP 1 Volume 2 Engineering Guidelines.

The Occupation Certificate for the footpath shall be issued prior to the issuing of an Occupation Certificate for the buildings under this development consent.

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## **16B. Pedestrian Facilities – Lake Street**

The applicant shall install a pedestrian refuge and associated pram ramps and connecting footpaths in Lake Street on the southern side of the Windale Bowling Club subject to the approval of Council's Traffic Facilities and Road Safety Committee. Prior to works commencing an approval under Section 138 of the Roads Act 1993 is to be obtained.

The works are to be completed prior to the issuing of an Occupation Certificate for the buildings.

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

A paved vehicular access including kerb layback from the property boundary to the street shall be installed in accordance with Council's DCP 1 Volume 2 Engineering Guidelines and Councils Standard Drawings: EGSD-103, EGSD-201 or EGSD-104 (available from Councils website). An approval under s138 of the Roads Act 1993 shall be obtained from the appropriate roads authority prior to the issue of the relevant Construction Certificate for those works. Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first the paved crossing shall be completed for the building, at the owner's cost.

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

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

## **18. Erosion and Sediment Control Plan**

Prior to any works commencing onsite, including those 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,



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will achieve the water release criteria of 50mg/L of total suspended solids (TSS); and

- iv) All erosion and sediment control measures are in accordance with DCP 2014.

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

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

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

## **19. Flooding**

Prior to the release of a Construction Certificate by the Principal Certifying Authority for any structures on the site the applicant shall provide documentation demonstrating compliance with the recommendations of the Mott Macdonald Report dated 29 September 2014 (reference 302816) that no structures will be impacted by floodwaters in the 100 year storm.

## **20. Bushfire – Development on Bushfire Prone Land**

The development on bushfire prone land, shall conform to the specifications and requirements of:

- The guide “*Planning for Bush Fire Protection 2006*” ISBN 0 9585987 8 9, produced by the NSW Rural Fire Services; and
- If another document is prescribed by the regulations for the purposes of Section 79BA of the Environmental Planning and Assessment Act (as amended), that document; and
- The bush fire assessment prepared and approved for the subject development; and
- The following conditions concerning measures to be taken with respect to the development to protect persons, property, and the environment from danger that may arise from a bush fire:

### Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- (1) At the commencement of building works and in perpetuity the entire property shall be managed 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'.

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### Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- (2) Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

### Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

- (3) Internal Roads shall comply with the performance criteria of section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

### Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- (4) A Bush Fire Emergency Management and Evacuation Plan for the site shall be prepared consistent with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

### Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- (5) The openable windows on the proposed buildings in Lot 1 and Lot 3 (not including servery windows on the fast food outlets) be screened with aluminium, steel or bronze metal mesh having an aperture size of =2mm in such a way that the entire opening remains screened when the window is in the opened position.
- (6) All gaps >3mm on the proposed buildings in Lot 1 and Lot 3 be either screened within aluminium, steel or bronze metal mesh having an aperture size of =2mm or enclosed.
- (7) The external side hung doors and any servery window (fast food outlet) on the proposed buildings in Lot 1 and Lot 3 be tight fitting and fitted with a draft excluder.

This may require draft excluders on the stiles, head, sill or threshold and rebated or planted jambs & centre stiles.

- (8) Any external roller doors on the proposed buildings in Lot 1 and Lot 3 have tight fitting guide tracks and are sealed at the head and sides so that there are no gaps >3mm.

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- (9) The doors into the main warehouse within Lot 1 within 24 metres of the southern boundary are fire rated (min -/30/-).
  - (10) Mechanical ducted ventilation on the proposed buildings in Lot 1 and Lot 3 provides screens over air intake vents and ensure that exhaust vents are either screened or fitted with dampers that close when positive outward air pressure is lost to ensure they maintain ember protection to the inside of the building.
  - (11) Any polycarbonate roof sheeting on buildings in Lot 1 and 3 shall use a material with a flammability index of less than 5 and have steel, bronze or aluminium mesh screens with a maximum aperture of 2 mm fitted immediately above or below the roof sheeting.
  - (12) Any shade sails in the outdoor areas of the building on Lot 1 shall be of a material having a flammability index of less than 5.
  - (13) Any roof sheeting on buildings in Lot 1 and 3 shall be fully sarked with a sarking having a flammability index of less than 5.

Landscaping

- (14) Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

## **21. Phase 1 Environmental Assessment Report**

The recommendations of the Phase 1 Environmental Assessment Report No. 1101082Rpt01FinalV01\_19Dec11 prepared by Geo Logix Pty Ltd dated December 2011 shall be complied with. Any works undertaken in relation to the development shall embody all the relevant recommendations of the Report.

## **22. 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 the final Occupation Certificate at the cost of the person with the benefit of the consent.

## **23. Disability Access Requirements**

The Principal Certifying Authority shall not issue the Construction Certificate (not including site clearing and bulk earthworks) without the following measures being incorporated into the documentation:

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- (i) Access for people with disabilities must be provided from the building(s) to kerb ramps and footpaths along the street frontage, by means of a continuous path of travel in accordance with Australian Standard AS 1428.1.
  - (ii) Provision for wheelchair users to access the counter areas.
  - (iii) Designated accessible parking within staff parking areas.
  - (iv) Three accessible parking spaces to be provided in proximity to entries to the Bulky Goods Units 1-8.
  - (v) The accessible pathway from South Street to the Pacific Highway along the frontage of the Building Products Warehouse shall have a compliant width and appropriate crossing markings on the road pavement.

**Note:** Additional legislation exists to promote the provision of services, which enable people with a disability to maximise their potential, further their integration in the community and achieve positive outcomes.

The following legislation may be relevant:

- The NSW Disability Services Act 1993
- The Commonwealth Disability Discrimination Act 1992
- NSW Anti Discrimination Act 1977.

For further information please consult:

- Human Rights and Equal Opportunity Commission
- NSW Anti Discrimination Board.

## **24. Tactile Indicators**

The development shall have tactile indicators installed in accordance with AS 1428.4.

**Note:** The areas of the development to have tactile indicators installed are varied and include kerb ramps and footpaths along the street frontage; carpark pedestrian crossings (street frontage and internal); lifts; stairways and ramps.

## **25. Dilapidation Survey Report**

Prior to the commencement of works (including demolition) on the land, a dilapidation survey report prepared by a suitably qualified practising engineer, of properties and existing public infrastructure potentially affected by the proposed development, shall be lodged with Council and submitted to the Principal Certifying Authority. The dilapidation survey report shall locate the area within which the damage may be potentially caused to nearby and neighbouring properties as a result of the carrying out of demolition or construction works pursuant to this consent. The report is to include a description of the location and nature of any existing observable defects to the properties and existing public infrastructure, including a photographic record.

A final Dilapidation Survey Report shall be prepared by a suitably qualified practising engineer at the completion of the works to ascertain if any structural or cosmetic

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damage has occurred to the properties specified in the earlier report. A copy of the report shall be submitted to Council the Principal Certifying Authority and owners of potentially affected properties and public infrastructure prior to the issue of the Final Occupation Certificate.

## **26. Crime Prevention Through Environmental Design**

The development is to incorporate the recommendations listed under Section 5, Page 13 of the 'Crime Prevention Through Environmental Design Assessment' by Barker Ryan Stewart dated June 2013(ref. CC170063P01) and the following measures to achieve Crime Prevention Through Environmental Design outcomes:

### Surveillance

- The Building(s) are to have a CCTV monitoring and surveillance system fitted. Clarity of surveillance should have capacity to identify facial characteristics of potential offenders.

### Access Control

- Doors and windows are to be secured against illicit entry (ie. heavy duty hinges, deadlocks), as well as all outdoor storage areas. All doors are to be solid core with galvanised steel door frames.
- Buildings to have a security alarm system fitted, with remote monitoring and response.
- Engage the services of security contractors to regularly inspect the site.

### Space Management

- A long-term maintenance plan shall be prepared for the development. A copy of the plan shall be submitted to the Principal Certifying Authority and approved prior to the issue of the Final Occupation Certificate. The long-term maintenance plans shall cover maintenance of vegetation, lighting, graffiti management and malicious damage. Graffiti shall be removed within 72 hours, and lighting, if damaged or broken shall be restored within 48 hours.
- Trees are not to be located close to the buildings as they can be used as natural ladders and provide concealment opportunities. Trees should be regularly maintained to ensure branches cannot act as a natural ladder to gain access to higher parts of the buildings.
- Maintain low level planting in appropriate locations to provide good visibility of the site from surrounding streets and the neighbouring open space area.
- Wheelie Bins and Industrial Bins are to be secured so they cannot be used as a climbing aid.
- The car park and external areas shall be well lit at night.
- Incorporate a public address system to assist with security and management of emergencies.

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The above requirements are to be incorporated into the plans submitted with the Construction Certificate (not including a Construction Certificate for site clearance and bulk earthworks) and implemented prior to release of the Final Occupation Certificate by the Principal Certifying Authority.

## **26A. Plan of Management for Trolley Containment**

A Plan of Management is to be submitted to Council for approval with regard to the containment of Trolleys. The Plan of Management is to specifically address:

- (i) The location and design principles for trolley storage bays;
- (ii) A trolley containment system that encourages the conferment of trolleys to the retailer's premises. Containment systems may include the following (but not limited to):
  - Coin/token operated systems with refund
  - Trolleys with wheel locks activated by radio signal or magnetic strip
  - Specialised paving, installation of bollards or other physical barriers that limit the removal of trolleys from the centre.
- (iii) a map and written schedule of surveillance and collection schedules detailing abandoned trolley services around the local town centres and neighbouring residential areas is to be supplied. This service map and schedule to be reviewed and updated, at least on an annual basis. In particular, the schedule of surveillance and collection should detail the style of service to be offered and the relevant contact details of service provider. Particular attention should be given to those areas known to regularly attract abandoned trolleys, such areas are to be provided with a service at least every 24 hours.
- (iv) details as follows:
  - Process for collection of trolleys outside of retail hours
  - Response time for collecting trolleys reported as stolen
  - Signage within the development indicating that trolleys are not to be removed from the premises and that penalties apply for abandoned trolleys
  - Well signed trolley bays at exit points to the complex
- (v) The POM shall also include reference regarding the intended signage and public education programs which may include (but not limited to):
  - signage within stores and car parks
  - signage at entry and exit points of stores and car parks
  - signage on trolleys
  - pamphlets in stores explaining the need for customer co-operation
  - local newspaper publicity
  - in-store messaging over PA systems

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- Publication of contact details registered at the developments website for the reporting of dumped trolleys and complaint handling during and outside of the approved hours of operation
  - Sign clearly advising the contact number of the collection agent

The POM should include the commitment of the retailer or shopping centre management to the implementation of actions identified within the POM.

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

Prior to the issuing of the Final Occupation Certificate, the Shopping Trolley Management Plan is to be implemented and maintained in perpetuity with the operation of the Shopping Centre, and is to apply to the major retailers, including but not limited to Bunnings, Anaconda and Spotlight.

## **27. Waste Collection**

Details of the proposed method of waste collection for the Bulky Goods Units 1-8 (inclusive) are to be submitted to Council for approval.

The Principal Certifying Authority must not release the Construction Certificate (not including a Construction Certificate for site clearance and bulk earthworks) for Bulky Goods Units 1 to 8 (inclusive) without Lake Macquarie City Council having approved the method of waste collection.

## **28. Translocation of Small-flower Grevillea**

Plans and a cover letter from a suitably qualified Ecologist detailing the proposed area for the translocation of the 10 plants of Small-flower Grevillea are to be submitted to Council for endorsement. The Ecologist is to identify the suitability of the location in terms of environmental conditions and its compatibility with adjoining/surrounding land uses and landscaping, the timing of the translocation works in relation to the construction works for Stage 1A of the development, as well as demonstrating compliance with the Concurrence conditions.

The Principal Certifying Authority must not release the first or any Construction Certificate until Council has endorsed the recommendations of the Ecologist.

## **29. 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 application shall be made to Council in accordance with Clause 34 of Lake Macquarie City Council LEP 2004 for the removal of any other trees or native vegetation. This includes application for the removal of any understorey vegetation or

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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.

### **30. Hollow Bearing Tree Removal**

A qualified ecologist or wildlife carer shall supervise installation of nest boxes and removal of any hollow bearing trees to ensure mitigation against any native animal welfare issues.

#### *Removal of Trees with Habitat Hollows*

Removal of trees with habitat hollows shall be undertaken outside of hollow dependent fauna hibernating and breeding periods (i.e. preferred clearing times occur in March/April and October / November), or at other times if required in accordance with written recommendations provided by the applicant's ecologist and subject to the approval of Council ), Any hollow-bearing trees shall be felled in one to two metre sections, beginning at the top of the crown. Lengths cut from the tree(s) shall be in a manner that will preserve the hollow(s) with each section inspected and appropriately treated to minimise impact to fauna.

#### *Nest Box Installation*

A minimum of nine nest boxes are to be installed on the adjacent Council land at Lot 3 DP 1214343 1D South Street Windale:

- At least 2 weeks prior to clearing and maintained by the applicant for five years;



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- At least 4 metres above ground;
  - Be of a design suitable for species that may be residing in trees marked for removal;
  - Be of a design that is consistent with NSW Government 2011, "*Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects - Guide 8: Nest boxes*", prepared by the Roads and Traffic Authority, September 2011 and NSW Government 2008, "*Guidelines for the design, construction and placement of nestboxes*", prepared by the Department of Environment, Climate Change and Water, Biodiversity Conservation Section.
  - At an orientation that is suitable for the species that the nest box has been designed. Micro bat nest boxes should be orientated at a north to north westerly aspect. Bird and mammal boxes should be orientated at an east facing aspect;
  - In a manner that minimises damage to the trees and surrounding vegetation; and
  - With a unique number affixed that can be read from the ground.

#### *Nest Box Monitoring*

Nest boxes shall be monitored to determine their usage and repairs or replacement (as required). Monitoring shall be carried out on an annual basis for a minimum period of five years following installation and/ or as otherwise agreed with Council.

#### *Reporting*

Council's Development Planner Flora and Fauna is to be provided with a written report following:

- Installation of nest boxes;
- Removal of hollow bearing trees; and
- Each annual monitoring/maintenance inspection.

Reports are to include the nest box identification number, artificial nest box or salvaged tree hollow type, GPS location (including GIS map), species and diameter at breast height of the host tree, artificial nest box or salvaged tree hollow height, nest box orientation, species use and nest box condition.

#### *Nest Box Removal*

At the expiration of the installation period the nest boxes should be removed unless otherwise advised.

If feral bees establish in the nest box during the monitoring phase, arrange for an appropriately qualified person is to be made to remove them. The box should be replaced with one that has carpet on the inside of the box roof, and if appropriate, surface insect spray to deter bees from establishing.

### **31. Management of Site - Erosion Prevention and Sediment Control**

All disturbed areas shall be revegetated or rendered erosion resistant in accordance with *Section 2.1.11 of Lake Macquarie City Council Development Control Plan 1* as soon as practical, and no later than the timeframes specified in *Managing Urban Stormwater: Soils and Construction "The Blue Book" 4<sup>th</sup> Edition, Landcom, 2004*.

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### 32. Topsoil and Stockpiles of Materials

Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.

Stockpiles of topsoil, sand, aggregate, spoil or other material stored on the site that is capable of being moved by running water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb, and/or road surface. Suitable sediment and erosion control devices shall be installed prior to the stockpile being created. The stockpile shall be treated so its surface is erosion resistant to wind and water action. No stockpiles of topsoil, sand, aggregate, spoil or other material shall be located on the public footpath or road reserve.

### 33. Tree Protection

Impacts on tree canopies or rootzones of any trees located in Tulootaba Reserve, Mick Bird Oval and PCYC is not to occur without advice from an arborist which has been endorsed by Councils Landscape Architect.

Trees and native vegetation located in the Lake Street Road reserve shall be maintained except as required to accommodate civil works. Details of tree removal to be submitted with the Subdivision Construction Certificate.

### 34. Category 3 Landscaping

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

Street trees along South Street shall comprise 7x *Corymbia maculata* 75Lt planted at even intervals along the streetscape as per LSD-PLA-05 D2 from *Lake Macquarie City Council Landscape Standard Drawings Feb 2016*. Trees are to have standard LMCC tree guards LSD-GUA-01 installed and timber edging LSD-EDG-01 to define extent of mulch as per the *Lake Macquarie City Council Landscape Standard Drawings Feb 2016*. All plantings are to have pot stakes and ties, labels and wire ties removed. Street trees to be established and maintained by the proponent for 52 weeks.

Street trees along the Pacific Highway frontage shall comprise 8x *Corymbia maculata* 75Lt planted as centres along the streetscape as indicated. Trees shall be planted as per LSD-PLA-05 D2 from *Lake Macquarie City Council Landscape Standard Drawings Feb 2016* with standard tree guards and timber edging. All plantings are to have pot stakes and ties, labels and wire ties removed.

All trees planted within carpark including *Cupaniopsis anacardioides* along northern boundary and *Tristanopsis 'Luscious'* along the eastern boundary are to be pot size 75 litre. All plantings are to have pot stakes and ties, labels and wire ties removed.

All trees planted along the western boundary of the site within the narrow planting area are to be pot size 25 litre. All plantings are to have pot stakes and ties, labels and wire ties removed.

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All landscape planting works shall be implemented under the full supervision of a contractor with a current *New South Wales Department of Fair Trading* endorsed license in Structural Landscaping.

All paving works shall be implemented under the full supervision of a contractor with a current *New South Wales Department of Fair Trading* endorsed license in Structural Landscaping, Building or Minor Trade – Paving.

Landscape works shall conform to planting densities as scheduled with all plants at nominated pot sizes and 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 established and maintained for a minimum of 52 weeks to achieve continuous healthy growth improving amenity and aesthetics over the site and meeting the aims for development in the zone.

At the completion of landscape works, the consulting landscape architect who prepared the documentation shall submit to the Principal Certifying Authority a Landscape Compliance Report prior to issue of Occupation Certificate. This Report shall certify that species, pot size and planting densities comply with approved documentation and practical completion of the landscaping works has occurred.

#### **34A. Screen Planting**

Low planting using native endemic species is required in front of the retaining wall fronting the Pacific Highway for screening purposes. Landscape details of the plantings are to be included with the relevant Construction Certificate. The landscaping shall be implemented prior to the issuing of an Occupation Certificate for the buildings.

#### **35. Acoustic Wall Detail**

The Acoustic Wall as recommended in the report by Acoustic Logic shall be finished in a recessive colour on external faces visible from the public street. Any finish shall be a graffiti resistant coating from which graffiti can be easily removed.

Landscaping shall be used to soften the appearance of the acoustic wall.

Details of the Acoustic Wall and landscape treatments are to be submitted to Council for approval. The Principal Certifying Authority must not issue any Construction Certificate, not including a Construction Certificate for site clearance and bulk earthworks, without Council having approved the detail of the Acoustic Wall and landscape treatments.

In submitting the design detail to Council, an endorsement of the proposed Acoustic Wall by an Acoustic Engineer is to be provided stating it is in accordance with the recommendations of the Acoustic Logic Report.

#### **36. Acid Sulphate Soils**

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If Acid Sulphate soils are exposed during works the advice of a suitable qualified geotechnical engineer shall be sought and the acid sulphate soils managed in accordance with the engineers recommendations.

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

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

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

### **38. Fencing**

Detailed plans showing the proposed location, extent, materials, dimensions is to be submitted to Council for approval. The Principal Certifying Authority must not issue any Construction Certificate, excluding a Construction Certificate for site clearing and bulk earthworks, until Council has approved a fencing plan for the development.

Fencing of the site shall be in accordance with the approved plans, noting:

- The pedestrian access from Council's open space to the west of the site is to have four 1500mm height black palisade 2400mm fence panels and a centre 1500mm height pedestrian gate installed at the proposed pedestrian access. The remainder of the fencing along the common boundary with Council's open space is to be 1800mm black cyclone fencing with a top and bottom rail and blunt finished picket.
- The internal security fence for the rear service area of the Building Products Warehouse and Showroom at the South Street entry is not to extend along the building elevation presenting to South Street.
- No fencing is to front Lake Road or the Pacific Highway.

All costs associated with the removal and replacement of any fence shall be borne by the person with the benefit of the consent and not the relevant neighbouring property owners.

Fourteen days written notice shall be given to the relevant neighbouring property owner of the intention to erect the boundary fencing.

### **39. Pylon Signs**

The maximum height of the Main Pylon Signs located at the Pacific Highway entries (Groves Road and new signalised intersection) and the Lake Street entry is restricted to 9 metres. A maximum of three Main Pylon Signs are permitted within the development site along the road frontages, .

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Signage details demonstrating compliance with the maximum height of 9 metres and the maximum number of Main Pylon Signs permitted is to be submitted with the Construction Certificate (excluding site clearance and bulk earthworks).

Note, signage associated with the Service Station / Take Away Food & Drink Premises is subject to separate development consent.

#### **40. Advertising Structures and Signs**

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

#### **41. South Street - Delivery Vehicles**

No delivery vehicles are to enter or exit the site at the South Street using the customer entry/exit driveway.

An exception is the entry driveway to the service driveway for the Building Products Warehouse and Showroom. The transition to the road pavement shall be smooth to minimise noise from delivery vehicles entering the service driveway. In addition, the road pavement fronting the South Street access is to be resealed/resurfaced to reduce future damage by delivery vehicle manoeuvring.

Details of the South Street access to the Building Products Warehouse and Showroom service road, including the transition, road pavement area to be resealed/resurfaced and demonstrating suitable width for delivery vehicle sweep paths are to be submitted to Council for approval. The Principal Certifying Authority shall not issue any Construction Certificate, excluding a Construction Certificate for site clearing and bulk earthworks, without Council having approved the documentation for the South Street entry.

#### **42. Restaurant Service Vehicle Manoeuvring**

A Management Plan for delivery vehicles accessing the loading dock for the restaurant is to be submitted to Council for approval. The Principal Certifying Authority must not issue any Construction Certificate, excluding a Construction Certificate for site clearing and bulk earthworks, until Council has approved the Management Plan for service vehicles to the Restaurant.

The Management Plan is to address potential conflicts between vehicles reversing into the restaurant loading dock and pedestrians and customer vehicles. The Management Plan is also to identify delivery times to avoid peak periods for the development.

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

A total of 819 parking spaces shall be constructed on the site in accordance with the minimum requirements of the Australian Standard AS/NZS 2890 as current at the time of construction, and maintained on the land in accordance with the approved plans.

The spaces shall be allocated in the following proportions for Stage 1A:

Building Products Warehouse	312 Car Spaces
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	Includes 6 – Disabled Car Spaces
Bulky Goods Units	507
	Includes 3 – Disabled Car Spaces
Restaurant	22
	Requires 2 – Disabled Car Spaces

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

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

All designated retail car parking spaces shall be available for use only by employees and clientele during the business hours of the approved development unless shown otherwise on the approved plans but are not to be used as public carparking. . No spaces shall be marked, signposted or otherwise identified as being for the sole use of staff only unless shown otherwise on the approved plans.

All car parking spaces, line marking and signage shall be completed prior to the issue of an Occupation Certificate.

#### **44. Bicycle Parking Racks**

Secure bicycle parking/storage shall be provided in accordance with the approved plans. The installation and dimensions of the bicycle parking/storage shall be in accordance with the Austroads 'Cycling Aspects of Austroads Guides' and Australian Standard AS2890.3:1993. These works shall be completed prior to the issue of the Final Occupation Certificate.

#### **45. 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.

An exception is the Brigade Access located on the eastern side of the Building Products Warehouse which is to be turf.

#### **46. Directional Signage**

The following safety measures are to be implemented:

- (a) Signage is to be installed that reinforces where passenger vehicles and heavy vehicles are to travel.
- (b) Four way intersections are to have priority defined through give-way line marking.

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A plan of all internal road safety signage and directional signage for tenants associated with the development is to be submitted to Council for approval. The Principal Certifying Authority shall not release any Construction Certificate (not including a Construction Certificate for site clearance and bulk earthworks) without evidence of Council having approved the plan.

**47. Pedestrian Crossings**

Pedestrian crossings within the development are to be raised crossings that are at the same level as the footpaths they connect too.

**48. Wheel Stops**

Wheel Stops are to be installed for all parking spaces fronting landscaping beds and/or pedestrian pathways/walkways.

**49. 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.

**50. External Storage of Products**

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

**51. Hours of Operation**

Store Operating Hours

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

Mondays to Fridays	6am to 10pm
Saturdays	6am to 9pm
Sundays and Public Holidays	7am to 9pm

Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.

Note: the 'Store Operating Hours' apply to the Building Products Warehouse and the Bulky Goods Units 1-5.

Restaurant

Monday to Sunday	24 hours
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Loading Dock Operating Hours

Following commencement of occupation, the loading docks shall operate only between the times stated as follows:

Mondays to Fridays	7am to 7pm
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Saturdays	7am to 7pm
Sundays and Public Holidays	7am to 7pm

An exception to the above is the use of loading docks by Customers to collect purchased goods during the store hours of operation.

## **52. Onsite Loading Facility**

The onsite loading facility shall be constructed clear of designated car parking spaces and driveways, must be kept clear of goods and must not be used for any storage purposes, including garbage storage.

All loading operations associated with servicing the site, must be carried out within the boundaries of the site, and must not obstruct other properties, access driveways, public roads or footpaths.

## **53. Materials & Finishes**

Details of the external materials and finishes, including colour scheme, for the Restaurant are to be submitted to Council for approval.

The Principal Certifying Authority must not release any Construction Certificate, excluding a Construction Certificate for site clearing and bulk earthworks, without Council having approved the materials and finishes, including colour scheme, of the Restaurant.

## **54. Screening of Roof Top Plant and Equipment**

All Roof Top Plant and Equipment for the Building Products Warehouse and the Bulky Goods Units are to be suitably screened. Details of the screening measures are to be submitted to Council for approval.

The Principal Certifying Authority must not release any Construction Certificate, excluding a Construction Certificate for site clearing and bulk earthworks, without Council having approved the screening measures for the Roof Top Plant and Equipment.

## **55. External Material Reflection**

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

## **56. Ausgrid Requirements**

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

## **57. Construction Traffic Management**



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All construction traffic, including contractor and employee vehicles, shall only enter and exit the construction site in accordance with the Construction Traffic Management Plan (CTMP) as approved by Council and Roads & Maritime.

#### **58. Bus Shelter**

The following works are to be completed prior to the issuing of the final Occupation Certificate by the Principal Certifying Authority:

- i. A bus shelter shall be provided at the Pacific Highway.

The bus shelter structure shall be constructed and installed in accordance with Council's Standard Drawing EGSD-801.

- ii. The existing bus stop in Iona Street shall be upgraded, inclusive of a concrete pad, seat and Tactile Ground Surface Indicators, in accordance with Council's Standard Drawing EGSD-801.
- iii. A new bus stop is to be established in Iona Street, opposite the existing bus stop, inclusive of a concrete pad, seat and Tactile Ground Surface Indicators, in accordance with Council's Standard Drawing EGSD-801.

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

Each bus stop is to comply with disability access requirements.

Prior to the issue of a Compliance Certificate/final Occupation Certificate a certificate shall be issued by the contractor stating that the bus stop and/or shelter installation has been undertaken in accordance with the Council's Standard Drawing EGSD-801.

All works are to be undertaken at the cost of the person having the benefit of the consent.

#### **59. 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.

#### **60. Filling Importation and Compaction**

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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."

## **61. Building Waste**

Prior to any construction work commencing, containment of building waste materials shall be provided within the boundaries of the building site, above natural or excavated ground level, by a screened area of silt stop fabric or shade cloth, having minimum dimensions of 2.4 x 2.4 x 1.2 metres high OR equivalent size waste disposal bin.

The enclosure or bin shall be maintained for the term of the construction to the completion of the development.

The enclosure or bin shall be regularly cleaned to ensure proper containment of the building wastes generated on the site.

Appropriate provision is to be made to prevent wind blown rubbish escaping from the containment.

## **62. No works on adjoining Public Reserve**

The public reserve adjoining the site shall not be affected by site works, construction materials stockpiles, waste, building products and debris, site sheds, spoil placement or the like with the exception of:

- (a) Rehabilitation works on Crokers Creek

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- (b) Translocation of *Grevillea parviflora* susp. *parviflora* (as nominated by the ecologist representing the person having the benefit of this consent and as agreed by Lake Macquarie City Council)

No access for vehicles, machinery or goods to the site shall be gained across the public reserve without a written license from Council. All costs associated with such a license shall be payable by the person having the benefit of the consent.

### **63. Driveway Design and Construction – Industrial/Commercial**

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

- (a) The Driveway design levels at the front boundary shall be obtained from Council's Asset Management Department prior to design of the driveway.
- (b) The Driveway Longitudinal Section, incorporating the design level provided by Council and other construction details (i.e. concrete thickness and reinforcement), shall be submitted to the Principal Certifying Authority for approval with the Construction Certificate.
- (c) The maximum gradient of the driveway shall not be steeper than 1V:5H (20%).
- (d) Suitable transition areas a minimum of 2 metres long shall be provided at the front boundary and at the entry to the garage or car parking area in accordance with AS 2890.1:2004.

**In addition to the above conditions the following conditions are specifically relevant to any works on existing public roads.**

### **64. 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 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.

### **65. Unobstructed Footpath Access**

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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.

## **66. Demolition**

No demolition work shall be undertaken without the Principal Certifying Authority having issued a Construction Certificate.

Demolition work shall be carried out only between the hours of 7:00am to 6:00pm Mondays to Fridays and 8:00am to 1:00pm Saturdays. No work is to be carried out on Sundays or public holidays.

Council's road and footpath shall not be damaged or obstructed at any time.

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 *Lake Macquarie City Council Development Control Plan 1 – Principles of Development*.

The site shall be rendered erosion resistant immediately upon completion of demolition if works are to be undertaken in stages as opposed to continuous and progressive works.

Temporary toilet facilities shall be provided during the course of demolition in accordance with Council's requirements ie. chemical closet or temporary sewer connection. Separate application shall be made to Council where a chemical closet is proposed.

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.

Demolition work, as defined within Chapter 10 of the *Occupational Health and Safety Regulation 2001*, shall be undertaken by a suitably licensed contractor.

## **67. Site Works and Clearing**

No site works, site preparatory works or clearing is permitted to occur without the Principal Certifying Authority having issued a Construction Certificate.

## **68. 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.

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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.

#### **69. 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.

#### **70. 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.

#### **71. Build Over Water Mains - Hunter Water Corporation Requirements**

The Principal Certifying Authority shall not release the any Construction Certificate without the approval of Hunter Water Corporation of the Construction Plans having regard to the water main and easement adjoining South Street. The development must be constructed in accordance with the Hunter Water Corporation requirements.

An exception to the above, a Construction Certificate for site clearance and bulk earthworks may be issued and related works commence subject to including an exclusion zone/setback of a minimum of five metres from the boundary of the easement.

#### **72. Signage – Over or Adjacent to Public Places**

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

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

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

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

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

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

### **73. Signage Requirements & Installation Certification**

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

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

### **74. Dial Before You Dig**

Prior to commencement of work, the free national community service "Dial Before You Dig" shall be contacted on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.



#### **74A. Asbestos Control Plan**

The Principal Certifying Authority must not issue of the first or any Construction Certificate without having received an Asbestos Control Plan (ACP) prepared by a suitably qualified and experienced contaminated land consultant or occupational hygienist. The ACP shall provide protocols for safe management and disposal of asbestos containing materials in the event they are encountered on the surface or within existing fill during the construction phase of the development. All relevant measures set out in the ACP shall be implemented on discovery of any asbestos containing materials.

#### **75. Noise – Ongoing Operation of Machinery, Plant and Equipment**

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

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

#### **75A. South Street Access**

The South Street customer access shall not be gated or have measures that restrict vehicle access.

Should Council receive complaints regarding noise generated by traffic entering/exiting the development via the South Street customer access between the hours of 10pm and 7am, the applicant shall obtain a review by an independent planning consultant including acoustic monitoring (by an acoustic consultant) and traffic counts (by a traffic consultant).

The review and its recommendations shall be submitted to Council for assessment. The applicant as directed by Council will implement measures to manage noise associated with the South Street customer access driveway between the hours of 10pm and 7am.

#### **76. Noise - Construction Sites**

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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.

### **77. Acoustic Certification**

The recommendations contained in the acoustic report prepared by Acoustic Logic, project number 20170522.1, dated 4<sup>th</sup> July 2018 shall be incorporated into the design and construction of the development.

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

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

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

### **78. Construction Site Vibration**



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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.

**79. 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."*

**80. Liquid Gaseous Wastes, Emissions and Odour Control**

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

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

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

**81. 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.

**82. Liquid Wastes**

Prior to the issue of any construction certificate for the Restaurant or the Building Products Warehouse & Showroom where a Café is included, details on the collection, treatment and/or disposal of liquid wastes arising from the operations shall be submitted to Council for approval. Details shall include segregation of drainage areas subject to likely contamination, and the methods for preventing contaminants discharging from the site into the stormwater system. No work shall commence on site until the Council's approval is obtained.

**83. 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.

Construction details shall be provided to the Principal Certifying Authority prior to the issue of any construction certificate, excluding a construction certificate for site clearing and bulk earthworks.

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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.

#### **84. 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.

#### **85. 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 a construction certificate relating to fitout works in the restaurant shall be accompanied by plans and specification demonstrating compliance with the Food Act and Regulations, and relevant Australian Standards. This excludes a construction certificate for site clearing and bulk earthworks.

##### **(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**

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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.

**86. 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"*.

**Roads And Drainage Construction Works on Public Roads**

**87. Public Domain Works – Street Trees**

A subdivision certificate application shall be lodged with and approved by Lake Macquarie City Council (LMCC) prior to any works in the public domain. The plans are to be completed by a qualified landscape architect (category 3 landscape consultant) who has demonstrated experience in producing landscape construction documentation for public realm works and is knowledgeable and competent in the extent of detail required to construct such works. The documentation shall reference and comply with the conditions of consent and approved landscape plans. Plans shall include the landscape consultants declaration.

Plans are to include details and specification information **suitable for construction** with no generic reference to concept plans or Council guidelines. Plans are to include tactile ground surface indicators to Australian Standards.

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

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

**Street Trees**

**Witness & Hold Points**

- Set out of tree pits within existing concrete footpath (hold 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 Councils Project

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- Management coordinator (hold point). Where amelioration of the soil is required, a copy of the results must be provided to Councils Project Officer, evidence of this application must be communicated and will form a witness/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 the installation of tree guards, in accordance with LMCC's *Landscape Technical Drawings Feb 2016* (witness point).
- The Landscape Construction Specification shall include a requirement for the following submissions to be made in a timely manner by the Contractor to Council's Project Manager
    - Batch Certificates for all imported soil in accordance with AS4419 -2003. Should site soil be utilised for planting purposes, soil testing must be conducted in accordance with AS4419 – 2003.
    - Pre-ordering of plant stock in accordance with the specification
    - Certification that trees comply with the Tree Supply Specification (as above).
    - Manufacturer's warranty and maintenance information for all proprietary products.

At the practical completion of works, the landscape consultant that produced the subdivision certificate application shall submit a **Landscape Compliance Report** to the LMCC Project Management Coordinator that certifies that all landscape works have received the relevant witness and hold point inspections, implemented and maintained in accordance with this subdivision certificate application. This compliance report is required prior to LMCC issuing a compliance certificate for the works.

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

#### **87A. Intersection Upgrade – South Street**

The applicant is to install a BAR right turn treatment and an AUL left turn treatment into the site at the customer driveway access on South Street.

#### **87B. Drainage**

- (i) Site outlet structures and scour protection shall not impede channel flows.
- (ii) Existing drainage channels adjacent to the Pacific Highway and South Street shall be shaped and graded to accept expected flows from the development.

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## **Roadways, Accessways And Footways**

### **88. Construction of Kerb and Gutter and Associated Works on Public Roads**

The Applicant shall ensure that all public roadworks are designed and constructed in accordance with the provisions of the publications and standards identified in this consent.

The extent of works shall be consistent with the plans, any other works identified within these conditions of consent and the following:

- (i) The full frontage of South Street of Lot 1, connecting into the existing kerb and gutter to the south and extending north 40m north of the South Street driveway entrance.
- (ii) The full frontage of the Pacific Highway extending from the intersection with South Street through to the intersection with Lake Street.
- (iii) The road pavement shall be a minimum of 14m pavement width along the full street frontage in South Street. The pavement will require an AC14 asphalt overlay placed for the full road frontage for the development along South Street and extended an additional 40m north of the driveway entrance to the development.

No works shall commence on site prior to the issue of the relevant **Construction Certificate by the Council**.

### **89. Linemarking and Signposting**

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

### **90. Pavement Standards**

Residential road pavements shall be designed in accordance with "A Guide To The Design Of New Pavements For Light Traffic" - AUSTROADS 1998. Main and Industrial road pavements are to be designed in accordance with "Pavement Design, A Guide to the Structural Design of Road Pavements" - AUSTROADS 1992. Designs for road pavements shall be submitted to and approved by the Council or a Private Certifier prior to road pavements being constructed. Where work is to be undertaken within a classified Main Road the pavement design shall also be submitted to the Roads and Traffic Authority for its approval prior to the commencement of works.

### **91. Stormwater Standards**

The Applicant shall arrange for the design and construction of stormwater drainage works in accordance with the requirements of the publications and standards identified in this consent.

No works shall commence on site prior to the issue of a **Construction Certificate** and all works shall be completed prior to the issue of an **Occupation Certificate**.

### **92. Roadways and Drainage Works Standards**

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

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- a. Australian Rainfall and Runoff, 1987.
  - b. AUSTROADS Guide To Traffic Engineering Practice.
  - c. Council's DCP and supporting guidelines.
  - d. Roads and Traffic Authority Road Design Guide.
  - e. Roads and Traffic Authority Interim Guide To Signs and Markings.
  - f. Managing Urban Stormwater documents (2004) by Landcom.
  - g. The Constructed Wetlands Manual - Department of Land and Water Conservation, 1998.
  - h. WSUD Technical Design Guidelines for South East Queensland
  - i. Healthy Waterways – Water by Design Guidelines
  - j. Subdivision Code
  - k. Australian Standards including, but not limited to:-
    - AS1428 - Design for Access and Mobility, Part 1 General Requirements for Access and Part 4 Tactile Indicators,
    - AS2890 - Off Street Parking

Where any inconsistency exists between these documents the Applicant shall verify in writing with Council, the relevant standard to be adopted.

### **93. RMS Approval to Works Required**

The Roads & Maritime Services (RMS) shall approve all engineering plans and specifications, for works on or impacting upon a Classified Road, prior to the issue of the relevant **Construction Certificate by the Council** in relation to those works.

### **94. Haulage Routes**

The Applicant shall submit to Council, in writing, details of the proposed haulage routes to be used during construction works. These details must be submitted a minimum of seven days before the commencement of haulage operations. No haulage operations shall take place prior to the approval of the routes by Council. The haulage routes shall not be varied without the approval of Council.

The Applicant shall maintain and restore the haulage route roads, as near as possible, to their original condition.

### **95. Details Required Prior to Commencement**

Construction works, with the exception of a Construction Certificate for site clearing and bulk earth works, in accordance with this development consent shall not commence until:-

- (a) detailed engineering plans and specifications (including a Design Certification Report and Checklists in accordance with the Lake Macquarie City Council Engineering Guidelines) relating to the work have been endorsed with a **Construction Certificate** by :-
  - (i) Council, or

- 
- (ii) an appropriately Accredited certifier accredited in accordance with the Building Professionals Board Accreditation Scheme, and
  - (b) the person having the benefit of the development consent:-
    - (i) has appointed a Principal Certifying Authority, and
    - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment, and
  - (c) the person having the benefit of the development consent has given at least two (2) days notice to Council of the intention to commence works.

In accordance with Council's authority under Section 138 of The Roads Act 1993, a Private Certifier shall not issue a Construction Certificate for any works within an existing public road unless Lake Macquarie City Council has issued an approval for the works under section 138 of the Roads Act 1993.

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

A fee for applications for Construction Certificates will be required to be paid in accordance with Council's fees and charges for Construction Certificates.

#### **96. Notice of Commencement of Works**

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

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

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

#### **97. Notification to Neighbours**

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

#### **98. Deleted**

#### **99. Noise Control**

All possible steps shall be taken to silence construction equipment and the operating noise level of plant and equipment shall not give rise to "offensive noise" as defined by the Protection of the Environment Operations Act 1997.

The operating noise level of machinery, plant and equipment during construction site operations shall comply with Chapter 171 of the NSW EPA's Noise Control Manual.

Construction operations shall be confined between the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm Saturday. If construction operations are inaudible within occupied residential properties then the work period may be extended on Saturdays to 7.00am to 1.00pm. No construction work shall take place on Sundays or Public Holidays.

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Should it be necessary to use mechanical rock breakers or conduct blasting then these operations shall be confined between the hours of 9.00am and 3.30pm Monday to Friday (excluding any Public Holiday).

#### Noise Level Restrictions

(i) Construction period of 4 weeks and under:-

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20dB(A).

(ii) Construction period greater than 4 weeks:-

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10dB(A).

#### **100. Traffic Control Standards**

For the duration of work being carried out as part of this development, the Applicant shall ensure that traffic control is undertaken in accordance with the requirements of Australian Standards AS 1742 - Manual Uniform Traffic Control Services – Parts 1, 2 and 3.

#### **101. Salvage of Trees and Shrubs**

Trees and shrubs which are felled shall be salvaged for re-use, either in log form, or as a woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots and stumps shall be disposed of in an approved manner.

#### **102. Street Lighting**

The Applicant shall provide street lighting for the development to the satisfaction of Energy Australia and in accordance with the road classification. The road classification shall be determined by Council and Energy Australia.

The street lighting provided shall include any necessary upgrading of the lighting of the intersection of any new roads with existing roads.

#### **103. Works as Executed Plan**

An electronic copy of the Works as Executed Plans for any works within public roads, certified by the Consulting Civil Engineer supervising the works or the Registered Surveyor in charge and certified by the Principal Certifying Authority, shall be supplied to the Council.

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

#### **104. Compliance Certificate for Works**

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

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



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## **Subdivision Conditions**

### **Submission For Subdivision Certificate**

There are requirements which must be satisfied before the Principal Certifying Authority may issue the Subdivision Certificate pursuant to Section 109J of the Environmental Planning & Assessment Act 1979 in respect of a subdivision.

#### **105. Final Plan Submission**

The Applicant shall submit an application for a **Subdivision Certificate** accompanied by an original copy of the Final Plan of Subdivision plus four (4) copies. The location of any existing buildings and/or other permanent improvements shall be indicated on one (1) full-size print. When all conditions of the Development Consent relating to this subdivision have been satisfactorily complied with the **Subdivision Certificate** will be issued.

#### **106. Survey Control Marks Interference**

The Applicant shall submit a statement from a Registered Surveyor verifying that the works did not interfere with any survey control marks OR the Applicant shall submit verification that the Survey Control Branch of the Department of Lands has been advised of any marks which will be destroyed and an undertaking that the requirements of the Survey Control Branch will be complied with.

#### **107. Show Lots Clear of 100 Year Flood Level**

The Applicant shall show by calculations and plans that all lots are clear of the 1:100 year flood level. This condition shall also apply to lots which would be affected by substantial overland flow, which may necessitate the carrying out of works to ensure properly drained and flood free conditions.

The Applicant shall supply the above calculations and plans showing the limit of the 1:100 year flood prior to the issue of a **Construction Certificate**.

**Note:** Lots that are not 500mm clear of the 1:100 year flood level will be subject to floor height control.

### **Provision Of Utility Services**

#### **108. Service of Public Utilities**

The Applicant shall service all lots in the subdivision with water, sewer, underground electricity and underground telephone facilities to the requirements of and by arrangements with the relevant supply authorities and company. The applicant shall liaise with AGL in relation to the future reticulation of gas in the subdivision.

Where required by the Commonwealth Government's *Fibre in New Development's Policy*, the applicant shall arrange for the installation of optical fibre cabling in accordance with the NBN Co. Limited's specification.

A letter of compliance from each service authority and service company shall be submitted to Council prior to the issue of a **Subdivision Certificate**.

Note: Applications for two (2) lot or dual occupancy subdivisions will not require 'letters of compliance' to be submitted to Council from Telstra or Energy Australia.

#### **109. 88B Instrument**

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The Registered Proprietor of the land shall provide an instrument under Section 88B of the Conveyancing Act setting out terms of easements and/or restrictions as to user as may be required by conditions of this consent. Council is to be the party empowered to release, vary or modify those (and only those) easements and/or restrictions required by conditions of this development consent.

#### **110. Section 50 Certificate**

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

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

#### **Application Fees**

##### **111. Application Fees for Certain Required Certificates**

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

For Council to process applications for any of these certificates fees would be payable:

You should approach Council for a quote for any necessary certificates;

Note: Any applications for works on public road that require approval under Section 138 of the Roads Act will be processed as Construction Certificate(s) by the Council

<b>Construction Certificate for works on Public Roads</b>	<b>\$ Quote</b>	Plus <b>\$50</b> Archival Fee	(inc GST)
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<b>Compliance Certificate for works on public roads</b>	<b>\$Quote</b>	Plus <b>\$50</b> Archival Fee	(inc GST)
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<b>Subdivision Certificate</b>	<b>\$508</b>	Plus <b>\$50</b> Archival Fee	(inc GST)
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Applications for these certificates should be lodged on the approved application form and accompanied by the appropriate fee.

Where the development includes construction works valued at \$25,000.00 or more, the applicant must pay the Long Service Levy, as detailed in the Building and Construction Industry Long Service Payments Scheme. The Levy must be paid prior to the issue of the Construction Certificate. The Levy may be paid directly to the Long Service Payments Corporation or to Council as agent for the Corporation. The Levy rate is 0.35% of the cost of building and construction works.

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

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## Attachment A

- Following development consent, early discussion with Roads and Maritime's Project Manager is recommended. Roads and Maritime will initiate the WAD process by sending out a letter and information pack on receipt of the Notice of Determination, including the name and contact details of the Project Manager.
- As the WAD process, including acceptance of design documentation and construction can take considerable time, you should allow sufficient lead time within the project development program to ensure that all documentation and works are completed in advance of occupation. Roads and Maritime will not consider granting concurrence to occupation until it is satisfied all documentation and works under the WAD have been completed.
- Authorisation to commence construction will only be granted when Roads and Maritime is satisfied that all requirements under the WAD have been met by the developer, including Roads and Maritime fees and charges, an unconditional bank guarantee for the full value of the works, detailed design documentation, environmental assessment, road occupancy license, among other matters. Roads and Maritime will issue a letter to the developer advising of this authorisation.
- Any property acquisition / dedication required to accommodate the State road works associated with the proposed development shall be at full cost to the developer, including all legal and survey costs. This land shall be dedicated by the developer as public road reserve in favour of the Council, as the owner.
- Part of the developers' timeline should make provision for Roads and Maritime to satisfy its obligations under the Environmental Planning and Assessment Act 1979 (EP&A Act) to assess the environmental impacts of the works within the road reserve. Further investigation and assessment to that undertaken for the development consent may be required to the satisfaction of Roads and Maritime, under Part 5 of the EP&A Act.
- It is recommended that the developer use design consultants with the experience and knowledge of the Roads and Maritime design requirements, in particular the Austroads Guide to Road Design 2009 (with RTA supplements) and relevant Australian Standards.
- A fact sheet providing further information on the WAD process can be obtained from the Roads and Maritime Private Developments Website at:  
[http://www.rms.nsw.gov.au/roadprojects/community\\_environment/private\\_developments.html](http://www.rms.nsw.gov.au/roadprojects/community_environment/private_developments.html)
- Construction on a State road and / or traffic control signals requires the engagement of a Roads and Maritime pre-qualified contractor. A list of pre-qualified contractors can be found on the Roads and Maritime website below:  
<http://www.rms.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>

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