

DRAFT Conditions of Consent

DA/1178/2017 at 309 George Booth Drive, Cameron Park

(Approved subject to the conditions specified in this notice and in accordance with the stamped approved plans.)

Reason for the Imposition of Conditions

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

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

1. Prescribed Conditions

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

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

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

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

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

2. Inspections

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

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

Additional inspections required under other legislation:

- 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

- Skin Penetration Premises inspection - by Council 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:

Architectural Plans prepared by: BN Group Pty Ltd and Nettletontribe			
Name of Plan	Drawing Number	Issue	Date
Site plan	A02.01	J	8 August 2018
Floor plan	A06.01	K	14 February 2018
Roof plan	A06.10	F	14 February 2018
Elevations – north	A10.01	E	14 February 2018
Elevations – south	A10.02	E	14 February 2018
Elevations – west	A10.03	E	14 February 2018
Site sections	A12.01	E	14 February 2018
Materials sample board	A100.90	B	8 June 2017
Signage details	A100.91	E	14 February 2018

Engineering Plans prepared by: Van der meer and adw johnson			
Name of Plan	Drawing Number	Issue	Date
Earthworks plan	239402-DA201	F	20 February 2018
Site sections sheet 1	239402-DA301	F	20 February 2018

Site sections sheet 2	239402-DA302	F	20 February 2018
Erosion and sediment control – sheet 1	239402-DA501	F	20 February 2018
Erosion and sediment control – sheet 2	239402-DA502	F	20 February 2018
Erosion and sediment control – sheet 1	239402-DA511	F	20 February 2018
Erosion and sediment control – sheet 2	239402-DA512	F	20 February 2018
Erosion and sediment control notes	239402-DA513	A	20 February 2018
Typical retaining wall details and sections	239402-DA551	E	16 February 2018
Service plan sheet 1	239402-DA601	F	20 February 2018
Service plan sheet 2	239402-DA602	F	20 February 2018
Drainage layout	DAC401	E	18 July 2018
Catchment plan	DAC410	D	18 July 2018

Landscape Plans prepared by: Elke			
Name of Plan	Drawing Number	Issue	Date
Site plan	L_101	I	3 August 2018
DA details sheet	L_501	A	6 July 2018
Heritage Interpretation elements	L306	D	26 July 2018
Heritage Interpretation elements	L307	C	6 July 2018
Heritage Interpretation elements	L_308	C	6 July 2018

Subdivision prepared by: adw johnson			
Name of Plan	Drawing Number	Issue	Date
Plan of proposed subdivision of lot	239402-DA-001-J	J	27 July 2018

(b) Document Reference:

Document	Reference	Author	Date
Statement of Environmental Effects; as amended by additional information	B	ADW Johnson	July 2017
	MR:TM:239402	ADW Johnson	21 February 2018
	MR:TM:239402	ADW Johnson	8 August 2018
Amended stormwater submission	SY182016	Van Der Meer	20 July 2018
Statement of Heritage Impact; as amended by additional information	11558-SOHI-Issue B	EJE	June 2017
	11558-SOHI-Issue D		February 2018
	11558-ltr-her-003		7 August 2018
Acoustic report; as amended by	- -	Marshall Day Acoustics	26 June 2017 15 February 2018
Traffic Impact Assessment; as amended by additional information	0313r01	Ason Group	22 June 2017
	0313l01v02		21 February 2018
Social Impact Assessment	-	James Marshall & Co	June 2017
Crime Prevention Report	-	James Marshall & Co	June 2017
Access Report	6008	ABE Consulting	6 June 2017

Visual Impact Statement; as amended by additional information	-	BN Group Pty Ltd	June 2017 16 February 2018
Waste Management Plan; as amended by additional information	- -	- Mark Rigby and Associates	June 2017 February 2018
Bushfire Report	A16230	Travers	June 2017
Economic Impact Assessment	-	Location	February 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 for the relevant works.

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

5. Occupation Certificate

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

6. Separate Approval Required for Use of Commercial Tenancies

This development consent does not authorise the occupation or use of the approved commercial tenancies numbered T2a to T22 inclusive under this consent. Occupation or use of these tenancies shall be subject to a separate development consent or Complying Development Certificate.

7. Commencement of the Use of the Land

The approved use of the land shall not commence until all relevant conditions of this consent have been complied with and a Final or Interim Occupation Certificate has been issued. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

8. Contribution Toward Provision or Improvement of Amenities or Services

(a) In accordance with the provisions of the Environmental Planning and Assessment Act 1979 – Sect 7.11 and the Lake Macquarie City Council Development Contributions Plan No. 2, 2004 – Northlakes Urban Release Area, (as amended 2012), the monetary contributions in the attached Contributions Schedule must be paid to Council for the purposes identified in that Schedule.

(b) From the date this determination is made until payment, the amounts of the contributions payable under the preceding clause will be indexed and adjusted at the close of business on:

14 August,

14 November,

14 February, and

14 May;

in each year in accordance with indexation provisions within the Contributions Plan. The first date for indexation will occur on the first abovementioned date after the Notice of Determination becomes effective.

(c) The contributions payable will be the amounts last indexed and adjusted in accordance with Clause (b) above. However, if no amount has been indexed and adjusted because the first date for indexation and adjustment has not arrived, the contributions payable shall be those in clause (a) above.

(d) The contributions shall be paid to Council as follows:

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

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

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

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

A copy of the Lake Macquarie City Council Development Contributions Plan No. 2, 2004 – Northlakes Urban Release Area, (as amended 2012) may be viewed on Council's website, or a copy is available for inspection at the Council's Administrative Building during Council's ordinary office hours.

9. Stormwater Disposal - Stormwater Detention and Harvesting

The Stormwater Disposal, Detention and Harvesting design submitted with any Construction Certificate shall be generally in accordance with the plans approved by the Development Consent prepared by Van Der Meer Consulting, dated 18 July 2018. The stormwater plans approved by this development consent are not approved for construction. The stormwater plans 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 of the designer 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 for all recurrence intervals up to and including the 1% Annual Exceedance Probability.
- (c) Detention storage shall be calculated and designed in accordance with "Australian Rainfall and Runoff 2016" and the Lake Macquarie City Council guideline – "Handbook for Drainage Design Criteria" and shall conform to the specifications and standards contained in DCP 2014 Engineering Guidelines.
- (d) Stormwater harvesting measures shall be constructed and maintained in accordance with the DCP 2014 Water Cycle Management Guideline. Stormwater drainage plans shall include details of the harvesting system, including rainwater tank details, pump details and reticulation diagrams.

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

- (e) All drainage works shall be carried out in accordance with the approved Construction Certificate plans.
- (f) A Works As Executed Plan is to be prepared by a surveyor and submitted to the Principal Certifying Authority that demonstrates compliance with the approved Construction Certificate. If there are any changes from the Construction Certificate these should be highlighted in a different colour on the plan and certification must be provided from the design engineer that the changes do not affect the stormwater design outcomes.

10. Erosion and Sediment Control

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, 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.

11. Management of Site - Erosion Prevention and Sediment Control

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

12. Erosion Controls For Public Road Works

Prior to the release of the first Construction Certificate for any works in a public road, the person having the benefit of the consent shall submit to Council for approval an Erosion and Sediment Control Plan (ESCP)/Soil and Water Management Plan (SWMP) in accordance with Council's Development Control Plan. The Plan shall include full calculations for all erosion and sediment control measures.

The person having the benefit of the consent shall arrange for a detailed record of the erosion and sediment controls on the site to be maintained during construction works. The record shall be updated on a daily basis and shall as a minimum contain details on the conditions of the controls and all maintenance and cleaning undertaken.

The record must be available for inspection by the Principal Certifying Authority during normal working hours.

Erosion and sediment control measures shall be installed as part of the initial construction work in the first stage of the development. Minor additional works may be approved by the Principal Certifying Authority during construction works.

The person having the benefit of the consent shall submit with the Plan, a Statement of Compliance, stating that:

- The Plan has been developed by an appropriately qualified and experienced professional in erosion and sediment control;
- The Plan complies with the requirements for the area of disturbance as per LMCC's DCP;
- The Plan and associated documents, calculations and drawings, have been prepared to a standard which, if properly implemented, will achieve the water release criteria of 50mg/L of Total Suspended Solids (TSS); and
- All erosion and sediment control measures are in accordance with Council's DCP.

13. Bushfire – Development on Bushfire Prone Land

The development shall conform to the specifications and requirements of the guide "*Planning for Bushfire Protection*" ISBN 0 9585987 8 9, produced by the NSW Rural Fire Service.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

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. The consent authority shall be satisfied that the area nominated as 'Managed Grassland' in Schedule 1 of the submitted bush fire report prepared by Travers

Bushfire & Ecology, ref. A16230, dated 27 June 2017 will be managed in perpetuity as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. The management shall occur prior to the issue of construction certificate.

2. Proposed Lots 1-4 shall be entirely managed in perpetuity as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water 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:

3. 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 public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

4. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

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. Any new Class 10b structures as defined per the 'Building Code of Australia' shall be non-combustible.

Landscaping

6. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

14. Fix Damage Caused by Construction Works

Any damage or injury caused to a public road or associated structures including footpaths, drains, kerb and gutter and utility services caused as a consequence of the construction works shall be made good at the cost of the person with the benefit of the consent.

Any disused kerb and gutter and footpath crossing shall be removed and replaced with full kerb and gutter in accordance with Council's standards to match finished adjoining kerb and gutter. All replacement works are to be completed to the satisfaction of Council prior to the issue of an Occupation Certificate at the cost of the person with the benefit of the consent.

15. Disability Access Requirements

Access for people with disabilities must be provided from the building(s) to kerb ramps and footpaths along the street frontage, by means of a continuous path of travel in accordance with Australian Standard AS 1428.1.

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.

The recommendations contained within the approved Access Audit Report shall be implemented.

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

- a. Directional signage shall be provided at the entry of the car park to locate designated accessible parking bays.
- b. Directional signage shall be provided to locate toilets.
- c. Wheelchair access shall be provided to a service counter within the Woolworths tenancy and signage shall be provided to indicate the section is accessible for wheelchair users.

16. Tactile Indicators

Tactile indicators shall be 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.

17. Retention of Trees and Native Vegetation (Development)

All native trees and vegetation both on the site and on adjoining properties shall be retained and protected in accordance with DCP 2014 – *Tree Preservation and Native Vegetation Management Guidelines* (Section 6) and the Australian Standard AS4970-2009 – *Protection of Trees on Development Sites* 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 the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* for the removal of any other trees or native vegetation. This includes application for the removal of any understorey vegetation or the stripping of ground cover vegetation that is outside those areas approved for construction.

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

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

18. Topsoil and Stockpiles of Materials

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

19. Landscape Works

Landscape works shall be constructed and implemented in accordance with the approved landscape plans and specifications.

Any native vegetation within the area marked 'Native Vegetation' shall be retained in this Zone and protected (Landscape Architectural Plan ELKE Issue I 03/08/2018).

Reinstatement of floristically diverse endemic bushland (characteristic of MU 30e coastal plains strinybark - apple forest, Bell 2015) shall occur along the full length of the south-western boundary of the site from the intersection with Portland Drive to the northern most roundabout on McKendry Drive and applies to all areas, not only those areas disturbed due to construction of the cycleway.

The bushland revegetation shall flank either side of the proposed shared pathway with ground cover planting only for a dimension of 2000mm either side of the shared pathway or 2000mm on the bushland side of an existing/proposed 1200mm footpath.

Remnant bushland shall be weeded and retained using best practice bushland revegetation methods and protected from construction impacts.

Revegetation planting shall occur at a minimum rate of ground covers 4/m², sub-shrubs/shrubs 1/2m², mid canopy trees 1/5m² and canopy trees 1/10m².

Planting schedule shall include known endemic pioneer species that seed readily and fix nitrogen.

No turf shall abut or occur within any revegetation works.

Hydroseeding works are only permitted on the north-western embankment off McKendry Drive and must result in a continuation of a bushland landscape endemic (characteristic of MU 30e coastal plains strinybark- apple forest, Bell 2015) that results in a continuous tree canopy cover.

Trees planted shall be protected by plant shields and provided with mulch, water, fertiliser with weed species managed using herbicide where required until established.

Established and existing trees shall be maintained in perpetuity, if a tree dies then it is to be replaced until re-established.

The site boundary where it adjoins George Booth Drive shall be fenced using metal palisade or pool type fencing in a dark green/charcoal colour at a height of 1.5 metres recessed into the site by 2m with blunt pickets, to prevent external disturbances and

provide an improved aesthetic edge to the development. Fencing shall not allow foot holes for persons to gain entry.

All landscaping and fencing works shall be completed prior to the issue of an Occupation Certificate.

Inspections are to be arranged with Council following completion of fencing and planting and then again 12 months following this inspection. The inspections are to ensure that plants are being adequately maintained, and replaced if needed.

Engineering plans shall be submitted for Council approval prior to issue of the first Construction Certificate for the development demonstrating:

- (a) The inclusion of planting areas adjacent to the loading dock with adequate root volumes to accommodate vertical planting along the north facing wall; and
- (b) How permeable pavement design will accommodate tree growth to achieve short and long-term establishment of canopy trees within the parking areas.

Walling along McKendry Drive shall be constructed of modulated materials that deter graffiti and does not present a smooth vertical surface.

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 shrub and tree species, pot size, and planting densities and landscape area setout comply with approved documentation and practical completion of the landscaping works has occurred. This Report shall certify that the street trees are planted specifically as per the nominated locations on the approved documentation, and have edging and tree guards constructed as per the *Lake Macquarie City Council Landscape Standard Drawings Feb 2016*.

20. Public Domain Works – Street Trees

A subdivision certificate application shall be lodged with and approved by Council prior to commencement of any works in the public domain. The plans shall 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 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 heritage interpretation treatment to the shared pathway shall be detailed including specification notes suitable for construction.

The plans shall 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 shall 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 Council's Project Management coordinator (hold point).
- Tree delivery prior to installation and certification to comply with AS2303-2015 'Tree Stock for Landscape Use' (hold point).
- Commencement of tree planting (witness point).
- Installation of each layer/horizon of growing medium (witness point).
- Completion of tree planting, including the installation of tree guards, in accordance with LMCC's *Landscape Technical Drawings Feb 2016* (witness point).

Hardscape Works (as applicable)

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

At the practical completion of works, the landscape consultant who produced the subdivision certificate application shall submit a Landscape Compliance Report to LMCC Project Management Coordinator that certifies 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 shall be provided 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. The report will certify that at 26 and 52 weeks after practical completion the approved public domain works are being satisfactorily maintained.

21. 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.

22. 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 approved signage.

23. Car Parking and Allocation of Spaces

A total of 387 car 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:

Commercial	351
Disabled car spaces	12
Parents with prams	24
Motor bikes	19
Total	387

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

All car parking spaces, line marking and signage shall be completed prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first.

24. Bicycle Parking Racks

Secure bicycle parking/storage shall be provided to accommodate 32 bicycles on the site 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.

25. 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 Council's Development Control Plan 1, Volume 1 and 2 Engineering Guidelines and the Australian Standard 2890.

All parking areas and access ways, line marking and signage shall be completed prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first.

26. Lighting

Lighting shall comply with Australian Standard AS4282-1997.

Any lighting to be installed as part of the development shall be LED and have smart lighting controls as appropriate.

27. External Storage of Products

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

28. Hours of Operation

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

Woolworths Supermarket and Click and Collect

Mondays to Saturdays 6:00am to 10:00pm

Sundays and Public Holidays 7:00am to 10:00pm

BWS liquor store

Mondays to Saturdays 9:00am to 9:00pm

Sundays and Public Holidays 10:00am to 8:00pm

Specialty commercial tenancies:

6.00am to 10.00pm seven days per week including public holidays

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.

29. 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.

30. External Material Reflection

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

31. Ausgrid Requirements

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

32. 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.

33. Filling Importation and Compaction

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

- (a) Uncontaminated virgin excavated natural material (VENM) as defined under the provisions of the NSW Protection of the Environment Operations Act 1997; or
- (b) The material is from a known origin and composition, free of contamination from manufactured chemicals, process residues, building debris, sulfidic ores, or other foreign matter; or
- (c) Fill which has been characterised and validated by a suitably qualified and experienced site contamination consultant, in accordance with the NSW Office of Environment and Heritage publication "Contaminated Sites - Sampling Design Guidelines dated September 1995".

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

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

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

34. 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.

35. 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. 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.

36. Unobstructed Footpath Access

The person having the benefit of the consent shall maintain unobstructed footpath access within the public road reserve at all times. Building materials shall not be placed or stored within the road reserve.

In the case of sites where it is not possible to keep the footpath or road reserve clear during construction works written approval from Council shall be obtained prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The area shall be signposted and such signposting be maintained in a way that ensures public safety at all times.

37. Site Amenities

Toilet facilities shall be available or provided at the work site before works begin and shall be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an approved on-site effluent disposal system under the Local Government Act 1993, or
- (c) be a temporary chemical closet.

38. 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.

39. 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.

40. Signage – Over or Adjacent to Public Places

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

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

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

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

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

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

41. 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.

42. 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.



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

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

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

44. Noise - Construction Sites

The operating noise level of construction site operations, including machinery, plant and equipment when measured at any affected premises, shall be evaluated and comply with the requirements of the NSW Office of Environment and Heritage publication “Interim Construction Noise Guideline” July 2009.

Approved Construction Times

The approved hours for construction of this development are –

Monday to Friday - 7.00am to 6.00pm.

Saturday – 8am to 1pm.

No construction work shall take place on Sundays or Public Holidays.

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.

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.

45. Hours of Operation for Loading Dock

In accordance with the addendum report from Marshall Day Acoustics dated 15 February 2017, the loading dock shall be restricted for use only between 7.00am to 10.00pm, seven days per week and deliveries to the loading dock shall not be scheduled to occur before 7.00am, Monday to Saturday, and 8.00am, Sunday.

46. Waste Collection

Waste collection must not occur between 10:00pm and 7am, seven days per week.

47. Acoustic Certification

Council has reviewed and relied upon the information contained in the Acoustic Report, prepared by Marshall Day Acoustics, number Rp 001 r05 2016048SY, dated 26 June 2017, as amended by addendum report, dated 15 February 2018.

The recommendations shall be incorporated into the design and construction of the development.

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

The acoustic consultant has not addressed the power levels of refrigerated semi-trailers parking in the proximity to the residential area or stacked parking along Northbridge Drive, whilst waiting for the loading dock to open or waiting for available space to unload. Marshall Days review of the report is acknowledged and note the amended delivery times proposed by the applicant.

The acoustic consultant shall evaluate the suitability of this type of vehicle prior to issue of the first Construction Certificate. It may be necessary for auxiliary motors to be switched off during parking adjacent to residential premises and during unloading operations and this needs to be evaluated by the consultant as part of the complying, testing/and or management.

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.

48. Construction Site Vibration

Vibration on surrounding land from construction site operations shall comply with the Office of Environment and Heritage publication "Assessing Vibration: a technical guideline" February 2006.

49. 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."*

50. 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.

51. 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.

52. Garbage Storage Areas

The garbage washing and bin storage area shall be constructed of, or lined with materials that are durable, impervious to moisture, and capable of being easily cleaned.

The storage area shall be supplied with hot and cold water, roofed and the floor bunded, graded and drained to a sump, which shall be connected to the sewer in accordance with the requirements of the Hunter Water Corporation.

Construction details shall be provided to the Principal Certifying Authority prior to the issue of the first construction certificate.

Adequate facilities shall be provided in a screened location within the premises for the separate storage of recyclable and non-recyclable material and arrangements shall be made for the regular removal and disposal of those materials.

53. Loading Dock and Driveway

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

54. 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.

55. Aboriginal Heritage

The person having the benefit of the consent, must notify any contractors and persons involved in undertaking subsurface disturbance works, that it is an offence under Section 86 of the *National Parks and Wildlife Act 1974* to harm or desecrate an Aboriginal object unless that harm or desecration is subject of an approved Aboriginal Heritage Impact Permit (AHIP)

56. Heritage Interpretation / Interpretation Devices

The Principal Certifying Authority shall not issue the Construction Certificate for this consent prior to Council having approved detailed drawings of interpretation devices and their content for the subject site, in line with the West Wallsend Heritage Tramway Plan of Management and the approved Landscape Plans.

Prior to the issue of an interim or final Occupation Certificate by the Principal Certifying Authority, whichever occurs first, the approved site heritage interpretation shall be implemented to the satisfaction of Lake Macquarie City Council's Development Planner – Heritage Focus.

57. Cycleway

The Principal Certifying Authority shall not issue the Construction Certificate for this consent prior to Council having approved detailed drawings of the cycleway/shared pathway through the Historic Tramway Easement, in accordance with the approved landscaping and interpretation works.

Prior to the issue of an interim or final Occupation Certificate by the Principal Certifying Authority, whichever occurs first, the cycleway/walkway shall be implemented to the satisfaction of Lake Macquarie City Council.

58. Signage

In accordance with the NSW Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines – Assessing Development Applications under SEPP 64 (July 2007), the proposed signage shall comply with the following requirements:

- The sign shall not obstruct any road regulatory, safety or directional signage in the vicinity.
- The sign shall not incorporate:
 - Coloured writing (only white writing is permitted).
 - Flashing lights or messages.
 - Electronically changeable messages, unless in accordance with the Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007).
 - Animated display, moving parts or simulated movement.
 - 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 such as 'halt' or 'stop'.
 - A method of illumination that distracts or dazzles.

59. Hours of Illumination

Signage shall only be illuminated during approved hours of operation.

60. Plan of Management – BWS Liquor Store

The operators of BWS Liquor store (tenancy 1) shall prepare a Plan of Management detailing:

- a) Provisions in relation to responsible service of alcohol, pricing points to minimise the availability of bulk discount liquor, amenity impacts, and responsible promotion of alcohol.

- b) Mechanisms to ensure the premises and surroundings are well maintained, clean and tidy. Any graffiti, damage to property or dumped rubbish surrounding the area shall be reported to Centre Management as soon as possible and addressed.
- c) The ongoing monitoring of the use of the shopping centre in relation to public consumption in and around the carpark and shopping centre areas.

The Plan of Management shall be developed in accordance with the Shopping Centre Management, and lodged and approved by Council prior to the issue of the interim or final occupation certificate, whichever occurs first

61. Plan of Management – Shopping Centre

A Plan of Management detailing the operation of the shopping centre including trolley management shall be submitted to and approved by Council prior to release of the first Construction Certificate.

62. Construction Management Plan

A Construction Environmental Management Plan (CEMP) shall be prepared for the whole development and shall specify operational details to minimise any potential impact to adjoining or adjacent properties. The CEMP shall include, but not be limited to, details to show how the construction process will be managed for both the on-site and external areas, showing the expected timeframes for each building phase.

The CEMP shall be prepared and approved by the Certifying Authority prior to commencement of works on site and prior to the issue of the first construction certificate.

The following matters shall be addressed, to Council's satisfaction, in the CEMP:

- construction vehicles, access and parking; with specific note that construction personnel shall not utilise hospital car parking spaces;
- traffic management and traffic control;
- primary vehicle routes;
- specific details on the transportation of fill and excavated material;
- potential road closures;
- control of vehicles, pedestrians and cyclists at the site access;
- safety of road users;
- parking associated with employees, contractors and site personnel;
- access to and from the work site;
- delivery and storage of equipment and materials;

- hours of work;
- timing of works;
- acoustic management and timetabling measures;
- vibration management;
- dust management procedures;
- waste management infrastructure;
- erosion and sedimentation management controls; and
- hoardings and pedestrian management.

The CEMP shall include a Vehicle Movement Plan and Traffic Control Plan. It shall be prepared with the intention of minimising impact on the operation of the road network during construction. The traffic control plan shall be prepared to meet the requirements of the Roads and Maritime Services (RMS) "Roads and Traffic Authority - Traffic Control at Work Sites" manual June 2010.

Fill and excavated material delivery and removal from the site shall only occur between 7:00am and 6:00pm Monday to Friday and 7:00am to 1:00pm Saturdays, with no fill movements on Sundays, at night-time or on public holidays.

63. Safety and Security

The recommendations contained within the Crime Risk Assessment shall be implemented. Details demonstrating compliance with the recommendations of the report shall be submitted to the Certifying Authority for approval with the first Construction Certificate:

Any graffiti shall be removed within 24 hours of its appearance and any broken or damaged lighting shall be repaired within 48 hours.

Details demonstrating compliance with the following Safer by Design recommendations made by the NSW Police shall be provided to the Certifying Authority for approval with the first Construction Certificate:

Surveillance

- It is recommended that shops and businesses avoid opaque glass or obstructed windows and doors.
- It is recommended automatic teller machines be positioned no closer than 3 metres from any structure or object capable of facilitating concealment (i.e. columns, building corners, recesses or doorways), and no closer than 2 metres from other ATMs, static activity or information source that facilitates loitering (i.e. an adjoining display window, product advertising, community noticeboards, etc)

- Bicycle parking areas shall be located within view of capable guardians. The provision of covered, lockable racks to secure bicycles increases the effort required to commit crime
- When selecting vegetation, consideration shall be given to future maintenance and the possibility of areas becoming entrapment sites.
- CCTV shall be strategically placed throughout the centre.
- CCTV shall capture all vehicles into and out of the car park (entry and exit points).
- CCTV shall cover areas designed to facilitate a meeting place, such as public seating areas and public transport areas, which may become meeting spaces for anti social behaviour.
- CCTV should be reviewed annually and inadequacies in coverage, need for further coverage, or need for better image quality shall be rectified.
- Lighting shall meet minimum Australia and New Zealand Lighting Standards. Lighting objectives relevant to crime and fear reduction are outlined in Australian lighting standard AS/NZS 1158 for public streets, car parks and pedestrian areas. This and other standards specify the types and quantities of lighting that can be used in different applications.
- Consideration shall be given to reducing crime risk for late-night workers and at-risk car park customers by reserving easily accessed and well lit car spaces near guardians

Access control

- Chemically hardened glass, toughened laminated glass with PVB interlayer and transparent polycarbonate sheeting can be an effective alternative to 'normal' glass in (certain) high-risk applications. When properly fitted, they are resistant to breakage
- Consideration shall be given to the strategic placement of heavy objects such as low, anchored planter boxes or locking, removable bollards in front of 'at-risk' shop and business windows/doors.

Territorial re-enforcement

- Centre security shall be strongly considered to deter theft and antisocial behaviour at the location. Especially with identified crime trends after the centre opens.

Space and Activity Management

- A 24 hour rapid graffiti removal/vandalism repair policy shall be developed and implemented from the granting of the first interim/ final occupation certificate, whichever occurs first.

- Robust garbage bins. When garbage bins are absent, many people will litter rather than carry their trash to off-site receptacles
- A lighting maintenance policy shall be developed and implemented for the development.

64. Surrender of Development Consent – DA/2207/2007

Development Consent No. 2207/2007 for a retail centre at 4 and 100 George Booth Drive, Cameron Park shall be surrendered to Council in accordance with Section 97 of the Environmental Planning and Assessment Regulation 2000 prior to the issue of the first Construction Certificate for the development.

65. Public Positive Covenant

The person having the benefit of the consent shall create a Public Positive Covenant over the area marked 'Native Vegetation to be Retained in this Zone' (Landscape Architectural Plan ELKE Issue I 03/08/2018) under Section 88E of the Conveyancing Act. The Covenant shall identify that all native vegetation and fencing in the area shall be maintained in perpetuity in accordance with the requirements in this condition. Council shall be identified as the authority that can release, vary or modify the covenant. The covenant shall be created prior to the issue of an Occupation Certificate

66. Construction and Fit-out of Food Premises

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

Plans and Specifications

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

Mechanical Ventilation

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

Partition Wall Construction

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

Waste Traps

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

67. 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"*.

68. Grassing

The person having the benefit of the consent shall grass areas of the site disturbed by works so as to prevent erosion. All disturbed areas shall be revegetated as soon as practical, and no later than the times specified in Landcom's – Managing Urban Stormwater documents (2004).

Kikuyu grass shall not be used in areas adjoining native bushland or in drainage lines or channels.

69. Gross Pollutant Trap

The person having the benefit of the consent shall design and construct a permanent Gross Pollutant Trap and Trash Rack. The design shall be in accordance with the requirements of Council's DCP and associated Guidelines. Provision shall be made for maintenance access roads and maintenance vehicle parking.

Satisfactory plans and calculations for such Gross Pollutant Trap and Trash Rack shall be submitted prior to the issue of a Construction Certificate for works in a public road.

The person having the benefit of the consent shall include an “Operation and Maintenance Plan” with the Construction Certificate documentation, in accordance with Council’s “Stormwater Quality Improvement Device (SQID) Guidelines”.

Prior to the handover of any Gross Pollutant Traps (GPT) to Council, the GPT shall be inspected and maintained in Council's presence as a means of providing Council's maintenance personnel with an induction on the maintenance requirements of the device.

70. Service of Public Utilities

The person having the benefit of the consent shall service all lots in the subdivision with water, sewer, underground electricity and underground telecommunications facilities to the requirements of and by arrangements with the relevant supply authorities and company. The person having the benefit of the consent 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**.

71. Installation of Service Pipes

The person having the benefit of the consent shall ensure that all public utility service pipes, mains and conduits are laid and/or installed in all new roads and existing roads, where work is required in existing roads, as part of the construction and drainage works associated with the Subdivision.

The person having the benefit of the consent shall also install conduits to cater for the installation of natural gas services to each proposed lot in conjunction with road and drainage works.

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

72. Utilities Layout

The person having the benefit of the consent shall submit to the Principal Certifying Authority a utilities layout plan showing the location of mains, associated installations and service conduits prior to the issue of a **Subdivision Certificate**.

Public Roads And Drainage Construction Works

73. Public Roadways and Drainage Works Standards

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

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

Where any inconsistency exists between these documents the person having the benefit of the consent shall verify in writing with Council, the relevant standard to be adopted.

74. Details Required Prior to Commencement of Works in a Public Road

Construction works in a public road 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. A Construction Certificate application must be lodged with Lake Macquarie City Council for the works.

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.

Stormwater Management

75. Disposal to Watercourse or Council Easement

The person having the benefit of the consent shall make arrangements for stormwater to be disposed of to either an existing Council drainage system or natural watercourse. Where applicable, the person having the benefit of the consent shall obtain for lodgement with Council written authority from affected owners agreeing to the discharge of stormwater across their properties prior to the issue of a **Construction Certificate**.

The person having the benefit of the consent shall subsequently create easements for drainage in favour of Council over those properties, prior to, or at the time of registration of the Final Plan of Subdivision.

Roadways, Accessways And Footways

76. Dedication of Roads

The person having the benefit of the consent shall arrange, at the time of registration of the Final Plan of Subdivision, for the dedication of the proposed new roads to the public at no cost to Council.

All public roads that are to be dedicated shall be fully constructed in accordance with the standards identified in this consent.

77. Pavement Standards

Residential road pavements shall be designed in accordance with "A Guide To The Design Of New Pavements For Light Traffic" - AUSTRROADS 2006. Main and Industrial road pavements are to be designed in accordance with "Pavement Design, A Guide to the Structural Design of Road Pavements" - AUSTRROADS 2012. 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 & Maritime Services for its approval prior to the commencement of works.

78. 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.

79. 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.

80. 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.

81. Fix Damage Caused by Construction Work

The person having the benefit of the consent shall make good any damage or injury caused to a public road or associated structures including drains and kerb and gutter, caused as a consequence of the works.

82. 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 6.12 of the Environmental Planning & Assessment Act 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.

83. Works as Executed Plan

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

84. Street Lighting

The person having the benefit of the consent shall provide street lighting for the development to the satisfaction of Ausgrid and in accordance with the road classification. The road classification shall be determined by Council and Ausgrid.

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

85. Erection of Street Signs

The person having the benefit of the consent shall supply and erect new street name signs in accordance with the requirements of Council's standard design requirements. Note that all Private Roads shall be clearly signposted to indicate that they are Private roads and not Public roads.

86. Submit Road Names for Approval

Proposed new road names shall be submitted to Council and approved prior to the issue of a **Construction Certificate**.

Note that Council cannot release the **Subdivision Certificate** unless the proposed public roads have been named in accordance with clause 162 of the Roads Act 1993. The Roads Act requires that the Geographical Names Board be given at least one month's notice of the proposed name(s).

87. House Numbering

A minimum of 4 weeks prior to lodgement of the Subdivision Certificate with Council, the person having the benefit of the consent shall provide a draft Final Plan of Subdivision to Council's Land Information section. Council will then provide house numbering for the lots within the subdivision for inclusion on the Survey Plan in accordance with Clause 60 of the Surveying and Spatial Information Regulation 2012.

88. Roundabout Design and Pavement

The proposed roundabout located on McKendry Drive shall be designed to meet the Ausroads and Roads and Maritime Design Guidelines and Specifications. The pavement for the roundabout shall be a rigid concrete pavement.

89. Construction of the Cycleway

The person having the benefit of the consent shall arrange for the cycleway located on proposed Lot 5 to be fully constructed in accordance with the design requirements contained in Council's Development Control Plan and Engineering Guidelines.

The cycleway must be constructed prior to the release of the Subdivision Certificate.

90. Site Classification of Lots

The person having the benefit of the consent shall arrange for a suitably experienced Geotechnical Consultant to determine the site classification of each proposed lot in accordance with AS 2870-2011 (as revised). The site classifications shall be provided to Council prior to the issue of the Subdivision Certificate.

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.

91. Final Plan Submission

The person having the benefit of the consent shall submit an application for a **Subdivision Certificate** accompanied by an original copy of the Final Plan of Subdivision. The location of all buildings and/or other permanent improvements shall be indicated on one (1) additional 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.

92. 88B Instrument

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.

93. Compliance Certificate for Works in a Public Road

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

An application for the Compliance Certificate and associated application fees shall be submitted prior to the commencement of works identified on the respective Construction Certificate.

The Compliance Certificate will be required to be issued prior to the issue of the Subdivision Certificate.

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

94. 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 responsibility of person having the benefit of the consent to make all pertinent arrangements with the Hunter Water Corporation.

95. Application Fees for Certificates

The person having the benefit of the consent shall obtain any certificates as required to satisfy the conditions of this Consent.

For Council to process applications for a Construction Certificate and Compliance Certificate (for works in a public road) and a Subdivision Certificate the following fees would be payable:

Construction Certificate	\$ 4,500.00	Plus \$65 Archival Fee	(inc GST)
Compliance Certificate	\$ 5,200.00	Plus \$65 Archival Fee	(inc GST)
Subdivision Certificate	\$ 725.00	Plus \$65 Archival Fee	(inc GST)

Applications for these certificates should be lodged on the approved application form and accompanied by the appropriate fee.

Where the development includes construction works valued at \$25,000.00 or more, the person having the benefit of the consent 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.

96. Subsidence Advisory NSW

Subsidence Advisory NSW have provided the following General Terms of Approval:

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 as 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 amendments to the design result in the development not remaining substantially the same as that approved 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.

3. Subsidence Advisory NSW is to be notified of any changes to lot numbering and the registered DP number.

4. Approval under section 15 of the Mine Subsidence Compensation Act 1961 is also required for the erection of all improvements on the land. As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines (G11), or otherwise be assessed on merit.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

5. 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 AS2870 (Damage Classification) and readily repairable" using the subsidence parameters outlined below:

- a) Maximum Horizontal Strains: (+/-): 2 mm/m
- b) Maximum Tilt: 2 mm/m
- c) Maximum Radius of Curvature: 5 km

6. 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

7. Submit a final design incorporating the design methodology contained in the "Engineering Impact Statement, for acceptance by Subsidence Advisory 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.

8. The final design is to be submitted for acceptance by Subsidence Advisory NSW prior to the commencement of any construction work and shall:

a) Be developed from design accompanying DA/1178/2017.

b) Include sufficient drawing plans, long-sections, elevations and details, to fully describe the work and proposed mine subsidence mitigation measures.

c) Include design mitigation measures to reduce the transfer of horizontal strain into building structures.

d) Include design mitigation measures to relieve excessive strains into building structures.

e) Include an additional grade for tilt due to mine subsidence, in excess of the minimum Code requirements for structures including pipes, gutters and wet areas.

f) For underground pipes or conduits allow for flexible joints, flexible bedding surround and flexible building connections and penetrations.

g) Ensure there is sufficient capacity in any storage structure for tilt due to mine subsidence.

h) Locate underground structures to facilitate ease of repair and replacement.

i) Ensure internal finishes are installed in accordance with relevant codes and standards and industry best practice guidelines with additional provision for mine subsidence.

j) Ensure there is suitable provision for articulation jointing in building elements. All control joints including articulation for mine subsidence are to be shown on the design plans and elevations,

k) Ensure there is provision for isolation joints between adjoining structures. For example between a building and adjacent paving.

All roads, driveways and pavement areas, as shown on the approved plans, are to be designed as flexible structures with an asphalt surface. If a concrete surface course is required, it shall be designed to include expansion and crack control

joints or sacrificial sections to minimise the risk of damage from mining subsidence.

DURING CONSTRUCTION

9. Establish a number of permanent survey marks to AHD so that building movement can be monitored should mine subsidence occur. Details are to be forwarded to Subsidence Advisory NSW.

POST CONSTRUCTION

10. 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.

97. General Terms of Approval

The following approval bodies have given general terms of approval in relation to the development:

- **Subsidence Advisory NSW**
- **NSW Rural Fire Service**

CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
(12) Northlakes - R & TM 2 - Capital Fee - CPI	\$4,629,243.18
(12) Northlakes - R & TM 2 - Land Fee - LVI	\$805,509.50
	TOTAL \$5,434,752.68