

## **Attachment A: Recommended Conditions of Consent**

(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. Approved Documentation

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

- (a) Plans Reference:

Plans prepared by: SHAC Architects; Project Number: 3606			
Name of Plan	Drawing Number	Revision	Date
Whole Site Masterplan	DA1102	06	19 October 2018
Proposed Site Plan	DA1301	15	19 October 2018
Masterplan – Heritage Response	DA1302	03	19 October 2018

Masterplan – Environmental Response	DA1303	02	19 October 2018
Area A - Welcome Centre	DA2101	04	19 October 2018
Area B Visitor Centre – Floor Plans	DA2201	07	19 October 2018
Area B Visitor Centre – Roof Plan + Sections	DA2202	05	19 October 2018
Area B Visitor Centre – Elevations	DA2203	05	19 October 2018
Miscellaneous Structures	DA2602	02	19 October 2018
Blackrock Village – Precinct Site Plan	DA2701	05	19 October 2018
Blackrock Village – Precinct Elevations + Sections	DA2702	03	19 October 2018
Blackrock Village – Typical Cluster Floor Plans	DA2703	05	19 October 2018
Blackrock Village – Typical Elevations + Sections	DA2704	03	19 October 2018
Area R Lodge - Plans	DA2901	04	19 October 2018
Area R Lodge – Roof Plan + Sections	DA2902	04	19 October 2018
Area R Lodge - Elevations	DA2903	04	19 October 2018
Perspective – Blackrock Village	DA9011	01	9 October 2018
Perspective – Blackrock Village	DA9012	01	9 October 2018
Perspective – Blackrock Village	DA9013	01	9 October 2018
Area O Cabin Accommodation - Elevations	DA2805	01	10 August 2017
Area O Cabin Accommodation - Elevations	DA2804	01	10 August 2017
Area O Cabin Accommodation –	DA2803	01	10 August 2017

Roof Plan + Sections			
Area O Cabin Accommodation – Floor Plans	DA2802	02	6 July 2018
Area O Cabin Accommodation - Strategy	DA2801	01	10 August 2017
Site Rehabilitation and Maintenance Shed	DA2601	05	6 July 2018
K + E Mechanics + Emergency	DA2501	05	6 July 2018
Building J – Pit Lane Pavilion – Sections + Elevations	DA2402	01	6 July 2018
Building J – Pit Lane Pavilion Plans	DA2401	06	6 July 2018
H Stable Cafe	DA2301	02	6 July 2018
Site Analysis - Macro	DA1101	02	6 July 2018

(b) Plans Reference:

Plans prepared by: Moir Landscape Architecture; Project Number: 3606			
Name of Plan	Drawing Number	Revision	Date
<b>BlackRock Motor Park Concept VMP</b>			
Cover Page	LC - 001	B	29 October 2018
VMP Master Plan	LP – 001	B	29 October 2018
VMP Detail Plan – Area A	LP - 003	B	29 October 2018
VMP Detail Plan – Area B	LP - 004	B	29 October 2018
Sections	LS - 005	B	29 October 2018
Sections	LS - 006	B	29 October 2018
Sections	LS - 007	B	29 October 2018
Sections	LS - 008	B	29 October 2018
Plant Schedule	LA - 009	B	29 October 2018
<b>BlackRock Motor Park Landscape Masterplan</b>			

Site Masterplan	5	5	16 July 2018
Landscape Plan	6	5	16 July 2018
Heritage Interpretation	7	5	16 July 2018
Heritage Interpretation	8	5	16 July 2018
Planting Strategy	10	5	16 July 2018
Planting Strategy	11	5	16 July 2018
Access Control	12	5	16 July 2018
Wayfinding and Entry Signage	13	5	16 July 2018
Wayfinding and Entry Signage	14	5	16 July 2018
Materials and Finishes	15	5	16 July 2018
Lighting	16	5	16 July 2018
Detail Plan 1 – Function Centre and Playground	17	5	16 July 2018
Detail Plan 2 – Lodge and Cabins	18	5	16 July 2018
Sections	19	5	16 July 2018
Sections	20	5	16 July 2018

(c) Document Reference:

Document	Reference	Author	Date
Operational Management Plan	Blackrock Motor Park Operational Management Plan	Barr Property & Planning	16 April 2019
Noise Management Plan	Blackrock Motor Park Noise Management Plan	Barr Property & Planning	16 April 2019
Conservation Management Plan (CMP) Commitments letter	15NEW0029	Barr Property & Planning	11 April 2019
Noise Impact Assessment – BlackRock Motor Park	-	RAPT Consulting	October 2018
RFI Response Flora	16008	MJD	24 October

and Fauna, Rhondda Rd, Wakefield		Environmental Pty Limited	2018
Slope Stability Assessment – BlackRock Motor Park	2219847	GHD	October 2018
Preliminary Mine Subsidence Assessment – BlackRock Motor Park	2218504	GHD	August 2017
Traffic Impact Assessment	P0911	SECA Solution	23 August 2017
Access Design Review	AN18-211146	Philip Chun Building Compliance	2 August 2017
Crime Risk Assessment Report – BlackRock Motor Park	15NEW0029	Barr Property & Planning	21 July 2017

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

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

### 3. Approved Development

The development approved under this consent comprises a recreation facility and associated ancillary accommodation and uses.

The accommodation provided within various buildings on the site shall be used in conjunction with the overall development and shall not accommodate occupants who are not utilising the recreation facilities on site.

The other buildings on the development site shall not to be utilised for any independent commercial or industrial use not directly associated with the recreation facility.

The development is permitted pursuant to the site comprising all the lots, as follows:

Lot 101 DP 1073163; Lot 76 DP 755262; Lot 75 DP 755262; Lot 1 DP 963356; Lot B DP 339863; and Lot 391 DP 1064199 and the existing unformed road reserve.

Nothing in this consent permits lots within the development being utilised for any other purpose than that approved, or for the lot configuration to be altered.

### 4. Construction Certificate

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

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

**5. Occupation Certificate**

The development shall not be occupied or used prior to the issuing of a Final Occupation Certificate by the Principal Certifying Authority.

**6. Prior to the issue of the First Occupation Certificate**

Prior to the issue of the First Occupation Certificate, the earthworks, retaining walls and accessways shall be completed to the satisfaction of the Principal Certifying Authority.

**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 Occupation Certificate has been issued.

**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 Glendale Contributions Catchment - 2015, the monetary contributions in the attached Contributions Schedule must be paid to Council for the purposes identified in that Schedule.

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

14 August,

14 November,

14 February, and

14 May;

in each year in accordance with indexation provisions within the Contributions Plan and Directions issued under the Environmental Planning and Assessment Act 1979 – Sect 7.17. The first date for indexation will occur on the first abovementioned date after the Notice of Determination becomes effective.

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

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

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

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

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

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

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

## **9. Hours of Operation and Facility Capacity**

Following commencement of occupation, the operation of the facility shall comply with the restricted hours of operation as follows:

### Track Circuit and Skid Pan

8:00am to 6:00pm (Australian Eastern Daylight Time), 7 days per week

8:00am to 5:00pm (Australian Eastern Standard Time), 7 days per week.

These operating times apply to all track activities and any noise generating functions associated with track activities, that may be required to be carried out prior to or at the conclusion of the activity.

### Function Centre and Food & Drink Premises

6:00am to 10:00pm, 7 days per week

### Accommodation (including BlackRock Village)

24hr operation, 7 days per week

The Track Circuit and Skid Pan shall be closed on Good Friday, Easter Sunday, Christmas Day, Boxing Day or Anzac Day.



Other operational activities, including maintenance or activity preparation etc may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.

#### Facility Capacity

The maximum number of people on site (including members, guests, public and staff) at any one time shall not exceed a total of 500.

### **10. Operational Management Plan**

The ongoing operation of the facility shall be carried out in accordance with the Operational Management Plan, as referenced as an approved document for the development.

This document will be subject to updating and refinement as required to effectively manage ongoing operation of the facility. Prior to adoption of an amended version of the plan, the updated OMP shall be endorsed by Council.

### **11. Noise Management Plan**

The ongoing operation of the facility and activities on site, shall be carried out in accordance with the Noise Management Plan, as referenced as an approved document for the development.

This document may be subject to updating and refinement as required to effectively manage noise from ongoing operation of the facility. Prior to adoption of an amended version of the plan, the updated NPI shall be endorsed by Council.

### **12. Acoustic Certification**

The recommendations contained in the acoustic report prepared by RAPT Consulting (181018 Noise Impact Assessment – BlackRock Motor Park), dated October 2018, shall be incorporated into the design and construction of the development.

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

Upon completion of the works and prior to the issue of a Final Occupation Certificate, 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.

### **13. Noise – Entertainment**

The operating noise level of the functions and entertainment provided on the premises shall comply with the following:

- (a) The LA10 noise level emitted from the premises shall not exceed the LA90 background noise level in any octave band frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 7:00am and midnight at the boundary of any affected residential premises.
- (b) The LA10 noise level emitted from the premises shall not exceed the LA90 background noise level in any octave band frequency (31.5Hz - 8kHz inclusive) between midnight and 7:00am at the boundary of any affected residential premises.

Notwithstanding compliance with the above, the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of midnight and 7:00am.

For the purpose of this condition, the LA10 is taken as the average maximum deflection of the noise emission from the premises.

A 5dB penalty shall be provided for any noise with a low frequency tone between 31.5Hz – 250Hz.

#### **14. 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.

#### **15. BlackRock Village**

The buildings that comprise “BlackRock Village” shall not present as the dominant view on entering the site. The bulk/scale of these buildings shall be addressed through further revision of variations in materials selection, colours and landscape screening and the buildings that comprise blocks N5 and N6 realigned with a greater setback to the main pedestrian walkway.

The areas between the village buildings (including garages off Colliery Crescent) and the creekline detention area, shall comprise a designated landscape area with the intent to visually screen and mitigate views of Blackrock Village and Colliery Crescent buildings from the north-western entry road.

Landscape shall comprise canopy planting proportional to proposed buildings and mass planted areas with discontinuous and clumped tree canopy of native tree species that exhibit low flammability as per *Bushfire Standards for Asset Protection Zones*.

Details of the materials and colours for the village buildings shall be included in the Schedule of Colours and Materials required for the development.

#### **16. Blackrock Village – Use of Buildings**

The individual modules that comprise the buildings in the “BlackRock Village” area are approved for short stay accommodation and garaging purposes only.

These buildings shall not be used at any time for permanent residential occupancy, for occupancy of non-members of the facility or for any commercial or industrial purposes by occupants.

#### **17. Conservation Management Plan**

The person having the benefit of the consent, must ensure that the ‘Conservation Management Plan – former Rhondda Colliery Site’ by RPS dated 10 April 2019 (Report number PR131826, V2) is adopted and its policies, strategies and commitments are implemented.

The design and installation of interpretation landscaping and devices shall be consistent with the interpretation policies, with detailed drawings of interpretation landscaping (including detail of pavement differentiation of the former railway corridor), devices and content, required to be submitted to Council for approval prior to installation.

#### **18. Public Access to site**

Public access to the site, for appreciation of heritage conservation and interpretation measures implemented for the development, shall be facilitated by a process published on the BlackRock Motor Park website.

This process shall comprise the ability for members of the public to book ‘free entry vouchers’ for access to the site on days where corporate functions or member’s only events are not scheduled.

#### **19. Schedule of colours and materials**

A detailed schedule of materials and external colour scheme is required for the development, illustrating consistency with the traditional materials used historically on-site. The schedule shall include materials and colours for all buildings on site, as well as materials and colours of fencing, entry gates, lighting, signage and water tanks.

The schedule shall be submitted for the approval of Council’s Heritage Planner, prior to the issue of a Construction Certificate.

#### **20. Excavation – Non Indigenous Relics**

Should any relics be discovered then all excavations or disturbance to the area shall cease immediately and the Heritage Council of NSW shall be notified in accordance with Section 146 of the *Heritage Act 1977*.

All necessary approvals shall be obtained from the Heritage Council of NSW and copies provided to Council prior to works recommencing.

#### **21. 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.

## **22. 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).

Contractors and persons involved in undertaking subsurface disturbance works are to be briefed on the contents of the Conservation Management Plan for Blackrock Motor Park by RPS dated 4 February 2019.

## **23. 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.

## **24. 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 habitat trees shall be undertaken in a staged manner as set out below:

- **Stage 1** – A preclearance survey shall be conducted with all habitat trees to be marked up with a 'H' and bands placed around the tree barrel using fluorescent paint or flagging tape. Where large gaps in the canopy of 35m or greater are likely between habitat trees to be removed and refuge habitat, a matrix of trees shall also be maintained to facilitate movement displaced fauna into refuge habitat. These trees are to be marked up with a band of fluorescent paint or flagging tape around the tree barrel during the pre-clearance survey.
- **Stage 2** – All trees other than those marked up during Stage 1 are to be removed.
- **Stage 3** – Habitat trees and matrix of trees (where required) shall be removed under the direct supervision of a qualified ecologist or wildlife carer. Ideally 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). In the event hollow-bearing trees are to be felled outside of these periods, a qualified ecologist or wildlife carer shall stagwatch hollow-bearing trees in the week prior to clearing and be onsite during tree clearing.

Hollow-bearing trees are to be 'soft felled' by machinery (excavator or similar). The operator shall tap the tree barrel to alert any resident fauna, followed by a period of waiting / observation of no less than one minute. This is to be repeated as required by the supervising ecologist or wildlife carer.

Trees are to be 'soft felled' by the operator and when deemed safe, the supervising ecologist or wildlife carer shall inspect all hollows for fauna. All felled habitat trees are to remain insitu on the ground for at least one night before being stockpiled for processing". Lengths cut from the trees shall be in one or two metre sections, in a manner that will preserve the hollows with each section inspected by the supervising ecologist or wildlife carer.

### **Nest Box Installation**

Five small, 12 medium and five large hollows nest boxes are to be installed within the area nominated as Biodiversity Offset, as shown in Figure 3 (RFI Flora and Fauna Response, MJD 24/10/2018):

- At least 2 weeks prior to clearing and maintained for five years;
- 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.

## **25. Biodiversity Offset**

Prior to the issue of the first construction certificate, the person having the benefit of this consent is to submit to Council for approval, a suitable mechanism for securing and managing the proposed 'Offset Area' as shown in Figure 3 (RFI Flora and Fauna Response, MJD 24/10/2018). The Offset Area shall be minimum 29.36 ha in size and exclude any access tracks, easements and dams. Native flora and fauna within the Offset Area shall be protected, managed and enhanced in perpetuity in accordance

with the requirements of the Vegetation and Fauna Management Plan approved for the site by Council's Development Planner Flora and Fauna.

The Biodiversity Offset may be secured by a Conservation Agreement or Stewardship Agreement in accordance with the Biodiversity Conservation Act 2016 and be accompanied by a Vegetation and Fauna Management Plan prepared by a suitably qualified ecologist.

Alternatively, a Public Positive Covenant over the Biodiversity Offset, under Section 88E of the Conveyancing Act, could be created. The terms of such covenant shall be generally as set out below.

The owner of the Biodiversity Offset Area as shown in Figure 3 (RFI Flora and Fauna Response, MJD 24/10/2018) shall maintain and manage the site in perpetuity in accordance with the requirements of the Vegetation and Fauna Management Plan approved for the site Lake Macquarie City Council's Development Planner Flora and Fauna. No development, land clearing or use of the site for any purpose may take place unless it is identified in the Vegetation and Fauna Management Plan.

Council shall be identified as the party empowered to release, vary or modify the covenant.

The measures to achieve the above shall be registered on the property title as a 'restriction as to user' burdening all affected allotments subject to offset

## **26. Vegetation and Fauna Management Plan- Offset Area**

A person qualified in natural vegetation management, ecology or bush regeneration shall be retained to prepare a Vegetation and Fauna Management Plan (VFMP) for the biodiversity offset area shown in Figure 3 (RFI Flora and Fauna Response, MJD 24/10/2018), in consultation with Council's Development Planner Flora and Fauna. The VFMP shall be prepared in accordance with the *Lake Macquarie City Council Guideline for Vegetation Management Plans*. The VFMP shall be submitted, to and approved by Council's Development Planner Flora and Fauna prior to the issue of the first construction certificate. The VFMP shall include:

- Fencing and conservation signage on site boundaries,
- Blocking vehicle access and clean-up of dumping areas,
- Weed monitoring and treatment as required,
- Revegetation of any disturbed areas with local endemic species characteristic of native vegetation communities onsite,
- Establishment of regular monitoring and response program to protect and enhance habitat for threatened flora and fauna occurring onsite including forest owls, squirrel glider and microbats
- Fire management,
- Pest management.

Implementation of the VFMP shall commence immediately upon any construction work commencing and shall be carried out in perpetuity. The VFMP shall be updated in consultation with Council every five years. Annual monitoring statements shall be provided to Council's Development Planner Flora and Fauna verifying compliance with the VFMP.

## **27. Vegetation and Fauna Management Plan**

A person qualified in natural vegetation management, ecology or bush regeneration shall be retained to prepare a Vegetation and Fauna Management Plan (VFMP) over Lot 101 DP 1073163, Lot 391 DP 1064199, Lot 75 DP 755262, Lot 76 DP 755262, Lot B 339863 and Lot 1 DP 963356 in consultation with Council's Development Planner Flora and Fauna. The VFMP shall exclude the Biodiversity Offset Area as shown in Figure 3 (RFI Flora and Fauna Response, MJD 24/10/2018).

The VFMP shall be prepared in accordance with the *Lake Macquarie City Council Guideline for Vegetation Management Plans*. The VFMP shall be submitted, to and approved by Council's Development Planner Flora and Fauna prior to the issue of the first construction certificate. The VFMP shall include:

- Fencing and conservation signage on site boundaries,
- Blocking vehicle access and clean-up of dumping areas,
- Weed monitoring and treatment as required,
- Revegetation of any disturbed areas with local endemic species characteristic of native vegetation communities onsite. This is to include riparian revegetation works in the zones identified in the Preliminary Vegetation Management Plan (Moir 29/10/2018). Riparian revegetation works are to also to include revegetation of full structure (ie native groundcover, shrub and canopy trees) in all Vegetation Management Planting Areas except where track safety considerations or asset protection zone requirements preclude it. Turf shall not be used within and adjacent to retained bushland without an edge treatment such as a road,
- Hollow-bearing tree clearing protocol for approved development areas,
- Tree Removal and Retention Plan for asset protection zones,
- Development of mitigation measures to minimise vehicle/fauna strike,
- Development of a Corridor Strategy, which includes augmentation of the fragmented Native Vegetation Corridor in the north of the site, improvement of the existing connectivity on site, and targeted measures to facilitate faunal groups moving through the corridor (such as gliders). A post-development assessment of canopy gap between patches of retained native vegetation within Council's Native Vegetation and Corridor Map shall be undertaken. Depending on the height and location of retained trees, structures (glider poles, rope bridges etc) may be required to provide post-development fauna movement through the site. If required, input from a squirrel glider expert shall be obtained and included in the design, placement and to confirm the number and type of these structures. They must be designed in consultation with Council and with consideration to site constraints including power lines and traffic/public safety requirements, have regard to any requirement of the Roads and Maritime Services, and be certified by a practicing structural engineer,
- Fire management,
- Pest management.

Implementation of the VFMP shall commence immediately upon any construction work commencing and shall be carried out over the life of the development. The VFMP shall be updated in consultation with Council every five years. Annual monitoring statements shall be provided to Council's Development Planner Flora and Fauna verifying compliance with the VFMP.



## **28. 4WD Experience - Restrictions**

The 4WD Experience activities shall be restricted to low speed demonstration events only, with a maximum of one event per month and in dry conditions only.

## **29. Security Fencing**

Any new or replacement security fencing to the site boundary or internal of the site (including any fencing around the track) shall comprise fauna-friendly fencing, designed in consultation with an ecologist and incorporate fauna friendly design in retained bushland areas to minimise entanglement by fauna.

Ideally barbed wire or similar shall not be used. If required, security fencing with barbed wire may require the top of the fence angled at 90 degrees to the erect fence to minimise the vertical distance of the barbed wire. Standard security fencing designs would be appropriate where not in retained bushland.

## **30. Geotechnical Report Compliance**

The recommendations of the Geotechnical Reports as listed shall be complied with:

- "Slope Stability Assessment", Reference No. 2219847 prepared by GHD dated October 2018; and
- "Preliminary Mine Subsidence Assessment", Reference No. 2218504 prepared by GHD dated August 2017

Any works undertaken in relation to the development shall embody all the relevant recommendations of the Geotechnical Reports.

Where further geotechnical assessment is required to inform detailed design, this shall be undertaken prior to the issue of the first Construction Certificate.

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

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

## **31. Stormwater Detention Required**

The person having the benefit of the consent shall show that the development does not increase the peak stormwater discharge or limits of upstream and downstream flooding for floods over the range of one Exceedance Yearly (1 EY) to 1% Annual Exceedance Probability by the inclusion of stormwater detention controls.

Concept stormwater plans and calculations for such stormwater controls shall be submitted to Council for approval prior to the issue of the first **Construction Certificate**. The concept stormwater plans cannot be used for construction.

Detailed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the first **Construction Certificate**. The stormwater plans shall be generally in accordance with the concept stormwater plans approved by Council 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 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 from the 1 EY 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.

The person having the benefit of the consent shall include an "Operation and Maintenance Plan" with the **Construction Certificate** documentation for all stormwater management facilities.

A permanent metal sign shall be installed in a visible location near all stormwater detention controls indicating that it is an onsite stormwater detention system required by Lake Macquarie City Council and that it is an offence to tamper with or change the detention controls. The sign shall also state that it is an offence to remove the sign.

Prior to the issue of a Final Occupation Certificate:

- (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.

### 32. Finished Floor Levels

The person having the benefit of the consent shall show the following by calculations and plans:

- a) Habitable rooms and unsealed electrical installations to have a floor level no less than the 1% Annual Exceedance Probability (AEP) flood level plus 500mm freeboard;
- b) Non-habitable rooms to have a floor level no less than the 5% AEP flood level;

The person having the benefit of the consent shall supply the above calculations and plans to Council for approval prior to the issue of the first **Construction Certificate**.

### 33. Water Quality Control Facilities

The person having the benefit of the consent shall design and construct permanent Stormwater Quality Facilities generally in accordance with the Preliminary Engineering Design Report prepared by Northrop (dated July 2017).

Plans and calculations for such Stormwater Quality Control Facilities shall be submitted to the Principal Certifying Authority for approval prior to the issue of the first Construction Certificate.

The person having the benefit of the consent shall include an "Operation and Maintenance Plan" with the Construction Certificate documentation for all water quality control facilities.

### 34. Stormwater Standards

The person having the benefit of the consent 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.

### 35. 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 create easements for drainage over downstream properties prior to the issue of the first Construction Certificate.

### 36. Subsidence Advisory NSW Requirements

Subsidence Advisory NSW has issued general terms of approval for the development, in accordance with s.91A of the *Environmental Planning & Assessment Act 1979*, subject to the following:

#### GENERAL TERMS OF APPROVAL

GENERAL	
Plans, standards and guidelines	
1.	<p>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.</p> <p><b>Note:</b> 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.</p>

	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.
<b>PRIOR TO COMMENCEMENT OF CONSTRUCTION</b>	
3.	<p><b>High Speed Private Road Overlying Great Northern Seam Mine Workings</b> Submit a proposal to remove the risk of mine subsidence by a suitable means, such as grouting. Submit for acceptance by Subsidence Advisory NSW prior to commencing work a:</p> <ul style="list-style-type: none"> <li>a. <b>Grout Design</b>, including grout locations (dimensioned in plan and elevation), and design parameters for any residual mine subsidence.</li> <li>b. <b>Grout Implementation Plan</b>; including a site plan (showing property boundaries within 200m of the site), grout locations (dimensioned in plan and elevation), proposed bore locations, and grout designers endorsement.</li> <li>c. <b>Grout Verification Plan</b>; showing the location of verification holes and the grout designer's endorsement.</li> </ul> <p>On completion of grouting submit a <b>Grout Verification Output Report</b> endorsed by the grout designer and site verification engineers for compliance with the accepted Grouting Plan.</p>
4.	<p><b>Other Infrastructure Overlying Fassifern Seam Workings</b> By geotechnical investigation and analysis, recommend mine subsidence design parameters for <i>Subsidence Advisory NSW</i> acceptance, demonstrating that all improvements can be designed to remain “safe, serviceable and readily repairable”.</p> <p>In each case the geotechnical investigation shall contain confirmation of the depth of coal seam, height of the workings, thickness of competent rock, as well as detailing the pillar dimensions used in any analysis. It should also include sensitivity and risk analysis, and a review of potential subsidence scenarios</p>
5.	<p>Submit an “Engineering Impact Statement” prior to commencement of detailed design for acceptance by SANSW, which shall identify the:</p> <ul style="list-style-type: none"> <li>a. Mine Subsidence Parameters used for the design.</li> <li>b. Main construction elements and materials.</li> <li>c. Risk of damage due to mine subsidence</li> <li>d. Design measures proposed to control the risks.</li> <li>e. Comment on the: <ul style="list-style-type: none"> <li>• likely damage in the event of mine subsidence.</li> <li>• sensitivity of the design to greater levels of mine subsidence.</li> </ul> </li> </ul>
6.	Submit a final design incorporating the design methodology contained in the “ <i>Engineering Impact Statement</i> ”, for acceptance by <i>Subsidence Advisory NSW</i> 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 ‘slight’ damage in accordance with AS2870 (Damage Classification), and readily

	<i>repairable</i> " taking into consideration the mine subsidence parameters outlined above.
<b>POST CONSTRUCTION</b>	
<b>7.</b>	Upon completion of construction, works-as-executed certification by a qualified engineer is to be forwarded to the <i>Subsidence Advisory NSW</i> confirming that construction was in accordance with the plans approved by <i>Subsidence Advisory NSW</i> .

### 37. NSW Rural Fire Service Requirements

The New South Wales Rural Fire Service (NSW RFS) has issued general terms of approval for the development, subject to the following 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:

- At the commencement of building works and in perpetuity the property around the Lodge to a distance of:

- 85m on the northern and eastern elevations and
- 50m on the southern and western elevations

Shall be maintained 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'.

- At the commencement of building works and in perpetuity the property around the Accommodation to a distance of:

- 85m on the northern and western elevations and
- 60m on the southern and eastern elevations

Shall be maintained 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'.

- At the commencement of building works and in perpetuity the property around the Visitor Centre to a distance of:

- 60m on the northern and southern elevations and
- 50m on the eastern and western elevations

Shall be maintained 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'.

- At the commencement of building works and in perpetuity the property around the Black Rock Village to a distance of:
  - 27m on the northern and southern elevations
  - 20.3m on the eastern elevation and
  - 20m on the western elevation

Shall be maintained 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'.

- At the commencement of building works and in perpetuity the property surrounding the Pits, Mechanic Sheds and Emergency Centre to a distance of:
  - 20m on the northern, north eastern, southern and western elevations and
  - 6 to 10m depending upon separation to the sensitive vegetation on the eastern elevation

Shall be maintained 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'.

- At the commencement of building works and in perpetuity the property around the Parking Station to a distance of:
  - 20m on the northern and western elevations
  - 15m on the eastern elevation and
  - 3m on the southern elevation

Shall be maintained 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'.

- At the commencement of building works and in perpetuity the property around the Cafe to a distance of:
  - 70m on the eastern and western elevations
  - 50m on the southern and northern elevations

Shall be maintained 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'.

- At the commencement of building works and in perpetuity the property surrounding the Site Rehabilitation and Maintenance Shed to a distance of 20m, shall be maintained 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:

- Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

### **Access**

The intent of measures for fire trails is to provide suitable access for fire management purposes and maintenance of APZs. To achieve this, the following conditions shall apply:

- Fire trails shall comply with section 4.1.3 (3) of 'Planning for Bush Fire Protection 2006'.

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:

- Internal roads shall comply with following requirements of section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
- Internal roads are two wheel drive, sealed, all weather roads.
- Internal perimeter roads are provided with at least two traffic lane widths (carriageway metres minimum kerb to kerb) and shoulders on each side, allowing traffic to pass in opposite directions.
- Roads are through roads. Dead end roads are not more than 100 metres in length from a through road, incorporate a minimum 12 metres outer radius turning circle, and are clearly signposted as a dead end.
- Traffic management devices are constructed to facilitate access by emergency services vehicles.
- A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches, is provided.
- Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
- The minimum distance between inner and outer curves is six metres. Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
- Maximum grades do not exceed 15 degrees and average grades are not more than 10 degrees.
- Crossfall of the pavement is not more than 10 degrees.
- Roads do not traverse through a wetland or other land potentially subject to periodic inundation (other than flood or storm surge).
- Roads are clearly signposted and bridges clearly indicate load ratings.
- The internal road surfaces and bridges have a capacity to carry fully loaded fire fighting vehicles (15 tonnes).

### **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:

- A Bush Fire Emergency Management and Evacuation Plan 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:

- New construction of all residential buildings within the Black Rock Village shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- New construction for the Lodge, Short-term Accommodation and Visitor Centre shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

#### **Landscaping**

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

#### **38. 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. Parking areas and accessways shall be generally in accordance with the Engineering Plans prepared by Northrop (Reference: NL170151, drawings: CP-01-C1.00 to C5.01, dated 14.08.17).

Fire trails and accessways for fire fighting purposes shall be designed and constructed in accordance with NSW RFS requirements and Planning for Bushfire Protection 2006.

All parking areas and access ways, line marking and signage shall be completed prior to the issue of an Occupation Certificate.

#### **39. Track Design and Operation**

The track circuit shall be designed, constructed and operated in accordance with applicable Confederation of Australian Motor Sport and Federation Internationale De L'Automobile guidelines and any applicable track design and legislated safety standards. Applicable licencing and accreditation required for operation of the track shall be obtained in accordance with relevant state and national regulations, prior to operation of the track.

A written statement shall be provided to the Principal Certifying Authority from the designer/engineer prior to the issue of a Construction Certificate stating that the relevant standards have been adopted and complied with as required by this condition of consent.

#### **40. Channelised Right Turn Intersection**



A channelized right turn intersection and lane within the Rhondda Road road-reserve, at the entry to the development site, shall be provided in accordance with the approved plans and at the cost of the person with the benefit of the consent. The turn lane shall be designed generally in accordance with the Traffic Impact Assessment (Seca Solution, P0911 Issue: Ver03, dated 23 August 2017).

The channelized right turn lane design shall include details of the associated road pavement, road shoulders, drainage and adjustments to existing constructions in accordance with the provisions of the following publications (as amended or updated), as applicable:-

- a. Australian Rainfall and Runoff, 2016.
- b. Council's DCP and supporting guidelines.
- c. AUSTROADS Road and Pavement Design Guides.
- d. Roads and Maritime 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

#### Construction Certificate required for Works

A Construction Certificate shall be submitted for the approval of Council for the works to the road reserve, prior to any works being undertaken, to include the full engineering design and pavement design (including a geotechnical assessment of the capacity of the existing pavement to accommodate any new turning movements) and the following:

Construction works for the channelised right turn lane 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 Council.
- (b) the person having the benefit of the development consent:-
  - (i) has appointed a Principal Certifying Authority,
- (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.

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

The following shall be included with the documentation submitted to Council for the Construction Certificate:

- Vegetation clearing required to be undertaken in accordance with the approved documentation, to provide for sufficient sight distances to the west for vehicles exiting the site, shall be shown on the plans. All reasonable measures shall be undertaken to protect all other vegetation in the location and on adjacent lands from damage during construction.
- A sign is to be provided at the exit to the site requiring a left hand turn exit only for heavy vehicles to restrict travel of heavy vehicles east to Teralba.
- Plans illustrating all regulatory signposting and linemarking on the public road system or road related area are required to be submitted to Council's Traffic Facilities and Road Safety Committee for approval (the approval process could take up to three months). The approved signposting and linemarking shall be installed prior to the issue of the Occupation Certificate.
- An Erosion and Sediment Control Plan for the works is required for approval and no works shall commence until the erosion and sediment control works specified in the plan are in place and the placement approved by the Principal Certifying Authority. 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.

#### Construction and Noise

- 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.
- 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).
- The following noise level restrictions shall apply:
  - (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).

- 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.
- For the duration of work being carried out, traffic control shall be undertaken in accordance with the requirements of *Australian Standards AS 1742 - Manual Uniform Traffic Control Services – Parts 1, 2 and 3*.

#### Notice of Commencement of Works

- Construction works in a public road 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.

#### Works as Executed Plan

- An electronic copy of the Works as Executed Plans for the channelised right turn intersection, certified by the Consulting Civil Engineer supervising the works or the Registered Surveyor in charge shall be supplied to 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.

#### Compliance Certificate for Works

- The person having the benefit of the consent shall obtain and submit a **Compliance Certificate/s** to certify that all construction works for the channelised right turn intersection 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 any Occupation Certificate.

#### **41. 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.

#### **42. 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.

#### **43. 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.

#### **44. Construction Management Plan**

A Construction Management Plan (CMP) shall be provided to Council, a minimum of seven days prior to commencing any works. The CMP shall be submitted to the City Projects Department at [projectmanagementpat@lakemac.nsw.gov.au](mailto:projectmanagementpat@lakemac.nsw.gov.au). The CMP must be approved by Council prior to works commencing on site. The CMP shall set out the construction approach for the works and should seek to minimise disruption to the local community.

As a minimum, the CMP must address the following areas, where applicable:

Health and Safety

- Public safety, amenity and site security;
- Traffic Control and Management;
- Pedestrian management;
- Construction hours;
- Noise control;
- Contractor vehicle parking;

- Locating existing utilities and services;
- Health and Safety requirements.

#### Environment

- Air quality management;
- Erosion and sediment control- base information, monitoring and management;
- Waste management;
- Material stockpiling;
- Vegetation management;
- No go zones;
- Heritage management (if applicable).

#### Quality

- Submission of current insurance certificates;
- Work method description;
- Construction equipment to be used;
- Inspection and testing requirements;
- CCTV survey of pipework;
- Earthworks methodologies;
- Haulage routes to be utilised;
- Retaining structure construction methodologies;
- Concrete jointing methodologies;
- Subsoil drainage installation methodologies;
- Stormwater drainage infrastructure installation methodologies;
- Stormwater Quality Improvement Device installation methodologies;
- Road construction methodologies;
- Accessways and footway construction methodologies;
- Landscaping installation methodologies;
- Utility and services installation methodologies;
- Construction and installation methodologies of other structures not otherwise covered above.

All works on site shall be undertaken in accordance with the approved CMP.

#### **45. Landscape Works**

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

All landscape 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.

No managed turf areas shall abut existing bushland. All areas to be mown turf grass shall include a concrete edge restraint or equivalent that provides a maintenance edge able to control the spread of turf into natural or semi-natural areas. Given the low lying bushland nature of the site, mown turf grass shall be minimised on the site.

Tree planting shall comprise species endemic to the site. Shrub, ground cover and native grass meadows shall comprise native species not prone to becoming weedy and/or naturalising drainage lines and/or creeklines. A high floristic diversity of native species shall be scheduled. No turf shall be specified within creekline.

Landscape works shall conform to planting densities scheduled at construction documentation stage with all plants at nominated pot sizes and spacings in all areas dedicated to planting. All areas for regeneration shall be mass planted with endemic species. All managed planted areas to be covered with minimum 100mm forest mulch, where possible salvaged from the site, 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.

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

All 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:

General parking	138 spaces
Accommodation parking	39 spaces
Disabled car spaces	8 spaces

The car parking spaces are to be identified on-site by line marking and must be numbered. The car parking provided shall only be used in conjunction with the uses contained within the development and except as provided for in these conditions are not to be used other than by staff or visitors to the facility and are not to be used for public carparking not associated with the site use.

The required disabled car parking spaces shall be clearly marked and signposted for the sole use by disabled persons. No spaces shall be marked, signposted or otherwise identified as being for the sole use of staff only.

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

#### **47. Bicycle Parking Racks**

Secure bicycle parking/storage shall be provided to accommodate six bicycles on the site for the development. 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.

**48. 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.

**49. 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.

**50. Disability Access Design Audit**

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

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

**Note:**

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

**51. 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.

**52. Safety and Security**

The recommendations of the Crime Risk Assessment Report prepared by Barr Property & Planning (July 2017) and specific measures identified in the recommendations section of the report (pp 18-19) regarding surveillance, access control, territorial reinforcement, activity and space management, building design,

lighting, access, car parking, fencing and landscaping shall be implemented to addresses areas of crime risk associated with the development.

**53. Segregation of Drainage**

Prior to the issue of the first construction certificate, details shall be submitted to Council for approval demonstrating the segregation of drainage areas subject to contamination from fuel oil, grease or fuel spills, 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.

The design and construction of the fuel dispensing area shall be generally in accordance with the NSW Office of Environment and Heritage guidelines "Environmental Action for Service Stations - Information Sheet 3 – Forecourt Design, Operation & Maintenance " October 2008, as amended.

**54. 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."*

**55. Liquid Wastes**

Prior to the issue of the first construction certificate details on the collection, treatment and/or disposal of liquid wastes arising from the operations shall be submitted to Council for approval. Details shall to include segregation of drainage areas subject to likely contamination, and the methods for preventing contaminates discharging from the site into the stormwater system. No work shall commence on site until the Council's approval is obtained.

**56. 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.

**57. 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.

**58. Washbay Construction and Operation**



Any washing, degreasing or steam cleaning of vehicles, plant, engines, mechanical equipment or parts shall be carried out within an approved wash bay or vessel designated for this use, and shall not be carried out elsewhere on the site.

The wash bay shall be roofed, and the floor area bunded, graded and drained to a suitable floor sump. Wastewater shall be pumped to an oil separator for treatment and discharged to the sewer with the approval of the Hunter Water Corporation.

If sewer is not available to the premises, wastewater may be discharged to a storage tank for collection and disposal by a NSW Office of Environment and Heritage licensed waste removal contractor.

#### **59. Degreasing and Steam Cleaning**

Any washing, degreasing or steam cleaning of vehicles, plant, engines, mechanical equipment or parts are to be carried out within an approved wash bay or vessel and shall not be carried out elsewhere on the site.

#### **60. 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.

#### **61. Swimming Pool**

The pool safety barrier shall comply and be constructed in accordance with the provisions of the *Swimming Pools Act 1992*, *Swimming Pools Regulation 2008* and Australian Standard AS-1926-2012.

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

#### **62. 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.

### **63. 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 a 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.

### **64. 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.

### **65. 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."

#### **66. Restriction of Site Access to Prevent Unauthorised Filling**

The property entry and exit points shall be secured at all times to prevent the unauthorised entry of vehicles, and to ensure that the site manager can control and prevent dumping of waste and potentially contaminated material whilst fill material is being imported or managed on site.

#### **67. 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.

#### **68. Erosion and Sediment Controls**

Prior to the commencement of work, including but not limited to vegetation removal or demolition, erosion and sediment controls shall be installed as follows:

- a) A sediment fence shall be erected consisting of stakes at 2.5m maximum intervals with Geotextile filter fabric securely attached to the stakes. The base of the fabric shall be entrenched a minimum 150mm below the ground surface. Only Geotextile specifically produced for sediment fencing may be used. The use of shade cloth is not permitted.
- b) The sediment fence shall be located such that all sediment-laden water from the site flows through at least one sediment fence before flowing offsite.
- c) The vehicle site access shall have a minimum width and length of 3 metres with a surface of compacted aggregate (30mm to 75mm) or a sealed surface. The use of broken tiles is not acceptable.
- d) Where the sediment fence joins onto the site access, a hump shall be constructed in the access to divert water to behind the sediment fence.
- e) Aggregate or gutter "bags" are not permitted where the road width is less than 8 metres. No bags shall be placed where they may create a safety or flooding hazard. Where appropriate, a bag made from green sediment fence material, or similar, shall be placed in the gutter. The bag shall be at least 450mm long, 200mm diameter, filled with clean rock aggregate. The use of hessian bags and sand filled bags is not permitted.
- f) A material stock pile area (eg sand or soil) shall be contained with a sediment fence installed as per point (a) above.

Should any sediment from the site be deposited outside the site, (for example from vehicle tyres or a broken bag) it shall be removed from the road or gutter immediately.

These controls shall be effectively maintained throughout the construction and post construction phase until the site is made erosion resistant. Failure to comply with these requirements may result in Council commencing legal proceedings under the *Protection of the Environment Operations Act 1997*.

#### **69. Council Road Reserve (south of development area)**

No works or obstruction shall result from the development to the existing Council owned road reserve (connecting 334 Miller Road, Wakefield and 106 Miller Road, Fassifern) to the south of the approved development area on site.

This road reserve shall be maintained in Council ownership to allow for potential future re-routing of the Great North Walk between Teralba and Wakefield.

#### **70. Excavated Natural Material**

Any excavated natural material is to comply with the NSW Office of Environment & Heritage requirements plus the General Excavated Natural Material Exemption 2014

**71. Land Contamination**

A Soil Management Plan, in accordance with the contamination review recommendation from the Contamination Review (GHD, dated 7 February 2018, Ref: 2219373-61635) shall be prepared, prior to redevelopment to ensure soils are managed appropriately.

The soil management plan should include an "Unexpected Finds" protocol to appropriately manage any unexpected contamination that may be revealed during site redevelopment, and shall be submitted with the application for a Construction Certificate.

**72. Site Induction**

All relevant staff and contractors must be made aware of their statutory obligations for heritage under the National Parks and Wildlife Act 1974 and the Heritage Act 1977, which must be implemented as a heritage induction.

All relevant staff and contractors must be made aware of their statutory obligations in relation to the protection of any designated biodiversity offset areas.

**73. Smoke-Free Environment Amendment Act 2004**

The development shall comply with the *Smoke-Free Environment Amendment Act 2004*.

**74. 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 Council's 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.

#### **75. 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.

#### **76. Children's Playground Equipment**

Equipment to be installed in and the design of the proposed children's play areas must comply with the applicable Australian Standard (AS 4685).

#### **77. 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.

#### **78. Sewer – Connection to Hunter Water**

Documentation has been provided that a preliminary investigation has been carried out by Hunter Water Corporation with the view of assessing the feasibility of extending the reticulated sewerage system to this development.

Connection to the existing reticulated sewerage system is required and all wastewater must be disposed of via sewer in accordance with Hunter Water Corporations guidelines.

#### **79. Water Supply**

Documentation has been provided that a preliminary investigation has been carried out by Hunter Water Corporation with the view of assessing the feasibility of extending the water main to service the development.

Connection to the existing infrastructure is required for water supply to the site in accordance with Hunter Water Corporations guidelines.

## **80. Section 50 Certificate**

Prior to the issue of any Construction 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.

## **81. Construction and Fit-out of Food Premises**

### **(a) General Construction**

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

Note: Particular attention should be paid to:

- Routing of plumbing & electrical conduit
- Installation of hand wash basins and cleaners sinks
- Construction of floors, walls and ceilings
- Finishes of floors, walls and ceilings
- Cool room construction
- Installation of fixtures fittings and equipment
- Toilet facilities and airlocks
- Installation of light fittings
- Installation of floor wastes
- Ventilation and exhaust systems

### **(b) Plans and Specifications**

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

### **(c) Mechanical Ventilation**

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

### **(d) Partition Wall Construction**

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

### **(e) Waste Traps**

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

## **82. Noise - Construction Sites**

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

### **Approved Construction Times**

The approved hours for construction of this development are –

Monday to Friday - 7.00am to 6.00pm.

Saturday – 8am to 1pm.

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

### **Construction Periods in Excess of 26 Weeks**

If the construction period is in excess of 26 weeks, a Noise Management Plan (NMP) shall be provided to Council prior to the issue of the first construction certificate. Such plan shall be prepared with the assistance of a suitably qualified acoustic engineer, indicating whether the use of machinery, plant and equipment during those operations can be completed without causing offensive noise (as defined in the *Protection of the Environment Operations Act 1997*) in the neighbouring area. The NMP shall be complied with at all times during the construction period and shall identify any mitigation measures to control noise, noise monitoring techniques and reporting methods, likely potential impacts from noise and a complaints handling system.

Operational times may be amended with the written advice of Council's General Manager or delegate.

## **83. 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.

## **84. Asbestos**

If asbestos is encountered during construction or demolition work, even if the works are partial demolition (e.g. one wall), measures must be in place in accordance with



SafeWork NSW guidelines and the *Occupational Health & Safety Regulations 2001*. Work shall not commence or continue until all the necessary safeguards required by SafeWork NSW are fully in place.

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

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



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

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

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

#### **85. 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.

#### **86. 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.



## **87. Demolition**

Demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no demolition is to be carried out at any time on a Sunday or a public holiday.

No trees shall be removed from the site unless they are shown for removal on the approved plans, or separately approved by Council.

Erosion and sediment control measures shall be installed prior to any demolition works and maintained in accordance with DCP 2014 Guidelines - Erosion Prevention and Sediment Control Guidelines.

Temporary toilet facilities shall be provided during the course of demolition at a ratio of one toilet, plus one additional toilet for every 20 persons employed at the site.

All demolition work shall be carried out strictly in accordance with *Australian Standard AS 2601—1991: The Demolition of Structures* and as in force at 1 July 1993.

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. During construction all vehicles entering or leaving the site must have their loads covered, and must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris and the site shall be grassed or otherwise rendered erosion resistant.

## **88. 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.

## **89. 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.

## **90. Road Closure and Consolidation**

The road closure of the unformed road reserve that "dissects" the site is required as part of this development. An application shall be made to Council requesting that it commence the process under the *Roads Act 1993* to close the road. All costs associated with the road closure shall be payable by the person having the benefit of

this consent and subsequent consolidation of the former road, with the land the subject of this development consent.

The plan of consolidation shall be registered with the Land and Property Management Authority prior to operation of the facility.

## **91. Natural Resources Access Regulator NSW Requirements**

NSW Natural Resources Access Regulator has issued general terms of approval for the development, for a controlled activity under the Water Management Act 2000, subject to the following:

### Design of works and structures

GT0009-00010 - Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.

GT0019-00003 - Any proposed excavation on waterfront land must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by Natural Resources Access Regulator

### Erosion and sediment controls

GT0014-00007 - A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval.

B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.

GT0021-00002 - The proposed erosion and sediment control works must be inspected and maintained throughout the construction period of the controlled activity and must not be removed until the site is fully stabilised.

### GT0022-00005

During the time the proposed controlled activity is taking place or being constructed, restrictions must be imposed by Natural Resources Access Regulator, such as: A. machinery must not enter the water course at anytime, B. there must be a minimum flow in the water course.

### Plans, standards and guidelines

GT0002-00606 - A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 15562017 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.

GT0004-00003 – A. A security deposit must be provided, if required by Natural Resources Access Regulator.

B. The deposit must be: i. a bank guarantee, cash deposit or equivalent, and ii. equal to the amount required by Natural Resources Access Regulator for that controlled activity approval.

GT0005-00252 - A. The application for a controlled activity approval must include the following plan(s): - Design details of all works on waterfront land, clearing, cut & fill, stormwater management & outlet structures, watercourse crossings, rehabilitation and a Vegetation Management Plan ( which clearly defines riparian corridor widths on site). B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website

<https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlledactivities>.

GT0010-00006 - All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.

GT0012-00004 - Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.

GT0030-00006 - The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website

<https://www.industry.nsw.gov.au/water/licensingtrade/approvals/controlled-activities>.

#### Rehabilitation and maintenance

GT0011-00001 - A rehabilitation plan for the waterfront land must be provided as part of a controlled activity approval application.

GT0023-00001 - Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).

#### Reporting requirements

GT0016-00003 - The consent holder must inform Natural Resources Access Regulator in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

#### SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA1556/2017 as provided by Council:

- Concept Vegetation Management Plan
- Civil Works Plans
- Concept Master Plan

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant

approval after development consent has been issued by Council and before the commencement of any work or activity.

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