

Appendix F: Conditions of Consent

Note, consultation with the applicant has been undertaken with regards to this condition set.

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: Facility Design Group ; Project Number: W-237			
Name of Plan	Drawing Number	Issue	Date
Site Plan	A010	A	19/10/17
Demolition Plan 1	A020	-	05/15/17
Floor Plans	A100	B	30/10/17
Roof Plan	A102	-	06/16/17
Reflected Ceiling Plan	A300	-	08/03/17
Sections 1	A400	-	05/15/17
Sections 2	A401	-	06/19/17
Elevations	A500	-	25/9/17
Colourboard	A900	-	07/31/17

Waste Management Plan/s prepared by: Lake Macquarie City Council; Project Name: Toronto Swim Centre Refurbishment			
Name of Plan	Drawing Number	Issue	Date
Waste Management Plan	WP01	-	21/11/17

Sediment and Erosion Control Plan/s prepared by: Sparks+Partners Consulting Engineerings; Project Number: 17088			
Name of Plan	Drawing Number	Issue	Date
Hydraulic Services / Sediment and Erosion Control Plan	H5.01	4	10.11.17

(b) Document Reference:

Document	Reference	Author	Date
Statement of Compliance Access for People with a Disability	217305	Accessible Building Solutions	30-10-2017
Noise Impact Assessment	16-2008-R1	Reverb Acoustics Pty Ltd	October 2016
Waste Management Plan	DA/1783/2017	Lake Macquarie City Council – Asset Management	21/11/2017

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. 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).

4. Occupation Certificate

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

5. Commencement of the Use of the Land

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

6. Contribution to Provision of Public Amenities and Services (Sec. 94)

(a) In accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and the Lake Macquarie Section 94 Contributions Plan No. 1 – City Wide – Toronto Catchment 2004 (as amended), the monetary contributions in the attached Contributions Schedule must be paid to Council for the purposes identified in that Schedule.

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

14 August,

14 November,

14 February, and

14 May;

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

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

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

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

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

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

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

A copy of the Lake Macquarie Section 94 Contributions Plan No. 1 – City Wide – Toronto Catchment 2004 (as amended) may be viewed on Council's website, or a copy is available for inspection at the Council's Administrative Building during Council's ordinary office hours at 126-138 Main Road, Speers Point, NSW.

7. Erosion and Sediment Control

Prior to any works commencing on-site, including those that 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 on-site controls.

8. Stormwater Disposal - Stormwater Detention and Harvesting

The person entitled to act on this consent shall include stormwater plans and supporting calculations for the development with the Construction Certificate application in accordance with the following:

- Stormwater shall be disposed of through a piped system designed in accordance with Australian Standard AS 3500 by a suitably qualified professional. Qualifications shall be in accordance with Part DQS.06 of DCP 2014 Engineering Guidelines;
- Stormwater harvesting measures shall be constructed and maintained in accordance with the requirements of the DCP 2014 Water Cycle Management Guideline. Stormwater drainage plans shall include details of the harvesting system (eg rainwater tank and pump details plus reticulation diagrams).

Engineering certification shall be provided that shows that all drainage works have been carried out in accordance with the approved plans before the issue of any Occupation Certificate.

9. Acoustic Certification

The recommendations contained in the approved Noise Impact Assessment shall be incorporated into the design and construction of the development.

Recommended design sound levels and reverberation times for building interiors must be considered for comfort levels for those occupying the nominated training room, due to the noise omitting from the adjacent spa pump room and amenity facilities.

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

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

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

10. Floor Levels – Flooding

The proposed development has been assessed against Councils flood planning levels and shall meet the following Flood Planning Level criteria:

- The floor level for the development shall be constructed as per the plans submitted (i.e. 3.45m AHD);
- All unsealed electrical installations associated with the proposed development (eg. switches, power points, etc) shall be placed above 3.90m AHD.

Upon completion of any new concrete formwork, a registered surveyor shall survey the finished floor level to Australian Height Datum and provide a certificate to the Principal Certifying Authority which confirms the finished floor level complies with the minimum AHD level as stated above.

11. Bushfire Protection

The development shall comply with the following bushfire requirements:

- At the commencement of building works and in perpetuity, the entire property shall be managed as an Inner Protection Area (IPA) as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones';
- New water, electricity and gas shall comply with Section 4.1.3 of 'Planning for Bush Fire Protection 2006';
- New construction shall comply with Section 3 and Section 7 Bushfire Attack Level (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';

Note: It is recommended you become familiar with the construction requirements of AS3959 in order to ensure that those elements of the fabric of the building are provided and comply with the relevant level of construction required;

- Landscaping shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006';
- Any new fencing shall comply with New South Wales Rural Fire Service 'Fast Fact 2/06' for Fences and Gates in Bush Fire Prone Areas;
- Unobstructed pedestrian access should be provided and maintained to the rear of the property to aid in fire fighting activities.

12. External Material Reflection

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

13. Disability Access Requirements

Access for people with disabilities must be provided in accordance with the approved Statement of Compliance Access for People with a Disability.

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.

Note:

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

14. Clause 94 Consideration

Pursuant to Clause 94 of the *Environmental Planning and Assessment Regulation 2000*, the existing building shall be brought into conformity with the Building Code of Australia (BCA).

The following work shall be undertaken and details shall be included in the application for the Construction Certificate for the building:

- (a) Provision of Fire Rated Construction to the bounding walls of the Class 4 "Caretakers Sole Occupancy Unit (SOU) to comply with clauses: C3.11, Specification C1.1, Part F5 and C3.4 of the Building Code of Australia. **Note:** This relates to the entry door of the SOU, wall and door between plant room and SOU and windows between SOU and pool enclosure.

15. Construction and Fit-out of Food Premises

General Construction

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

Note: Particular attention should be paid to:

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

Plans and Specifications

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

Mechanical Ventilation

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

Partition Wall Construction

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

Waste Traps

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

16. Certification of Food Premises Fit-out

Prior to the issue of any Occupation Certificate the food premises shall be inspected by an appropriately qualified person who shall certify that the premises, including the construction and installation of all equipment, fixtures, fittings and finishes therein,

complies with the *Food Act 2003*, *Food Regulation 2010*, and *Australian Standard AS 4674 "Design, construction and fit-out of food premises"*.

17. Public Swimming Pools

The public swimming pool shall be designed, constructed, maintained and operated in accordance with the *Public Health Act 2010* and *Public Health Regulation 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.

Swimming pool waste water shall be disposed to comply with the following:

- Sewered Area

Backwashing systems, emptying and waste water from vacuuming systems, shall discharge into the sewerage system in accordance with the Hunter Water Corporation requirements.

18. Car Parking and Allocation of Spaces

A total of at least 39 car parking spaces shall be constructed/maintained on the site in accordance with the minimum requirements of the Australian Standard AS/NZS 2890 as current at the time of construction/approval, and the approved plans.

The spaces shall be allocated in the following proportions:

Residential	2
Recreational facilities	35
Disabled car spaces	2

The car parking spaces are to be identified on-site by line marking.

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

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

Any strata subdivision plan relating to the development shall be consistent with the allocation of car parking in this condition.

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

19. Bicycle Parking Racks

Secure bicycle parking/storage shall be provided to accommodate bicycles on the site in accordance with the approved plans.

The installation and dimensions of the bicycle parking/storage shall be in accordance with the Austroads 'Cycling Aspects of Austroads Guides' and Australian Standard AS2890.3:1993.

These works shall be completed prior to the issue of the Final Occupation Certificate.

20. 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.

Adequate facilities shall be provided in accordance with the approved waste management plan.

Arrangements shall be made for the regular removal and disposal of wastes.

21. Crime Prevention Through Environmental Design

The development shall comply with the following Crime Prevention Through Environmental Design (CTPED) requirements:

- Technical surveillance equipment (CCTV) shall be installed to monitor building entry, car parking and retail areas;
- Where graffiti occurs, a management plan is to be established with the owner and/or operator to require graffiti removal within 24 hours of its appearance;
- Where lighting is broken or damaged, a management plan is to be established with the owner and/or operator to require lighting to be repaired within 48 hours of being broken/damaged.

22. Category 3 Landscaping

Landscaping shall be implemented/installed in accordance with the following:

- Street trees shall be planted along the Awaba Road frontage.

A minimum of four trees shall be planted east of the tram ramp (intersection of Carleton Street and Awaba Road) at approximately 8 metre centres.

Species shall be Eucalyptus 'Euky Dwarf', at 75L pot size;

- Street trees shall be planted along the Beckley Street frontage.

A minimum of two trees shall be planted at 10 metre centres, and 10 metres from the intersection of Beckley Street and Awaba Road.

Species shall be Corymbia 'Wildfire', 45L pot size;

- Street trees shall be planted along the Carleton Street frontage.

A minimum of two trees shall be planted at 10 metre centres.

Species shall be Corymbia 'Wildfire', 45L pot size;

- All street trees shall be planted as per LMCC Landscape Standard Drawings Feb 2016 LSD-PLA-01.

All street trees are to be established by the developer for 52 weeks after which stakes are removed;

- The internal landscape areas adjoining the carpark shall have low shrub planting that screens cars when viewed from Awaba Road.

Two 45L small trees shall be planted within the blisters in the carpark that provide shade and amenity.

Trees shall be planted in locations that provide adequate and unencumbered root and canopy volumes;

- The grassed area within the development site fronting Awaba Road shall have a minimum of three small trees that provide shade and visual amenity;
- Landscape screening to Awaba Road shall be provided to the service areas located in the north-eastern corner of the site. This screening shall be consistent with the car park screening.
- All landscape works internal to the site shall be established and actively growing within 12 months and maintained in perpetuity.

All landscape works shall be carried out by members of the Landscape Contractors Association of Australia and implemented under the full supervision of the appropriately qualified landscape consultant until the Landscape Compliance Report is received by the Principal Certifying Authority.

All landscaping works shall be carried out prior to the issue of the Final Construction Certificate.

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

All landscaping shall be permanently maintained in good condition in accordance with the adopted DCP 2014 Guidelines – Landscape Design Guidelines.

23. Public Domain Works – Street Trees

A Subdivision Construction Certificate (SCC) shall be lodged with and approved by Council prior to any works in the public domain.

The plans are to be completed by a qualified Landscape Architect (Category 3 landscape consultant) and comply with the approved landscape conditions.

Plans are to include details and specification information suitable for construction with no generic reference to concept plans or Council guidelines. All plans are to be consistent and cross-referenced with engineering documentation.

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

All landscape and public domain works approved by the SCC shall be coordinated during the construction period with Council's Project Management Coordinator contactable on 4921 0333.

Witness or hold points must be communicated in an appropriate time (minimum 7 days prior to commencement of landscape works within the public domain) with Council's Coordinator of Project Management.

The following witness and hold points shall be observed:

Street Trees

Witness and Hold Points

- Set out of tree pits within existing concrete footpath (hold point);
- Excavation of tree pits with root barrier and sub-surface drainage installed in accordance with LMCC's Landscape Technical Drawings Feb 2016 – relevant street tree details (hold point);
- Evidence of certification of all associated imported topsoil for street tree planting in accordance with AS4419 – 2003 to be provided to Council's Project Management coordinator (hold point);
- Tree delivery prior to installation and certification to comply with AS2303-2015 'Tree Stock for Landscape Use' (hold point).

Note: if desired, arrangements may be made to inspect trees prior to delivery to assist in avoiding rejection due to poor quality (NB inspection will still be required on site prior to installation);

- Commencement of tree planting (witness point);
- Installation of each layer/horizon of growing medium (witness point);
- Completion of tree planting, including installation of any tree guards in accordance with LMCC's Landscape Technical Drawings Feb 2016 (witness point).

At the practical completion of works, the landscape consultant that produced the SCC shall submit a Landscape Compliance Report to the LMCC Project Management Coordinator that certifies that all landscape works have received the relevant witness and hold point inspections, implemented and maintained in accordance with the SCC.

This compliance report is required prior to LMCC issuing a compliance certificate for the works.

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

24. Fencing

Fencing shall be erected/maintained in accordance with the approved plans.

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

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

25. 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 Noise Policy for Industry (2017). For assessing amenity criteria, the area shall be categorised in accordance with the guidelines outlined the 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.

26. Hours of Operation

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

Monday to Thursday: 5am-8pm

Friday: 5am-6pm

Saturday, Sunday and public holidays: 8am-4pm

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

27. 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.

28. 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.

29. 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.”*

30. 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.

31. Construction Management Plan

A Construction Management Plan (CMP) shall be prepared for the whole development and shall specify operational details to minimise any potential impact to adjoining or adjacent properties.

The CMP shall include, but not be limited to, details to show how the construction process will be managed for both the on-site and external areas, showing the expected timeframes for each building phase.

The CMP shall be prepared and approved by the Principle Certifying Authority prior to commencement of works on site.

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

- construction vehicles, access and parking;
- traffic management and traffic control;
- primary vehicle routes;
- potential road closures;
- control of vehicles, pedestrians and cyclists at the site access;
- safety of road users;
- parking associated with employees, contractors and site personnel;

- access to and from the work site;
- delivery and storage of equipment and materials;
- hours of work;
- timing of works;
- acoustic management and timetabling measures;
- vibration management;
- dust management procedures;
- waste management infrastructure;
- erosion and sedimentation management controls;
- hoardings and pedestrian management; and

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

32. Excavation – Aboriginal Relics

Should any Aboriginal relics be discovered, 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.

33. 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).

34. No works on adjoining Public Reserve

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

No access for vehicles, machinery or goods to the site shall be gained across the public reserve without a written license from Council.

All costs associated with such a license shall be payable by the person having the benefit of the consent.

35. Unobstructed Footpath Access

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

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

36. 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.

37. Construction Waste Management

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

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.

38. 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.

39. 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.

40. 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.

41. Topsoil and Stockpiles of Materials

Topsoil shall only be stripped from approved areas. It may be stockpile on-site 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.

42. Removal, Management and Transportation of Fill

All excavated fill material that is to be removed from the site shall only be distributed to:

- (a) A NSW Office of Environment and Heritage licensed waste disposal facility. A copy of the receipts from the waste disposal facility shall be kept and shall be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or authorised officer of Council upon request; or
- (b) A site which has a current development consent for the importation of fill material. A copy of the current development consent for the site to which the material is proposed to be distributed must be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or authorised officer upon request.

All removed excavated material shall be transported and disposed of in accordance with the NSW Office of Environment and Heritage guidelines applicable at the time of removal.

43. Management of Site - Erosion Prevention and Sediment Control

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

General Terms of Approval

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

- NSW Subsidence Advisory

CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
TC-Roads-Capital-R001-CPI	\$1,967.54
TC-Public Transport Facilities-CPI	\$74.10
TC-Plan Preparation & Administration-CPI	\$47.38
	TOTAL \$2,089.02