

Response to applicant's comments on Draft Conditions

2017/HCC/042 - DA/1950/2017

Residential Care Facility 120 Redhead Road, Redhead

Draft conditions were forwarded to the applicant on Wednesday 6 June 2018, requesting comments.

The applicant responded on Thursday 14 June 2018 with comment on eight conditions.

1 **Condition 5 – request deletion**

Condition 5 provides:

5 Use of the Land and Restriction – Housing for Seniors or People with a Disability

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

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, a restriction as to user shall be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which this application relates to the kinds of people referred to below.

The development shall only be occupied by:

- (a) *seniors, or people who have a disability,*
- (b) *people who live within the same household with seniors or people who have a disability,*
- (c) *staff employed to assist in the administration of and provision of services to housing provided under SEPP (Housing for Seniors or People with a Disability) 2004.*

The applicant requests deletion of this condition as the land is Crown land and has a gazetted purpose under the NSW Crown Lands Act. Deletion would remove any conflict between the gazetted purpose and the consent.

Comment

The condition is imposed as a requirement of Clause 18(2) of the SEPP which provides:

- (2) *A consent authority must not consent to a development application made pursuant to this Chapter unless:*
 - (a) *a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and*
 - (b) *the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the [Conveyancing Act 1919](#), limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).*

Whilst the Crown status of the land is acknowledged, there does not appear to be an ability for the consent authority to remove this condition.

2 Condition 6 – Developer contributions - Foreshadow future deletion, and payment at Occupation

Condition 6 provides:

6 *Contribution to Provision of Public Amenities and Services*

- (a) *In accordance with the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979 and the Lake Macquarie City Council Development Contributions Plan Charlestown 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. 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 Charlestown 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 at 126-138 Main Road, Speers Point, NSW.

The applicant indicates that it is a not for profit organisation and contributions should not be levied. However to avoid delays the condition can remain but will be sought to be deleted under a modification to any consent issued.

The applicant also seeks to have the contributions paid prior to the issue of the final Occupation Certificate, rather than prior to the first Construction Certificate.

Comment

A Ministerial direction applies as follows:

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Revocation of Direction in force under section 94E And Direction under section 94E

I, the Minister for Planning:

1. Pursuant to sections 4(8) and 94E of the *Environmental Planning and Assessment Act 1979* ("the Act"), revoke the direction in force under section 94E of the Act made by Craig Knowles, the former Minister for Infrastructure and Planning, on 6 November 2000, in relation to development applications to carry out development under *State Environmental Planning Policy No 5 – Housing for Older People or People with a Disability* ("SEPP 5"). This revocation applies to development applications made on or after commencement of *State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2)* ("the SEPP").
2. Pursuant to section 94E of the Act, direct consent authorities that there are no public amenities or public services in relation to which a condition under Division 6 of Part 4 of the Act may be imposed on the class of development consents identified in Schedule A granted to a social housing provider as defined in the SEPP. This direction applies to development applications made by such a social housing provider on or after commencement of the SEPP.

Schedule A

Development consents to carry out development for the purposes of any form of seniors housing as defined in *State Environmental Planning Policy (Seniors Living) 2004*.



Minister for Planning

Sydney, 14 Sep 2007.

Social Housing Provider is defined by the SEPP as:

- (a) the New South Wales Land and Housing Corporation,
- (b) the Department of Housing,
- (c) a community housing organisation registered with the Office of Community Housing of the Department of Housing,
- (d) the Aboriginal Housing Office,
- (e) a registered Aboriginal housing organisation within the meaning of the [Aboriginal Housing Act 1998](#),
- (f) the Department of Ageing, Disability and Home Care,
- (g) a local government authority that provides affordable housing,
- (h) a not-for-profit organisation that is a direct provider of rental housing to tenants

For the purposes of the SEPP, an exemption from developer contributions for seniors housing is not available as the applicant is not identified as a social

housing provider. Even if the Whiddon Group is a not-for-profit organisation, it does not appear to directly provide rental housing to tenants.

An alternate method of removing developer contributions is available under the s94 Plan as a not-for-profit, rather than using the SEPP as a Social Housing Provider.

No information is available at present to enable Council to recommend deletion of the developer contributions condition. If in the future the applicant seeks to modify the consent, this will be reported to the Panel for determination.

Payment of Contributions prior to final Occupation Certificate and not first Construction Certificate

If payment is applicable, the applicant seeks to change the time it is paid from the first Construction Certificate to the final Occupation Certificate.

This approach is not consistent with the contributions plan (Section 2.5) and is not recommended.

3 Condition 8 – Concrete Footpath

Condition 8 provides:

8 Concrete Footpath

Concrete footpaths 1.2 metres wide shall be constructed along the Redhead Road frontage of the site, extending from the existing bus shelter to White Cap Close. Concrete footpaving shall be constructed in accordance with Lake Macquarie City Council standard drawing EGSD-301 which is available from Councils website.

Prior to the issue of the final Occupation Certificate a certificate shall be issued by the Principal Certifying Authority stating that the work has been undertaken in accordance with the DCP 2014 Engineering Guidelines.

The applicant identifies some certification ambiguity in that Council is the appropriate body to certify works in the public domain.

Comment

It is agreed that the wording of the condition could be redrafted to avoid confusion. A revised condition is recommended as follows:

8 Concrete Footpath

Concrete footpaths 1.2 metres wide shall be constructed along the Redhead Road frontage of the site, extending from the existing bus shelter ~~to on the western side of Redhead Road to the pedestrian crossover providing access to the bus stop of the eastern side of Redhead Road~~ White Cap Close. Concrete footpaving shall be constructed in accordance with Lake Macquarie City Council standard drawing EGSD-301 which is available from Councils website.

The person having the benefit of the consent shall obtain a Construction Certificate from Council for the footpath works prior to commencing the works. The works shall be completed and a Compliance Certificate obtained from Council prior to the issue of an Occupation Certificate.

4 Condition 11 – Vegetation Fencing

Condition 11 provides:

11 Retention of Trees and Native Vegetation (Development)

Commented [ML1]: External pedestrian traffic likely to be generated from the proposed development would be most likely occur between the site access and the existing bus stops along Redhead Road.

It is considered unreasonable to expect the Whiddon Group to extend the footpath an additional 60m (approx.) to the intersection of Redhead Road with White Cap Close as required in the draft condition. Such works should be reasonably carried out by Council as part of its standard works program.

This requirement would also include an 36m (approx.) of footpath adjacent No 2 White Cap Close. This component does not extend along the site frontage.

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

- (a) *has been identified for removal on the approved plans or documentation;
or*
- (b) *has been identified for selective removal by the NSW Rural Fire Service;
or*
- (c) *is a tree or native vegetation, on the site, that is within close proximity to the approved buildings (i.e. 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 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.*

The applicant advises that there could be a long period of time between the issue of the CC and commencement of works. It seeks to alter second point (a) by requiring exclusion fencing prior to commencement of works.

Comment

No objection to this is raised, and a revised condition is recommended as follows:

11 Retention of Trees and Native Vegetation (Development)

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

- (a) *has been identified for removal on the approved plans or documentation;
or*
- (b) *has been identified for selective removal by the NSW Rural Fire Service;
or*
- (c) *is a tree or native vegetation, on the site, that is within close proximity to the approved buildings (i.e. 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 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 commencement of works and maintained in good working order for the duration of works. The person having the benefit of the consent shall notify Council's 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.*

5 Condition 14 – Car Parking

Condition 14 provides:

14 Car Parking and Allocation of Spaces

A minimum of 48 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:

<i>Ambulance</i>	<i>1</i>
<i>Residential Care Facility Visitors / Residents</i>	<i>18</i>
<i>Staff</i>	<i>30</i>

Any additional car parking above 48 spaces (the approved plans indicate 53 spaces) shall be allocated for staff purposes.

The car parking spaces are to be identified on-site by line marking and shall not to be used other than by a staff member, occupant or tenant of the development or their visitors.

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.

Visitor car parking spaces shall be assigned to the common property should the development be strata subdivided.

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.

For clarity, the applicant seeks to alter the first paragraph as follows:

A minimum of 48 car parking spaces shall be constructed on the site (inclusive of the 12 existing car parking spaces) 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.

Comment

No objections are raised to this wording and a revised condition is recommended as follows:

14 Car Parking and Allocation of Spaces

A minimum of 48 car parking spaces shall be constructed on the site (inclusive of the 12 existing car parking spaces) 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:

Ambulance	1
Residential Care Facility Visitors / Residents	18
Staff	30

Any additional car parking above 48 spaces (the approved plans indicate 53 spaces) shall be allocated for staff purposes.

The car parking spaces are to be identified on-site by line marking and shall not be used other than by a staff member, occupant or tenant of the development or their visitors.

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.

Visitor car parking spaces shall be assigned to the common property should the development be strata subdivided.

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.

6 Condition 17 – Hours of Operation – Food Deliveries

Condition 17 provides:

17 Hours of Operation – Loading Dock / Service Vehicles

Following commencement of occupation, the loading dock shall only operate between 8:00am and 8:00pm Monday to Friday, and 8:00am to 1:00pm Saturdays, Sundays and Public Holidays.

The applicant identifies that food deliveries are required to occur outside of these hours to ensure patient needs are addressed. These deliveries are undertaken by vans or car vehicles, and not by trucks.

Comment

As the condition is a precautionary approach and the SEE demonstrates acoustic compliance without hours of operation regulation, no objections are raised to the request to facilitate the operation of the facility. A revised condition is recommended below:

17 Hours of Operation – Loading Dock / Service Vehicles

Following commencement of occupation, the loading dock shall only operate between 8:00am and 8:00pm Monday to Friday, and 8:00am to 1:00pm Saturdays, Sundays and Public Holidays. **Food, laundry and general site operational service deliveries by van, or car or cart (such as a golf cart) only, are excluded from this condition.**

Commented [ML2]: The service yard is required to accommodate food, laundry and waste deliveries throughout the development on an as needs basis which is essential to address the health and safety of residents. In some instances, a small cart may be utilised for the deliveries.

7 Condition 21 – Hours of Demolition

Condition 21 provides:

21 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.

The applicant identifies that condition 24 allows construction outside of these times and seeks changes to condition 21 to be consistent.

Comment

No objections to this change is raised. A revised condition is recommended below:

21 Demolition

Approved Demolition Times

The approved hours for demolition of this development are:

Monday to Friday - 7.00am to 6.00pm.

Saturday – 8am to 1pm.

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

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.

8 Condition 33 – Community Bus

Condition 33 provides:

33 Community Bus

A community bus shall be made available to residents of the facility to transport them to and from the site to services and facilities in accordance with Clause 26(2)(c) of SEPP (Housing for Seniors or People with a Disability) 2004, including being available during daylight hours at least once each day from Monday to Friday, inclusive.

The applicant contends that full compliance with Clause 26(2)(c) of the SEPP is achieved by access to the public bus stop and although the Whiddon Group does, and will, provide a community bus, this should not be required as a condition of consent.

Comment

It is agreed that compliance with the SEPP is achieved without the community bus. This condition is able to be removed.

Conclusion

Conditions 5 and 6 shall remain without requested changes.

Conditions 8, 11, 14, 17 and 21 are able to be reworded.

Condition 33 is able to be deleted.

A complete set of revised recommended conditions is in **Attachment A**, which replaces draft conditions in Appendix F to the assessment report.

Attachment A – Revised Recommended Conditions of Consent

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 DA/1950/2017 incorporates this schedule of conditions and the plans and documents referenced and stamped as follows:

- (a) Plans Reference:

Architectural Plans prepared by dwp Architects; Project Number. 203519			
Name of Plan	Drawing Number	Issue	Date
3D Views	A001	K	16.10.17
Façade Colour Concept	A010	K	16.10.17
Site Analysis	A020	G	16.10.17
Site Plan – Existing / Demolition	A021	F	16.10.17
Site Plan – New Works	A101	L	11.10.17
Site Plan - Overlay	A102	A	16.02.2018
General Arrangement Plan – Existing Ground Level	A201	N	11.10.17
General Arrangement Plan – Existing Level 1	A202	M	11.10.17
General Arrangement Plan – Existing Roof	A203	L	16.10.17

General Arrangement Plan – Basement Level	A204	T	16.02.2018
General Arrangement Plan – Ground Level	A205	Q	05.02.18
General Arrangement Plan – Level 1	A206	M	11.10.17
General Arrangement Plan – Roof	A207	L	16.10.17
Building Elevations – Existing Building	A401	J	16.10.17
Building Elevations – Proposed Building	A402	K	16.10.17
Sections	A501	G	16.10.17
Shadow Diagrams - Proposed	A901	G	16.10.17
Height of Building Compliance	A902	F	16.10.17

Landscape Plans prepared by TaylorBrammer Landscape Architects; Project Number. 17-109s			
Name of Plan	Drawing Number	Revision	Date
Site Context and influences	LA01	A	05.02.2018
Design Principles	LA02	A	05.02.2018
Site Plan	LA03	C	05.02.2018
Landscape Character	LA04	A	05.02.2018
Detail Plan 1	LA05	C	05.02.2018
Detail Plan 2	LA06	C	05.02.2018
Detail Plan 3	LA07	C	05.02.2018
Tree Removal and retention plan	LA08	C	05.02.2018
Landscape Sections	LA09	C	05.02.2018
Landscape Sections	LA10	C	05.02.2018
Planting Plan 1	LA11	D	01.05.2018
Planting Plan 2	LA12	D	01.05.2018
Planting Plan 3	LA13	D	01.05.2018
Plant Schedule	-	C	01.05.2018

(b) Document Reference:

Document	Reference	Author	Date
Statement of Environmental Effects	Issue B 16/10/17	ADW Johnson	October 2017

(including Appendices A-Y)			
Additional Information (including Appendices A-M)	MLOU:TM:2389526	ADW Johnson	19 February 2018
Letter correspondence – Landscape Updates	AL-17-109s	TaylorBrammer	24 April 2018

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

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

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. Use of the Land and Restriction – Housing for Seniors or People with a Disability

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

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, a restriction as to user shall be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which this application relates to the kinds of people referred to below.

The development shall only be occupied by:

- (a) seniors, or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under SEPP (Housing for Seniors or People with a Disability) 2004.

6. Contribution to Provision of Public Amenities and Services

(a) In accordance with the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979 and the Lake Macquarie City Council Development Contributions Plan Charlestown 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. 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 Charlestown 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 at 126-138 Main Road, Speers Point, NSW.

7. Stormwater Disposal - Stormwater Detention and Harvesting

The Stormwater Disposal, Detention and Harvesting design submitted with any Construction Certificate shall be in accordance with the Stormwater Management Report prepared by Opus International Consultants, Ref: RPEQ 18889 dated 30 January 2018. The stormwater plans approved by this development consent are not approved for construction. The stormwater plans must comply with the following:

- (a) Stormwater shall be disposed of through a piped system designed in accordance with Australian Standard AS 3500 by a suitably qualified professional. Qualifications of the designer shall be in accordance with Part DQS.06 of DCP 2014 Engineering Guidelines.
- (b) Stormwater detention measures shall be constructed and maintained to ensure that the development does not increase upstream or downstream flood levels for all recurrence intervals up to and including the 1% Annual Exceedance Probability.
- (c) Detention storage shall be calculated and designed in accordance with "Australian Rainfall and Runoff 2016" and the Lake Macquarie City Council guideline – "Handbook for Drainage Design Criteria" and shall conform to the specifications and standards contained in DCP 2014 Engineering Guidelines.
- (d) Stormwater harvesting measures shall be constructed and maintained in accordance with the DCP 2014 Water Cycle Management Guideline. Stormwater drainage plans shall include details of the harvesting system, including rainwater tank details, pump details and reticulation diagrams.

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

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

8. Concrete Footpath

Concrete footpaths 1.2 metres wide shall be constructed along the Redhead Road frontage of the site, extending from the existing bus shelter on the western side of Redhead Road to the pedestrian crossover providing access to the bus stop of the eastern side of Redhead Road to White Cap Close. Concrete footpaving shall be constructed in accordance with Lake Macquarie City Council standard drawing EGSD-301 which is available from Councils website.

The person having the benefit of the consent shall obtain a Construction Certificate from Council for the footpath works prior to commencing the works.

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The works shall be completed and a Compliance Certificate obtained from Council prior to the issue of an Occupation Certificate.

9. 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.

10. Dilapidation Survey Report

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

A final Dilapidation Survey Report shall be prepared by a suitably qualified practising engineer at the completion of the works to ascertain if any structural or cosmetic damage has occurred to the properties specified in the earlier report. A copy of the report shall be submitted to Council the Principal Certifying Authority and owners of potentially affected properties and public infrastructure prior to the issue of the Final Occupation Certificate.

11. Retention of Trees and Native Vegetation (Development)

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

- (a) has been identified for removal on the approved plans or documentation;
or
- (b) has been identified for selective removal by the NSW Rural Fire Service;
or
- (c) is a tree or native vegetation, on the site, that is within close proximity to the approved buildings (i.e. 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 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 commencement of works and maintained in good working order for the duration of works. The person having the benefit of the consent shall notify Council's 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.

12. Vegetation Management Plan and Implementation

A person qualified in natural vegetation management, ecology or bush regeneration shall be retained to prepare a Vegetation Management Plan (VMP) for the asset protection zone in consultation with Council's Development Planner Flora and Fauna. The VMP shall be prepared in accordance with the *Lake Macquarie City Council Guideline for Vegetation Management Plans*. The VMP shall be submitted, to and approved by Council's Development Planner Flora and Fauna prior to the issue of the first construction certificate.

The VMP shall include:

- Retention of native vegetation mapped coastal sand wallum heath in the Biodiversity Assessment (ngh Environmental January 2018) within the asset protection zone in compliance with RFS General Terms of Approval received 23/11/2017 for DA/1950/2017.
- Details regarding selective thinning/maintenance of native vegetation within the asset protection zone to comply with RFS General Terms of Approval received 23/11/2017 for DA/1950/2017.
- Clumps of *Tetratheca juncea* within the asset protection zone shall be prioritised for retention with a suitable edge treatment (such as wooden sleeper, rock edge or similar) provided to protect *Tetratheca juncea* from mowing/slashing ect.
- Certification from a qualified bushfire consultant that the proposed vegetation management plan within the asset protection zone complies with RFS General Terms of Approval received 23/11/2017 for DA/1950/2017.

Implementation of the VMP shall commence immediately upon any construction work commencing and shall be carried out in accordance with the VMP approved schedule of works. Annual Monitoring statements shall be provided to Council's Development Planner Flora and Fauna verifying compliance with the VMP. Implementation of the VMP may cease once outcomes of the VMP have been met, the works schedule completed and

approval for the completion of works has been obtained from Council's Development Planner Flora and Fauna.

13. 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.

14. Car Parking and Allocation of Spaces

A minimum of 48 car parking spaces shall be constructed on the site (inclusive of the 12 existing car parking spaces) 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:

Ambulance	1
Residential Care Facility Visitors / Residents	18
Staff	30

Any additional car parking above 48 spaces (the approved plans indicate 53 spaces) shall be allocated for staff purposes.

The car parking spaces are to be identified on-site by line marking and shall not be used other than by a staff member, occupant or tenant of the development or their visitors.

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.

Visitor car parking spaces shall be assigned to the common property should the development be strata subdivided.

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.

15. Parking Areas and Access Ways

All parking areas and access ways shall be designed, constructed, sealed and drained in accordance with the standards nominated in Council's Development Control Plan 1, Volume 1 and 2 Engineering Guidelines and the Australian Standard 2890. All parking areas and access ways, line marking and signage shall be completed prior to the issue of an Occupation Certificate.

16. 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.

17. Hours of Operation – Loading Dock / Service Vehicles

Following commencement of occupation, the loading dock shall only operate between 8:00am and 8:00pm Monday to Friday, and 8:00am to 1:00pm Saturdays, Sundays and Public Holidays. Food, ~~laundry and general site~~ operational service deliveries by van, ~~or~~ car or cart only, are excluded from this condition.

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

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

19. 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.

20. Waste Management

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

21. Demolition

Approved Demolition Times

The approved hours for demolition of this development are:

Monday to Friday - 7.00am to 6.00pm.

Saturday – 8am to 1pm.

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

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.

22. 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.

23. 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.

24. 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.

25. Noise - Sleep Arousal

The L1 (one minute) operating noise level during night time hours of the premises, when measured at the window of any affected residential dwelling, shall comply with the NSW Noise Guideline for Local Government sleep arousal criteria.

26. Acoustic Certification

The recommendations contained in the acoustic report prepared by Day Design Pty Ltd, project number 6259-1.1R, dated the 24th August 2017 shall be incorporated into the design and construction of the development.

A suitably qualified acoustic consultant shall be engaged to assist with the preparation of the final building plans and specifications to ensure compliance with any acoustic conditions and 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.

27. Construction Site Vibration

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

28. 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. Emissions

There shall be no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise" as defined in the *Protection of*

the Environment Operations Act 1997, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the development.

30. Washing of Vehicles

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.

31. Medical / Pathological Waste

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

32. Biodiversity Offset

Prior to issue of the first construction certificate the number of species credits in Table 1 must be retired to offset the impacts of development.

The requirement to retire credits outlined in Table 1 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 1 requirements must be provided to the Development Planner Flora Fauna of Lake Macquarie City Council prior to release of the first construction certificate.

Table 1 Species credits required to be retired – like for like

Impacted species credit	Number of species credits	IBRA sub-region
Tetratheca juncea	195	Anywhere in NSW

33. Soil and Water Management Plan

Prior to any works commencing, a Soil and Water Management Plan (SWMP) shall be lodged with and approved by Lake Macquarie City Council.

The SWMP shall update the existing stormwater management information in the following manner:

- 1 The current plan shows water being directed to the proposed Sedimentation Basin via the proposed new stormwater system. This plan is required to be amended to demonstrate how dirty water shall be directed to basin during construction prior to stormwater system completion.
- 2 Show how clean and dirty water remain separated during construction.

- 3 The current plan shows parking areas that are part of this development without any erosion and sediment controls. This plan is required to be amended to provide for car parking areas.
- 4 Current plan C.0107 – Sediment Fence Detail – remove the F42 steel mesh from the requirements for the sediment fence as this is not considered necessary.
- 5 Current plan C.0107 – Temporary Gully Trap Detail – remove the reference to Propex Siltstop as this is a trademark.
- 6 Current plan C.0108 – Provide full calculations for basin capacity.
- 7 Current plan C.0108 – there are erosion and sediment control measures shown on this Sheet that do not appear to be used onsite. Remove all measures not to be used and ensure all proposed measures are shown.
- 8 Replace any references to Hay and replace with Straw.
- 9 Current plan C.0107 – Remove all Erosion and Sediment Control Notes and replace with detailed notations in full, in the same numbering and in the same case format, as advised by Council's Erosion and Sedimentation Control Officer.

34. General Terms of Approval – NSW Rural Fire Service

The following General Terms of Approval provided by the NSW Rural Fire Service dated 23 November 2017 shall be complied with:

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity, the entire property shall be managed as an inner protection area (IPA) as outlined within Appendices 2 & 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 minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

2. The extension to the water, electricity and gas supplies shall 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:

3. The proposed internal Fire Access Trail 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:

4. The extension to the internal road network shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

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

5. 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' and Australian Standard AS3745 2010 'Planning for Emergencies in Facilities'.

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:

6. The proposed exit on the most western elevation of the new building, shall be relocated away from the hazard side of the building.
7. Construction of the proposed new buildings 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'.
8. All existing habitable buildings within 100 metres of the northern and western property boundary are required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Landscaping

9. Landscaping within the site shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.
10. A 1.8 metres high radiant heat shield / fence, made of non-combustible materials, shall be constructed along the western site boundary. The bottom of the fence is to be in direct contact with the finished ground level or plinth.

35. General Terms of Approval – NSW Subsidence Advisory

The following General Terms of Approval provided by Subsidence Advisory NSW dated 5 December 2017 shall be complied with:

GENERAL

Plans, standards and guidelines

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

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

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

PRIOR TO COMMENCEMENT OF CONSTRUCTION

3. Prescribed Design Parameters

The proposed structure(s) is to be designed to be *“safe, serviceable and any damage from mine subsidence shall be limited to ‘very slight’ in accordance with AS2870 (Damage Classification) and readily repairable”* using the subsidence parameters outlined below:

- a) Maximum vertical subsidence: 430 mm
 - b) Maximum Tensile Strains: 1.2 mm/m
 - c) Maximum Compressive Strain: 1.8mm/m
 - d) Maximum Tilt: 5.3 mm/m
 - e) Maximum Radius of Curvature: 5.0 km
4. Submit an “Engineering Impact Statement” prior to commencement of detailed design for acceptance by SANSW, which shall identify the:
 - a. Mine Subsidence Parameters used for the design.
 - b. Main building elements and materials.
 - c. Risk of damage due to mine subsidence
 - d. Design measures proposed to control the risks.
 5. Submit a final design incorporating the design methodology contained in the *“Engineering Impact Statement”*, for acceptance by Subsidence Advisory NSW prior to commencement of construction. It shall include certification by a qualified structural engineer to the effect that the improvements will remain *“safe, serviceable and any damage from mine subsidence shall be limited to ‘very slight’ damage in accordance with AS2870 (Damage Classification), and readily repairable”* taking into consideration the mine subsidence parameters outlined above.

POST CONSTRUCTION

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

36. Fire Trail Turning Head

The required internal firefighting access trail is shown on the plans as terminating at the northern boundary (see highlight below). Land beyond the northern boundary is Crown land and is not designated as a formal fire trail. The design of the internal fire trail is required to cater for the turning and manoeuvring of a fire truck on the site.

Details of the turning head or method of turning a fire fighting appliance around on the land shall be lodged with and approved by Council prior to occupation of the development.



37. Construction Environmental Management Plan

A Construction Environment Management Plan shall be lodged with Council prior any work commencing.

The CEMP shall identify the methods of construction, locations of ancillary or temporary site compounds, and likely or probable environment impacts and mitigation methods for those impacts, whilst noting other conditions of this consent related to acoustic management and hours of operation for construction operations.

Construction vehicle access and equipment storage shall be carried out wholly within the boundaries of the site and access shall only be obtained via the existing vehicular access off Redhead Road.

38. 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.

39. 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"*.

CONTRIBUTION FEE SCHEDULE

DESCRIPTION

FEE AMOUNT

COA-Public Transport Facilities-CPI	\$1,841.07
COA-Plan Preparation & Administration-CPI	\$29,841.06
TOTAL	\$31,682.13