

SCHEDULE OF CONDITIONS

Reason for Condition(s)

The following condition(s) have been applied to the development, subject of this consent, to ensure that the development meets the requirements of the NSW Environmental Planning and Assessment Act 1979, the NSW Environmental Planning and Assessment Regulation 2000, and the various policies and development controls of Maitland City Council and other government agencies relevant to the development being undertaken.

APPROVED PLANS AND DOCUMENTATION

- The development shall be carried out in accordance with the stamped approved plans and documentation as detailed in the following schedule and any amendments arising through conditions to this consent or as shown in red colour on the plans.

Plan Ref No.	Sheet No.	Revn No.	Revision Date	Prepared by: (consultant)
Cover Sheet	DA-001	C	07.02.19	Jackson Teece
Masterplan	DA-003	D	11.02.19	Jackson Teece
Staging Plan	DA-004	B	11.02.19	Jackson Teece
Site Accessibility	DA-005	B	11.02.19	Jackson Teece
Site Accessibility	DA-006	B	11.02.19	Jackson Teece
Mine Works Overlay	DA-007	B	11.02.19	Jackson Teece
Independent Living Unit – Type B (attached)	DA-101	C	30.07.18	Jackson Teece
Independent Living Unit – Type C (attached)	DA-102	C	30.07.18	Jackson Teece
Independent Living Unit – Type D (attached)	DA-103	C	30.07.18	Jackson Teece
Independent Living Unit – Type E (attached)	DA-104	C	30.07.18	Jackson Teece
Independent Living Unit – Type E (detached)	DA-105	B	30.07.18	Jackson Teece
Independent Living Unit – Type F (attached)	DA-106	C	30.07.18	Jackson Teece
Independent Living Unit – Type G (attached)	DA-107	C	30.07.18	Jackson Teece
Independent Living Unit – Type G (detached)	DA-108	B	30.07.18	Jackson Teece
Independent Living Unit – Type H (attached) – Floor Plans	DA-109	C	30.07.18	Jackson Teece
Independent Living Unit – Type H (attached) – Elevations and Sections	DA-110	C	30.07.18	Jackson Teece
Independent Living Unit – Type I (attached) – Floor Plans	DA-111	D	06.02.19	Jackson Teece
Independent Living Unit – Type I (attached) – Elevations and Sections	DA-112	D	06.02.19	Jackson Teece
Independent Living Unit – Type I (detached) – Floor Plans	DA-113	C	06.02.19	Jackson Teece
Independent Living Unit – Type I (detached) – Elevations and Sections	DA-114	C	06.02.19	Jackson Teece

Community Centre – Lower Level	DA-200	B	25.01.18	Jackson Teece
Community Centre – Upper Level	DA-201	B	25.01.18	Jackson Teece
Community Centre – Roof Plan	DA-202	B	25.01.18	Jackson Teece
Community Centre – Elevations	DA-203	B	25.01.18	Jackson Teece
Ancillary Buildings – Sheet 1	DA-204	B	25.01.18	Jackson Teece
Ancillary Buildings – Sheet 2	DA-205	B	25.01.18	Jackson Teece
Street Elevations	DA-300	B	25.01.18	Jackson Teece
External Materials	DA-500	B	25.01.18	Jackson Teece
Landscape Master Plan	LP04	B	15.02.18	Moir Landscape Architecture
Landscape Detail Plan 1	LP05	B	15.02.18	Moir Landscape Architecture
Landscape Detail Plan 2	LP06	B	15.02.18	Moir Landscape Architecture
Landscape Detail Plan 3	LP07	B	15.02.18	Moir Landscape Architecture
Landscape Detail Plan 4	LP08	B	15.02.18	Moir Landscape Architecture
Landscape Detail Plan 5	LP09	B	15.02.18	Moir Landscape Architecture
Landscape Detail Plan 6	LP10	B	15.02.18	Moir Landscape Architecture
Section & Elevation	LP11	B	15.02.18	Moir Landscape Architecture
Sections	LP12	B	15.02.18	Moir Landscape Architecture
Sections	LP13	B	15.02.18	Moir Landscape Architecture
Detail Floor Plan – Unit A & B	LP14	B	15.02.18	Moir Landscape Architecture
Detail Floor Plan – Unit C & D	LP15	B	15.02.18	Moir Landscape Architecture
Detail Floor Plan – Unit E & F	LP16	B	15.02.18	Moir Landscape Architecture
Detail Floor Plan – Unit G & H	LP17	B	15.02.18	Moir Landscape Architecture
Detail Floor Plan – Unit I	LP18	B	15.02.18	Moir Landscape Architecture
Planting Palette	LP19	B	15.02.18	Moir Landscape Architecture
Theming Palette	LP20	B	15.02.18	Moir Landscape Architecture
Landscape Area	LP21	B	15.02.18	Moir Landscape Architecture
Ecological Assessment		3.0	24.10.17	Kleinfelder Australia Pty Ltd
Bushfire Threat Assessment			10/17	Firebird ecoSultants Pty Ltd
Bushfire Threat Assessment – additional information and Tree Retention Plan			01.04.19	Firebird ecoSultants Pty Ltd
Site Grading Plan	SK10	E	17.11.17	Costin Roe Consulting
Site Grading Plan with	SK11	E	17.11.17	Costin Roe Consulting

Aerial Overlay				
Site Shading Plan	SK12	E	17.11.17	Costin Roe Consulting
Site Grading Sections	SK13	E	17.11.17	Costin Roe Consulting
Proposed Roads Longitudinal Sections	SK14	E	17.11.17	Costin Roe Consulting
Concept Drainage Plan	SK15	E	17.11.17	Costin Roe Consulting
Civil Engineering Report for Development Application	Co13452.00	A	17.11.17	Costin Roe Consulting
Thornton North Section 94 Review – Raymond Terrace Road: Feasibility Design Review	60101952-C-000 to 60101952-C-024		03/2010	AECOM
Hausman Drive Road Upgrade – Stage 2	22-20067-C001	C	10.05.19	Maitland City Council

CONTRIBUTIONS/FEES

2. Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 the Thornton North Section 94 Contributions Plan 2008 and the Maitland City Wide Section 94 Contributions Plan 2016, a contribution of \$2,953,989 shall be paid to the Council.

The contribution is calculated from Council's adopted Section 94 Contributions Plan in the following manner:

Facilities	2 BR	Total	3 BR	Total	Total
	1	143	1	12	155
TN Rec & Open Space Facilities (Seniors)	\$3,045	\$435,435	\$3,698	\$44,376	\$479,811
TN Community Facilities (Seniors)	\$966	\$138,138	\$1,173	\$14,076	\$152,214
TN Road & Traffic Facilities (Seniors)	\$11,717	\$1,675,531	\$14,227	\$170,724	\$1,846,255
TN Cycleways/Shared Paths (Seniors)	\$105	\$15,015	\$128	\$1,536	\$16,551
TN Plan Management & Admin (Seniors)	\$482	\$68,926	\$585	\$7,020	\$75,946
CW Aquatics (Seniors)	\$305	\$43,615	\$371	\$4,452	\$48,067
CW Library Floorspace (Seniors)	\$1,595	\$228,085	\$1,936	\$23,232	\$251,317
CW Road & Traffic Facilities (Seniors)	\$284	\$40,612	\$345	\$4,140	\$44,752
CW Cycleways/Shared Paths (Seniors)	\$248	\$35,464	\$301	\$3,612	\$39,076
Total	\$18,747	\$2,680,821	\$22,764	\$273,168	\$2,953,989

The above contributions may be indexed annually with reviewed rates to apply from 1st February each year in accordance with the provisions of the abovementioned Section 94 Plans. Please refer to Council's web page for the rates currently applicable.

Payment of the above amount is required prior to issue of the Construction Certificate for each stage of the development.

This condition has been applied to ensure that:

- a) Where the proposed development results in an increased demand for public amenities and services, payment towards the cost of providing these facilities/services is made in

accordance with Council's adopted contributions plan prepared in accordance with the provisions of Section 7.11 of the Environmental Planning and Assessment Act, 1979.

- b) Council's administration expenses are met with respect to the processing of the application.

COMPLIANCE

- 3. In accordance with Clause 18(1) of *SEPP (Housing for Seniors or People with a Disability) 2004*, occupation of the residential units shall be limited to the following kinds of people:

- (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 this Policy.

(Note: **Seniors** and **people with a disability** are defined in this Policy under clauses 8 and 9 respectively as follows:

In this Policy, **seniors** are any of the following:

- (a) people aged 55 or more years,
- (b) people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided,
- (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

In this Policy, **people with a disability** are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.)

- 4. **Prior to the issue of the first Occupation Certificate**, a Plan of Management for servicing of the development that takes into account the staging schedule shall be submitted to Council. The Plan of Management shall include, but not be limited to, details to demonstrate compliance with the following provisions in *SEPP (Housing for Seniors or People with a Disability) 2004*:
 - **Details of commitments to** services to be provided to residents under the provisions of clause 42 in this Policy; and
 - Details relating to the capacity and operation of a community bus service to and from the development in accordance with clause 43 of this Policy.
- 5. **Prior to occupation of the development**, a restriction as to user must be registered against the title of the property in accordance with section 88E of the *Conveyancing Act 1919*:
 - (a) limiting the use of any accommodation on the property to the categories of persons referred to in clause 18(1) of *SEPP (Housing for Seniors or People with a Disability) 2004*;
 - (b) requiring the provision of a community bus service referenced in condition (4), to be provided upon occupation of the first dwelling and for the life of the development that provides a level of service to the occupants as detailed in clause 43 of *SEPP (Housing for Seniors or People with a Disability) 2004*. A copy of the draft instrument shall be provided to the Council for review and approval prior to its registration; and
 - (c) requiring the development to operate as 'serviced self-care housing' in accordance with clause 42 of *SEPP (Housing for Seniors or People with a Disability) 2004*, which requires that residents of the proposed development will have reasonable access to services as outlined in subclause (1) in this clause.
- 6. A temporary community facility that complies with clause **42** in *SEPP (Housing for Seniors or People with a Disability) 2004* is to be provided within Stage 1 and remain operational until such time as Stage 1 of the Community Building is completed and operational within Stage 2 as shown on the approved Staging Plan. Details are to be provided to the satisfaction of

Council's Manager – Development and Environment prior to the issue of a Construction Certificate for works within Stage 1.

7. The proposed development is to be carried out in accordance with the sequencing as shown on the approved Staging Plan.
8. The community buildings are to be constructed in accordance with the approved Staging Plan (and as modified by this consent) **and operational** before the issue of an Occupation Certificate for any dwellings within the associated stage:

Stage 1: use of one of the dwellings as a temporary community facility

Stage 2: Community Centre (Stage 1 as shown on the approved Plans DA-200 & DA-201 including the provision of two accessible carparking spaces)

Stage 3: Sports pavilion

Stage 4: Men's shed and Stage 2 of the Community Centre as shown on the approved Plans DA-200 & DA-201)

CERTIFICATES

9. **Prior to the commencement of works** an application for a Construction Certificate shall be submitted to, and be approved by, the Accredited Certifier.
10. **Prior to the issue of an Occupation Certificate**, all conditions of development consent shall be complied with for the respective stage.
11. **Prior to occupation of the building** an Occupation Certificate shall be issued by the Principal Certifying Authority.
12. The applicant shall submit to Council, "*Notice of Appointment of the Principal Certifying Authority*" at least two (2) days **prior to the commencement of construction works**.
13. The applicant shall submit to Council a "Notice of Commencement" form at least two (2) days **prior to the commencement of construction works**.
14. **Prior to issue of the Construction Certificate**, a Compliance Certificate under Section 50 of the Hunter Water Act 1991, for this development, shall be submitted to the Accredited Certifier.
15. (1) Building work that involves residential building works (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:
 - (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licence has complied with the requirements of Part 6 of that Act, or
 - (b) in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- (2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act, 1989, that states that a person is the holder of an insurance policy issued for the purposes of this clause, is sufficient evidence that the person has complied with the requirements of that part.

DESIGN

16. The development shall comply with the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.
- 16A. **Prior to the issue of an Occupation Certificate** for each respective stage, a Disability Access Report shall be provided to the Principal Certifying Authority verifying that the development complies with the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 – Schedule 3: Standards concerning accessibility and useability for hostels and self-contained dwellings*.
17. Internal footpaths are to be increased to a minimum width of 1.2m:
- where the footpath is designed to connect residents to the community centre; and
 - between the community centre and Haussman Drive, where connection is required to the shared path as provided for in the Haussman Drive Road Upgrade design.
- 17A. **Prior to the issue of a Construction Certificate** for Stage 1, a detailed schedule of external material finishes and colour selection is to be submitted to Council's Manager – Development and Environment for approval. The materials and colour palette shall be designed to minimise heat absorption and be of low reflectivity, and provide for a mix of building finishes and colours to improve visual interest and individual legibility within the design of the overall retirement village complex.

EARTHWORKS (FILL)

18. Any fill imported to the site shall be carried out in accordance with the requirements in DA18-1431 with regard to bulk earthworks.

LAND CONTAMINATION

19. Site management is to be carried out in accordance with the recommendations contained in the ***Proposed Seniors Living Development Contamination Assessment*** (Qualtest, NEW17P-0074-AB, 29 June 2017) and as modified as follows:
- Due to the presence of fill materials, an Unexpected Finds Procedure should be prepared and implemented during earthworks on the site,
 - **Prior to the issue of a Construction Certificate**, sampling and analysis of the surface water and sediments in the ponds is to be carried out and submitted to the Principal Certifying Authority. Recommendations arising from this analysis is to form part of the development consent.
 - **Prior to the issue of a Construction Certificate**, further sampling and analysis of fill materials on the access tracks and northern portion of the site (TP11) is required to be carried out and the results submitted to the Principal Certifying Authority. Recommendations arising from this analysis is to form part of the development consent.
 - If material is proposed to be re-used or disposed off-site, the material will require classification in accordance with the NSW EPA (2014) Waste Classification Guidelines, or assessment in accordance with a Resource Recovery Exemption/Order under the POEO (Waste) Regulation 2014.
- 19A. **Prior to the issue of the first Construction Certificate** for the construction of self-contained dwellings, a report from a qualified Land Contamination professional is to be submitted to Council's Manager – Development and Environment verifying that the sampling and analysis reports referred to in condition (19) in this consent have been reviewed and the site is considered suitable for residential occupation for the purpose of a seniors housing development.

MINE WORKINGS

20. **Prior to the issue of a Construction Certificate** for Stage 2, the extent of mine workings including depth of cover are to be determined by a detailed **Site Investigation Report** for the purposes of establishing the appropriate treatment of abandoned mine workings, to permit the staged surface residential development for the purposes of this consent including the internal road network and associated utility installations.

The Site Investigation is to include conclusions and recommendations on civil design and building construction standards to ensure that the development will be designed to remain safe, serviceable and repairable in the event of mine subsidence.

The recommendations arising from this *Site Investigation Report* form part of the development consent and are to be incorporated into any relevant construction stage.

21. **Prior to the issue of a Construction Certificate** for Stage 3, all remediation works associated with the **Site Investigation Report** for the purposes of this consent shall be completed and the works verified by an appropriately qualified **Mine Engineer**. The verification report is to be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

21A. Remediation works are to include full grouting of mine voids with up to a cover depth of 20m.

ARCHAEOLOGY

22. If any Aboriginal objects or bones suspected of being human are identified during construction, site workers must:
- (a) not further disturb or move these remains;
 - (b) immediately cease all work at the particular location;
 - (c) in the case of suspected human remains only, notify NSW Police. In the case of Aboriginal objects, notify the Office of Environment and Heritage Environmental Line on 131 555 as soon as practicable and provide available details of the objects or remains and their location. The Mindaribba Local Aboriginal Land Council should also be notified to assist in the determination of appropriate management for the objects or remains.
 - (d) not recommence any work at the particular location unless authorised in writing by the Office of Environment and Heritage.

BUSH FIRE

23. The development shall be carried out in accordance with the General Terms of Approval issued by NSW Rural Fire Service on 21 June 2019 as follows:

Asset Protection Zones

1. At the commencement of building works, and in perpetuity, the property east of proposed Units 99 to 117 to a distance of 50 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

An additional 20 metres shall be maintained as an outer protection area (OPA) 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' or the remaining distance between the units and the site boundary (whichever comes first).

2. At the commencement of building works, and in perpetuity, the property north of proposed Units 107, 124, 125, 138, 139 and 153 to 156 to a distance of 40 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

An additional 20 metres shall be maintained as an outer protection area (OPA) 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' or the remaining distance between the units and the site boundary (whichever comes first).

3. At the commencement of building works, and in perpetuity, the property north west of proposed Units 9-10, 27-28, 45-46, 49-50 and 151 to 156 shall be maintained as an asset protection zone as outlined on the diagram prepared by Firebird ecoSultants dated 21 November 2018 (Figure 1-1: Tree Retention Map, Ref No. 2025M).
4. At the commencement of building works, and in perpetuity, the property south west of proposed Units 9-18 shall be maintained as an asset protection zone as outlined on the diagram prepared by Firebird ecoSultants dated 21 November 2018 (Figure 1-1: Tree Retention Map, Ref No. 2025M).
5. At the commencement of building works, and in perpetuity, the property south of proposed Units 18, 55, 91, 99 and the Community Centre to a distance of 40 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

An additional 20 metres shall be maintained as an outer protection area (OPA) 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' or the remaining distance between the units and the site boundary (whichever comes first).

6. At the commencement of building works, and in perpetuity, the property either side of the proposed entry point from Haussman Drive into the development linking to the internal roads shall be managed as an outer protection area (OPA) 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' as depicted on the plan prepared by McCloy Group dated 10 December 2017 (referenced 2017036 A DA-003 6).
7. **At the issue of an occupation certificate**, the asset protection zones (APZ) shown on the plan titled Figure 1-1: Tree Retention Map prepared by Firebird ecoSultants Pty Ltd dated 21 November 2018 shall be managed 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' to the fuel loads specified in the table prepared by Firebird ecoSultants Pty Ltd dated 1 April 2019 (referenced Thornton – RFS letter).

A suitably worded instrument(s) pursuant to section 88 of the Conveyancing Act 1919 shall be created for the subject site which requires the ongoing provision of these APZs and prohibits the construction of buildings other than class 10b structures within the APZs. The name of authority empowered to release, vary or modify the instrument shall be Maitland City Council.

Water and Utilities

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

Access

9. The proposed pedestrian path between the development and Raymond Terrace Road shall comply with section 4.1.3(3) of 'Planning for Bush Fire Protection 2006' and be made available as an emergency access to the development.
10. Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

11. A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan, December 2014'.

Design and Construction

12. New construction within 100 metres of the retained and Forest vegetation within and adjacent to the site 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'.

If construction is proposed greater than 100 metres from the vegetation, the proposed development shall comply with Section 4 BAL Low of Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas'.

Landscaping

13. Landscaping with the asset protection zone, except for the area identified as "APZ ground cover" and "All vegetation modification . . ." on the plan prepared by Firebird ecoSultants Pty Ltd dated 21 November 2018 (referenced 2025M) is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

ECOLOGICAL

24. **Prior to the issue of a Construction Certificate** for Stage 1, a Habitat Enhancement and Vegetation Management Plan is to be prepared for the remnant vegetation and approved by Council's **Manager – Development and Environment**. The Plan is to be prepared generally in accordance with the recommendations contained in approved *Ecological Assessment* and the approved *Bushfire Threat Assessment* (October 2017 and 01/04/19), and is to include:
 - APZ Management (in accordance with the Tree Retention Plan)
 - Nest Box Installation and Replacement Plan
 - Active weed management and regeneration works for remnant EEC; and
 - Monitoring framework and reporting timeframes.
25. **Prior to commencement of any works on site**, nest boxes are to be installed in accordance with the approved Habitat Enhancement and Vegetation Management Plan. Establishment of the Nest Box Installation Areas shall include:
 - Sufficient nest boxes (suitable for the nesting requirements of Threatened Species such as micro-bats, Little Lorikeet and Squirrel Glider)

- Creation of suitable instruments under the *Conveyancing Act 1919* to both restrict any development or activity within the identified areas (including clearing of native vegetation beyond the requirements of the APZ) and require the maintenance and monitoring of the nest box installations, including replacement if necessary.
26. **Prior to the issue of an Occupation Certificate** for Stage 1, a report from the ecologist on site during the tree felling process (incorporating documentation on the removal and relocation of any threatened species, if relevant) shall be submitted to **Council's Manager – Development and Environment**.
 27. **Prior to commencement of works**, a qualified ecologist shall inspect, supervise and report to Council regarding the removal and relocation of any threatened fauna species, which in the professional opinion of the ecologist, require such removal and relocation.
 28. **Prior to issue of the Occupation Certificate for the final stage in the development**, documentation on the implementation of the approved Habitat Enhancement and Vegetation Management Plan shall be submitted to Council's Manager – Development and Environment.
 29. No native vegetation shall be cleared from this site unless it is authorised elsewhere in the terms of this consent.

LANDSCAPING

30. All landscaped areas of the development shall be maintained in accordance with the approved Landscape Plans. The landscaped areas shall be kept free of parked vehicles, stored goods, garbage or waste material and the like.
31. **Prior to the issue of an Occupation Certificate** for the respective stage, all landscaping is to be completed in accordance with the approved Landscape Plans.
- 31A. Additional landscaping is to be provided within the access handle to the development (between the access road and the adjoining residential lots), to provide increased visual amenity between the existing development and the proposed development. The additional landscaping is to consider the limitations within the site to maintain asset protection zones for both the development and the existing residential lots. Amended landscaping plans are to be submitted to Council's Manager – Development and Environment for approval **prior to issue of a Construction Certificate for Stage 1**.
32. **Prior to the issue of an Occupation Certificate** for the respective stage, boundary fencing along the common boundaries of the subject site with the road reserves is to be constructed in accordance with the approved Landscape Plan (Raymond Terrace Road Elevation – Sheet 12 of 21). The fences shall be constructed having regard to any boundary adjustment necessary to accommodate road widening of Raymond Terrace Road and Haussman Drive in these locations:
 - Boundary fencing along Raymond Terrace Road – to be constructed with Stage 5; and
 - Boundary fencing along Haussman Drive – to be constructed with the final stage.
33. **Prior to the issue of an Occupation Certificate** for Stage 1, check boundary fencing along southern boundary of existing res properties.

CARPARKING

34. Car parking for the development shall be provided in accordance with the approved plans, with the allocation for the development of spaces as follows:
 - 238 resident spaces (in the form of attached garages);
 - 29 visitor parking spaces

- 15 parking spaces for caravans and RVs (including a parking space specifically allocated for the community bus).
35. All driveways, parking areas and vehicles turning areas shall be constructed with a bitumen or segmental paver surface (on a granular pavement base), or as reinforced concrete.
 36. All parking bays shall be delineated. "Visitor parking" spaces shall be signposted. Caravan and RV parking spaces shall be delineated and signposted and a space designated for the community bus.

VEHICLE ACCESS

37. The proposed driveway intersection with Haussman Drive is to be designed in accordance with the *Haussman Drive Road Upgrade – Stage 2* (MCC, Drawing No. 22-20067-C001, Rev. C, 10.05.19) as modified to include a designated left turn (deceleration) lane into the development site. The detailed design is to be prepared in consultation with Council's Manager – Engineering & Design.
38. **Prior to commencement of works** (*in the event that construction is proposed prior to the Haussman Drive Road Upgrade works*), a type BAR intersection treatment shall be provided within Haussman Drive at the junction of the site access in accordance with Austroads Guide to Road Design and Council's Manual of Engineering Standards (MoES).
39. **Prior to commencement of the works**, a sealed driveway crossing shall be provided on Haussman Drive to access the site. The driveway shall have a minimum width to permit two 19.0m articulated vehicles to pass whilst entering and exiting the site.
40. Site access shall only be via the access handle within Haussman Drive, Thornton. A minimum 7.0m wide stabilised all weather access track shall be constructed as detailed on the approved plans and maintained until the final internal road connection is constructed. **The access track within the access handle (to the length of its internal intersection point) shall be sealed with a two-coat bitumen seal to minimise dust generation during construction.**
41. **Prior to commencement of** works within an existing public road reserve:
 - a) an engineering design, in accordance with Council's Manual of Engineering Standards, shall be submitted to Council for approval
 - b) consent under the Roads Act for the approved works, shall be issued by Council
 - c) all relevant Council fees shall be paid
 - d) a work zone traffic management plan in accordance with the RMS publication "Traffic control at Worksites" shall be submitted to Council.
 - e) Approval by the Traffic Committee for any regulatory signage or pavement marking within the road reserve.
42. **Prior to issue of the Occupation Certificate** for Stage 1, the final driveway intersection with Haussman Drive shall be constructed, in accordance with Council's Manual of Engineering Standards and the Roads Act Approval, to the satisfaction of the Roads Authority (being Council).

STORMWATER DRAINAGE

43. **Prior to issue of the Construction Certificate**, the construction details in accordance with Council's Manual of Engineering Standards shall be provided for the following stormwater requirements:
 - a) On-site Detention (OSD) of stormwater that reduces post-developed discharges to pre-developed discharges for the 1, 10 and 100yr ARI critical storm events, and strictly in accordance with drainage plan number SK15 revision C dated 17/11/2017 by Costin Roe Consulting; and

- b) Minimum on-site detention volume of 5,500m³; and
- c) Detailed pavement finished surface levels demonstrating 1% conveyance paths to, and 1% inlet capacity into the OSD tank/structure, and
- d) Structural certification is required for all structural elements associated with the drainage system; and
- e) an emergency overland flow path for major storm events, that is directed to the public drainage system/ legal point of discharge, and
- f) entrapment of gross pollutants, nutrients and hydrocarbons generated from the contributing ground-surface catchment areas in accordance with Councils Manual of Engineering Standards, and
- g) A combined minimum of 600m² of bio-retention filter media area; and
- h) A water quality pond designed and constructed in accordance with current best practice and standards with a minimum permanent pond volume of 2500m³.
- i) conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties).

- 44. Prior to Occupation or Operation of the development,** a *Stormwater System Maintenance Procedure Plan* shall be prepared by an engineer, detailing a regular maintenance programme for pollution control devices, covering inspection, cleaning and waste disposal, a copy of which shall be supplied to the owner/operator and to Maitland City Council for supply of future owners as needed. The Plan shall include a 'heavy rain inspection' protocol following an intense period of rainfall (i.e. greater than 100mm over 48 hours).
- 45. Prior to issue of the Occupation Certificate,** the stormwater-control system shall be constructed in accordance with the approved stormwater drainage plan. A qualified engineer shall supply written certification to the PCA and Council that the constructed system including detention volume and discharge rates achieve the consent requirements for detention.
- 46.** Final discharge of collected stormwater runoff shall be piped, in accordance with Council's Manual of Engineering Standards to the existing nominated watercourse on the eastern boundary strictly in accordance with drainage plan number SK15 revision C dated 17/11/2017 by Costin Roe Consulting.
- 47. Prior to issue of the Construction Certificate** for the detention/water quality basin, confirmation from the NSW Dam Safety Committee shall be obtained demonstrating that the dam is not classified as a 'prescribed dam'. Any requirements of the Dam Safety Committee shall be adhered to and submitted in the construction certificate documentation.
- 48.** A suitably qualified geotechnical engineer shall supervise the decommissioning of the existing dams to ensure any contamination is identified and actioned appropriately. Where contamination is found during the decommissioning, an action plan is to be provided to, and approved by Council, prior to undertaking the decontamination works.
- 49. Prior to issue of the Occupation Certificate,** certification from a suitably qualified geotechnical engineer shall be provided confirming that any contamination at the decommissioned farm dam site has been removed.

ENVIRONMENTAL MANAGEMENT PLAN

- 50.** A detailed Environmental Management Plan (EMP) shall be prepared by a suitably qualified person/consultant. The EMP shall include plans at a suitable scale and shall detail the objectives of the EMP, compliance with consent conditions, as well as best practice, to ensure specified environmental objectives are met. The EMP shall provide (but not necessarily be limited to):
- (i) a detailed Soil and Water Management Plan.
 - (ii) details of all potential sources of dust generation and monitoring, including how dust emissions are to be assessed, monitored and controlled;

- (iii) details of ongoing water quality monitoring and assessment program;
- (iv) details of attended noise monitoring;
- (v) details of materials waste tracking;
- (vi) details of weed control and ongoing management methods.

51. A copy of the EMP shall be forwarded to Council's Manager – Development and Environment, and reviewed by, Council prior to the commencement of filling on site. A copy of the EMP shall be kept on site at all time under the management of the site supervisor.

EROSION CONTROLS

52. The site and its surrounding environs shall be protected from the effects of erosion (as water and wind borne particles) and off-site "vehicle tracking", by the application of adequate controls. Details in accordance with Council's Manual of Engineering Standards and the manual, "Managing Urban Stormwater" shall be submitted as part of the Construction Certificate application.

53. Prior to the issue of a Construction Certificate, a Soil and Water Management Plan shall be submitted to Council for approval, in accordance with Council's Manual of Engineering Standards and "Managing Urban Stormwater – Soils & Construction 2004 Manual. The plan is to be prepared by a suitably qualified professional detailing temporary and permanent measures to be installed. The Plan is to include an analysis of the susceptibility of soil to erosion and is to be submitted with the Engineering plans. All erosion and sediment control measures undertaken on the site are to conform to the specifications and standards contained in the relevant Manual.

54. Prior to issue of an Occupation Certificate, all necessary works required for compliance with this consent and the Construction Certificate shall be provided in accordance with Council's Manual of Engineering Standards. Confirmation of works shall include:

- a) Confirmation that the construction works have been completed; and
- b) Geotechnical certification of the road pavements are designed and constructed in accordance with Councils Manual of Engineerins Standards and Austroads Guidelines; and
- c) Confirmation from the road authority for any Roads Act Approval requirements; and
- d) Work-as-executed drawings, utilities plans, electronic files are provided to Council; and
- e) Geotechnical testing (pavement, concrete, etc) and inspection certification is provided; and
- f) Geotech and civil engineering certification of the detention basin and water quality works (including any clay core requirements).

CONSTRUCTION MANAGEMENT

55. The applicant must implement best practice measures to minimise dust emissions from the site during construction. The site shall be managed to prevent the generation of dust in accordance with the final EMP, the measures to be employed include:

- The site shall be managed at all times so as to prevent the generation of dust by moving vehicles within the site (e.g. by water spray or other dust suppression methods) from the public road access point; and
- Ceasing construction activities (i.e. no vehicles or equipment use) during adverse meteorological conditions (i.e. on windy days); and
- The construction of a dust barrier fence to a height of 1.8m along the southern boundary of the development site and the adjoining residential properties, prior to commencement of works and maintained until works are complete.

56. Prior to commencement of works on site, a 1.8m high masonry wall shall be constructed

on the common boundary between the development site and the following residential properties to mitigate noise impacts from the site access:

- Lot 468 DP261898 – 25 Geddes Close, Thornton
- Lot 469 DP261898 – 23 Geddes Close, Thornton

The design and material of the masonry fence is to be agreed upon with the affected landowners and be of consistent design across both common boundaries.

57. The proposed development, including all plant and equipment to be utilised on site shall not give rise to any offensive noise as defined under the *Protection of the Environment Operations Act 1997*.

BUILDING CONSTRUCTION

58. All building work shall be carried out in accordance with the provisions of the Building Code of Australia (BCA).

SITE CONSIDERATIONS

59. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.
60. All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the area and constructed so as to deny any flow of water into or around the building or neighbouring buildings or onto neighbouring land.

Where a retaining wall is planned for this purpose and such wall requires consent (refer to State Environmental Planning Policy -Exempt and Complying Development Codes, 2008) plans and specifications of the wall shall be approved by Council and/or an accredited certifier.

Note: The submission of a separate Development Application is not required for a retaining wall associated with this approval and indicated on the approved plans.

61. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- (i) Must preserve and protect the building from damage, and
 - (ii) If necessary, must underpin and support the building in an approved manner, and
 - (iii) Must, at least seven (7) days before excavating below the level of the base of the footings or a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (Includes a public road and any other public place).

62. The applicant is required to notify Council in writing prior to commencing building operations, of any existing damage to kerbing and guttering and/or footpath paving associated with the subject Lot. The absence of such notification signifies that no damage exists and the applicant shall therefore be liable for the cost of the repair of any damage to kerbing and guttering or footpath paving which may be necessary after completion of the building operation.
63. A temporary toilet shall be provided on site from the time of commencement of building work to ensure that adequate sanitary provisions are provided and maintained on the building site for use by persons engaged in the building activity. The number of toilets provided shall be 1 toilet per twenty persons or part thereof employed on the site. The temporary toilet is to be

connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.

64. Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:
- a. 7.00am to 6.00pm Monday to Friday
 - b. 7.00am to 5.00pm Saturday
- Any work performed on Sunday's or Public Holidays that may cause offensive noise, as defined under the Protection of the Environment Operations Act, is prohibited. Minor works (such as hand sanding, painting, digging and the like) is permitted between the hours of 9.00am to 5.00pm. Power operated tools are not permitted to be used.
65. Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.
66. Waffle pods, if used in the construction of the building, shall not be delivered to the site unless wrapped or securely tied. The waffle pods are to be secured on-site to prevent scattering by wind. Off-cuts and unused pods must be wrapped in plastic or similar material and removed from the site immediately upon completion of slab construction.
- Note: Where building materials and/or refuse is found to have caused pollution beyond the boundaries of the development site (eg. blown off-site by wind), the Council may issue infringement notices / fines as prescribed under the Protection of the Environment Operations Act 1997.*
67. All building materials, plant and equipment shall be contained wholly within the development site.
68. The Principal Contractor (or Owner/Builder) shall erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work. The sign shall also display the name, address and telephone number of the Principal Contractor for the work (or Owner/Builder) and shall state that unauthorized entry to the site is prohibited. The sign must be maintained while the work is being carried out and is to be removed when the work is completed.
69. The site shall be cleared of all building refuse and spoil immediately upon completion of the building.
70. All waste generated during construction and operation of the development shall be managed in accordance with the *Waste Management Plan – Retirement Village – 107 Haussman Drive, Thornton* (Barr Property & Planning, 23 November 2017).

SERVICES & EQUIPMENT

71. Upon completion of the building but prior to its occupation, a Final Fire Safety Certificate with respect to each critical and essential fire safety measure installed in the building shall be submitted to Council. Certificates shall be prepared in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation, 2000.
72. A copy of the Fire Safety Schedule and Fire Safety Certificate is to be prominently displayed in the building in accordance with Division 4 of Part 9 of the Environmental Planning and Assessment Regulation 2000.
73. A Fire Safety Statement in respect of each required essential and/or critical fire safety measure installed within the building shall be submitted to Council and the NSW Fire Commissioner annually (or at a more frequent interval for supplementary statements).

Statements shall be prepared and issued in accordance with Division 5 of Part 9 of the Environmental Planning and Assessment Regulation, 2000. Note that monetary penalties may apply for failure to lodge a fire safety statement within the prescribed timeframe.

Statements to the NSW Fire Commissioner are to be submitted electronically to afss@fire.nsw.gov.au.

Standard forms and further information for lodging Fire Safety Statements may be downloaded from Councils website.

- 74. Prior to issue of an Occupation Certificate** for the dwellings, a fire hydrant system shall be installed to service those dwellings. The hydrant system shall comply with the requirements of Australian Standard 2419.1.

SWIMMING POOL/ SPA POOLS

- 75.** The swimming pool and required child resistant pool fencing and gates must be constructed, installed and maintained in accordance with this approval and is to comply with the provisions of the Swimming Pools Act 1992, Swimming Pools Regulation 2008 and Australian Standard AS1926.1-2012 Swimming Pool Safety – Safety barriers for swimming pools and AS1926.2-2007 Swimming Pool Safety – Location of safety barriers for swimming pools.
- 76.** The swimming pool/spa filter and pump shall be installed and operated in such a manner that plant noise does not affect dwellings on adjoining allotments.
- 77.** The management of the swimming pool is to be in accordance with the NSW Department of Health Public Swimming Pool and Spa Pool Guidelines June 1996, Public Health Act 1991 and Public Health (Swimming Pools and Spa Pools) Regulation 2000.
- 78.** The pool shall be equipped with an effective water circulation system, filter and continuous automatic disinfectant dosing control system. Automatic control and dosing refers to a continuous dosing system activated and controlled by feedback from electrical chemical sensing equipment and does not include the use of a dissolving chemical floating dispenser.
- 79.** The frequency of pool water testing shall be carried out in accordance with the NSW Department of Health Public Swimming Pool and Spa Pool Guidelines June 1996 with the use of suitable testing apparatus to ensure accurate results. Plastic Perspex kits known as '4 in 1' or '5 in 1' kits are not suitable for testing public/learn to swim pools.
- 80.** A register or log book shall be used to record the results of every test performed on the pool. The register shall be used to record data as detailed in the aforementioned document.
- 81.** In accordance with the Public Health (Swimming Pools and Spa Pools) Regulation 2000, Council's Environmental Health Officers may undertake inspections of the pool and surround, records, carry out field tests on pool water and take or remove samples of pool water. A fee may be charged for this inspection.

LAND TITLE

(Note: Lot numbers quoted in "Land Title" conditions refer to the approved plan. Any requirements for specified lots within nominated reports must be cross-referenced with the approved plan.)

- 82.** The proposed road widening on the property frontages to both Raymond Terrace Road and Haussman Drive, Thornton shall be dedicated to Council, at no cost to Council, prior to the issue of the Construction Certificate for Stage 1 of the development.

Detailed dimensions are to be confirmed with Council before the road widening plans are finalised. Concept plans are identified as follows:

- Thornton North Section 94 Review – Raymond Terrace Road: Feasibility Design Review (AECOM, Drawing Nos. 60101952-C-000 to 60101952-C-024, March 2010);
- Haussman Drive Road Upgrade – Stage 2 (MCC, Drawing No. 22-20067-C001, Rev. C, 10.05.19)

(Note: The Thornton North Section 94 Contributions Plan 2008) identifies road widening along both Raymond Terrace Road and Haussman Drive, Thornton. Land credits will be applicable to road widening identified in the Plan and as relevant to this application once final survey details are known. An amendment to the development contribution condition in this consent will be required to grant the land credits as an offset to the total contributions payable in the Roads and Traffic Category of the Plan).

83. A restriction and positive covenant on the title of the development site shall be created under the *Conveyancing Act 1919* to give effect to the following:

- (a) a restriction on the use of the land identified as the Habitat Enhancement and Vegetation Management Land to be consistent with the intent of Ecological Assessment and Bushfire Threat Assessment; and
- (b) a requirement to maintain the local biodiversity in accordance with the terms of the Habitat Enhancement and Vegetation Management Plan.

84. A positive covenant on the title of the development site shall be created under the *Conveyancing Act 1919* to give effect to the following:

- (a) a requirement to construct and maintain the Emergency Access within the subject land between the development and Raymond Terrace Road as a Fire Trail in accordance with the NSW Rural Fire Service 'Planning for Bush Fire Protection 2006' – Section 4.1.3(3) including the installation and management of lockable gates to RFS requirements.

ADVICES

The following advice is limited in scope and should not be understood to encompass all areas of responsibility of the consent holder, relating to the development.

- A** You are advised that where underground works within the road reserve are required or necessary for supply of services (such as water, sewer, electricity, gas) further consent for a "Road Opening" must be obtained from Council.
- B** You are advised that there may be design matters in relation to the drainage *concept* plan that warrant further attention prior to the issue of the Construction Certificate.
- C** You are advised that, prior to pouring of internal concrete driveways and kerbs which act as surface depression storage for the stormwater detention (and/or surfaces which divert runoff to those storage areas), formwork set-out and levels should be confirmed.
- D** The water recirculation and filtration system in the spa/swimming pool shall comply with the Building Code of Australia NSW Part 3.9.3 Swimming Pools by incorporating safety measures to avoid entrapment of/or injury to young children. Compliance with AS1926.3 - 2010 satisfies the requirement.
- E** NSW Rural Fire Service advise that the Bush Fire Safety Authority (BFSa) for this development has been issued on the basis of a stand alone performance solution prepared by Firebird ecoSultants Pty Ltd dated 01 April 2019 (referenced Thornton RFS letter), with bush fire attack modelling and modified fuel loads proposed to ensure asset protection zones and construction can comply with 'Planning for Bush Fire Protection 2006'.