

DRAFT Conditions of Consent regarding DA/443/2018 at Lake Macquarie Private Hospital, 3 Sydney Street (Lot 90 DP1233497), 2 Casey Street (Lot 7 DP 24268) and 38 Pacific Highway (Lot 8 DP 24268)

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

Reason for the Imposition of Conditions

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

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

1. Prescribed Conditions

- (a) The work must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (b) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of

that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

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

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

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

2. Inspections

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

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

Additional inspections required under other legislation:

- Food Shops - floor, wall, ceiling finishes (prior to fitting and fixtures) to be carried out, by an “authorised officer”, as defined in the Food Act 2003
- Food Shop Completion to be carried out, by an “authorised officer”, as defined in the Food Act 2003 prior to opening of the premises
- Skin Penetration Premises inspection - by Council prior to opening of the premises
- Inspection of Vehicular Access to Property across Footpath (prior to pouring concrete) – Section 138 Roads Act 1993

3. Approved Documentation

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

(a) Plans Reference:

Architectural Plans prepared by: Health Projects International (HPI)			
Name of Plan	Drawing Number	Issue	Date
Site plan	DA01	1	1 March 2018
Plan – Lower Ground	DA02	1	1 March 2018
Plan – Ground Floor	DA03	2	18 June 2018
Plan – Level 1	DA04	1	1 March 2018
Elevations	DA05	2	18 June 2018
Sections	DA06	1	1 March 2018
Stormwater Plan prepared by: Acor			
Civil Works Plan	C3.01	E	15 June 2018
Civil Works Plan	C3.01	B	20 June 2018
Soil and Erosion and Sediment Control Plan	C4.01	B	5 March 2018

Amended Landscaping Plans prepared by: Terras			
Landscape Plan A	WDL01	C	25 July 2018
Landscape Plans B & C	WDL02	C	25 July 2018
Details 1	WDL03	B	25 July 2018
Details 2	WDL04	C	25 July 2018
Specifications 1	WDL05	C	25 July 2018
Specifications 2	WDL06	C	25 July 2018
Schedules 1	WDL07	C	25 July 2018
Schedules 2	WDL08	C	25 July 2018

(b) Document Reference:

Document	Reference	Author	Date
Statement of Environmental Effects; as amended by additional information	- WTJ18-013	Willow Tree Planning As above	28 June 2018
Waste Management Plan	-	Akalan	Undated
Acoustic Report	12169-DO A	Wilkinson Murray	March 2018
Traffic Report; as amended by additional information referenced above.	17273 A	Transport and Traffic Planning Associates	March 2018
Access Report	75826	McKenzie Group	19 June 2018

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

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

4. Construction Certificate

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

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

5. Occupation Certificate

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

6. Contribution Toward Provision or Improvement of Amenities or Services

(a) In accordance with the provisions of the Environmental Planning and Assessment Act 1979 – Sect 7.11 and the Lake Macquarie City Council Development Contributions Plan 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.

7. Concrete Footpath

Concrete footpaths 1.2 metres wide shall be constructed/reconstructed along the full length of the O'Brien Street frontage between Casey Street & Sydney Street at the cost of the person having the benefit of the consent. Concrete footpaving shall be constructed in accordance with Lake Macquarie City Council standard drawing EGSD-301 which is available from Council's website.

An approval under s138 of the Roads Act 1993 shall be obtained from Council prior to the issue of any Construction Certificate for those works. No works shall commence prior to the issue of a Construction Certificate.

The person having the benefit of the consent shall ensure that if construction is undertaken on the western side of O'Brien Street all private driveways that are altered due to the construction shall be compliant with AS2890.1 and Council's "Low Side" footpath profile. Sufficient notice shall be given to residents affected by the construction. Batter slopes shall not exceed existing slopes. Warrant calculations shall

be assessed with regards to safety fencing and provided to Council with the detailed design.

Should the person having the benefit of the consent consider the eastern side of O'Brien Street suitable for the footpath construction then the same design requirements as noted above shall be required with the Council's "High Side" footpath profile used.

It is considered construction in both cases will require the proposed footpath to be positioned directly behind the kerb which may require retaining walls on the eastern side. Detailed designs shall be submitted and approved by Council for either solution.

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.

Works within the Public Domain may only be certified by Lake Macquarie City Council.

8. Pedestrian Movement Plan

A Pedestrian Movement Plan shall be prepared and submitted for Council approval for the entire hospital campus, which includes all the existing and approved car parks prior to the issue of the first Construction Certificate. This is to facilitate improved pedestrian access and egress.

9. Erosion and Sediment Control

Prior to any works commencing onsite, including those which do not require a Construction Certificate, appropriate erosion and sediment controls shall be installed in accordance with Development Control Plan 2014 (DCP 2014).

The final Erosion and Sediment Control Plan (ESCP) / Soil and Water Management Plan (SWMP) shall be submitted to the certifier prior to the approval of the first Construction Certificate for the development. The plan shall contain information required for the area of disturbance of the development or its distinct and separate stages in accordance with DCP 2014.

The final plan shall include a signed and dated Statement of Compliance stating (in full):

- i) This plan has been developed, certified and signed off by an appropriately qualified and experienced professional in erosion and sediment control;
- ii) The plan complies with the requirements for the area of disturbance in accordance with DCP 2014;
- iii) The plan and associated documents, calculations and drawings,

have been prepared to a standard which, if properly implemented, will achieve the water release criteria of 50mg/L of total suspended solids (TSS); and

- iv) All erosion and sediment control measures are in accordance with DCP 2014.

The final ESCP / SWMP and the Statement of Compliance shall be provided to Council with the Construction Certificate documentation in accordance with clause 142(2) of the Environmental Planning and Assessment Regulation (NSW) 2000.

All erosion and sediment controls shall be appropriately managed throughout the development to prevent pollution until the land is considered erosion resistant.

Any pollution from site shall be cleaned up immediately and appropriate repairs made to onsite controls.

10. 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.

11. Disability Access Requirements

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

The applicant shall demonstrate compliance with the following prior to the issue of the first construction certificate:

- The latch side clearance shall be amended to comply with AS 1428.1.

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

Note: Additional legislation exists to promote the provision of services, which enable people with a disability to maximise their potential, further their integration in the community and achieve positive outcomes.

The following legislation may be relevant:

- The NSW Disability Services Act 1993
- The Commonwealth Disability Discrimination Act 1992
- NSW Anti Discrimination Act 1977.

For further information please consult:

- Human Rights and Equal Opportunity Commission
- NSW Anti Discrimination Board.

12. Tactile Indicators

The development shall have tactile indicators installed in accordance with AS 1428.4.

Note: The areas of the development to have tactile indicators installed are varied and include kerb ramps and footpaths along the street frontage; carpark pedestrian crossings (street frontage and internal); lifts; stairways and ramps.

13. Management of Site - Erosion Prevention and Sediment Control

All disturbed areas shall be revegetated or rendered erosion resistant in accordance with *Section 2.1.11 of Lake Macquarie City Council Development Control Plan 1* 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. Topsoil and Stockpiles of Materials

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

15. Landscape Works

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

Street trees along O'Brien Street shall comprise 10x *Lophostemon confertus* 100Lt and *Elaeocarpus* 'Eumundi' 100lt planted at centres along the streetscape as per the approved plans. *Lophostemon confertus* trees shall have standard LMCC tree guards installed as per the *Lake Macquarie City Council Landscape Standard Drawings Feb 2016*. Street trees shall be established and maintained by the proponent for 52 weeks.

Trees along the Sydney Street frontage shall be 5x *Tristanopsis* 'Luscious' planted in the nominated pot size and locations with planting detail as per the approved documentation. Trees shall be established and maintained by the proponent for 52 weeks.

All landscape planting works shall be implemented under the full supervision of a contractor with a current *New South Wales Department of Fair Trading* endorsed license in Structural Landscaping.

Landscape works shall conform to planting densities as scheduled with all plants at nominated pot sizes and spacings in all areas dedicated to planting. A hard garden retaining edge (timber or concrete) shall be installed to all planting areas adjoining turf surfaces and all planted areas covered with minimum 100mm mulch to aid plant establishment. All timber/concrete edges constructed around the shrub planting area shall be finished flush with surrounding turf levels.

All landscape works shall be established and maintained for a minimum of 52 weeks to achieve continuous healthy growth improving amenity and aesthetics over the site and meeting the aims for development in the zone. Any trees that fail and die over the 52 weeks are to be replaced with identical species and pot size by the applicant and the establishment phase repeated.

At the completion of landscape works, the consulting landscape architect who prepared the documentation shall submit to the Principal Certifying Authority a Landscape Compliance Report prior to issue of Occupation Certificate. This Report shall certify that species, pot size and planting densities comply with approved documentation and practical completion of the landscaping works has occurred.

At the completion of landscape works, the consulting landscape architect who prepared the documentation shall submit to the Principal Certifying Authority a Landscape Compliance Report prior to issue of Occupation Certificate. This Report shall certify that shrub and tree species, pot size, and planting densities and landscape area setout, comply with approved documentation and practical completion of the landscaping works has occurred. This Report shall certify that the street trees are planted specifically as per the nominated locations on the approved documentation, and have edging and tree guards constructed as detailed on the approved documentation.

16. Public Domain Works – Street Trees

All landscape works within the Public Domain (road reserve) shall be coordinated with Council's Project Manager during the construction period. Contact details for Council's Coordinator of Project Management, City Projects contactable on 49210333

Witness or hold points must be communicated in an appropriate time (minimum 7 days prior to commencement of landscape works within the public domain) with Council's Coordinator of Project Management for the following inspections (where applicable) to be carried out by Council's Project Manager:

- Commencement of Public Domain Works (witness point).
- Set out of tree pits (witness point).
- Excavation of tree pits with regard to Council's Street Tree planting detail and specifications (hold point).
- Tree delivery prior to installation (hold point). Note: .if desired, arrangements may be made to inspect trees prior to delivery to assist in avoiding rejection due to poor quality (NB inspection will still be required on site prior to installation).
- Commencement of tree planting (witness point).
- Completion of tree planting, including installation of any guards / grates (witness point).
- The following submissions must be submitted in a timely manner by the Contractor to Council's Project Manager:
 - Batch Certificates for all imported soil in accordance with AS4419 -2003.
 - Certification that nominated street tree complies with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).

Manufacturer's warranty and maintenance information for all proprietary products shall be provided.

17. Hoarding and Construction Site Safety Fencing

Construction site safety fencing and/or hoarding shall be provided in accordance with WorkCover requirements. Such fencing and/or hoarding shall be erected wholly within the property boundary unless prior approval from Council is obtained.

Council approval is required to install hoarding, site fencing or overhead protective structures over or adjoining a public place i.e. a footpath or a Public Reserve. No work shall commence until written approval is obtained.

18. Advertising Structures and Signs

Development consent shall be obtained from Council prior to the erection of any advertising structures or signs on the site. This requirement does not apply to any exempt, complying, or previously approved signage.

19. Car Parking and Allocation of Spaces

A total of 4 additional car parking spaces shall be constructed with two tandem spaces on 2 Casey Street and 2 spaces on 38 Pacific Highway 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 for hospital staff car parking only.

20. 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.

21. Lighting

Lighting shall comply with Australian Standard AS4282-1997.

22. External Storage of Products

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

23. External Material Reflection

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

24. Ausgrid Requirements

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

25. Excavation and Retaining

Only retaining walls indicated on the approved plans shall be constructed under this consent.

No additional excavation/fill is to occur outside the area as shown on the approved plans.

No fill or retaining walls shall be located within any drainage easement located upon the subject property.

Retaining walls, footings and associated drainage works shall be located wholly within the subject property boundaries and shall be connected to the existing stormwater system or other approved stormwater system on the subject property.

Note: Some retaining walls are able to be erected without consent, as Exempt or Complying Development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP). Prior to erection of any retaining wall not approved under this consent, reference to the SEPP should be undertaken to ascertain whether approval is required.

26. 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.

27. Unobstructed Footpath Access

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

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

28. Demolition

Demolition work shall be carried out only between the hours of 7:00am to 5:00pm Mondays to Fridays and 8:00am to 1:00pm Saturdays. No work is to be carried out on Sundays or public holidays.

Council's road and footpath shall not be damaged or obstructed at any time.

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 *Lake Macquarie City Council Development Control Plan 1 – Principles of Development*.

The site shall be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

Temporary toilet facilities shall be provided during the course of demolition in accordance with Council's requirements ie. chemical closet or temporary sewer connection. Separate application shall be made to Council where a chemical closet is proposed.

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.

Demolition work, as defined within Chapter 10 of the *Occupational Health and Safety Regulation 2001*, shall be undertaken by a suitably licensed contractor.

29. Site Amenities

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

Each toilet must:

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

30. 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.

31. Asbestos

If asbestos is encountered during construction or demolition work, even if the works are partial demolition (e.g. one wall), measures must be in place in accordance with SafeWork NSW guidelines and the *Occupational Health & Safety Regulations 2001*. Work shall not commence or continue until all the necessary safeguards required by SafeWork NSW are fully in place.

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

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



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

Asbestos waste must only be disposed of at a landfill site authorised to receive such waste and copies of receipts received from such disposal kept and made available for

inspection by Council during normal working hours and upon the giving of reasonable notice.

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

32. Dial Before You Dig

Prior to commencement of work, the free national community service "Dial Before You Dig" shall be contacted on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.



33. 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 the NSW Environment Protection Authority document Noise Policy for Industry 2017.

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.

34. 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.

35. Acoustic Certification

The recommendations contained in the acoustic report prepared by Wilkinson Murray, project number 12169-DO, dated March 2018 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.

36. 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.

37. 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.

38. 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.

39. 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.

40. 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 Environment Protection Authority.

41. General Terms of Approval

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

Subsidence Advisory NSW, dated 30 May 2018

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. Upon completion of construction, work-as-executed certification by a qualified engineer will be required by Subsidence Advisory NSW confirming that construction was in accordance with the plans accepted by Subsidence Advisory NSW

42. Construction Management Plan

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

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

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

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

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

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

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

A monthly update/newsletter to residents living within the vicinity of the construction works shall be provided. The update/newsletter shall include, as a minimum, updates on the progress of the construction, future timetabling of works on-site, the role of the PCA in dealing with complaints, a record of any complaints received to the construction works and actions taken by the development/applicant to remedy.

43. Operational Wastes

Prior to use of the approved development, the Waste Management Plan for the hospital shall be modified to include the new works and structures approved under this consent.

44. Safety and Security

Prior to use of the approved development, the hospitals Safety and Security Management Plan shall be updated to include the use of the new building, car parking and surrounds. The recommendations contained within the Crime Risk Assessment shall be implemented.

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

45. Inspections

Prior to the covering of work, the applicant is responsible to notify the Principal Certifying Authority giving adequate notice of the time that each stage of the building is ready for inspection.

Inspections are required when work has reached the stages as follows.

Schedule Of Inspections:

- Commencement of Building Work Inspection
- After excavation and prior to placement of any Footings Inspection
- Retaining Wall Footing Inspection
- Retaining Wall (prior to core filling) Inspection
- Trench & Steel Inspection
- Suspended Floor Steel Inspection
- Slab on Ground Steel Inspection
- Notice for Formwork or Pier Inspection
- Swimming Pool Reinforcement Inspection
- Intent to Fill Pool
- Tilt up Wall Panels Inspection
- Frame Inspection (prior to covering with internal linings and insulation)
- Floor Frame Inspection (prior to fixing of flooring)
- Stormwater Drainage Connections (prior to backfilling)
- Wet Area Inspection
- Completion Inspection (prior to issue of Occupation Certificate)
- Septic Tank Inspection (prior to filling of excavation)
- Septic Tank Completion
- Food Shops - floor, wall, ceiling finishes (prior to installation of fittings and fixtures)
- Food Shop Completion by Environmental Health Officer (Food) prior to opening of premises and an Occupation Certificate
- Hairdressing Premises Inspection - by Environmental Health Officer (Health) prior to opening of the premises
- Skin Penetration Premises inspection - by Environmental Health Officer (Health) prior to opening of the premises

- Inspection of Vehicular Access to Property across Footpath (prior to pouring concrete)

By ringing before 2.00pm on any weekday you may have the inspection on the following working day. If you ring after 2.00pm it will be carried out within two working days of notice.

Note: **IT IS NOT POSSIBLE** to certify an inspection retrospectively where work has been completed and covered prior to inspection. An Occupation Certificate cannot be issued and it is an offence to occupy a building without an Occupation Certificate.

46. Roadways and Drainage Works Standards

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

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

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

47. Details Required Prior to Commencement

Construction works in accordance with this development consent shall not commence until:-

- (a) detailed engineering plans and specifications (including a Design Certification Report and Checklists in accordance with the Lake Macquarie City Council Engineering Guidelines) relating to the work have been endorsed with a **Construction Certificate** by :-
 - (i) Council, or
 - (ii) an appropriately Accredited certifier accredited in accordance with the Building Professionals Board Accreditation Scheme, and
- (b) the person having the benefit of the development consent:-
 - (i) has appointed a Principal Certifying Authority, and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment, and
- (c) the person having the benefit of the development consent has given at least two (2) days notice to Council of the intention to commence works.

In accordance with Council's authority under Section 138 of The Roads Act 1993, a Private Certifier shall not issue a Construction Certificate for any works within an existing public road. A Construction Certificate application must be lodged with Lake Macquarie City Council for the works.

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

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

Roadways, Accessways And Footways

48. Traffic Control Standards

For the duration of work being carried out as part of this development, the Applicant shall ensure that traffic control is undertaken in accordance with the requirements of Australian Standards AS 1742 - Manual Uniform Traffic Control Services – Parts 1, 2 and 3.

49. Notification to Neighbours

Written notification shall be given by the Applicant to landowners and residents who live adjacent to the proposed development or who may be affected by the proposed works. The notification should include the expected date of commencement of works and a brief description of the works.

50. Notice of Commencement of Works

Construction works shall not commence until a meeting between the contractor and a representative of the Principal Certifying Authority (PCA) has taken place on site.

In accordance with Section 6.12 of the Environmental Planning & Assessment Act the PCA must be given at least two days notice in writing prior to such meeting taking place.

The notice shall also include the names of the contractor undertaking construction and the developer's supervising officer.

51. Works as Executed Plan

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

52. Compliance Certificate for Works

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

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

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

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

53. Application Fees for Required Certificates

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

For Council to process applications for these certificates the following fees would be payable:

Construction Certificate	Please contact Council for fees	Plus \$70 Archival Fee (inc GST)
Compliance Certificate	Please contact Council for fees	Plus \$70 Archival Fee (inc GST)

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

Where the development includes construction works valued at \$25,000.00 or more, the person having the benefit of the consent must pay the Long Service Levy, as detailed in the Building and Construction Industry Long Service Payments Scheme. The Levy must be paid prior to the issue of the Construction Certificate. The Levy may be paid directly to the Long Service Payments Corporation or to Council as agent for the Corporation. The Levy rate is 0.35% of the cost of building and construction works.

The above fees are current for the **2018/2019 financial year** and are **subject to change** each financial year without notice and confirmation should be obtained from Council prior to the lodgement of any application.

CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
CMH-Roads-Capital-R005/R006/R007-CPI	\$316,730.71
CMH-Roads-Land-R005/R006/R007-LVI	\$2,962.70
CMH-Public Transport Facilities-CPI	\$243.02
CMH-Plan Preparation & Administration-CPI	\$759.87
	TOTAL \$320,696.30