

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	18 May 2020
PANEL MEMBERS	Alison McCabe (Chair), Juliet Grant and Sandra Hutton
APOLOGIES	Nick Jones
DECLARATIONS OF INTEREST	<p>Two panel members declared conflicts of interest before the meeting and did not participate in the determination of this application.</p> <p>Jason Pauling declared a conflict of interest as he is a Councillor on Lake Macquarie City Council and has had interactions with the site/facility previously.</p> <p>Justin Hamilton declared a conflict of interest as he has worked with this applicant, and in relation to this site, previously in his private practice.</p>

Public meeting held at via teleconference on 13 May 2020, opened at 11:05 am and closed at 12:25 pm.

MATTER DETERMINED

PPS-2019HCC023 – Lake Macquarie City Council – DA/790/2019 at 45 Stockland Drive Glendale – Community and Sporting Facilities (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The panel had the benefit of a further analysis of the car parking provisions required. The panel understands that as an integrated facility within the Cardiff-Glendale strategic centre there will be a significant number of multipurpose visits, combined with alternative modes of transport associated with some programs and activities, including buses which are catered for within the proposed development. It is also considered that many of the proposed uses are not necessarily independent uses, but are ancillary and incidental to the primary function and purpose of the centre as an indoor and outdoor recreation facility and community facility.

It was the panel's view that large events and simultaneous operations that would require additional car parking capacity could be managed through the implementation of an Events and Traffic and Parking Management Plan and an Operational Management Plan.

In respect to vegetation management the panel was of the view that this would be better achieved through the preparation of a Vegetation Management Plan and ongoing management requirements as opposed to a covenant.

The panel after questioning both Council and the applicant was satisfied that the proposed development does not unreasonably constrain the potential for future cycle links as identified in the Precinct C Plan. It is understood that how, where and when these cycle works are delivered is dependent on strategic decisions regarding adjoining lands to the north, east and west.

Application to vary a development standard

Following consideration of a written request from the applicant relating to height of buildings development standard, made under cl 4.6 (3) of the Lake Macquarie Local Environmental Plan 2014 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 (development standard) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 (development standard) of the LEP and the objectives for development in the B3 Commercial Core zone; and
- c) the concurrence of the Secretary has been assumed.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions attached at Schedule 2.

The decision was unanimous.

REASONS FOR THE DECISION

- The proposed development provides for the integration of a number of sporting and community facilities to the existing facility to service the broader region and is designed to accommodate Tier 1 athletics and opportunity for national and international competitions, with associated social and economic benefits. It is consistent with the Greater Newcastle Metropolitan Plan which seeks support for enhanced elite sports area and casual sports and recreation facilities within the precinct.
- The facility is appropriately located within the Cardiff-Glendale strategic centre, and includes bus and pedestrian access improvements
- Impacts relating to traffic and event management can be adequately conditioned
- The design of the new buildings and landscaping towards the street and the site's edges are well considered and appropriate
- The vegetation and ecological outcomes can be managed through requirements of a VMP

CONDITIONS

The development application was approved subject to the conditions in Schedule 2. The conditions were amended from those contained in the report.




The panel considered that further detail around traffic and parking management for large events, and vegetation management were required. Furthermore, given the intensification of the use of the site, there was a need for more structure around the ongoing operations of the facility through an Operational Management Plan. The panel was of the view that the retention of vegetation was best achieved through preparation of a Vegetation Management Plan. These are matters that have been addressed through amended and/or additional conditions as follows:

- Condition 3 - the signalised pedestrian crossing is required to be provided in conjunction with the first stage of the development
- Condition 12 - wording of the condition relating to the retention of existing trees with the car park has been amended
- Condition 22 – the requirement for landscaping to wrap around the south-western corner of the trampoline centre has been included
- Condition 23 – new condition specifying the minimum number of car parking spaces to be provided

- Condition 24 – new condition requiring the preparation of a Vegetation Management Plan (VMP)
- Condition 29 (previously Condition 27) – wording altered to require the provision of the signalised pedestrian crossing on Stockland Drive and to remove reference to concurrence from TfNSW
- Condition 57 (previously Condition 55) – recommendations of the Bushfire Report included within the condition
- Condition 64 – new condition requiring the implementation of the VMP
- Condition 77 – new condition requiring VMP sign-off by Council
- Condition 74 – requirement for protective vegetation covenant removed
- Condition 84 – new condition relating to the operational timing of the signalised pedestrian crossing
- Condition 85 – new condition relating to the recommendations of the bush fire report previously referenced
- Condition 86 – new condition requiring the preparation of an Event Traffic and Parking Management Plan
- Condition 87 – new condition requiring the provision of an Operational Plan of Management
- Condition 89 (previously condition 82) - amended to allow set up to occur outside prescribed hours
- Condition 96 – new condition relating to the ongoing implementation of the VMP
- Condition 97 – new condition requiring implementation of the Event Traffic and Parking Management Plan and the Operational Management Plan
- Condition 98 – new condition requiring the creche to be operated ancillary to the dominant uses of the site

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and no members of the public addressed the panel. No issues of concern were raised.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Juliet Grant
 Sandra Hutton	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPS-2019HCC023 – Lake Macquarie City Council – DA/790/2019
2	PROPOSED DEVELOPMENT	Recreation facility (indoor and outdoor) – alterations and additions, and Community facility
3	STREET ADDRESS	45 Stockland Drive, Glendale
4	APPLICANT OWNER	EJE Architecture Lake Macquarie City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 64 – Advertising and Signage Lake Macquarie Local Environmental Plan 2014 Draft environmental planning instruments Development control plans: <ul style="list-style-type: none"> Lake Macquarie Development Control Plan 2014 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 29 April 2020 Clause 4.6 exception to development standards (Clause 4.3 Height of Buildings): February 2020 Written submissions during public exhibition: nil Verbal submissions at the public meeting: <ul style="list-style-type: none"> Council assessment officer – Anna Kleinmeulman and David Pavitt On behalf of the applicant – Jason Condon, Tony Farrell, James Walters and John Fergusson Memo provided by Council on 14 May 2020 relating to carparking, vegetation management and draft conditions.
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing and site inspection: 4 March 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Sandra Hutton and Jason Pauling <u>Council assessment staff</u>: Anna Kleinmeulman, Amy Regado and Ian Barrett Final briefing to discuss council's recommendation, 13 May 2020, 10:10am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Sandra Hutton

		<ul style="list-style-type: none">○ <u>Council assessment staff</u>: Anna Kleinmeulman, Amy Regado, Tim Mitchell, Sarah Warner, David Pavitt, Ian Barrett
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

Conditions of Consent

Conditions of Consent

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

Reason for the Imposition of Conditions

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

To encourage:

- a) 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;
 - i. The promotion and co-ordination of the orderly and economic use of development of land;
 - ii. The protection, provision, and co-ordination of communication and utility services;
 - iii. The provision of land for public purposes;
 - iv. The provision and co-ordination of community services and facilities;
 - v. 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;
 - vi. Ecologically Sustainable Development; and
 - vii. 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.

Administrative Conditions

1. Prescribed Conditions

- a) The work shall 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 shall 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 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 shall be maintained while the building work, subdivision work or demolition work is being carried out, but shall be removed when the work has been completed.

- d) Residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the 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 the information notified under (d) becomes out of date, further work must not be carried out unless the Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

2. Approved Documentation

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

- a) Plans Reference:

Plans prepared by: EJE Architecture; Project Number. 12394			
Name of Plan	Drawing Number	Issue	Date
Coversheet	DA-000	P	19/03/2020
Existing Site and Demolition Plan	DA-001	P	19/03/2020
Site Plan Proposed	DA-002	S	19/03/2020
Proposed Stages	DA-003	M	19/03/2020
Proposed Building height Study Diagrams	DA-004	C	19/03/2020
Site Analysis Plan	DA-010	P	19/03/2020

Signage Plan	DA-011	K	19/03/2020
Shadow Diagrams	DA-030	M	19/03/2020
Perspectives – Sheet 1	DA-040	M	19/03/2020
Perspectives – Sheet 2	DA-041	K	19/03/2020
Perspectives – Sheet 3	DA-042	K	19/03/2020
Ground Floor Plan – Stage A	DA-101	M	19/03/2020
Ground Floor Plan – Stage B	DA-102	M	19/03/2020
First Floor Plan – Stage A	DA-103	M	19/03/2020
First Floor Plan – Stage B	DA-104	M	19/03/2020
Second Floor Plan – Stage A	DA-105	N	19/03/2020
Warm Up Facilities	DA-106	H	19/03/2020
Elevations – Site	DA-200	N	19/03/2020
Elevations – Stage A	DA-203	N	19/03/2020
Elevations – Stage B	DA-204	J	19/03/2020
Elevations – Stage A Materials	DA-211	K	19/03/2020
Elevations – Stage B Materials	DA-212	K	19/03/2020
Roof Plan – Stage A	DA-213	J	19/03/2020
Roof Plan – Stage B	DA-214	J	19/03/2020
Carpark	DA-215	L	19/03/2020
Sections – Phase A & B	DA-300	N	19/03/2020

Plans prepared by: Northrop; Project Number. NL181791

Name of Plan	Drawing Number	Issue	Date
Concept Erosion and Sediment Control Plan	DA-1.01	G	12/03/2020
Concept Erosion and Sediment Control Notes	DA-1.02	D	12/03/2020
Concept Stormwater Management Plan	DA2.01	H	12/03/2020
Vehicle Turning Paths – Sheet 1	DA-3.01	E	12/03/2020
Vehicle Turning Paths – Sheet 2	DA-3.02	C	12/03/2020

Plans prepared by: Terras Landscape Architects; Project Number. 11070.5			
Name of Plan	Drawing Number	Issue	Date
Landscape Analysis	01	E	23/05/2019
Entrance Artwork	02	E	23/05/2019
Trampoline Centre Forecourt	03	E	23/05/2019
Sports Centre Landscaping	04	E	23/05/2019
Stockland Drive Landscaping	05	E	23/05/2019
Childcare Centre Landscaping	06	E	23/05/2019
New Car Park	07	E	23/05/2019
Creche / Breakout Space	08	E	23/05/2019
Paving Scheme	09	E	23/05/2019

b) Document Reference:

Document	Reference	Author	Date
Biodiversity Assessment Report	-	Peak Land Management	April 2019
Bushfire Assessment Report	-	Peak Land Management	March 2019
Crime Risk Assessment Report	8788	deWitt Consulting	May 2019
Traffic Assessment Report	-	BJ Bradley & Associates	8 May 2019
Intersection Assessment Report	-	BJ Bradley & Associates	28 January 2020
Correspondence	-	BJ Bradley & Associates	19 March 2020
Disability Access Report	LP_18124	Lindsay Perry Access	28 May 2019
Aboriginal Due Diligence Assessment	J19031	McCardle Cultural Heritage P/L	29 May 2019
Correspondence	12394-ltr-001	EJE Architecture	13 December 2019
Waste Management Plan	8878	deWitt Consulting	February 2020

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

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

3. Staging of Works

Staging of the development shall be in accordance with the 'Proposed Stages' plan, drawing no. DA-003, revision M, dated 19/03/2020 prepared by EJE Architecture.

Stages may be run either consecutively or concurrently commencing with either Stage A or Stage B. Car parking and the signalised pedestrian crossing shall be undertaken with whichever stage occurs first.

The proposed athletics warm up facilities and workshop/groundskeeper building identified in Stage A may be undertaken as a separate stage and are not linked to the provision of car parking or the signalised pedestrian crossing.

Each condition of this consent applies to each stage of the development except where otherwise specified in the condition.

General Conditions

The person having the benefit of the consent shall comply with each of the following conditions.

4. General Terms of Approval

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

- a) Subsidence Advisory NSW

General Terms of Approval and Concurrence Requirements

5. Subsidence Advisory NSW – General Terms of Approval

GENERAL

Plans, Standards and Guidelines

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

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

2. This approval expires 22 August 2024 if construction work has not physically commenced.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

3. Prescribed Design Parameters

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

- a) Maximum Vertical Subsidence: 100 mm
 - b) Maximum Horizontal Strains (+/-): 0.66 mm/m
 - c) Maximum Tilt: 2 mm/m
 - d) Maximum Radius of Curvature: 15 km
4. Submit a final design for acceptance by Subsidence Advisory NSW prior to commencement of construction. It shall include certification by a qualified structural engineer including a statement to the effect that the improvements will remain “safe, serviceable and any damage from mine subsidence shall be limited to ‘slight’ damage in accordance with AS2870 (Damage Classification), and readily repairable” taking into consideration the mine subsidence parameters outlined above.

POST CONSTRUCTION

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

Conditions to be satisfied prior to the issue of the Construction Certificate

The person having the benefit of the consent shall comply with each of the following conditions prior to the issue of a Construction Certificate.

Any documentation required to be submitted for the Construction Certificate shall be submitted to the Certifying Authority unless otherwise specified.

6. 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 Certifying Authority that is not Council it shall be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval. (Clause 142(2) *Environmental Protection Authority Regulation 2000*).

7. Parking Areas and Access Ways

A design plan for parking areas and access ways shall be submitted. The design shall include pavement design, stormwater drainage, line marking and signage. The design shall meet the standards nominated in *Development Control Plan 2014, Engineering Guidelines* and *Australian Standard AS2890*.

8. Bus Shelter

A bus shelter shall be provided at the existing bus stop at the frontage of the site on Stockland Drive, at the cost of the person having the benefit of this consent.

The bus shelter shall be Shale Grey, or as specified in the relevant *Town Centre Streetscape Masterplan* and *Technical Guideline*.

A Public Works Certificate approval under Section 138 of the *Roads Act 1993* shall be obtained from Council for the construction of a bus stop concrete slab and footings, and the installation of a bus shelter.

9. Construction and Fit-out of Food Premises (Stage A)

Prior to the issue of the first Construction Certificate for Stage A, the food premises shall comply with the following:

a) General Construction

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

Note: Particular attention shall be paid to:

- i. Routing of plumbing and electrical conduit
- ii. Installation of hand wash basins and cleaners sinks
- iii. Construction of floors, walls and ceilings
- iv. Finishes of floors, walls and ceilings
- v. Cool room construction
- vi. Installation of fixtures fittings and equipment
- vii. Toilet facilities and airlocks
- viii. Installation of light fittings
- ix. Installation of floor wastes
- x. Ventilation and exhaust systems

b) Plans and Specifications

Plans and specification shall demonstrate compliance with the *Food Act* and Regulations, and relevant Australian Standards.

c) Mechanical Ventilation

Installation of any mechanical ventilation systems shall comply with the provisions of Part 2 of the *Australian Standard AS1668*.

d) Partition Wall Construction

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

e) Waste Traps

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

10. Erosion and Sediment Control

A final Erosion and Sediment Control Plan or Soil and Water Management Plan shall be submitted. The plan shall contain information required for the area of disturbance of the

development or its distinct and separate stages in accordance with *Development Control Plan 2014*.

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

- a) This plan has been developed, certified and signed off by an appropriately qualified and experienced professional in erosion and sediment control;
- b) The plan complies with the requirements for the area of disturbance in accordance with *Development Control Plan 2014*;
- c) The plan and associated documents, calculations and drawings, have been prepared to a standard which, if properly implemented, shall achieve the water release criteria of 50mg/L of total suspended solids (TSS); and
- d) All erosion and sediment control measures are in accordance with *Development Control Plan 2014*.

11. Pedestrian Slip Risk

Prior to the issue of a Construction Certificate including the fit-out of the premises, details of the slip resistance of all floor surfaces shall be submitted, demonstrating compliance with the applicable requirements of Australian Standards HB198 and HB197.

12. Retention of Trees

Tree removal within the existing car park shall be minimised.. Prior to the issue of a Construction Certificate for the car park an Arborist shall be engaged to undertake an assessment of the existing trees within the car park and make recommendations on the potential for retention under the revised car park layout. This assessment shall be submitted to Council for assessment and approval. The development shall incorporate any recommendations of Council's approval.

13. Disability Access Design Audit

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

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

Note:

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

14. Lighting Plan

Prior to the issue of a Construction Certificate a lighting plan shall be prepared by a suitably qualified consultant and submitted to and approved by Council. Exterior lighting within the site shall comply with AS/NZS 1158.3.1 - 2020 Pedestrian Area (Category P) Lighting and AS4282-2019 (Control of Obtrusive Effects of Outdoor Lighting).

15. Waste Management Plan

A Demolition and Construction Waste Management Plan shall be submitted to and approved by Council. The plan shall be prepared in accordance with Council's Waste Management Guidelines.

16. Garbage Storage Areas

Details of the garbage washing and bin storage area shall be submitted demonstrating:

- a) Adequate facilities provided in a screened location within the premises for the separate storage of recyclable, non-recyclable and putrescible material.
- b) The garbage washing and bin storage area constructed of, or lined with materials that are durable, impervious to moisture, and capable of being easily cleaned.
- c) Supply of hot and cold water.
- d) Area is roofed and the floor bunded, graded and drained to a sump connected to the sewer in accordance with the requirements of the Hunter Water Corporation.

17. Construction Management Plan

The person with the benefit of the consent shall prepare a Construction Management Plan (CMP) specifying operational details to minimise any potential impacts on effective trading and the safety of staff and patrons of Glendale Early Education Centre.

The following matters shall be addressed to the satisfaction of the Principal Certifying Authority:

- Length of construction period;
- Construction vehicle access and parking;
- Vehicle management / detours within the affected portion of the car park;
- Hoardings and pedestrian management during construction works;
- Traffic management and traffic control;
- Delivery and storage of equipment and materials

18. Signage Details

Design details of the three freestanding 'Hunter Regional Sports Centre' branding signs shall be submitted to and approved by Council prior to the issue of a Construction Certificate for these works. Dimensions of the signs shall be in accordance with Development Control Plan 2014.

19. Stormwater Disposal - Stormwater Detention and Harvesting

A Stormwater Detention and Harvesting Plan shall be submitted. The plan shall be generally in accordance with the plans approved by the Development Consent prepared by Northrop Engineers. The stormwater plans approved by this development consent are not approved for construction. The stormwater plans shall comply with the following:

- a) Stormwater shall be disposed of through a piped system designed in accordance with *Australian Standard AS 3500* by a suitably qualified professional. The design shall be undertaken by a practising Civil Engineer deemed to be suitably experienced by Council and qualified so as to be accepted as a Member of the Institution of Engineers Australia or a Registered Surveyor deemed to be suitably experienced by

Council shall be accepted as qualified to prepare plans for drainage works (excluding flood control structures and bridges). Qualifications demonstrating the above may be requested by Council. Stormwater detention measures shall be designed to ensure the development does not increase upstream or downstream flood levels for all recurrence intervals up to and including the 1% Annual Exceedance Probability.

- b) Detention storage shall be calculated and designed in accordance with *Australian Rainfall and Runoff 2019* and the Lake Macquarie City Council guideline – *Handbook for Drainage Design Criteria* and shall conform to the specifications and standards contained in *Development Control Plan 2014 Engineering Guidelines*.
- c) Stormwater harvesting measures shall be designed in accordance with the *Development Control Plan 2014 Water Cycle Management Guideline*. Stormwater drainage plans shall include details of the harvesting system, including rainwater tank details, pump details and reticulation diagrams.
- d) The location of a permanent metal sign (minimum dimensions 150mm x 220mm) shall be detailed on the plans in a visible location near the detention orifice plate or onsite detention entry with the following wording:

THIS IS AN ONSITE STORMWATER DETENTION
SYSTEM REQUIRED BY LAKE MACQUARIE CITY
COUNCIL.

It is an offence to reduce the volume of the tank or basin or
to interfere with the orifice plate that controls the outflow.

The base of the outlet control pit and the debris screen shall
be cleaned of debris and sediment on a regular basis.

This plate shall not be removed

20. Kerb and Guttering

A design plan for all civil works within the public road reserve shall be submitted. No works shall commence prior to the issue of a Public Works Certificate in accordance with s138 of the *Roads Act 1993*. Any works on a public road shall be approved by Council.

21. Concrete Footpath

A design plan for any new or modified concrete footpaving shall be submitted. Concrete foot paving shall be constructed in accordance with Lake Macquarie City Council standard drawing *EGSD-301* which is available from Councils website. No works shall commence prior to the issue of a Public Works Certificate in accordance with s138 of the *Roads Act 1993*. Any works on a public road shall be approved by Council.

22. Landscape Design

Prior to the issue of a Construction Certificate, Landscape plans shall be submitted to and approved by Council. The plans shall be generally in accordance with the approved concept plans prepared by Terras Landscape Architects, updated to reflect the approved site plan, with addition of the following:

- Identify stormwater management features and other civil works, lands required to be managed for asset protection zone and location of vegetation required to be retained, for clarity and consistency;

- The diversion trench on the northern side of the carpark shall be planted out with native ground covers and grasses at a rate of 4/m²;
- Retention of all existing trees to the west of the accessway to the warm up facilities, from the road frontage north past the trampoline centre, and a continuous landscape area minimum 1500mm width shall be planted/retained along the entire western boundary and shall contain endemic trees and shrubs that provide visual screening of the fence and neighbouring properties.
- Landscaping incorporating the provision of shrubs and small trees shall be included wrapping around the south-western corner of the trampoline centre to provide visual screening of part of the building elevation and fire stairs; and
- Identify existing trees to be retained within the existing carpark consistent with Condition 12.

23. Car Parking and Allocation of Spaces

A minimum of 368 car parking spaces shall be provided on site. This shall comprise a minimum of 308 spaces within the formalised car parking area and capacity for at least 60 vehicles in an overflow area. Parking spaces within the formalised car park shall be designed in accordance with *Australian Standard AS/NZS 2890*. Bus parking spaces shall be provided on site comprising a minimum of four spaces along with bus drop off and pick down areas.

24. Vegetation Management Plan

A person qualified in natural vegetation management, ecology or bush regeneration shall prepare a Vegetation Management Plan (VMP) in consultation with Council's Development Planner Flora and Fauna. The VMP shall be prepared in accordance with the *Lake Macquarie City Council Guideline for Vegetation Management Plans* and the *Biodiversity Assessment Report (PEAK Land Management, April 2019)*, taking into account also required bushfire asset protection zone recommendations. The VMP shall be submitted, to and approved by Council's Development Planner Flora and Fauna.

The VMP shall ensure that vegetation to be retained on the site is protected and enhanced and is to include:

- Vegetation along the sites western boundary (for landscape and context purposes); and
- Vegetation shown as Option 2 in Figure 20 of the Biodiversity Assessment Report (Peak Land Management Report, April 2019), unless otherwise agreed to by Council's Development Planner Flora and Fauna.

Conditions to be satisfied prior to the issue of the Public Works Certificate

The person having the benefit of the consent shall comply with each of the following conditions prior to the issue of the Public Works Certificate for works within the public domain.

A Public Works Certificate is issued under s138 of the Roads Act 1993.

25. Roadways and Drainage Works Standards

All works within the public domain shall be designed and constructed in accordance with the following publications (as amended or updated), as applicable:-

- a) *Australian Rainfall and Runoff, 1987.*

- b) *Development Control Plan 2014* 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:-
 - i. *AS1428 - Design for Access and Mobility, Part 1 General Requirements for Access and Part 4 Tactile Indicators*,
 - ii. *AS2890 - Off Street Parking*

Where any inconsistency exists between these documents the relevant standard to be adopted shall be verified in writing with Council.

26. Public Works Certificate for Works

An application for a Public Works Certificate and the associated fee shall be submitted to Council.

The application shall include 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 works.

27. Linemarking and Signposting

All regulatory linemarking and sign posting on public roads shall be submitted to Council's Traffic Facilities and Road Safety Committee for approval. The works shall not commence until approved by the Committee.

28. Pavement Standards

Residential road pavements shall be designed in accordance with *A Guide To The Design Of New Pavements For Light Traffic* - AUSTROADS 2006. Main and industrial road pavements shall be designed in accordance with *Pavement Design, A Guide to the Structural Design of Road Pavements* - AUSTROADS 2012.

Designs for road pavements shall be prepared by a geotechnical consultant and shall be submitted to Council with the Public Works Certificate application.

Where work shall be undertaken within a classified Main Road the pavement design shall also be submitted to Transport for NSW for approval.

29. Signalised Pedestrian Crossing

A signalised pedestrian crossing shall be provided on Stockland Drive generally in the location shown on the approved Site Plan, drawing no. DA-002, prepared by EJE Architecture, dated 19/03/2020.

Council and Transport for NSW (TfNSW) shall approve all engineering plans and specifications for works relating to the installation of pedestrian signals on Stockland Drive, prior to the issue of a Public Works Certificate.

The approval of TfNSW may be obtained by submission to Council of appropriate engineering plans and specifications for lodgement with TfNSW.

30. Compliance Certificate for Works

An application for a Compliance Certificate and the associated application fee shall be submitted to Council prior to the commencement of works identified on the respective Public Works Certificate.

31. Application Fees for Required Certificates

Applications for the following Certificates shall be submitted. For Council to process applications for these certificates the following fees shall be payable:

Public Works Certificate	Please contact Council for fees	Plus \$75 Archival Fee	(inc GST)
Compliance Certificate	Please contact Council for fees	Plus \$75 Archival Fee	(inc GST)

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

Where the development includes public domain construction works valued at \$25,000.00 or more, the person having the benefit of the consent shall pay the Long Service Levy, as detailed in the *Building and Construction Industry Long Service Payments Scheme*. The Levy shall be paid prior to the issue of the Public Works Certificate. The Levy shall 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 2019/2020 financial year and are subject to change each financial year without notice. Confirmation of the relevant fee shall be obtained from Council prior to the lodgement of any application.

Conditions to be satisfied prior to the commencement of works

The person having the benefit of the consent shall comply with each of the following conditions prior to the commencement of works.

32. 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.

33. Erosion and Sediment Control

Appropriate erosion and sediment controls shall be installed in accordance with *Development Control Plan 2014*.

34. Dilapidation Survey Report

A Dilapidation Report shall be submitted to Council and the Certifying Authority prior to any works, including demolition works, commencing. The report shall be prepared by an engineer or other suitably qualified person.

The report shall cover all properties and public land that adjoin the development or that could be potentially damaged by the works.

The report shall include a description of the location and nature of any existing observable defects to the properties and existing public infrastructure, including a photographic record.

35. Retention of Trees and Native Vegetation

All native trees and vegetation on the site shall be retained and protected in accordance with *Development Control Plan 2014 Guidelines – Tree Preservation and Native Vegetation Management Guidelines* (Section 6) and the *Australian Standard AS4970-2009 – Protection of Trees on Development Sites* unless it:

- a) has been identified for removal on the approved plans or documentation; or
- b) has been identified for selective removal, or is exempt under the 10/50 Clearing Entitlement Area as deemed by the NSW Rural Fire Service.

Exclusion fencing shall be installed around all native vegetation that shall be retained on and adjoining the site to minimise damage, prior to the commencement of works. The person having the benefit of the consent shall notify Councils Development Planner Flora and Fauna when exclusion fencing has been installed. Vegetation exclusion fencing shall be maintained in good working order for the duration of works.

36. Filling Importation and Compaction

Prior to works commencing, documentary evidence shall be provided to Council demonstrating the proposed fill material is either:

- a) Virgin excavated natural material (VENM) as defined under the provisions of the *NSW Protection of the Environment Operations Act 1997*; or
- b) The material is from a known origin and composition, free of contamination from manufactured chemicals, process residues, building debris, sulfidic ores, or other foreign matter; or
- c) Fill which has been characterised and validated by a suitably qualified and experienced site contamination consultant, in accordance with the NSW Office of Environment and Heritage publication *Contaminated Sites - Sampling Design Guidelines* dated September 1995.

Prior to works commencing, written certification from a suitably qualified geotechnical engineer that the material is suitable for the proposed use on the site, shall be provided to Council. Only that material certified by the geotechnical engineer shall be imported to the site.

Written details shall be kept of address of the origin of the fill; quantities, dates, and times of delivery from each location; registration numbers and driver's identification details; and

laboratory test results/consultants reports and available for inspection by the Certifying Authority or Council upon receipt of a written request.

37. Building Waste

An area for the 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.

38. Dial Before You Dig (Advice)

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 shall provide the property details and the nearest cross street/road.



39. Nest Box Installation (Stage A)

A qualified Ecologist or wildlife carer shall supervise installation of nest boxes.

Eight (8) nest boxes shall be installed and be of a design suitable for species that may be residing in trees marked for removal. Nest boxes shall be of salvaged hollow material and / or of a design consistent with ‘Nest Boxes for Wildlife - A Practical Guide (Franks, 2006)’ and of durable material (ie; marine ply or equivalent). Nest boxes shall be installed in accordance with the recommendations of the Biodiversity Assessment Report (Peak Land Management, April 2019).

A plan shall be provided showing the location of nest boxes in relation to the development. The number affixed to the bottom of each nest box shall also be shown on the plan.

The qualified Ecologist or wildlife carer shall provide Council’s Development Planner Flora and Fauna with a written report of the species detected and the condition of nest boxes following completion of the following stages:

- Removal of hollow bearing trees;
- Installation of nest boxes, and
- Annual monitoring/maintenance of nest boxes.

40. Details Required Prior to Commencement of Works within the Public Domain

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

- a) a Public Works Certificate has been issued by Council
- b) the person having the benefit of the development consent has given at least two 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 Public Works Certificate for any works within an existing public road. A Public Works Certificate application shall be lodged with Council for the works.

A fee for applications for Public Works Certificates shall be required to be paid in accordance with Council's fees and charges for Public Works Certificates.

41. Construction Management Plan for Works within Public Road Reserve

The contractor engaged to undertake the construction works within the public domain shall provide a Construction Management Plan (CMP) to Council, a minimum of seven days prior to commencing any works. The CMP shall be submitted to the City Projects Department at the following email address projectmanagementpat@lakemac.nsw.gov.au. The CMP shall be approved by Council prior to works commencing on site. The CMP shall set out the construction approach for the works and should seek to minimise disruption to the local community.

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

Health and Safety

- a) Public safety, amenity and site security;
- b) Traffic Control and Management;
- c) Pedestrian management;
- d) Construction hours;
- e) Noise control;
- f) Contractor vehicle parking;
- g) Locating existing utilities and services;
- h) Health and Safety requirements.

Environment

- a) Air quality management;
- b) Erosion and sediment control- base information, monitoring and management;
- c) Waste management;
- d) Material stockpiling;
- e) Vegetation management;
- f) No go zones;
- g) Heritage management (if applicable).

Quality

- a) Submission of current insurance certificates;
- b) Work method description;
- c) Construction equipment to be used;
- d) Inspection and testing requirements;
- e) CCTV survey of pipework;
- f) Earthworks methodologies;
- g) Haulage routes;
- h) Retaining structure construction methodologies;
- i) Concrete jointing methodologies;
- j) Subsoil drainage installation methodologies;
- k) Stormwater drainage infrastructure installation methodologies;

- l) Stormwater Quality Improvement Device installation methodologies;
- m) Road construction methodologies;
- n) Accessways and footway construction methodologies;
- o) Landscaping installation methodologies;
- p) Utility and services installation methodologies
- q) Construction and installation methodologies of other structures not otherwise covered above.

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

42. Notice of Commencement of Works within the Public Domain

Construction works shall not commence until a meeting between the contractor and a representative of the Council or Certifying Authority has taken place on site.

In accordance with Section 6.12 of the *Environmental Planning and Assessment Act* the Council or Certifying Authority shall 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.

Conditions to be satisfied during demolition and construction works

The person having the benefit of the consent shall comply with each of the following conditions during demolition and construction works.

43. Aboriginal Heritage

The person having the benefit of the consent shall notify any contractors and persons involved in undertaking subsurface disturbance works, that it is an offence under Section 86 of the *National Parks and Wildlife Act 1974* to harm or desecrate an Aboriginal object unless that harm or desecration is subject of an approved Aboriginal Heritage Impact Permit (AHIP).

Should any objects be discovered, all excavations or disturbance to the area shall cease immediately and the Department of Planning, Industry and Environment shall be notified.

All necessary approvals shall be obtained from the Department of Planning, Industry and Environment and copies provided to Council prior to works recommencing.

44. Management of Site - Erosion Prevention and Sediment Control

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

45. Topsoil and Stockpiles of Materials

Topsoil shall only be stripped from approved areas. It may be stockpile onsite for re-use during site rehabilitation and landscaping. Stockpiles of any material including but not limited to, soil, sand, aggregate, and spoil, stored on the site that is capable of being moved by water shall be stored clear of any drainage line or easement, natural watercourse, footpath,

kerb, and/or road surface. Suitable erosion and sediment controls shall be installed. The stockpile shall be treated so its surface is resistant to water and wind erosion. No stockpiles shall be located on the public footpath or road reserve without prior written approval from Council.

46. Excavation and Retaining

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

No additional excavation/fill shall 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*. Prior to erection of any retaining wall not approved under this consent, reference to the *State Environmental Planning Policy Exempt and Complying Development Codes 2008* shall be undertaken to ascertain whether approval is required.

47. Waste Management

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

48. 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.

49. 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 Certifying Authority.

50. 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

- a) The approved hours for construction of this development are –
 - Monday to Friday - 7.00am to 6.00pm.
 - Saturday – 8am to 1pm.
- b) No construction work shall take place on Sundays or Public Holidays.

Construction Periods in Excess of 26 Weeks

- a) If the construction period is in excess of 26 weeks, a Noise Management Plan 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 Noise Management Plan 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.
- b) Operational times may be amended with the written advice of Council's General Manager or delegate.

51. 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*.

52. Erosion and Sediment Control

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.

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

- a) This plan has been developed, certified and signed off by an appropriately qualified and experienced professional in erosion and sediment control;
- b) The plan complies with the requirements for the area of disturbance in accordance with *Development Control Plan 2014*;
- c) The plan and associated documents, calculations and drawings, have been prepared to a standard which, if properly implemented, shall achieve the water release criteria of 50mg/L of total suspended solids; and
- d) All erosion and sediment control measures are in accordance with *Development Control Plan 2014*.

53. Retention of Trees and Native Vegetation

All reasonable measures shall be undertaken to protect native vegetation on, and adjoining the site, that shall be retained from damage during construction. Such measures shall include, but not be limited to:

- a) maintaining exclusion fencing around vegetation that adjoins the construction area to minimise damage to vegetation that shall be retained;
- b) prohibiting compaction and the placement of fill within five metres of trees and native vegetation that shall be retained;
- c) keeping all vehicles, construction materials and refuse within areas approved for buildings, structures, access ways and car parks;
- d) limiting the number of access points;
- e) salvaging useable trees and shrubs which are felled for re-use, either in log form, or as woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots and stumps shall only be disposed of at an approved site;
- f) notifying all contractors, sub-contractors, and personnel of vegetation protection requirements of this condition.

A separate application shall be made to Council in accordance with the guidelines referenced above for the removal of any other trees or native vegetation. This includes application for the removal of any understorey vegetation or the stripping of ground cover vegetation that is outside those areas approved for construction.

54. Filling Importation and Compaction

All fill shall be placed in accordance with the standards specified in Table 5.1 of AS 3798-2007 *Guidelines on Earthworks for Commercial and Residential Developments*.

55. Building Waste

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.

56. 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 shall:

- 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.

57. Bushfire Protection

The proposed development has been identified as being affected by bushfire.

The development shall be constructed in accordance with the recommendations contained within the Bushfire Assessment Report prepared by Peak Land Management, dated March 2019. In particular:

- Land adjacent to a mapped forest hazard within 10 metres of buildings shall be managed as an asset protection zone;
- Electricity, water and gas services shall conform to Planning for Bush Fire Protection 2006; and
- Internal access roads shall be sealed, two-wheel drive, all weather roads that allow for two-way traffic flow around the site.

58. Demolition

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

All demolition work shall be carried out strictly in accordance *with Australian Standard AS 2601-2001: The Demolition of Structure*.

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

59. Removal, Management and Transportation of Fill

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

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

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

60. Signage – Over or Adjacent to Public Places

During the placement of signage above or adjacent to a public place (footpath, road or public reserve), pedestrian control measures to protect the public during construction, shall be implemented in accordance with an approved Traffic Management Plan. The Traffic Management Plan shall be prepared by an accredited Traffic Controller, and approved by Council, prior to the erection of the sign.

Throughout the course of demolition and construction of any signage, Council's footpath shall be kept clear at all times to allow unobstructed access by pedestrians. Where it is not possible for Council's footpath to be kept clear, it shall be necessary to make an application to Council's Asset Management Department, to erect barricades and the like, to provide safe pedestrian access.

The contractor installing the signage shall have a current public liability insurance with a reputable insurer of not less than \$20,000,000 in respect of each accident.

61. 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 Stockland Drive shall comprise evergreen native trees at 100litre size planted at intervals along the streetscape that highlight the facility within the broader business precinct. Tree planting shall be as per Lake Macquarie City Council Landscape Standard Drawings March 2019. All trees shall be planted within a mass mulched area. All street trees shall be grown to AS2303:2015 with the Landscape consultant sighting documentation from the nursery supplier confirming this. Street trees shall be established and maintained by the person having the benefit of this consent for a minimum of 104 weeks.

The Landscape contractor shall remove all pot stakes, labels and wire/rubber/plastic tags from every street tree.

The diversion trench on the northern side of the carpark is to be planted out with native ground covers and grasses at a rate of 4/m².

All trees planted within the proposed carpark shall be planted into a tree pit with a minimum width of 2000mm excluding kerb. All trees shall be minimum 75 litre pot size.

A continuous landscape area minimum 1500mm width shall be planted/retained along the entire western boundary and shall contain endemic trees and shrubs that provide visual screening of the fence and neighbouring properties.

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

All paving works shall be implemented under the full supervision of a contractor with a current New South Wales Department of Fair Trading endorsed license in Structural Landscaping, Building or Minor Trade – Paving.

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.

62. Hollow Bearing Tree Removal (Stage A)

A qualified ecologist or wildlife carer shall supervise removal of any hollow bearing trees to ensure mitigation against any native animal welfare issues.

Removal of trees with habitat hollows shall be undertaken in either March, April, September or October, to minimise impact to threatened species that could breed and or hibernate within hollows on site.

Trees with habitat hollows shall be removed at least 24 hours after other vegetation approved for removal to encourage any residing fauna to relocate.

Any hollow-bearing trees shall be felled in one to two metre sections, beginning at the top of the crown. Lengths cut from the trees shall be in a manner that shall preserve the hollows with each section inspected and appropriately treated to minimise impact to fauna.

Written confirmation shall be provided to Council's Development Planner Flora and Fauna confirming species detected during hollow bearing tree removal.

63. Street Lighting

Street lighting shall be provided for the development to the satisfaction of Ausgrid and in accordance with the road classification. The road classification shall be determined by Council and Ausgrid.

The street lighting shall include the upgrading of the lighting of the intersection of any new roads with existing roads.

64. Vegetation Management Plan Implementation

- 65.** Implementation of the VMP shall commence immediately upon any construction work commencing and shall be carried out in accordance with the VMP approved schedule of works.

Conditions to be satisfied prior to issue of an Occupation Certificate

The person having the benefit of the consent shall comply with each of the following conditions prior to the issue of the Occupation Certificate, Part or Final, as stated in each condition.

66. Occupation Certificate

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

67. Fix Damage Caused by Construction Works

Any damage to a public road or associated structures caused as a consequence of the construction works shall be made good to the satisfaction of Council.

Any disused kerb and gutter and footpath crossing shall be removed and replaced with full kerb and gutter in accordance with Council's standards.

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

68. Dilapidation Survey Report

A final Dilapidation Report shall be prepared by an engineer or suitably qualified person at the completion of the works. The report shall identify if any structural or cosmetic damage has occurred to the properties specified in the earlier report. A copy of the report shall be submitted to Council, the Certifying Authority and owners of potentially affected properties and public infrastructure. Any identified damage shall be repaired prior to the issue of the Final Occupation Certificate.

69. Retention of Trees and Native Vegetation

Vegetation to be retained shall be inspected by Council's Development Planner Flora and Fauna, prior to the issue of the Final Occupation Certificate. Any areas requiring

rehabilitation shall be identified and remediation works completed prior to the release of the Final Occupation Certificate.

70. Parking Areas and Access Ways

All parking areas and access ways shall be fully constructed and sealed in accordance with the approved Construction Certificate plans, prior to the issue of the Part or Final Occupation Certificate, whichever comes first.

71. Bus Shelter

Prior to the issue of the Part or Final Occupation Certificate, whichever comes first, a certificate shall be issued by the contractor stating the bus shelter fabrication and installation has been undertaken in accordance with the Council's Standard Drawing *EGSD-801*.

72. Certification of Food Premises Fit-out (Stage A)

Prior to the issue of the Part or Final Occupation Certificate, whichever comes first, the food premises shall be inspected by an appropriately qualified person who shall certify the premises, including the construction and installation of all equipment, fixtures, fittings and finishes therein, complies with *the Food Act 2003, Food Regulation 2010, and Australian Standard AS 4674 Design, construction and fit-out of food premises*.

73. Removal, Management and Transportation of Fill

For all excavated fill material that has been removed from the site during construction:

- a) A copy of the receipts from the waste disposal facility shall be kept and provided to the Certifying Authority prior to the issue of the Final Occupation Certificate, or authorised officer of Council upon request; or
- b) A copy of the current development consent for the site to which the material has been distributed shall be provided to the Certifying Authority prior to the issue of the Final Occupation Certificate, or authorised officer upon request.

74. Landscape Works

At the completion of landscape works, the consulting landscape architect who prepared the documentation shall submit to the Certifying Authority a Landscape Compliance Report. This report shall certify 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 any required street trees are planted specifically as per the nominated locations on the approved documentation and these conditions, and have edging constructed as per the *Lake Macquarie City Council Landscape Standard Drawings March 2019*. The Certifying Authority shall not issue the Final Occupation Certificate without receipt of the Landscape Compliance Report.

75. Bicycle Parking Racks

Secure bicycle parking/storage shall be provided to accommodate 31 bicycles on the site. The installation and dimensions of the bicycle parking/storage shall be in accordance with the Austroads *Cycling Aspects of Austroads Guides* and *Australian Standard*

AS2890.3:1993. These works shall be completed prior to the issue of the Final Occupation Certificate.

76. Pedestrian Slip Risk

Prior to the issue of the Part or Final Occupation Certificate, whichever comes first, slip assessment testing of all floor surfaces, pedestrian crossing line markings and car parking surfaces (including line markings) shall be undertaken by an appropriately qualified Slip Assessor. Testing is to include omni-directional testing for omni-directional use. A certificate from the qualified Slip Assessor shall be provided certifying that the slip resistance of all floor surfaces, pedestrian crossing line markings and car parking surfaces (including line markings) comply with the applicable requirements of Australian Standards HB198 and HB197.

77. CCTV

Prior to the issue of an Occupation Certificate CCTV shall be installed throughout the site to provide surveillance to areas not covered by natural surveillance opportunities. The system shall be of a quality enable identification of motor vehicle registration plates. Adequate lighting shall be provided to ensure that the surveillance system is able to operate effectively.

78. Vegetation Management Plan Implementation

- 79.** Written approval from Council's Development Planner Flora and Fauna shall be submitted to the Certifying Authority demonstrating that VMP outcomes, including the VMP works schedule and nest box requirements have been met, prior to the issue of the Final Occupation Certificate.

80. Tactile Indicators

Prior to the issue of a part or final occupation certificate, whichever occurs first, 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.

81. Kerb and Guttering

A Compliance Certificate shall be issued by Council stating the kerb and guttering, road pavement, shoulder sealing and associated drainage works have been constructed in accordance with the Construction Certificate and/or s138 *Roads Act* Approval, prior to the issue of the Final Occupation Certificate.

82. Concrete Footpath

A Compliance Certificate shall be issued by Council stating the concrete footpath work has been undertaken in accordance *with Development Control Plan 2014 and Engineering Guidelines*, prior to the issue of the Final Occupation Certificate.

83. Stormwater Disposal - Stormwater Detention and Harvesting

All drainage works shall be carried out in accordance with the approved Construction Certificate plans.

Prior to the issue of a Part or Final Occupation Certificate, whichever comes first, a Works As Executed Plan shall be prepared by a surveyor and submitted to the Certifying Authority that demonstrates compliance with the approved Construction Certificate. If there are any changes from the Construction Certificate these shall be highlighted in a different colour on the plan and certification shall be provided from the design engineer the changes do not affect the stormwater design outcomes.

84. Works as Executed Plan – Public Domain Works

An electronic copy of the Works as Executed Plans, certified by the Consulting Civil Engineer or Registered Surveyor supervising the works shall be supplied to Council.

The Works as Executed Plan shall, in addition to construction details, show limits and depths of filling, locations of service conduits and street names.

85. Compliance Certificate for Works

All public domain construction works required for the development shall be completed and a Compliance Certificate shall be obtained for these works. The Compliance Certificate shall certify that all public domain construction works and associated development have been constructed in accordance with this Development Consent, the Public Works Certificate and all other standards specified in this consent.

86. Signalised Pedestrian Crossing

The signalised pedestrian crossing on Stockland Drive shall be installed and operational prior to the issue of a final or part Occupation Certificate, whichever occurs first.

87. Bushfire Protection

A Bushfire Emergency Management and Evacuation Plan shall be prepared for the development in accordance with the provisions of Planning for Bushfire Protection 2006.

Note: NSW Rural Fire Service's document *Guide to developing a bushfire emergency management and evacuation plan* is available on the NSW RFS website.

88. Event Traffic and Parking Management Plan

An Event Traffic and Parking Management Plan shall be prepared and submitted to Council for approval prior to the issue of a final or part Occupation Certificate, whichever occurs first. The plan shall detail measures to be implemented during major events or when different uses within the facility are intended to be operated at or near capacity simultaneously to reduce demand for on-site car parking and ensure the safe and efficient functioning of the car park. The plan shall address:

- Estimated number of people attending major and/or simultaneous events;
- Length of events and operational hours;
- Triggers for the plan to be implemented;
- Car parking availability and location (both on-site and off-site)
- Alternative methods of transport to the site and how they are to be encouraged and facilitated;

- Parking and traffic management;
- Pedestrian management;
- Any other measures deemed suitable for implementation to ensure impacts on surrounding roads and businesses are minimised.

89. Operational Plan of Management

An Operational Plan of Management shall be prepared and submitted to Council for approval prior to the issue of a final or part Occupation Certificate, whichever occurs first. The plan shall detail measures to ensure the efficient functioning of the facility. In particular the plan shall detail scheduling management practices to be implemented to prevent clashes between the various facilities within the development during major events.

Operational Conditions

The person having the benefit of the consent shall comply with each of the following conditions during the operation of the development.

90. Lighting

Any lighting installed shall comply with *Australian Standard AS4282-1997*.

91. Hours of Operation

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

Gymnasium – 24 hours, 7 days

All other facilities – 8am to 12 midnight, 7 days

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

92. Retention of Trees and Native Vegetation

All native trees and vegetation on the site shall be retained and protected in accordance with *Development Control Plan 2014 Guidelines – Tree Preservation and Native Vegetation Management Guidelines* (Section 6) and the *Australian Standard AS4970-2009 – Protection of Trees on Development Sites* unless it:

- a) has been identified for removal on the approved plans or documentation; or
- b) has been identified for selective removal, or is exempt under the 10/50 Clearing Entitlement Area as deemed by the NSW Rural Fire Service.

93. Signage – Over or Adjacent to Public Places

The owner of the signage shall maintain current public liability insurance for an amount of \$20,000,000 with a reputable insurer while ever the signage is erected over Council owned, maintained or controlled land. A copy of this insurance shall be submitted to the Certifying Authority prior to the issue of the Part or Final Occupation Certificate, whichever comes first.

94. Garbage Storage Areas

Adequate arrangements shall be made for the regular removal and disposal of waste materials.

95. Landscape Works

All landscape works required under this consent shall undergo an establishment maintenance period of a minimum of 52 weeks.

All landscaping shall then be permanently maintained in good condition in accordance with the approved landscape plan and the adopted *Development Control Plan 2014 Guidelines – Landscape Design Guidelines*.

96. Graffiti and Lighting Maintenance

Graffiti shall be removed within 24 hours of its appearance and broken or damaged lighting shall be repaired within 72 hours.

97. Nest Boxes

Nest boxes shall be monitored by a qualified ecologist to determine their usage and repairs or replacement (as required). Monitoring shall be carried out on an annual basis for a minimum period of five years following installation and/or as otherwise agreed with Council.

If feral bees establish in the nest box during the monitoring phase, an appropriately qualified person shall remove them. The box shall be replaced with one that has carpet on the inside of the box roof, and if appropriate, surface insect spray to deter bees from establishing.

98. Vegetation Management Plan Implementation

Annual monitoring statements shall be provided to Council's Development Planner Flora and Fauna verifying compliance with the VMP. Outcomes of the VMP shall be maintained in perpetuity.

99. Plan of Management

On-going operation of the development shall be in accordance with the provisions of the approved Operational Plan of Management and Event Traffic Management Plan.

100. Creche

The creche shall be operated as an ancillary facility to the recreation facility (indoor and outdoor) and community facilities operating from the site only.