

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	26 May 2022
DATE OF PANEL DECISION	25 May 2022
PANEL MEMBERS	Alison McCabe (Chair), Juliet Grant, Stephen Leathley, Roberta Ryan and Jason Pauling
APOLOGIES	None
DECLARATIONS OF INTEREST	Sandra Hutton declared a conflict as the applicant is a client of her recent employer, ADW Johnson, for an unrelated site.

Papers circulated electronically on 4 May 2022.

MATTER DETERMINED

PPSHCC-103 – Lake Macquarie– DA/2899/2021 at 72 Wilsons Rd, Mount Hutton – seniors living (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 has had the benefit of a number of briefings by Council and the applicant, including a final briefing before the Panel deliberated. Arising from those discussions and the review of the assessment report, the Panel requested further information addressing:

- Details of the approval and noise conditions applicable to the Tavern adjoining the site to the west.
- Additional acoustic mitigation measures regarding glazing treatment.
- Contamination.
- Measures to mitigate light spill.
- Potential for electric charging points.
- Variation to the DCP Controls specifically the perimeter road requirement.

A further memo dated 17 May 2022 prepared by Council has been considered by the Panel.

The Panel notes that the site is well located to services which makes the site suitable for Senior Living development. It is however located within an active mixed use area, next door to a Tavern that operates until 2.30am.

The Panel notes that the Tavern is required to comply with specific noise criteria as a requirement of its own Development Consent. Patron behaviour associated with the Tavern is considered to be a potential noise source and the Panel requested information regarding additional measures such as glazing that could minimise any impacts.

The Panel notes that conditions have been specified to require any contaminated material to be taken off site.

This application will result in a variation to the adopted DCP – in that there will not be a perimeter road along the RE1 zoned interface. This has implications for adjoining sites development and the adopted policy framework for the Mount Hutton Town Centre.

The purpose and intent of this control has been understood and reviewed and the Panel is satisfied that the requirement could be varied.

Given the scale of the development and the timeframe for construction, the Panel considers that it is important that the development include electric charging points to enable easier transition to EV in the future. The condition will require four (4) spaces – noting that there is an excess of car parking.

The Panel considers that the scale massing and height is appropriate and was satisfied that the Clause 4.6 Exception to Development Standard demonstrated sufficient environmental planning grounds to support a variation to the height of building standard.

The Panel is satisfied that the development is well designed and suited to the site and context subject to specific conditions.

Application to vary a development standard

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

- a) Compliance with Clause 4.3 (height of buildings) 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 Clause 4.6 (3) of the LEP; and
- b) The development is in the public interest because it is consistent with the objectives of Clause 4.3 (height of building) of the LEP and the objectives for development in the B2 (local centre) zone; and
- c) The concurrence of the Secretary has been assumed.

Development application

1. The Panel determined to uphold the Clause 4.6 variation to building height and to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions in Schedule 2.
2. The Panel requested Council review the DCP Controls relating to the Mount Hutton Town Centre in light of this approval.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 variation to building height, and approve the application for the following reasons:

- The proposal contributes to housing diversity in an accessible location.
- The impacts of the development are reasonable and can be appropriately mitigated.
- The site is suitable for the scale and form of development.
- The interfaces with adjoining development can be managed.






CONDITIONS

The Development Application was approved subject to the conditions in Schedule 2. The conditions have been amended from those attached to the Council Report to address:

- Contamination;
- Acoustic treatment;
- Electric charging points; and
- Light spill.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Juliet Grant
 Stephen Leathley	 Jason Pauling
 Roberta Ryan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-103 – Lake Macquarie– DA/2899/2021
2	PROPOSED DEVELOPMENT	Seniors housing (independent living units) and commercial premises
3	STREET ADDRESS	72 Wilsons Road, Mount Hutton Lot 13 DP 11260
4	APPLICANT OWNER	WPP Pty Ltd Lena Nicholson
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ○ State Environmental Planning Policy (Housing) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Building ○ 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: 4 May 2022 • Clause 4.6 variation request: October 2021 • Council assessment memorandum: 6 May 2022 • Council assessment memorandum: 17 May 2022 including revised condition • Written submissions during public exhibition: nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 8 December 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Stephen Leathley and Roberta Ryan ○ <u>Council assessment staff</u>: Leena Sebastian and Amy Regado ○ <u>Applicant representatives</u>: Melissa Luck, Joel Chamberlain, Christina Goodman and Anthony Williams ○ <u>Department staff</u>: Leanne Harris, Carolyn Hunt and Lisa Foley

		<ul style="list-style-type: none"> • Briefing: 3 March 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Stephen Leathley and Jason Pauling ○ <u>Council assessment staff</u>: Leena Sebastian and Amy Regado ○ <u>Department staff</u>: Leanne Harris, Carolyn Hunt and Lisa Foley • Site inspections: <ul style="list-style-type: none"> ○ <u>Alison McCabe (Chair)</u>: 21 January 2022 ○ <u>Juliet Grant</u> ○ <u>Stephen Leathley</u>: 5 March 2022 • Final briefing to discuss Council's recommendation: 11 May 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Stephen Leathley, Roberta Ryan and Jason Pauling ○ <u>Council assessment staff</u>: Leena Sebastian, Kirra Somerville and Amy Regado ○ <u>Department staff</u>: Carolyn Hunt, Leanne Harris and Lisa Foley • Applicant Briefing: 11 May 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Stephen Leathley, Roberta Ryan and Jason Pauling ○ <u>Council assessment staff</u>: Leena Sebastian, Kirra Somerville and Amy Regado ○ <u>Department staff</u>: Carolyn Hunt and Lisa Foley ○ <u>Applicant representatives</u>: Anthony Williams, Sagar Chowdhury, Joel Chamberlain and Jordan Hoey <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the Council assessment report</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Memorandum of the 6 th May 2022 and revised in Council Assessment Memorandum of the 17 th May 2022.

SCHEDULE 2

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:

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.

a) Plans Reference:

Architectural Plans prepared by CKDS; Project Number: 21074				
Name of Plan	Drawing Number	Revision	Date	
Site plan	A-1001	09	13/4/22	D10643300
Basement - Level 01	A-1101	25	13/4/22	D10656730
Ground -Level 02	A-1102	29	13/4/22	D10656730
Level 03	A-1103	20	13/4/22	D10643300
Level 04 - Roof	A-1104	14	13/4/22	D10643300
Roof Plan	A-1105	09	13/4/22	D10643300
Elevations	A-2001	11	13/4/22	D10643300
Elevations	A-2002	12	13/4/22	D10643300
Sections	A-3001	15	13/4/22	D10643300
Part Section E1:100	A-3002	05	13/4/22	D10643300

East Boundary Section	A-3003	08	13/4/22	D10643300
North boundary Section 1	A3004	07	13/4/22	D10656730
North boundary Section 2	A3005	03	13/4/22	D10656730
North boundary Section 3	A3006	04	13/4/22	D10643300
West Boundary Section	A3007	07	13/4/22	D10656730
Typical Unit 2B(A)	A-1201	06	28/10/21	D10414731
Typical Unit 2B(B)	A-1202	06	28/10/21	D10414731
Typical Unit 2B + (A)	A-1203	07	28/10/21	D10414731
Typical Unit 2B + (B)	A-1204	06	28/10/21	D10414731
Typical Unit 2B + (C)	A-1205	06	28/10/21	D10414731
Typical Unit 2B + (D)	A-1206	02	28/10/21	D10414731
Precedents and perspective	A-5001	01	29/10/21	D10414731
Materiality and perspective	A-5002	01	29/10/21	D10414731
Materiality and perspective	A-5003	04	13/4/22	D10643300
Materiality and perspective	A-5004	01	29/10/21	D10414731
Glazing schedule- 2B (A) variants	A-7001	02	29/10/21	D10414731
Glazing schedule- 2B (B) 2B + A	A-7002	02	29/10/21	D10414731
Glazing schedule- 2B (B) - 1 2B + (B) - 2	A-7003	02	29/10/21	D10414731
Glazing schedule- 2B (B) - 3 2B + (B) - 4	A-7004	02	29/10/21	D10414731
Glazing schedule- 2B (B) - 5 2B + (D)	A-7005	02	29/10/21	D10414731
Glazing schedule- 2B + (C) - 1 2B + (C) - 2	A-7006	02	29/10/21	D10414731
Glazing schedule- Ground	A-7007	02	29/10/21	D10414731
Glazing schedule- Basement	A-7008	02	29/10/21	D10414731
Glazing schedule- Common/Hall/Foyer/Stairs	A-7009	02	29/10/21	D10414731

Engineering Plans prepared by: Northrop; Project No: NL 211825				
Name of Plan	Drawing Number	Issue	Date	
Concept erosion and sediment control plan	DAC02.01	3	22/2/2022	D10644609
Concept erosion and sediment control details	DAC02.11	2	27/10/2021	D10644609
Concept erosion and sediment control notes	DAC02.12	1	27/10/2021	D10644609
Concept stormwater management and levels plan – ground floor	DAC03.01	5	7/4/2022	D10644609
Concept bulk earthworks plan	DAC04.01	4	13/4/2022	D10642246
Civil details	DAC05.01	2	22/2/2022	D10644609
Strategic concept right hand turn lane design	SK001	1	29/03/22	D10644608

Landscape Plans prepared by: Xeriscapes; Project No: 21106				
Name of Plan	Drawing Number	Issue	Date	
Tree management plan	L001	F	14/4/2022	D10642242
Existing Tree Schedule	L002	E	14/4/2022	D10642242
Landscape Plan-Level 01	L101	G	29/4/2022	D10656728
Landscape Plan-Level 03	L102	E	14/4/2022	D10642242
Indicative plant schedule	L301	E	14/4/2022	D10642242

b) Document Reference:

Document	Reference	Author	Date
Statement of environmental effects	1104_SEE	WPP Pty Ltd	October 2021
Acoustic Assessment	212142R	Spectrum Acoustics	September 2021
Acoustic Assessment - Addendum	212142R_29502_Addendum_ii	Spectrum Acoustics	May 2022 2022
Disability Access Report	LP_21307	Lindsay Perry Access	29 October 2021
Arboricultural Impact Assessment Report	72 Wilsons Road, Mount Hutton	Joseph Pidutti Consulting Arborist	26 October 2021
Tree Protection Plan	72 Wilsons Road, Mount Hutton	Joseph Pidutti Consulting Arborist	26 October 2021
Report on Geotechnical Investigation	206088.01	Douglas Partners	October 2021
Report on Detailed Site Investigation (Contamination) Geotechnical Investigation	206088.02	Douglas Partners	October 2021
CPTED report	Seniors housing facility – 72 Wilsons Road , Mount Hutton	James Marshall & Co	July 2021
Traffic Impact Assessment	P2168	Seca Solution	27 October 2021
Civil, stormwater and flood assessment	NL211825	Northrop	26 October 2021
Social Impact Assessment	Seniors housing development - Wilsons Road, Mount Hutton	AIGIS Group	February 2022

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.

Note: Where there is any inconsistency between the approved plans and documents, details in the approved plans take precedence.

3. WaterNSW – General Terms of Approval

WaterNSW has granted General Terms of Approval for the proposed development (Reference Number IDAS1143160) under s90 of the Water management Act, subject to the following conditions:

DEWATERING

- (a) Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
- (b) Before any construction certificate is issued for any excavation under the development consent, the applicant must:
 - (i) Apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and
 - (ii) Notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity
 - (iii) **Advisory Note:** An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity.
 - (iv) A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
- (a) A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity.

Advisory Notes:

- This approval is not a water access licence.
 - A water year commences on 1 July each year.
 - This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW.
 - Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
- (d) If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must:
 - (i) record water taken for which the exemption is claimed, and
 - (ii) record the take of water not later than 24 hours after water is taken, and
 - (iii) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and
 - (iv) keep the record for a period of 5 years, and

- (v) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124
 - i. not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or
 - ii. if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
- (e) All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
- (f) The design and construction of the building must prevent:
 - (i) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation;
 - (ii) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and
 - (iii) any elevated water table from rising to within 1.0 m below the natural ground surface.
- (g) Construction phase monitoring bore requirements GTA:
 - (i) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW.
 - (ii) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application.
 - (iii) The monitoring bores must be installed and maintained as required by the water supply work approval.
 - (iv) The monitoring bores must be protected from construction damage.
- (h) Construction Phase Monitoring programme and content:
 - (i) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW):
 - i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW.
 - ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;
 - iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW;

- iv. QA: Include details of quality assurance and control
- v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories.
- (ii) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
- (i) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW.

The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW):

- (i) All results from the Approved Monitoring Programme; and
- (ii) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website.

The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/water-licensing/dewatering

- (j) The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
- (k) Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval (29 April 2022), unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval).

Advisory note: An extension of this approval may be applied for within 6 months of the expiry of Term.

- (l) This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the term of the dewatering approval, in condition (k).

Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

- (m) The following construction phase monitoring requirements apply (Works Approval):
 - (i) The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW.
 - (ii) The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme).

- (iii) The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with DA/2899/2021 as provided by Council:

- Geotechnical Report & further information letter
- Elevations & Sections
- Statement of Environmental Effects

4. Natural Resources Access Regulator – General Terms of Approval

Natural Resources Access Regulator (NRAR) has granted General Terms of Approval for the development (Reference IDAS-201-10398) under s91 of the Water Management act 2000 subject to the following conditions:

- a) Before commencing any proposed controlled activity on waterfront land, an application must be submitted to NRAR, and obtained, for a controlled activity approval under the Water Management Act 2000.
- b) This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA/2899/2021 provided by Council to NRAR.
- c) Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, NRAR, must be notified in writing to determine if any variations to the GTA will be required.
- d) The application for a controlled activity approval must include the following plan(s):
 - e) i. Rehabilitation plan;
 - f) ii. Erosion and sediment control plans;
 - g) iii. Vegetation management plan
 - h) iv. Construction detailed basin design plans;

The plan(s) must be prepared in accordance with NRAR's guidelines located on the website

<https://www.dpie.nsw.gov.au/nrar/how-to-apply/controlled-activities/guidelines-forcontrolled-activities>

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with IDAS-201-10398 as provided by Council:

- Statement of Environmental Effects, prepared by Williams Planning and Property Services Pty Ltd, dated November 2021
- Concept Erosion and Sediment Control Plan, Ref: DAC02.01(2), prepared by Northrop Consulting Engineers Pty Ltd, dated October 2021
- Concept Erosion and Sediment Control Details, Ref: DAC02.11(2), prepared by Northrop Consulting Engineers Pty Ltd, dated October 2021

- Concept Stormwater Management and Levels Plan – Basement Level, Ref: DAC03.02(2), prepared by Northrop Consulting Engineers Pty Ltd, dated October 2021
- Concept Bulk Earthworks Plan, Ref: DAC04.01(1), prepared by Northrop Consulting Engineers Pty Ltd, dated October 2021
- Civil, Stormwater and Flood Assessment, Ref: NL211825(B), prepared by Northrop Consulting Engineers Pty Ltd, dated October 2021

Fees, Charges and Contributions

5. Contribution Toward Provision or Improvement of Amenities or Services

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 shall be paid to Council for the purposes identified in that Schedule.

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

- a) 14 August,
- b) 14 November,
- c) 14 February, and
- d) 14 May;

in each year in accordance with indexation provisions within the Contributions Plan and Directions issued under the *Environmental Planning and Assessment Act 1979* – Sect 7.17. The first date for indexation shall occur on the first abovementioned date after the Notice of Determination becomes effective.

The contributions payable shall be the amounts last indexed and adjusted in accordance with the 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 as set out in the table below.

The contributions shall be paid to Council prior to the release of the first Construction Certificate.

It is the professional responsibility of the Certifying Authority to ensure 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 shall be subject to the clearing of those funds.

Indexation details are available from Council's Development Contribution Section.

A copy of the Lake Macquarie City Council *Development Contributions Plan Charlestown Contributions Catchment - 2015* is available on Council's website, or a copy is available at Council's Administrative Building during Council's opening hours.

CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
CMH-Open Space & Recreation Facilities-Capital-CPI	\$542,561.72
CMH-Open Space & Recreation Facilities-Land-LVI	\$239,599.73

CMH-Roads-Capital-R005/R006/R007-CPI	\$48,908.36
CMH-Roads-Land-R005/R006/R007-LVI	\$877.25
CMH-Public Transport Facilities-CPI	\$1,678.03
CMH-Community Facilities-Capital-CPI	\$101,022.19
CMH-Community Facilities-Land-LVI	\$46,279.35
CMH-Plan Preparation & Administration-CPI	\$27,206.76
	TOTAL \$1,008,133.39

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. Geotechnical Report Compliance

The recommendations of the Geotechnical Report Reference 206088.01.R.001.Rev0 prepared by Douglas Partners dated October 2021 shall be complied with. Any works undertaken in relation to the development shall embody all relevant recommendations of the Geotechnical Report.

The engineering plans shall be certified as being designed in accordance with the approved Geotechnical Report.

7. Parking Areas and Access Ways

A design plan for parking areas and access ways shall be submitted to the Certifying Authority. 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. Stormwater Disposal - Stormwater Detention and Harvesting

A Stormwater Detention and Harvesting Plan shall be submitted to the Certifying Authority. The plan shall be generally in accordance with the plans approved by the Development Consent prepared by Northrop, Ref: NL211825 (Rev 5) dated 07.04.22. 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

- e) The headwall outlet shall include a level spreader to allow stormwater to sheet across the RE1 zoned land into Scrubby Creek. Stormwater shall not be able to pond on the south-western side of the shared path.

9. Acoustic Certification

Plans shall be certified as being designed in accordance with the approved Acoustic Report and Addendum prepared by Spectrum Acoustics (document reference 212142R-29502 dated September 2021 and 212142R-29502_Addendum_ii dated May 2022). The plans shall indicate 8.5mm Hush Glass to all bedroom windows within the line of sight of the adjoining Tavern.

10. Vehicles Access Crossing and Kerb Layback

An approval for the vehicle access crossing and kerb layback, including associated cut or fill works, under s138 of the *Roads Act 1993* is required.

A paved vehicular access including kerb layback from the property boundary to the street shall be designed in accordance with Councils Standard Drawings: *EGSD-103, EGSD-201 or EGSD-104* (available from Councils website).

Where existing street tree/s are to be retained and are within five metres of the vehicle access, details shall be provided to identify appropriate construction techniques to retain the street tree.

Where street trees cannot be retained, street trees shall be replaced at a rate and with species approved by Council's Natural Assets section.

To obtain the Roads Act 1993 s138 approval, an application for Minor Public Works shall be made to Council. Application can be made via Council's website.

11. 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*).

12. Disability Access Design Audit

An accredited access consultant shall certify that the detailed design and finishes comply with the *Building Code of Australia*, *Disability Discrimination Act 1992* and *State Environmental Planning Policy* (Housing for Seniors or People with a Disability) 2004 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:

1. 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*.
2. The Association of Consultants in Access Aust Inc at www.access.asn.au may be able to provide further information.

13. External finishes

The finishes schedule shall include external cladding materials such as roofs, walls and windows with low-reflective properties.

A textured or graffiti resistant finish shall be specified for the masonry wall along the western boundary.

14. Erosion and Sediment Control

A final Erosion and Sediment Control Plan or Soil and Water Management Plan shall be submitted to the Certifying Authority. 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*.

15. Car Washing Bay

The designated car washing bay shall be bunded and graded to a floor sump which drains to the Hunter Water Corporations (HWC) reticulated sewer in accordance with HWC requirements.

Plans and specifications for the proposed wash bay, including bunding, drainage and the installation of any proposed oil/waste separator, shall be submitted to the Certifying Authority.

16. Building Sustainability Index (BASIX) Certificate

The development shall be constructed in accordance with a current Building Sustainability Index (BASIX) certificate.

17. Ausgrid Requirements

The written requirements of Ausgrid for the development shall be obtained and complied with.

18. Development Street Addressing

Application shall be made to Council to obtain addressing for the development in accordance with the guidelines in the NSW Address Policy and User Manual. Application is made by emailing an

approved site plan, floor plan(s) and contact details to Data and Knowledge Management at enar@lakemac.nsw.gov.au.

19. Contaminated Land Remediation Action Plan

Prior to the issue of a construction certificate, a Remediation Action Plan (RAP) for excavation/stripping and off-site disposal of contaminated materials, shall be prepared and a copy of the RAP provided to Council.

The RAP shall be prepared by a suitably qualified and experienced contaminated land consultant, to the satisfaction of Council and in accordance with:

- a) Guidelines for Consultants Reporting on Contaminated Sites (NSW Office of Environment and Heritage 2011)
- b) Managing Land Contamination Planning Guidelines SEPP 55–Remediation of Land (Department of Urban Affairs and Planning and NSW EPA 1998).

Note: No onsite containment/ management of contaminated materials will be permitted.

20. Amendment to plans

Prior to the issue of a Construction Certificate, the plans shall be amended to include the following:

- a) *At least 5% of the parking spaces at the basement level shall be provided with a minimum 'Level 2' charging point consisting of single or three-phase point with a power range of 7kW-22kW, as defined by NSW Electric and Hybrid Vehicle Plan, Future Transport 2056 (21 January 2019).*
- b) *One of the parking spaces for the commercial premises shall be designated as a loading bay for service vehicles.*

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.

21. 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:-
 - a) *AS1428 - Design for Access and Mobility, Part 1 General Requirements for Access and Part 4 Tactile Indicators,*
 - b) *AS2890 - Off Street Parking*

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

Note: this condition is also relevant to the shared path to be constructed within the site.

22. 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.

Note: this condition is also relevant to the shared path to be constructed within the site.

23. 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.

Note: this condition is also relevant to the shared path to be constructed within the site.

24. Application Fees for Required Certificates

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

Public Works Certificate	Please contact Council for fees	Plus \$85 (inc GST) Archival Fee
Compliance Certificate	Please contact Council for fees	Plus \$85 (inc GST) Archival Fee

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 2021/2022 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.

25. Right Hand Turn Lane in Wilsons Road

The entry into the site shall be line marked as a right-hand turn lane generally in accordance with the plan by Northrop Consulting Engineers (Job No. NL211825, Drawing No. SK001, Rev 1, dated 29.03.22). The engineering design plans submitted with the Public Works Certificate application shall show full details of the turning lane in accordance with the provisions of the publications and standards identified in this consent.

All regulatory line marking 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.

26. Concrete Footpaths

A design plan for a concrete footpaths 1.5 metres wide along the full length of the Wilson Road frontage and 3 metres wide shared path along the RE1 zoned part of the site shall be submitted to

Council, generally in accordance with the approved plans. The footpath along Wilsons Road shall follow the same alignment as the existing path.

Concrete foot paving shall be constructed in accordance with Lake Macquarie City Council standard drawing *EGSD-301* which is available from Councils website. The footpath works shall not 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.

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.

27. 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.

28. Filling Importation and Compaction

Prior to works commencing, documentary evidence shall be provided to the Certifying Authority 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 filling 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 the Certifying Authority. 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.

29. Works Within a Public Road Reserve

Approval is granted to open a grassed or natural surface within the road reserve for the installation of all water services, cables, or mains. Upon completion of the work, the road reserve shall be restored to its original state and no hazards shall remain that may impact on the public.

For any other works within the road reserve, an approval under s138 of the *Roads Act 1993* shall be obtained from Council. The road shall not be opened until the approval has been issued.

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

Construction works within the public domain in accordance with this development consent shall not commence until a Minor Public Works or Public Works Certificate has been issued by Council

In accordance with Council's authority under Section 138 of *The Roads Act 1993*, a Private Certifier shall not issue a Minor Public Works or Public Works Certificate for any works within an existing public road. A Minor Public Works or Public Works Certificate application shall be lodged with Council for the works.

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

31. Notice of Commencement of Works within the Public Domain

Construction works associated with a Public Works Certificate 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.

32. Notification to Neighbours

Written notification shall be provided to landowners and residents who live adjacent to the proposed development or who may be impacted by the proposed works. The notification shall be provided a minimum of seven days prior to commencement of works. The notification shall include the expected date of commencement of works and a brief description of the works.

33. Public Domain Works - Landscaping

A Public Works Certificate application shall be lodged with and approved by Council prior to any works in the public domain. The landscape construction documentation shall be completed by a qualified landscape architect (category three landscape consultant) with demonstrated experience in producing landscape construction documentation for public domain works and include the extent of detail required to construct hard and softworks. The landscape documentation shall reference and comply with the conditions of consent and approved concept landscape plans. The landscape construction documentation shall integrate with the civil works for the public domain. The landscape construction documentation shall not comprise concept level landscape plans and shall grey out any landscape works on private land.

Landscape construction documentation shall include details and specification information suitable for construction with no generic reference to concept plans or Council guidelines. Plans shall include tactile ground surface indicators as required to Australian Standards.

The plans shall reference the standard hold and witness points listed below for hard and soft works and shall include contact details for Council's City Projects Department at projectmanagementpat@lakemac.nsw.gov.au to assess and sign off on public domain works. Plans shall include a 104 week establishment phase for all hard and softworks within the public domain.

Softworks shall include mass planting of low growing soft leaved tufty native ground covers at 4/m2 planted a minimum of 500mm from the edge of the public footpath up to the property boundary and blend with conditioned ground cover planting under retained trees. Ground covers shall have a mature height of 500mm. The planting shall be mass mulched with 100mm depth forest mulch.

Hardscape Works

The public footpath across Wilsons Road frontage shall be 1.5 metres wide in the same alignment as the existing footpath.

The Landscape Plans shall indicate the following hold/witness points checks:

- a) Formwork inspection (hold point)
- b) Pre pour inspections for pavement and pathways (hold point)
- c) Installation of tactile ground surface indicators as per manufacturers recommendations
- d) Review of works as executed with Council's Coordinator Project Management prior to landscape compliance report sign off (hold point).

34. Construction Management Plan/s for works within public road reserve and development site

Works within public domain

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.

Works within development site

The contractor engaged to undertake the construction works within the development site shall provide a CMP to the satisfaction of the Certifying Authority, a minimum of seven days prior to commencing any works. The CMP shall be approved by the Certifying Authority 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.

CMP's

Both CMP's must address the following, where required:

Health and Safety

- i. Public safety, amenity and site security,
- ii. Traffic control and management,
- iii. Pedestrian management,
- iv. Construction hours,
- v. Noise control,
- vi. Contractor vehicle parking,
- vii. Locating existing utilities and services,
- viii. 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) Unexpected finds protocol for earthworks on the site as required in the approved Detailed Site Investigation Report (Project 206088.02) by Douglas Partners

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.

A copy of the approved CMP, and any conditions imposed on that plan, shall be kept on site at all times and made available to any officer of Council upon request.

35. Erosion and Sediment Control

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

36. 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.

The waste disposal bin/area shall be maintained for the entire duration of works.

37. 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.



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.

38. 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.

39. Geotechnical Report Compliance

Where the geotechnical report prepared for this development requires inspections, a suitably qualified engineer shall inspect the works at the stages specified in that report.

40. Fix Damage Caused by Construction Works

Any damage to a public road and associated assets including: but not limited to; footpaths, drains, kerb and gutter, street trees, tree pit, turfed verge, above and below ground utility services resulting from the construction works, shall be made good to the satisfaction of Council and the utility service owner.

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.

41. 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*.

42. Traffic Control and Public Safety

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

When works are being undertaken within a public road reserve, all necessary precautions shall be taken to protect the public while work is in progress.

Note: NSW Road Rules apply and may be enforced without notice.

43. Removal of fauna habitat

Removal of trees with habitat hollows and / or nests shall be undertaken under the supervision of suitably qualified ecologist or wildlife carer at a time that minimises impact to fauna, particularly threatened fauna that could breed and or hibernate within hollows / nests on site. Where possible, trees with habitat hollows and / or nests shall be removed at least 24 hours after other vegetation approved for removal to encourage any residing fauna to relocate.

Any habitat trees shall have hollows inspected prior to removal. Lengths cut from the trees shall be in a manner that shall minimise impact to any residing fauna, with each section inspected and appropriately treated.

Where possible, logs and other coarse woody debris shall be relocated to areas of bushland that are to be retained on site to mitigate native animal welfare issues.

44. Contaminated Land Remediation and Validation

The site shall be remediated in accordance with the approved Remediation Action Plan (RAP).

45. Landscape works (Development Site)

Landscape works shall be constructed in accordance with the conditions of consent and approved landscape plans and specification.

A minimum of thirteen trees shall be planted within the front setback to compliment the existing trees for retention. The front setback shall be mass planted with low growing soft leaved ground covers up to the edge of the footpath within the road reserve.

There shall be continuous tree planting and tall shrub planting along the western side setback as per the approved landscape plan.

There shall be a single tree retained along the northern boundary, tree retention along the eastern boundary as per the approved landscape plan.

All landscape planting works shall be implemented under the full supervision of a contractor with a current NSW 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 NSW 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 spacing's and be maintained for a minimum of 52 weeks to achieve continuous healthy growth. A hard garden retaining edge (timber or concrete) shall be installed to all planting areas adjoining turf surfaces. All planted areas shall be covered with minimum 100mm mulch to aid plant establishment.

The turf species used on any public land shall be couch. This turf species shall be specified on all landscape concept and construction documentation.

46. Public Domain Works

All landscape and public domain works approved by the Public Works Certificate application shall be coordinated during the construction period with Council's Senior Project Officer (Civil) at projectmanagementpat@lakemac.nsw.gov.au. The witness and hold points set out in the Public Works Certificate landscape construction plans shall be observed.

47. Native tree and vegetation protective measures

- a) All native trees and vegetation both on the site and on adjoining properties shall be retained and protected in accordance with DCP 2014 – *Tree Preservation and Native Vegetation Management Guidelines* (Section 6) and the Australian *Standard AS4970-2009 – Protection of Trees on Development Sites*, unless they have been specifically identified for removal on the approved plans or documentation.
- b) Additional tree protection measures are to be implemented in accordance with the Recommendations and Tree Protection Plan, as outlined in approved Arboricultural Impact Assessment Report (Pidutti, 26 October 2021).
- c) A suitably qualified Project Arborist (AQF Level 5) is to be in attendance to implement tree protection measures, and to supervise works on site for specific construction phases as detailed in the Arboricultural Impact Assessment Report, particularly when excavations or any other activity is carried out within identified Tree Protection Zones.
- d) Scope is to be given for the potential repositioning of any required excavation if substantial roots are encountered, which is to be overseen and under instruction from the Project Arborist. A structural engineer may need to be consulted in this regard.
- e) Works involving compaction or placement of fill within the Tree Protection Zone of a retained tree shall be supervised by a suitably qualified arborist (AQF Level 5)

- f) All underground utilities and other required excavations are to be routed away from identified Tree Protection Zones of trees to be retained.

A separate application shall be made to Council in accordance with the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* for the removal of any other trees or others identified for retention. 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.

48. 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*.

49. 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.

50. 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.

51. 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.

52. Swimming Pool

The pool safety barrier shall comply and be constructed in accordance with the provisions of the *Swimming Pools Act 1992*, *Swimming Pools Regulation 2008* and *Australian Standard AS-1926-2012*.

A switchboard shall not be installed within or above the swimming pool zone or spa pool zone nor within a sauna, pursuant to *AS 3000 - 2007 - Electrical Installations*.

The swimming pool/spa water recirculation and filtration system installation shall comply with *AS 1926.3-2003 Swimming pool safety - Water recirculation systems*.

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

53. Swimming Pool/Spa Motor and Pump

All swimming pool plant shall be sited and/or sound insulated so as to minimise emission of noise to adjoining properties. No offensive noise (as defined by the *Protection of the Environment Operations Act 1997*) shall be emitted by swimming pool plant.

Note: Under the provisions of the *Protection of the Environment Operations (Noise Control) Regulations 2000*, a person shall not cause or permit a swimming pool or spa pump to be used on residential premises if noise is audible within a habitable room of any other residential premises regardless of whether any door or window to that room is open:

- a) before 8am or after 8pm on any Sunday or public holiday;
- b) before 7am or after 8pm on any other day.

54. 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.

55. 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.

56. 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.

57. Asbestos

All works removing asbestos containing materials shall be carried out by a suitably licensed asbestos removalist duly licensed with SafeWork NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal License, which ever applies, and a current SafeWork NSW Demolition License where works involve demolition.

Measures shall be in place in accordance with SafeWork NSW guidelines and the Work Health and Safety Regulation 2017. Work shall not commence or continue until all necessary safeguards required by SafeWork NSW are fully in place.

Asbestos waste shall 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 the material is safely secured in accordance with the relevant guidelines. At least 24 hours prior notice shall be given to allow an area to be prepared for disposal.

58. Unexpected Contamination finds

Should unexpected contamination be identified, works within the vicinity shall cease immediately and Council shall be notified. A suitably qualified contaminated land consultant shall be engaged to analyse and assess the contamination and provide a report to the Principal Certifier and Lake Macquarie City Council with recommendations for suitable management and/or disposal, to achieve the required contamination land use thresholds levels for the approved use.

Any remediation works shall be carried out in accordance with recommendations of the report prepared by the engaged contaminated land consultant and be validated by the consultant on completion of the 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, Interim or Final, as stated in each condition.

59. Prior to the issue of the Final Occupation Certificate

Prior to the issue of the Final Occupation Certificate, the earthworks, retaining walls and driveways shall be completed to the satisfaction of the Certifying Authority.

60. Geotechnical Report Compliance

Prior to the issuing of the Interim or Final Occupation Certificate, whichever comes first, the suitably qualified engineer who inspected the works shall provide written confirmation the constructed works are in accordance with the recommendations of the Slope Stability Geotechnical report prepared for the development.

61. 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.

62. 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.

63. 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 any Occupation Certificate.

The certifier shall ensure that 5% of the basement parking spaces have been provided with electric vehicle charging points as required in this consent.

64. Driveway Construction

Prior to the issue of the Final Occupation Certificate, the driveway to the garage or car parking area of the development shall be constructed in accordance with the approved Construction Certificate plan.

65. Works Within a Public Road Reserve

Where a road surface has been disturbed or damaged the calculated road restoration fee shall be paid to Council. Evidence shall be provided the relevant fee has been paid prior to the issue of the Final Occupation Certificate.

66. 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 any Occupation Certificate, 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.

67. Positive covenant for water quality device maintenance

A maintenance schedule for the water quality device(s) shown on the stormwater plans by Northrop, reference NL211825 and dated 07.04.22 shall be completed by a suitably qualified engineer.

The maintenance schedule shall outline the required maintenance and timing intervals (e.g. monthly, quarterly etc).

A positive covenant shall be placed on title requiring the owner of the land to undertake periodic maintenance for the water quality device(s) in accordance with the above maintenance plan.

Note: If during detailed design stage the water quality devices are substituted for a similar product the maintenance plan shall reference the adopted devices.

68. 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.

Note: this condition is also relevant to the shared path to be constructed within the site.

69. 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.

Note: This condition is also relevant to the shared path to be constructed within the site.

70. Shared path on RE1 land

The shared path shall be constructed to Council's satisfaction, generally as shown on the approved architectural plans. The path shall connect to the existing concrete path to the north of Lake Macquarie Fair.

Adequate stormwater drainage shall be installed to allow stormwater from the development to drain past the path and into Scrubby Creek, without causing any ponding on the south-western side of the path.

A right of way shall be created under section 88 of the Conveyancing Act that covers the extent of the shared path (minimum 3m wide). The easement shall be registered on the title of the lot burdened and benefit the public. Council shall be the party empowered to release, vary or modify the easement.

Compliance certificate for this path shall be obtained prior to the issue of any Occupation Certificate or within a timeframe as agreed in writing by Council.

71. Contaminated Land Remediation and Validation

A suitably qualified and experienced Contaminated Land Consultant shall validate the site has been remediated. Validation shall be provided in accordance with the *Guidelines for Consultants Reporting on Contaminated Sites* (NSW Office of Environment and Heritage 2011). The validation report shall include a clear statement the consultant considers the site to be suitable for the approved use.

Note: Certification from the person who carried out remediation works shall be provided to Council in accordance with the requirements of Clause 18 of *State Environmental Planning Policy No 55 - Remediation of Land*.

72. Acoustic Certification

Prior to the issue of any Occupation Certificate, written confirmation shall be provided from a suitably qualified acoustic consultant certifying works have been completed in accordance with the recommendations of the approved Acoustic Report (including Addendum) prepared for the development and the development is capable of operating in accordance with the design criteria.

73. Landscape Works (Development Site)

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 these conditions and approved landscape 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.

74. Public Domain Works

At the practical completion of works and prior to the issue of the Final Occupation Certificate, the landscape consultant that prepared the Public Works Certificate landscape construction plans shall submit a Landscape Compliance Report to the LMCC Senior Project Officer (Civil) certifying all public domain landscape works have received the relevant witness and hold point inspections, implemented and maintained in accordance with this Public Works Certificate. This compliance report is required prior to LMCC issuing a compliance certificate for the works.

75. Vehicles Access Crossing and Kerb Layback

Prior to the issue of the Final Occupation Certificate, the paved crossing shall be completed for the building, at the owner's cost. Any disused kerb and gutter and footpath crossing shall be removed and replaced with full kerb and gutter to match adjoining kerb and gutter to the satisfaction of Council.

76. Crime prevention measures

The Certifying Authority shall ensure that the development has been constructed in accordance with the recommendations provided in Section 5 of the approved Crime Prevention Through Environmental Design (CPTED) report prepared by James Marshall & Co (July 2021). The following shall be installed prior to the issue of any occupation certificate:

- a) All fencing, as indicted in the approved plans.
- b) A signage shall be installed at the main entry to the seniors housing development from Wilsons Road as well as at the entry from the recreational reserve to indicate private property.
- c) Dead locks shall be fitted to all door and windows.
- d) Intercom system (with camera) shall be installed at entry points.
- e) CCTV shall be installed to the carpark/basement, all access points to the facility. CCTV shall comply with Australian Standard – Closed Circuit Television System (CCTV) AS 4806.
- f) Lighting shall be designed in accordance with AS 1158.3.1 to provide appropriate lamps and lighting levels to mitigate pedestrian crime risk and fear facilitating a safe, comfortable visual environment for pedestrian and wheeled transport movement at night.
- g) Appropriate lighting shall be installed on either side of the gated access from RE1 land .

77. 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 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.

78. Commencement of the Use of the Land – Housing for Seniors or People with a Disability

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

Prior to the issue of any Occupation Certificate, a restriction as to user shall be registered against the title of the property on which development shall be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to which this application relates to the kinds of people referred to below. The development shall only be occupied by:

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

79. State Environmental Planning Policy 65

Prior to the issue of an Occupation Certificate, a design verification statement from a qualified designer shall be submitted.

The statement shall confirm the development has been constructed in accordance with the Design Quality Principles set out in Schedule 1 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*.

80. Hunter Water Requirements

The person with the benefit of this consent shall comply with Hunter Water's requirements to provide the development with water supply and sewerage services. A copy of Hunter Water's compliance certificate (Hunter Water Act 1991- Sect 50) shall be submitted with your Occupation Certificate application.

81. Screening of Ancillary Structures

Prior to the issue of any Occupation Certificate, all ancillary structures including garbage bin storage area, air conditioning, hot water system and rainwater tank (as applicable) shall be adequately screened from public view.

82. Operational Management Plan

An Operational Management Plan, including but not limited to, the following details shall be submitted to the Certifying Authority:

- a) Management of the facility in accordance with the Retirement Villages Act 1999, and the Retirement Villages Regulation 2017
- b) Details of any social programs/activities of the facility's operations, including any on-site or off-site management
- c) Provision of information to residents which includes details and outlines village issues and procedures (including how residents have the opportunity to participate in decision making processes, or raise issues, and how these are addressed)
- d) Provision of any personal care services associated with domestic duties and accessing other services
- e) Any housekeeping / cleaning services available at the premises
- f) Noise control measures
- g) Maintenance and management of communal / public areas within the site
- h) Emergency management plan including emergency response / assistance and evacuation procedures. The evacuation plan should also consider residents using mobility equipment

83. Block out blinds/curtains

Block out blinds/curtains shall be installed to the windows in the living rooms and bedrooms of units addressing the western boundary, to minimise lighting impacts from the commercial premises.

Operational Conditions

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

84. Landscape Works (Development Site)

All landscape works required under this consent shall undergo an establishment maintenance period of a minimum of 52 weeks to achieve the design intent of the landscape design.

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*.

85. Public Domain Works

The landscape consultant that prepared the Public Works Certificate landscape construction plans (or a consultant with equivalent qualifications) shall submit Landscape Maintenance Reports to LMCC Senior Project Officer (Civil) at 52 weeks and 104 weeks after practical completion certifying the public domain works are being satisfactorily maintained.

86. Safety and security

The following measures shall be employed to ensure the safety and security of the premises:

- a) After hours security patrols to monitor the boundary, grounds and access points.
- b) A sign in system and identity card/lanyard for all tradespeople servicing the seniors housing development.
- c) on-site manager to be employed and present during the week (business hours)
- d) directional signage shall be provided throughout the development to assist with wayfinding
- e) All external areas shall be well maintained to allow natural surveillance. A maintenance plan shall be developed to ensure all external areas are well maintained.
- f) Any evidence of anti-social behaviour (e.g. graffiti, malicious damage, broken lights etc.) should be cleaned / fixed / replaced within 24 hours.

87. Hours of Operation

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

Mondays to Saturday: 7.00am to 7.00pm

Sundays and Public Holidays: 9.00am to 6.00pm

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

88. 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.

89. Lighting

Any lighting shall be installed to comply with *Australian Standard AS/NZS4282-2019*.

90. 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.

91. Garbage Storage Areas

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