



## ATTACHMENT A

### Draft Conditions of Consent – DA/2614/2022

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

### Reason for the Imposition of Conditions

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

To encourage:

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

## Administrative Conditions

### 1. Prescribed Conditions

- a) The work shall be carried out in accordance with the requirements of the *Building Code of Australia*.
- b) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- c) A sign shall be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - i. showing the name, address and telephone number of the Certifying Authority for the work, and
  - ii. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - iii. stating that unauthorised entry to the work site is prohibited.

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

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

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

## 2. Approved Documentation

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

a) Plans Reference:

Plans prepared by: EJE Architecture; Project Number:13753				
Name of Plan	Drawing Number	Issue	Date	
Site Plan – Lower Ground Floor	DA-010	R	19/10/2023	D11274078
Site Plan – Ground Floor	DA-011	T	19/10/2023	D11274078
Site Plan – Level 1	DA-012	V	19/10/2023	D11274078
Ground Floor Plan	DA-100	M	22/09/2023	D11254539
Level 1 Plan	DA-101	M	22/09/2023	D11254539
Sections – Sheet 1	DA-206a	J	22/09/2023	D11254422
Sections – Sheet 2	DA-206b	K	3/10/2023	D11254539
Sections – Sheet 3	DA/206c	L	23/09/2023	D11254539
Site/Roof Plan	DA-005	P	22/09/2023	D11254422
Elevations- Sheet 1	DA-200	K	22/09/2023	D11254422
Elevations- Sheet 2	DA-201	L	22/09/2023	D11254422
Elevations – Sheet 3	DA -202	K	22/09/2023	D11254422
Streetscape, Elevations & Perspectives	DA-205	E	02/06/2023	D11254422
Signage Elevations	DA-207	C	06/06/2023	D11254422
Perspectives	DA-300	R	22/09/2023	D11254422
Materials Board	DA-320	D	5/06/2023	D11254422

Plans prepared by: Adams; Project Number:210970				
Name of Plan	Drawing	Issue	Date	

	Number			
Lower Ground Drainage Plan	C104	B	21/09/2023	D11248138
Site Drainage Plan	C105	B	21/09/2023	D11246569
Bulk Excavation Plan	C120	C	21/09/2023	D11248138
Civil Notes and Details	C100	B	21/09/2023	D11246569
OSD Tank Details	C101	B	21/09/2023	D11246569
Outfall Drain Longitudinal Section	C106	B	21/09/2023	D11246569

b) Document Reference:

Document	Reference	Author	Date	
Access Report	Ref: LP_21443	Lindsay Perry Access	17 November 2022	D10896407
Geotechnical Investigation	Ref: 35121PHrpt	JK Geotechnics	21 July 2022	D10896418
Flood Assessment	6 Harrisons Lane, Cardiff Heights	Engeny	17 October 2022	D10896419
Addendum (Flood Assessment)	6 Harrisons Lane, Cardiff Heights	Engeny	30 October 2023	D11286293
Bushfire Assessment Report	Aspect Autism School, Cardiff	Coolburn Fire + Ecology	1 November 2022, V1.1	D10896420
Preliminary Site Investigation & Detailed Site Investigation	Project 205587.04	Douglas Partners	September 2022	D10896940
Remediation Action Plan	Project 205587.04	Douglas Partners	November 2022	D10896426
Acoustics Report				
Traffic Impact Assessment	P2151	SECA Solution	16 November 2022	D10896432
Traffic Report - Addendum	P2151 Aspect Cardiff Heights	SECA Solution	28 March 2023	D11046210

	RFI			
Acoustic Assessment	220594	PWNA	September 2023	D11253088
Arboricultural Impact Assessment Report	6 Harrisons Lane, Cardiff Heights	Hugh the Arborist	12 April 2023, Rev A	D110446207
Plan of Management	6 Harrisons Lane, Cardiff Heights	DFP Planning Pty Ltd	22/09/2023, V2	D11246601

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.

#### **General Conditions**

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

#### **3. General Condition of Approval**

The facility shall only operate as a specialised school to cater for primary school aged children on the autism spectrum. A separate consent shall be obtained for use as any other type of educational establishment.

#### **General Terms of Approval and Concurrence Requirements**

#### **4. NSW Rural Fire Service – General Terms of Approval**

##### **General Conditions**

The proposed Asset Protection Zones (APZs) and Bushfire Construction Levels have been nominated by Cool Burn Fire Ecology and demonstrated in accordance with modelling under Method 2 as stipulated in the Australian Standard AS3959-2018 Construction of buildings in bushfire prone areas. The following conditions are based on acceptance of the methodology of the performance-based solutions and management of the proposed APZs found in the supporting document:

- Bushfire Assessment Report (Performance Based Assessment) Aspect Autism School, prepared by Cool Burn Fire Ecology, Ref: J108, V1.1, dated 1 November 2022.

The General Terms of Approval are based on the school building layout being consistent with those shown in the document Aspect Autism School - Cardiff - 6 Harrisons Lane, Cardiff Heights - SITE PLAN - GROUND FLOOR, prepared by EJE Architecture, Project No: 13753, Dwg No: DA-011, Rev: K, dated 9/11/2022.

## **I. Asset Protection Zones**

*The intent of measure is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.*

From the commencement of building works and in perpetuity, the entire property must be managed as an inner protection area in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed regularly.

## **II. Construction Standards**

The intent of measure is to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

New construction must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018. Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard – Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with

the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.

### **III. Water and Utility Services**

The provision of water, electricity and gas must comply with the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS2419;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
  - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
  - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

### **IV. Landscaping Assessment**

*The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.*

- Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:
- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

## **V. Emergency Evacuation and Planning Assessment**

*The intent of measure is to provide suitable emergency and evacuation arrangements for occupants.*

Bush Fire Emergency Management and Evacuation Plan is to be in accordance with Table 6.8d of Planning for Bush Fire Protection 2019 and be consistent with the following:

- The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;
- include planning for the early relocation of occupants.
- an Emergency Planning Committee is established to consult with residents (and their families in the case of schools) in developing and implementing an Emergency Procedures Manual; and



- detailed plans of all emergency assembly areas, including on-site and off-site arrangements as stated in AS 3745 'Planning for emergencies in facilities', are clearly displayed, and an annually emergency evacuation is conducted.

A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.

## **5. Subsidence Advisory NSW – General Terms of Approval**

Approval has been granted by Subsidence Advisory NSW in accordance with Section 4.47 of the Environmental Planning & Assessment Act 1979 for the development of land. This approval only applies to the development described in the plans and associated documentation relating to DA/2614/2022 on the referred date. If the proposed development is amended or the development consent modified, Subsidence Advisory NSW must be notified in order to determine whether any variations to this determination are required.

## **Fees, Charges and Contributions**

## **6. Fixed Development Contributions**

From the date this determination is made until payment, the amount of the contribution payable shall be indexed and adjusted at the close of business on:

- 14 August,
- 14 November,
- 14 February, and
- 14 May;

In each year in accordance with indexation provisions within the Section 7.12 Contributions Plan. The first date for indexation shall occur on the first abovementioned date after the Notice of Determination becomes effective.

The contribution payable shall be the amount 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 that contribution nominated below.

The contribution shall be paid to Council as follows:

- Development Applications involving subdivision – prior to the release of the Subdivision Certificate;

- b) Development Applications involving building work – prior to the release of the first Construction Certificate;
- c) Development Applications involving both subdivision and building work – prior to the release of the Subdivision Certificate or first Construction Certificate, whichever occurs first;
- d) Development Applications where no Construction Certificate or Subdivision Certificate is required – prior to the commencement of any construction work or prior to any occupation, whichever occurs first;
- e) Complying Development Certificates – prior to any work authorised by the application or certificate commencing.

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 for 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 Contributions Team. A copy of the Section 7.12 Contributions Plan can be viewed on Council's website, and at Council's Administrative Building during Council's normal business hours.

In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* – Section 7.12 and as at the date of this consent (and subject to indexation), the monetary contribution payable is:

**TOTAL \$76,199.18**

**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.

**7. Stormwater Disposal - Stormwater Detention and Harvesting**

A Stormwater Detention and Harvesting Plan shall be submitted. The plan shall be generally in accordance with the plans approved by the Development Consent prepared by Adams, Ref: 210970, dated September 2023. 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

## **8. Geotechnical Report Compliance**

The recommendations of the Geotechnical Report Reference by JK Geotechnics, Ref: 35121PHrpt, dated 21/07/22 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.

## **9. Parking Areas and Access Ways**

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

#### **10. Acoustic Certification**

Plans shall be certified as being designed in accordance with the approved Acoustic Report reference 220594 prepared by Pulse White Noise Acoustics dated 22 September 2023.

#### **11. On-site Sewage Management**

If the private sewer connection for the development involves collection and on-site storage of wastewater, prior to pumping into Hunter Water sewer system, an approval for the installation of an on-site sewage management system shall be obtained under Part C5 of Section 68 of the *Local Government Act 1993*. A copy of the approval shall be submitted with the construction certificate documentation.

#### **12. Erosion and Sediment Control**

A final Erosion and Sediment Control Plan or Soil and Water Management Plan shall be submitted. The plan shall contain information required for the area of disturbance of the development or its distinct and separate stages in accordance with *Development Control Plan 2014*.

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

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

#### **13. Construction Certificate**

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

#### **14. Disability Access Design Audit**

An accredited access consultant shall certify the development's compliance with the *Building Code of Australia* as per the approved Access Report, and the *Disability Discrimination Act 1992* in relation to the provision of equity in access for disabled persons.

The detailed design shall also include the following details:

- floor finishes
- slip resistance
- door controls and switches
- visual indication to glazing
- tactile ground surface indicators

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

Note:

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

## **15. Ausgrid Requirements**

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

## **16. Amended Landscape Plan**

Prior to the issue of a Construction Certificate, the landscape plan shall be revised to include the following details and submitted to Council for approval:

- The plan shall demonstrate how the garden bed between the western boundary and outdoor play area will be accessed for maintenance.
- All *Doryanthes excelsa* shall be replaced with an alternative child friendly species.
- The details of retaining wall along the outer edge of the play area should be consistent with the approved plans. Permeable fencing (pool fence or similar) or any other form of low barrier shall be provided on top of the retaining wall to restrict access from the play area into the garden bed until such time the plantings are established.
- Boundary fencing shall comprise 1.8m high black palisade fence at the frontage. 1.8m Colorbond (Woodland Grey) fence along the northern and

southern boundaries and 2.1m Colorbond fence along the and western boundary.

Plans are to be submitted to, and approved by, Council prior to issue of Construction Certificate.

#### **17. Design of Waste Storage Area**

Detailed design plan for the waste storage area containing the following information shall be submitted to the Certifying Authority:

- minimum width of 615mm for the doorway space
- no threshold or steps between the waste storage area and waste collection point to allow wheeling of bins
- lighting for the bin storage area
- water supply and drainage to enable bin cleaning and cupboard cleaning, including cold tap (for outdoor bin areas) and floor drain to sewer

#### **18. Driveway Design**

A design plan for the driveway to the car parking area of the development shall be submitted. The design shall be in accordance with the following requirements and Council Standard Drawing EGSD-202.

- a) The driveway design levels at the front boundary shall be obtained from Council's Asset Management department prior to design of the driveway.
- b) The design plan shall include a driveway longitudinal section, incorporating the design level provided by Council and other construction details (i.e. concrete thickness and reinforcement).
- c) In accordance with AS2890.1 the maximum gradient of any driveway shall not exceed 25%.
- d) Where changes of grade occur, suitable transitions shall be designed to meet AS2890.1.
- e) Upgrade of existing driveway - The design shall include details of upgrade to the existing driveway including adjustments at the lower end to ensure the vertical alignment is in accordance with AS2890.

#### **19. Approval from WaterNSW**

If the detail design of footings and other structures indicate excavation into groundwater table, an approval under section 90(2) of Water management Act 2000 shall be obtained from WaterNSW, and the development shall be undertaken in accordance with the conditions of the approval.

### **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.

## **20. Roadways and Drainage Works Standards**

A design plan for the upgrade of Harrisons Lane from the proposed entry of the development site to the southern boundary of the site shall be submitted. This shall include, but not limited to, the following:

- replacement of existing layback and kerb at the entry to the site
- resurfacing of the carriageway and widening (as required) to provide a minimum pavement width of 5.5m
- repair of cracks and potholes adjoining the works in Harrisons Lane

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, 2019.*
- b) *Development Control Plan 2014* and supporting guidelines.
- c) *AUSTROADS Guide to Road Design Guide.*
- d) *Roads and Maritime Services Delineation Guidelines.*
- e) *Managing Urban Stormwater documents (2004)* by Landcom.
- f) *The Constructed Wetlands Manual* - Department of Land and Water Conservation, 1998.
- g) *WSUD Technical Design Guidelines for South East Queensland.*
- h) *Healthy Waterways – Water by Design Guidelines.*
- i) Australian Standards including, but not limited to:-

- i. AS1428 - *Design for Access and Mobility, Part 1 General Requirements for Access and Part 4 Tactile Indicators*,
- ii. AS2890 - *Off Street Parking*

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

## **21. Public Works Certificate for Works**

An application for a Public Works Certificate (under Section 138 Roads Act 1993) 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.

The extent of works shall include the reconstruction of Harrisons Lane pavement for the extent shown on the plans by Adams (Ref: 210970, Drawing C105, Rev 6, dated 13/04/23). A minimum carriageway width of 5.5m shall be achieved.

## **22. Stormwater Standards**

A design shall be submitted for stormwater works in accordance with the requirements contained in *Development Control Plan 2014 and Guidelines*. The stormwater design shall meet the requirements of the publications and standards identified in this consent.

## **23. Pavement Standards**

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

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

Where work shall be undertaken within a classified Main Road the pavement design shall also be submitted to the Roads and Maritime Services for its approval prior.

## **24. 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.

## **25. Application Fees for Required Certificates**



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

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

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

Where the development includes public domain construction works valued at \$250,000.00 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 0.25% of the cost of building and construction works.

The above fees are current for the 2022/2023 financial year and are subject to change each financial year without notice. Confirmation of the relevant fee shall be obtained from Council prior to the lodgement of any application.

#### **Conditions to be satisfied prior to the commencement of works**

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

#### **26. 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.

All requirements in Section 5.4 of the approved Geotechnical Report by JK Geotechnics including evidence of consultation with the adjoining property owner shall be covered in the Dilapidation Report.

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.

#### **27. Filling Importation and Compaction**

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

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

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

Written details shall be kept of address of the origin of the fill; quantities, dates, and times of delivery from each location; registration numbers and driver's identification details; and laboratory test results/consultants reports and available for inspection by the Certifying Authority or Council upon receipt of a written request.

## **28. 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.

## **29. 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.

## **30. 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.

### **31. Haulage Routes**

Details of the proposed haulage routes to be used during construction works shall be submitted to Council. These details shall be submitted a minimum of seven days before the commencement of haulage operations. No haulage operations shall take place prior to the approval of the routes by Council. The haulage routes shall not be varied without the approval of Council.

Haulage routes shall be maintained and restored as near as possible, to their original condition.

### **32. 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](mailto: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

- a) Public safety, amenity and site security,
- b) Traffic control and management (note, separate approval may be required from Council),
- c) Pedestrian management (note, separate approval may be required from Council),
- d) Construction hours,
- e) Noise control,
- f) Contractor vehicle parking,

- g) Locating existing utilities and services,
- h) Health and Safety requirements.

#### Environment

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

#### Quality

- a) Submission of current insurance certificates,
- b) Work method description,
- c) Construction equipment to be used,
- d) Inspection and testing requirements,
- e) CCTV survey of pipework,
- f) Earthworks methodologies,
- g) Haulage routes,
- h) Retaining structure construction methodologies,
- i) Concrete jointing methodologies,
- j) Subsoil drainage installation methodologies,
- k) Stormwater drainage infrastructure installation methodologies,
- l) Stormwater Quality Improvement Device installation methodologies,
- m) Road construction methodologies,
- n) Accessways and footway construction methodologies,
- o) Landscaping installation methodologies,
- p) Utility and services installation methodologies,
- q) Construction and installation methodologies of other structures not otherwise covered above.

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

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.

### **33. Erosion and Sediment Control**

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

### **34. Hoarding and Construction Site Safety Fencing**

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

Council approval is required to install hoarding, site fencing or overhead protective structures over or adjoining a public place i.e. a footpath or a Public Reserve. An

application for temporary structure or occupation of road reserve should be submitted via Council's website.

No work shall commence until written approval is obtained.

### **35. 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 enclosure or bin shall be maintained for the term of the construction to the completion of the development.

Waste management arrangements during construction shall also include provisions for storage and disposal of different streams of waste generated from the site office.

### **36. 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.



### **37. Tree Protection Measures**

All trees and native vegetation both on the site (except those identified for removal) 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*.

Specific tree protection measures are to be implemented in accordance with the approved Arboricultural Impact Assessment Report by Hugh the Arborist (Rev A, Millington 12/04/2023) and certified by the project arborist prior to the commencement of works.

### **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. 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.

### **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. 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.

### **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. 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.

#### **43. Contaminated Land Remediation and Validation**

The site shall be remediated in accordance with the Remediation Action Plan prepared by Douglas Partners P/L, reference No. 205587.04.R002 dated 4 November 2022.

#### **44. Traffic Control Standards**

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*.

#### **45. Approval for Construction Dewatering from WaterNSW**

If groundwater is encountered during the development and requires removal, WaterNSW shall be contacted immediately and an application for a dewatering water supply work approval under section 90(2) of the Water Management Act 2000, shall be lodged. All works affecting groundwater shall cease until an approval has been obtained from WaterNSW. Failure to do so may result in compliance action under the Water Management Act 2000.

Note: A dewatering management plan, authority to discharge groundwater as well as an updated geotechnical report that states volume of water to be taken, time frame of dewatering and basement construction (if relevant) may be required as part of this application.

#### **46. 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.

#### **47. 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*.

#### **48. 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.

#### **49. Dust Suppression**



During the extraction, removal, and transportation of material associated with the works, the person having the benefit of the consent shall ensure that airborne dust is contained within the work site or transport vehicles, and does not impact on the amenity of the surrounding environment.

Effective environmental controls and practices shall be implemented and maintained to the satisfaction of Council or the Certifying Authority.

#### **50. 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.

#### **51. 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 approval from Council shall be obtained prior to any closing of the road reserve or footpath area. An application for temporary structure or occupation of road reserve should be submitted via Council's website.

#### **52. 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.

### **53. Landscape works**

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

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 all roadway landscapes and any other approved locations on public land shall be couch. This turf species shall be specified on all landscape concept and construction documentation.

### **54. Tree Protection Measures**

All trees on adjoining properties and those identified for retention on the subject site shall be 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*.

- a) Specific tree protection measures are to be implemented in accordance with the Recommendations, Works Method Statement, Tree Protection Requirements and Hold Point components of approved Arboricultural Impact Assessment Report by Hugh the Arborist (Rev A, Millington 12/04/2023).
- b) An appointed project arborist is to be in attendance to supervise works on site during critical stages of construction, particularly when excavations or other works are carried out within the identified Tree Protection Zones (TPZ) of trees to be retained.
- c) Unless otherwise approved by Council, existing ground levels within identified Tree Protection Zones (TPZ) shall be remain undisturbed.

- d) All underground utilities and other required excavations are to be routed away from identified TPZs.
- e) Unavoidable excavation within a TPZ is to be carried out by hand with all care taken not to damage tree roots. Infrastructure required within the TPZ shall be installed underneath or around tree roots in a manner ensuring root damage and severance is avoided.

A separate application shall be made to Council in accordance with the *State Environmental Planning Policy (Biodiversity & Conservation) 2021* for the removal of any other trees or native vegetation. This includes application for the removal of any understorey vegetation or the stripping of ground cover vegetation that is outside those areas approved for construction.

#### **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.

#### **55. 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.

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

#### **57. Provision of Council Easement (Public)**

An easement to drain water, (minimum three metres wide or the width of the 1% Average Exceedance Probability flow path, whichever is greater) shall be created at no cost to Council in favour of Council in accordance with the approved Flood Assessment by Engeny dated 17/10/2022 and associated Stormwater Drainage Plan by Adams (Ref: 210970, Rev: 6, dated 13/04/2023).

The easement shall be registered on the title of the lot under Section 88B of the *Conveyancing Act 1919* as amended. A copy of the registered Section 88B Instrument shall be provided to Council prior to the issue of any occupation certificate.

The terms of the 88B Instrument shall require the proprietor of the land to undertake all maintenance and upkeep of the pipeline. Any costs to repair the pipeline and associated infrastructure shall be borne by the owner of the allotment.

Terms of the covenant shall include;

- 1) The registered proprietor of the lots hereby burdened will in respect of the drainage system (which expression shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins) and surfaces designed to control overland flows, as constructed in accordance with Development Consent DA/2614/2022;
  - a) Keep the system clean and free from silt, rubbish and debris.
  - b) Maintain and repair at the sole expense of the Registered Proprietors the whole of the system so that it functions in a safe and efficient and effective manner.
  - c) Permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant.
  - d) Comply with the terms of any written notice issued by the Council in respect of this covenant within the time stated in the notice.
- 2) Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:
  - a) In the event that the Registered Proprietor fails to comply with the terms of the written notice issued by Council as set out above the Council or its authorised agents may enter the land with all necessary equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in Part 1 (d) above.
  - b) The Council may recover from the Registered Proprietors in a court of competent jurisdiction:
    - i) Any expense reasonably incurred by it in exercising its powers under subparagraph (a) hereof together with costs, reasonably estimated by the Council for the use of machinery, tools, and equipment in conjunction with the said work. Such expense shall include without limitation reasonable wages for the work and administering the said work.
    - ii) Legal cost on an indemnity basis for issue of the said notices and recovery of the said cost and expenses together with the cost and expenses of registration of a covenant charged pursuant to Section 88F of the Act or providing any certificate required pursuant to Section 88F of the Act or obtaining any injunction pursuant to Section 88H of the Act.

Council shall be the authority with the power to release, vary or modify the terms of the easement.

**58. 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.

**59. 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.

**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. Parking Areas and Access Ways**

All parking areas and access ways, including associated line markings, and traffic control signs within the site, shall be fully constructed and sealed in accordance with the approved Construction Certificate plans, prior to the issue of the Final Occupation Certificate.

**62. Driveway Construction**

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

The existing layback off Harrison's Lane shall be reconstructed for the full width of the driveway, including layback wings.

**63. 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 NSW EPA Guidelines for Consultants Reporting on Contaminated Sites. 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*.

#### **64. Long Term Environmental Management Plan**

Any contaminated land remediation strategies using on-site containment, encapsulation or management of contaminated soil, shall require the development of Long-term Environmental Management Plan (EMP) prepared by an appropriately qualified and experienced Environmental Consultant, prepared in accordance with relevant NSW EPA guidelines.

A copy of the EMP shall be kept in the care and control of the property owner or managing agent, and be made available to any persons carrying out works on the property, which may result in breaching the cell or capping layer.

The Principal Certifier shall not release any Occupation Certificate without being in receipt of the abovementioned documentation and a copy provided to Lake Macquarie City Council.

Note: A notation will be placed on Council's records indicating the site is subject to on-site management of contaminated soil. This notation will appear on a Section 10.7 certificate issued under the provisions of the NSW Environmental Planning and Assessment Act.

#### **65. Works as Executed Plan – Public Works Certificate**

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.

#### **66. Compliance Certificate for Public Works Certificate**

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.

#### **67. 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 Acoustic Report prepared for the

development and the development is capable of operating in accordance with the design criteria.

**68. On-site Sewage Management**

Prior to the issue of any Occupation Certificate, the installation of the on-site sewage management system, if required, shall be completed and an approval to operate the system shall be issued by Council under Part C6 of Section 68 of the *Local Government Act 1993*.

**69. 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.

**70. Safety Barrier**

The area around the stormwater inlet pit in the northern part of the site shall be secured with palisade style fencing and access gate to restrict access into this area. This exclusion fencing shall be sign posted to warn of its purpose.

Safety fencing and gate shall also be installed around the surcharge pit at the southern end to control access into this area.

**71. Sign posting**

The entry and exit driveway shall be sign posted to direct the traffic movement and the type of the vehicles permitted.

These signs shall be positioned entirely within the subject site boundaries in a clearly visible location for the vehicle users.

**72. Unsealed electrical installations**

All unsealed electrical installations associated with the development, such as pumps, switches, power points, motors, etc. shall comply with the protection against electric shock provisions for 'Damp Situations' outlined in Australian Standard AS 3000 "Australian/New Zealand Wiring Rules".

Evidence of compliance with AS 3000 from a licenced electrician or similarly qualified person shall be provided to the Principal Certifier, prior to release of each Occupation Certificate.

**73. 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.

#### **74. Landscape Works**

At the completion of landscape works, the consulting landscape architect who prepared the documentation shall submit to the Certifying Authority a Landscape Compliance Report. This report shall certify shrub and tree species, pot size, and planting densities and landscape area setout comply with approved documentation and practical completion of the landscaping works has occurred. The Certifying Authority shall not issue any Occupation Certificate without receipt of the Landscape Compliance Report.

#### **75. Boundary Fencing**

The certifier shall ensure the fencing to the following specifications have been provided prior to the issue of any Occupation Certificate:

- 1.8m black palisade fence along the frontage
- 1.8m high Colorbond fence along the northern and southern boundaries
- 2.1m high Colorbond fence along the western boundary

All costs associated with the fencing, including removal and replacement of any fence shall be borne by the person with the benefit of the consent and not the relevant neighbouring property owners.

14 days written notice shall be given to the relevant neighbouring property owner of the intention to erect the boundary fencing.

All new or replacement boundary fencing shall be completed prior to the issue of an interim or final occupation certificate, whichever occurs first.

#### **76. Emergency Management Plan**

An Emergency Management Plan shall be submitted to the Certifying Authority prior to the issue of any Occupation Certificate. The Plan shall include, but not limited to, the following information:

- A Bush Fire Emergency Management and Evacuation Plan as required by NSW RFS
- A Flood Evacuation Plan
- General emergency including fire evacuation plan

Due consideration shall be given to the following while preparing the evacuation plan:

- instructions on what must be done in the event of an emergency,



- risk assessment to identify potential emergencies relevant to the service,
- the mobility of children and how this is to be accommodated during an evacuation,
- the location of a safe congregation/assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants of surrounding buildings; and
- how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios.

#### **77. Bin Services**

A service agreement shall be secured for waste collection and disposal. This shall be arranged at least six (6) weeks prior to the completion of the build or occupation to allow time for delivery of bins. Evidence of this agreement shall be submitted to Council and deemed satisfactory prior to the issue of any Occupation Certificate.

#### **78. Crime Prevention**

The Certifying Authority shall ensure that the following has been installed prior to the issue of any occupation certificate:

- All fencing and gates as indicated in the approved plans
- Dead locks to all door and windows.
- CCTV at all entry points to the site and the building, and car parking areas on the ground level and lower ground level. CCTV shall comply with Australian Standard – Closed Circuit Television System (CCTV) AS 4806.
- Lighting designed and installation in accordance with AS 1158.3.1 to provide appropriate lamps and lighting levels to mitigate pedestrian crime risk and fear.
- Robust, vandal-proof and graffiti resistant finishes and fixtures to the building and all external elements such as fencing, seating and signage.

#### **Operational Conditions**

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

#### **79. 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.

**80. Noise – Ongoing Operation of Machinery, Plant and Equipment**

The Laeq (15 minute) operating noise level of machinery, plant, equipment, or any other operational noise source, when measured at the most affected point of another premises, shall comply with either the amenity or intrusiveness criteria calculated in accordance with the NSW Environment Protection Authority *Noise Policy for Industry 2017*.

For assessing amenity criteria, the area shall be categorised in accordance with the guidelines outlined in Chapter 2 of that Policy.

**81. Acoustic Certification**

At 90 days of operation a suitably qualified acoustic consultant shall test, measure and certify the development is operating, at that time, in accordance with the approved Acoustic Report.

**82. Noise - Sleep Arousal**

The L1 (one minute) operating noise level during night time hours of the premises shall comply with the NSW Environment Protection Authority (EPA) sleep disturbance criteria, calculated in accordance with the NSW EPA Noise Policy for Industry 2017.

**83. Subfloor space**

The subfloor space shall not be used for storage.

**84. Landscape Works**

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

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

**85. Operational requirements**

All site operations including, but not limited to, the following shall be in accordance with the with the approved Plan of Management (PoM).

- **Hours of operation**

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

Mondays to Fridays: 8am to 6pm

Saturdays, Sundays and Public Holidays: Closed

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.

Waste collection shall be arranged outside the above hours of operation, during standard daytime hours as defined in the NSW EPA Noise Policy for Industry.

- **Capacity**

The maximum capacity of the educational establishment shall be limited to 80 children and 35 staff.

- **Traffic management**

Student-drop and pick-up shall be undertaken in accordance with the schedule in the approved PoM, with a traffic warden on duty to direct the movement of vehicles.

- **Noise management**

A noise management shall be prepared to ensure compliance with the noise criteria in the approved acoustic assessment; and the facility shall operate strictly in accordance with this plan.

- **Emergency management**

The emergency and evacuation procedures in the Emergency Management Plan shall be reviewed regularly to identify any areas for improvement.

## **86. Crime prevention**

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

Regular maintenance of the landscaping shall be undertaken to ensure sightlines into the development are not affected by overgrown vegetation.

## **87. Lighting**

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