

DATE OF DETERMINATION	3 November 2025
DATE OF PANEL DECISION	3 November 2025
DATE OF PANEL MEETING	28 October 2025
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Jason Pauling
APOLOGIES	Tony McNamara and Christine Buckley
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 21 October 2025.

MATTER DETERMINED

PPSHCC-371– Lake Macquarie – DA/2294/2021/A at 2A Maude Street, Belmont 2280 – Seniors Housing (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 listed at item 8 in Schedule 1.

The application is for a modification to a development consent for a seniors living development approved by the Panel in June 2022.

The Panel has had the benefit of a briefing from Council and the applicant.

The proposed development involves the addition of another floor of apartments to the approved development, and associated car parking and design changes.

The development, as proposed to be modified, responds to the changed policy framework associated with the surrounding sites and the form and scale of development now permitted under the NSW Low and Mid-Rise Housing Policies.

The application has been amended to respond to issues raised by Council, the Design Review Panel, and the Panel, including retention of trees, EV charging, and design modifications.

The Panel is satisfied that the development is substantially the same development as that originally approved.

The Panel is satisfied that the built form and scale of the proposal is compatible with the evolving character of the area. The impacts arising from the modification are considered to be minimised.

Application for modification of consent

The Panel determined to approve the modification application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979* subject to the conditions at Schedule 2.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the modification application for the following reasons:

- i. The development, as modified, does not result in any unreasonable impacts.
- ii. The development is considered to be substantially the same development as that originally approved.
- iii. The site is well located and suitable for the proposed development.
- iv. The scale of the built form responds to the changing policy framework and is compatible with the desired future character of the area.

CONDITIONS

The Modification Application was approved subject to the amendments to conditions in Schedule 2.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Roberta Ryan
 Jason Pauling	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-371 – Lake Macquarie – DA/2294/2021/A
2	PROPOSED DEVELOPMENT	Seniors Housing
3	STREET ADDRESS	2A Maude Street, Belmont 2280
4	APPLICANT/OWNER	Oak Tree Retirement Villages Pty Ltd Oak Tree Retirement Villages Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and infrastructure) 2021 ○ State Environmental Planning Policy (Sustainable Buildings) 2022 ○ Lake Macquarie Local Environmental Plan 2014 • Draft environmental planning instruments: Nil ○ Lake Macquarie Development Control Plan 2014 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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	• Council Assessment Report: 21 October 2025 • Written submissions during public exhibition: 0 • Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Initial Briefing: 26 August 2025 ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Jason Pauling, Christine Buckley ○ <u>Applicant representatives</u>: Nick Keay, Janice Shaw, Trent Watkins, Sam McEachern, Joel chamberlain, Adam Crampton, Annie Breen ○ <u>Council assessment staff</u>: Geoffrey Keech, Amy Regado • Site inspection: ○ Panel members previously inspected the site when considering the original application. • Final briefing to discuss Council's recommendation: 28 October 2025 ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Jason Pauling ○ <u>Applicant representatives</u>: Nick Keay, Janice Shaw, Sam McEachern, Joel chamberlain, Adam Crampton, Annie Breen ○ <u>Council assessment staff</u>: Geoffrey Keech, Amy Regado ○ <u>Department</u>: Leanne Harris, Holly McCann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

SCHEDULE 2**INSTRUMENT OF MODIFICATION****Modification of Conditions of Development Consent DA/2294/2021****1. Amend Condition 2 Approved documentation as follows:**

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

a) Plans Reference:

Architectural Plans prepared by CKDS; Project Number: 20120			
Name of Plan	Drawing Number	Revision	Date
Site plan	A-1001	13	30/09/2025
Basement plan	A-1101	13	30/09/2025
Ground floor plan	A-1102	15	30/09/2025
First floor plan	A-1103	13	30/09/2025
Second floor plan	A-1104	13	30/09/2025
Third floor plan	A-1105	13	30/09/2025
Rooftop terrace plan	A-1106	13	30/09/2025
Roof plan	A-1107	13	30/09/2025
Typ. 2 Bedroom (A)	A-1201	13	30/09/2025
Typ. 2 Bedroom (B)	A-1202	12	30/09/2025
Typ. 2 Bedroom + study (A)	A-1203	12	30/09/2025
Typ. 2 Bedroom + study (B)	A-1204	12	30/09/2025
Typ. 2 Bedroom + study (C)	A-1205	12	30/09/2025
Typ. 3 Bedroom	A-1206	12	30/09/2025
Elevations 1-3	A-2001	13	30/09/2025
Elevations 4-6	A-2002	13	30/09/2025
Sections A-C	A-3001	13	30/09/2025
Detailed section 1	A-3101	13	30/09/2025
Detailed section 2	A-3102	13	30/09/2025
Detailed section 3	A-3103	13	30/09/2025
Materiality and perspective	A-5001	13	30/09/2025
Materiality and perspective	A-5002	13	30/09/2025
Materiality and perspective	A-5003	13	30/09/2025

Maude Street entry	A-6001	13	30/09/2025
Glover Street entry	A-6002	13	30/09/2025
Window schedule ground floor	A-7002	11	9/5/2025
Window schedule first floor	A-7003	11	9/5/2025
Window schedule second floor	A-7004	11	9/5/2025
Window schedule third floor	A-7005	11	9/5/2025

Engineering Plans prepared by: Northrop; Project No: NL183048-01

Name of Plan	Drawing Number	Issue	Date
Erosion and sediment control plan	DA1-C02.01	B	29.09.25
Erosion and sediment control details	DA1-C02.11	A	11.04.25
Erosion and sediment control notes	DA1-C02.12	A	11.04.25
Bulk earthworks cut and fill plan	DA1-C03.01	B	29.09.25
Concept stormwater management and levels plan – basement	DA1-C04.01	A	11.04.25
Concept stormwater management and levels plan – ground	DA1-C04.11	B	29.04.25
Longitudinal section	DA1-C05.01	A	11.04.25
Civil details	DA1-C07.01	A	11.04.25

Landscape Plans prepared by: Xeriscapes; Project No: 21071

Name of Plan	Drawing Number	Issue	Date
Tree management plan	L001	C	29.09.2025
Landscape Plan - Modifications	L101	L	29.09.2025
Rooftop plan	L102	B	11.04.2025
Indicative plant schedule	L301	B	06.09.2021

b) Document Reference:

Document	Reference	Author	Date
Report on updated desktop groundwater assessment	205363.02.R.001.Rev1	Douglas Partners	16 April 2025
Dewatering Management Plan for Construction (Temporary Dewatering for Tanked Basement)	205363.04.R.001.Rev1	Douglas Partners	16 April 2025
Waste Management Plan	1B Glover Street, Belmont	MRA Consulting Group	14/04/2025
Aboriginal heritage due diligence report	HN355-A	Heritage Now	16/11/2021
Arborist report	2A Maude Street, Belmont	Abacus Tree Services	23 September 2021
Tree protection plan	2A Maude Street, Belmont	Abacus Tree Services	23 September 2021
Report on contamination testing (including remediation action plan)	205363.00 R.002.Rev0	Douglas Partners	21 July 2021
Stormwater and flood management assessment	NL183048-01	Northrop	6 September 2021
Preliminary Geotechnical investigation	205363.00 R.003.Rev0	Douglas Partners	26 July 2021
Noise impact assessment	212129-9347-R2	Spectrum Acoustics	20 August 2021
CPTED report	Seniors housing facility – Maude Street, Belmont	James Marshall & Co	July 2021
Social Impact Assessment	Seniors housing development – Maude Street, Belmont NSW	AIGIS Group	August 2021
Acid sulfate soil management plan	2A Maude Street, Belmont	Northrop	May 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.

2. Amend Condition 3 General Terms of Approval as follows:

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

- Water NSW
- Subsidence Advisory NSW

3. Amend Condition 4 Water NSW – General Terms of Approval as follows:

Reference Number: S4551163340

Dewatering

- | | |
|---------------------|---|
| GT0115-00001 | 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. |
| GT0119-00001 | 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. |
| GT0120-00001 | The design and construction of the building must prevent: (a) 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; (b) 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 (c) any elevated water table from rising to within 1.0 m below the natural ground surface. |
| GT0122-00001 | Construction Phase Monitoring programme and content: a) 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. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)

GT0123-00001

(a) 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. (b) 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): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) 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

GT0150-00001

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

GT0151-00001

Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, 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.

GT0152-00001

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 GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

GT0155-00001

The following construction phase monitoring requirements apply (Works Approval): a. 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. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

GT0174-00001

Construction phase monitoring bore requirements GTA: a) Monitoring bores are required to be installed and collecting data prior for at least 3

GT0278-00001	months prior to submitting a water supply work approval b) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. c) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW and should be submitted prior to the application for a water supply work approval. d) The monitoring bores should be used to develop a water table map for the site and its near environs. e) The monitoring bores must be protected from construction damage. Advisory note: no approval under the Water Management Act 2000 is required for these monitoring bores provided that they extract less than 3ML/water year. A water access licence, for the relevant water source, must be obtained prior to extracting groundwater, unless an exemption applies. Advisory Note: See Schedule 4 of the Water Management (General) Regulation 2018.
GT0279-00001	A construction certificate can be issued for excavation work in accordance with a valid development consent, however dewatering cannot take place without an Approval being granted by Water NSW for any water supply works required by the development. If the excavation work will or is likely to require dewatering, the applicant must apply and obtain, an approval under the Water Management Act 2000 prior to any dewatering taking place and notify WaterNSW of the programme for the dewatering activity including the commencement and proposed completion dates of the dewatering activity. 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. 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.

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/2294/2021/A as provided by Council:

- updated DMP
- Updated Groundwater Assessment
- Comparison Architectural Plans

4. Add new Condition 4A Subsidence Advisory NSW General Terms of Approval as follows:

Application No: **TBA25-02342**

General

Plans, Standards and Guidelines

1. These General Terms of Approval (GTAs) only apply to the development described in the plans and associated documentation relating to DA/2294/2021/A (our reference TBA25- 02342) and provided to Subsidence Advisory NSW. Any amendments or subsequent modifications to the development may render these GTAs invalid. If the proposed development is amended or the development consent modified, Subsidence Advisory NSW must be notified to determine if any variations to these GTAs are required.

2. This approval expires 5 years after the date the approval was granted if building, engineering or construction work relating to the application has not physically commenced on the land.

Prior to commencement of construction

3. Prescribed Design Parameters – Serviceability

Provide certification from a qualified structural engineer that the proposed structure is capable of remaining serviceable (as defined in section 4.7 of the Merit Assessment Policy) if subjected to the subsidence parameters outlined below:

- a) Maximum Horizontal Strains (+/-): 1 mm/m
- b) Maximum Tilt: 1 mm/m
- c) Minimum Radius of Curvature: 81 km

4. Structural Engineer Certification

Prior to commencement of works, submit an Engineering Impact Statement to Subsidence Advisory NSW for acceptance. The engineering impact statement must identify the following:

- a) Mine subsidence parameters used for the design.
- b) Main building elements and materials.
- c) Risk of damage due to mine subsidence.
- d) Design measures proposed to control the risks.
- e) Provide certification that the design will ensure the improvement meets the requirements of Condition 3.
- f) Comment on the:
 - likely building damage in the event of mine subsidence.
 - sensitivity of the design to greater levels of mine subsidence.

OR

Prior to commencement of works, submit a Mine Subsidence Design Structural Engineer Certification Form (nsw.gov.au) (Attachment F of the Subsidence Advisory Merit Policy).

5. Submit Final Design

Prior to commencement of works, submit a final design incorporating the design methodology contained in the Engineering Impact Statement or Mine Subsidence Structural Engineer Certification Form, to Subsidence Advisory for acceptance.

Certification by a structural engineer is to confirm that the requirements of Condition 3 are met.

Post construction

6. Certification of Works

Upon completion of construction, submit certification from a qualified builder or certifier that confirms construction is in accordance with the plans approved by Subsidence Advisory.

Where structural elements identified in the Engineering Impact Statement or Mine Subsidence Structural Engineer Certification Form have been certified by an engineer, details of this certification should be included with the builder/certifier's post construction certification.

5. Amend Condition 5 Contribution towards provision or improvement of amenities or services as follows:

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 Belmont Contributions Catchment - 2017*, 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 set out in the table below.

The contributions shall be paid to Council as follows:

- a) 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 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 Belmont Contributions Catchment - 2017* 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
B-Open Space & Recreation Facilities-Capital-CPI	\$1,258,342.13
B-Open Space & Recreation Facilities-Land-LVI	\$32,946.11
B-Public Transport Facilities-CPI	\$1,990.99
B-Community Facilities-Capital-CPI	\$141,242.47
B-Plan Preparation & Administration-CPI	\$82,287.39
	TOTAL \$1,516,809.09

6. Amend Condition 6 Kerb and Guttering as follows:

A design plan for kerb and guttering, road pavement, shoulder sealing and associated drainage works along the full length of the street frontage, generally in accordance with Northrop Engineers Plans – Job No.NL183048-01 Rev. B, dated 29/09/2025, shall be submitted. No works shall commence prior to the issue of a Public Works Certificate in accordance with s138 of the *Roads Act 1993*. Any works on a public road shall be approved by Council.

7. Amend Condition 7 Concrete Footpath as follows:

A design plan for concrete footpaths 1.5 metres wide along the full length of the Maude Street frontage shall be submitted, generally in accordance with Northrop Engineering Plans -Project No.NL183048-01 Rev. B dated 29/09/2025. Concrete foot paving shall be constructed in accordance with Lake Macquarie City Council standard drawing *EGSD-301* which is available from Councils website. No works shall commence prior to the issue of a Public Works Certificate in accordance with s138 of the *Roads Act 1993*. Any works on a public road shall be approved by Council.

8. Amend Condition 9 Stormwater disposal and harvesting as follows:

A Stormwater Management and Harvesting Plan shall be submitted. The plan shall be generally in accordance with the plans approved by the Development Consent prepared by Northrop Engineers, Ref: NL183048-01 Rev. B dated 29/09/2025. 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.
- b) Stormwater harvesting measures shall be constructed and maintained in accordance with *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.

- c) The stormwater pipe draining water from Ernest Street through the site which is to be demolished shall not be disconnected until the new pipe through to the outflow (subject to separate approval) is constructed.

NOTE: The drainage line shown from the pit positioned on the south-western boundary of the site through to the outflow is not approved in this system for construction.

NOTE: Construction work for the offsite drainage works is expected to be restricted during the baseball season (March-October) due to impacts to the users of the sports fields.

9. Amend Condition 24 Electric vehicle charging as follows:

At least 5% of the parking spaces shall be "EV-ready", as defined by NSW Electric and Hybrid Vehicle Plan, Future Transport 2056 (21 January 2019)

10. Amend Condition 54 Landscape works as follows:

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

- a) All retained trees shall have a mass mulched surface to the tree protection zone as a minimum. There shall be no turf planted beneath retained trees.
- b) Tree planting shall be as per the approved landscape plan.
- c) A minimum of four of the trees planted along the northern boundary with Maude Street shall be 75 litre endemic amenity trees with a mature growth proportional to the proposed height of the building. Trees close to the powerlines shall be a suitable size at maturity to minimise maintenance requirements in accordance with Ausgrid's clearance to powerlines requirements.
- d) There shall be fourteen trees planted along the eastern side setback with a minimum of two trees 75 litre endemic amenity trees with a mature growth proportional to the proposed height of the building. There shall be a diversity of continuous tall shrubs planted along the eastern side setback that provides dense visual screening of the site from the east.
- e) There shall be fifteen trees planted along the western side setback with a minimum of two trees 75 litre endemic amenity trees with a mature growth proportional to the proposed height of the building. There shall be a diversity of continuous tall shrubs planted along the western side setback that provides dense visual screening of the site.
- f) There shall be twenty-four trees and continuous shrub planting within the external areas around the pool deck as per the scheduled landscape concept plan.
- g) There shall be open palisade and masonry pier fence to the northern boundary with Maude Street and entirety of the eastern boundary to Glover Street. The solid Panel fencing along the western boundary at Glover Street shall be planted with continuous shrub planting to a height that screens the Panel fence from within the site.
- h) 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.
- i) 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.

- j) 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.
- k) A hard garden retaining edge (timber or concrete) shall be installed to all planting areas adjoining turf surfaces.
- l) All planted areas shall be covered with minimum 100mm mulch to aid plant establishment.
- m) 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.
- n) Raised planters shall be designed and documented by an appropriately qualified structural engineer and include irrigation. Soil depth shall be mounded as required to provide sufficient depth for tree planting.

11. Amend Condition 67 Provision of Council Easement (Public) as follows:

The easement to drain water, (minimum three metres wide or the width of the 100 year flow path, whichever is greater) shall be amended, at no cost to Council, in favour of Council in accordance with the approved Stormwater Drainage Plan by Northrop Engineers ref: NL183048-01 Rev. B dated 29/09/2025.

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 an occupation certificate.

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

12. Amend Condition 78 Positive covenant for water quality device maintenance as follows:

A positive covenant shall be placed on title requiring the owner on the land to undertake periodic maintenance for the water quality device(s) stormwater harvesting tank as shown on the stormwater plans by Northrop Engineers, reference NL183048-01 Rev A and dated 11/04/2025.

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.

Lake Macquarie City Council shall be the party to vary, release or modify the covenant.

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

13. Amend Condition 93 Electric vehicle charging as follows:

The certifier shall ensure that 5% of the parking spaces have been constructed as EV-ready by installing electrical conduits.