

DATE OF DETERMINATION	3 December 2020
PANEL MEMBERS	Alison McCabe (Chair), Susan Budd, Jason Pauling and Scott Anson
APOLOGIES	Justin Hamilton
DECLARATIONS OF INTEREST	<p>Juliet Grant declared a conflict of interest as the landowner, HCCDC, is a current client of her employer, City Plan. City Plan is not involved in this development application.</p> <p>Sandra Hutton declared a conflict of interest as she is a Director of Dantia (Lake Macquarie Economic Development Company) and Dantia has had recent direct dealings with Costco relating to locating within the Lake Macquarie area.</p>

Papers circulated electronically on 17 November 2020.

MATTER DETERMINED

PPSHCC-53 – Lake Macquarie - DA/1166/2020 at 2a Main Street, Boolaroo – Retail premises, Business Premises, Vehicle repair station and Service Station (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

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

The Panel had the opportunity for a further detailed briefing from Council and the applicant. Arising from the report, the Panel has obtained further information regarding the broader strategic framework that the site sits within and the function of Fotheringham Road, and the specific road works that need to be in place for this development to operate. The Panel also understand that the site has been remediated - the subject of previous approvals and that a site auditor statement and contamination review has found the site to be suitable for the range of uses. The Panel is satisfied under clause 7 of SEPP 55 that the site is suitable for the proposed development.

The Panel is also satisfied that there is a DCP in place as required by clause 7.13 of the LMLEP2014 and that the proposal meets the provisions of clause 7.24.

The Panel considered the interface with adjoining residential areas to the south, and required additional landscape treatment and amended conditions to ensure that the Fotheringham Road frontage presented as, and resulted in a high amenity street. The Panel were informed that Fotheringham Road is to be a higher order residential collector road and functions as a secondary access to sites within the broader employment area that have frontage to the road. Given this information the Panel was comfortable with allowing access at the appropriate time – though not service access to Fotheringham Road.

The Panel were satisfied that:

- works along the northern and southern boundaries and potential impacts on the containment cell were acceptable,
- land-owners consent to the extent of works had been obtained,
- visual impacts and landscape outcomes were acceptable subject to further conditions,
- traffic impacts could be managed,
- there was appropriate management of stormwater.

The Panel understands that there are broader strategic transport works that are to be undertaken and are addressed in the TFNSW comments and proposed condition 3. Specific works arising from this development are addressed in condition 79.

The applicant addressed the Panel and sought changes to conditions to address staging of construction, which have been accommodated. Discussions were also held with adjoining land owners regarding landscape outcomes – particularly when viewed from the adjoining R2 zoned lands on Fotheringham Road.

The Panel has amended the landscape conditions in response to the concerns of the adjoining landowners to ensure an appropriate landscaped area is provided to screen the development when viewed from the adjoining residential properties.

The site is suitable for the proposed development subject to infrastructure improvements, implementation of the landscape strategy to address the visual impacts of the extent of hard surface, and interface to Fotheringham Road and R2 zoned lands. The use is consistent with the recently adopted Planning Framework and will deliver jobs and employment to the LGA, and accordingly has social and economic benefits.

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons.

1. The proposed development is consistent with the planning framework for the site and surrounding area
2. The traffic impacts arising from the development can be adequately mitigated by requiring a range of traffic infrastructure upgrades to be in place prior to operation of the use
3. The visual impacts and the interface with adjoining residential lands have been addressed through the siting of the development and the proposed landscape treatment to Fotheringham Road
4. The potential acoustic and amenity impacts to adjoining residential lands have been appropriately mitigated
5. The site is suitable for the proposed use
6. The proposed development will deliver economic benefits to the region through additional employment opportunities

CONDITIONS

The development application was approved subject to the conditions in schedule 2. The conditions were amended from those included in the Council report in the following way:

- Amend condition 3 Transport for New South Wales requirements for upgrades to State road network to refer to Cressy Road and staging requirements
- Amend heading box for Prior to Construction Certificate Conditions to address staging of construction
- Amend condition 17 Liquid Trade Waste to address staging of construction
- Amend condition 20 Construction and fit out of food premises to address staging of construction
- Amend condition 21 Heritage Interpretation / Interpretation devices to address staging of construction
- Amend condition 22 Acoustic wall certification to address staging of construction
- Add new condition 25 Fotheringham Road treatment (Note: numbering from the original draft conditions changes from this point on)
- Amend condition 52 Boundary Fencing to limit fencing to side boundaries
- Add new condition 61 Operational Management Plan
- Amend condition 66 Lighting to specify type of lighting
- Add new condition 79 Intersection Upgrades to require specific works to be in place
- Add new condition 80 limiting use of Fotheringham Road





CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- visual impacts,
- acoustic impact to residential zoned land to the south,
- connection to and construction of Fotheringham Road,
- intersection upgrade works,
- location of services,
- compliance with Clause 7.13 of the LM LEP 2014,
- compliance with Clause 7.24 of the LM LEP 2014,
- economic impact,
- compliance with zone objectives.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report. The Panel amended a number of conditions in response to community concerns to address:

- landscape and visual impact to R2 zoned lands,
- mitigate light spill,
- management and operation of the facility.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Susan Budd
 Jason Pauling	 Scott Anson

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-53 – Lake Macquarie - DA/1166/2020
2	PROPOSED DEVELOPMENT	Retail premises with ancillary business premises, vehicle repair station, and service station
3	STREET ADDRESS	2a Main Street, Boolaroo
4	APPLICANT/OWNER	Applicant: Tim Hill on behalf of Costco Wholesale Australia Pty Ltd Owner: Hunter and Central Coast Development Corporation
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Coal Mine Subsidence Compensation Act 2017 State Environmental Planning Policy No. 33 – Hazardous and Offensive development State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 64 – Advertising and Signage State Environmental Planning Policy (Coastal Management) 2018 State Environmental Planning Policy (Infrastructure) 2007 Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014) Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Lake Macquarie Development Control Plan 2014 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 17 November 2020 Written submissions during public exhibition: five (5) Written submission from applicant: 24 November 2020 Council memorandum: 27 November 2020
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing and site inspection: 9 September 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Jason Pauling and Scott Anson <u>Council assessment staff</u>: Glen Mathews, Amy Regado and Elizabeth Lambert Final briefing to discuss council's recommendation: 24 November 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Susan Budd, Jason Pauling and Scott Anson <u>Council assessment staff</u>: Glen Matthews, David Pavitt, Alexander Bennett, Tony Farrell, Amy Regado and Elizabeth Lambert Submitter Briefing: 24 November 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Susan Budd, Jason Pauling and Scott Anson

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Glen Matthews, David Pavitt, Alexander Bennett, Amy Regado and Elizabeth Lambert ○ <u>Submitters</u>: Kerry Nicolls from HBD Town Planning & Design on behalf of adjoining landowners <p><u>Note</u>: Submitter briefing was requested to respond to the recommendation in the council assessment report</p> <ul style="list-style-type: none"> ● Applicant Briefing: 24 November 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Susan Budd, Jason Pauling and Scott Anson ○ <u>Council assessment staff</u>: Glen Matthews, David Pavitt, Alexander Bennett, Amy Regado and Elizabeth Lambert ○ <u>Applicant representatives</u>: Claire Burdett, Tim Hill, Roberto Gutierrez, Brian Graham, Ken Hollyoak, Victoria Rastelli, Steven Wong, Gabriella Dias, Erin Sin, Lara Reynolds and Sucharitha Wickramathne <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council report

SCHEDULE 2

Conditions of Consent

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

Reason for the Imposition of Conditions

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

To encourage:

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

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:

Architectural Plans prepared by: Group GSA; Project Number. Costco Lake Macquarie			
Name of Plan	Drawing Number	Issue	Date
Location Plan	DA1101	J	20/10/2020
Site Plan	DA1102	K	20/10/2020
Staging Plan	DA1103	D	29/07/2020
Floor Plan Departmental Areas	DA1107	D	29/07/2020
Floor Plan	DA1108	D	29/07/2020
Roof Plan	DA2002	C	15/07/202
Concept Elevations	DA3001	C	15/07/2020
Concept Sections	DA3101	C	15/07/2020
Concept Fuel Facility Plans and Details	DAP2001	E	13/10/2020
Concept Fuel Elevations	DAP3000	C	15/07/2020

Engineering Plans prepared by: Acor Consultants; Project Number. NW160127			
Name of Plan	Drawing Number	Issue	Date
General Arrangement Plan	DAC101	B	16/10/2020
Site Works Plan	DAC201	B	16/10/2020
Site Works Plan	DAC202	B	16/10/2020
Site Works Plan	DAC203	B	16/10/2020
Site Works Plan	DAC204	B	16/10/2020
Siteworks Sections	DAC301	B	16/10/2020
Siteworks Sections	DAC302	B	16/10/2020
Siteworks Sections	DAC303	B	16/10/2020
Linemarking and Signage Plan	DAC401	B	16/10/2020
Soil and Erosion Control Concept	DAC601	B	16/10/2020
Stormwater Catchment Plan	DAC701	B	16/10/2020

Landscape Plans prepared by: Group GSA; Project Number. Costco Lake Macquarie			
Name of Plan	Drawing Number	Issue	Date
Site Plan	L1000	E	20/10/2020
General Arrangement Plan	L2001	E	20/10/2020
General Arrangement Plan	L2002	E	20/10/2020
General Arrangement Plan	L2003	E	20/10/2020
General Arrangement Plan	L2004	E	20/10/2020
Planting Palette Trees	L3001	D	20/10/2020
Planting Palette Shrubs	L3002	D	20/10/2020
Planting Palette Ground Cover	L3003	D	20/10/2020
Planting Palette Stormwater Basin	L3004	B	20/10/2020
Tree Planting Details	L4001	D	20/10/2020
Tree Planting Details	L4002	B	20/10/2020
Heritage Display Details	L4003	A	20/10/2020
Heritage Display Details	L4004	A	20/10/2020

b) Document Reference:

Document	Reference	Author	Date
Water Management Plan	Costco Lake Macquarie	Acor Consultants	17/07/2020
Design Development – Accessibility Report	AN00-215058	Philip Chun	30/07/2020
First Certification Assessment – BCA 2019	20-215057	Philip Chun	29/07/2020
Geotechnical Investigation Report	IA006700-RP-GT-001	JACOBS	12/04/2017
Acoustic Report	Costco Lake Macquarie	Norman, Disney and Young	31/07/2020
Preliminary fire safety engineering review	SY200063	Warrington fire	17/07/2020

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

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

General Conditions

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

3. Transport for New South Wales requirements for upgrades to State road network

(a) The following upgrades to the classified road network and road shall be provided:

(i) Upgrade Macquarie Road, Munibung Road and Myall Road to TfNSW requirements, as follows:

- Munibung Road
 - Ban right turn movement
- Myall Road
 - Convert kerbside approach lane to combined left turn and through and lengthen, minimum 90 metres extension
 - Alter phasing to provide a leading right turn phase on this leg
- Macquarie Road (northern leg)
 - Extend kerbside approach left turn lane to form continuous kerbside travel lane
 - Extend median approach right turn lane, minimum 80 metres extension
 - Extend kerbside departure lane to form continuous kerbside travel lane
 - Provide missing pedestrian crossing
- Macquarie Road (southern leg)
 - Convert kerbside approach lane to combined left turn and through and lengthen minimum 60 metres
 - Extend kerbside departure lane additional 170 metres, including power pole relocation,

(ii) Upgrade TC Frith Avenue, Lake Road, Munibung Road, Main Road and unnamed western leg to TfNSW requirements, as follows:

- Munibung Road
 - Installation of double right turn pavement marking on the Munibung Road approach
- TC Frith Avenue
 - Amend roundabout splitter island to allow two dual circulating lanes, which will involve partial removal of existing concrete median and installation of pavement as minimum works
- Western leg

- Close ingress from roundabout into western leg through extension of the kerb, amend shared pathway and provide landscaping to Council's requirements
- (iii) the intersection of Munibung Road and Cressy Road is required to be upgraded to a Traffic Signal Controlled intersection.
- (b) The funding, design and delivery of the works to the classified road network required in (a) above shall be the subject of a Transport Infrastructure Contribution Deed (**TIC Deed**) or a Works Authorisation Deed (**WAD**) with TfNSW.
- (c) Subject to (d) below, prior to the issue of an Occupation Certificate for the retail building development and service station under development consent, the works the subject of (a) – (b) shall be carried out in accordance with the TIC Deed or the WAD, or unless alternate satisfactory arrangements in relation to timing of the works have been made with TfNSW.
- (d) The intersection of Munibung Road and Cressy Road is to be upgraded to a Traffic Signal Controlled intersection, and operational prior to the commencement of on-site trading with the public.

General Terms of Approval and Concurrence Requirements

4. Subsidence Advisory NSW – General Terms of Approval

The following General Terms of Approval have been issued by Subsidence Advisory NSW on 21 August 2020 and shall be complied with

These General Terms of Approval (GTAs) only apply to the development described in the plans and associated documentation relating to **DA/1166/2020** and provided to Subsidence Advisory NSW.

- a) 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.

- b) This approval expires 5 years after the date the approval was granted if construction work has not physically commenced.

5. General Terms of Approval

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

- Subsidence Advisory NSW

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:

- a) 14 August,
- b) 14 November,

- c) 14 February, and
- d) 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:

- 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 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 \$487,945.52

Conditions to be satisfied prior to the issue of the relevant 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.

Reference to a Construction Certificate generally refers to the relevant Construction Certificate of which the works relates, unless specified otherwise.

7. Construction Certificate

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

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

8. 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*.

9. Stormwater Management

A Stormwater Management Plan shall be submitted. The plan shall be generally in accordance with the plans approved by the Development Consent prepared by ACOR Consultants, Ref: NW160127 dated 17/07/2020. 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) The bio basin 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.

10. Geotechnical Report Compliance

The recommendations of the Geotechnical Report Reference IA006700-RP-GT-001 prepared by Jacobs Australia dated 12/04/2017 shall be complied with. Any works undertaken in relation to the development shall embody all relevant recommendations of the Geotechnical Report.

As recommended by the report, specific development limitations or criteria shall be obtained from Subsidence Advisory NSW.

The engineering plans shall be certified as being designed in accordance with the approved Geotechnical Report and any development limitations or criteria specified by Subsidence Advisory NSW.

11. Car Parking and Allocation of Spaces

Plans demonstrating a total of 822 car parking spaces in accordance with *Australian Standard AS/NZS 2890* shall be submitted.

12. 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*.

13. Ausgrid Requirements

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

14. Driveway Design – Industrial/Commercial

A design plan for the driveway to the garage or car parking area of the development shall be submitted. The design shall be in accordance with the following requirements and Council Standard Drawing: *EGSD-104* (available from Councils website).

- 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 AS 2890.2:2002 the maximum gradient of any driveway or ramp shall not exceed 1V:6.5H (15.4%).
- d) Where changes of grade occur, suitable transitions shall be designed to meet the *Design Vehicle Ground Clearance Diagrams* in Figure A1 of AS2890.2:2002.

15. Acoustic Certification

Plans shall be certified as being designed in accordance with the approved Acoustic Report reference Costco Lake Macquarie prepared by Norman Disney and Young dated 31/07/2020.

16. Segregation of Drainage (service stations and/or fuel dispensing areas)

Details shall be submitted to and approved by Council demonstrating the segregation of drainage areas subject to contamination from fuel oil, grease or fuel spills, and the methods for preventing contaminants discharging from the site into the stormwater system.

Plans of the forecourt dispensing area shall be submitted demonstrating design in accordance with the NSW Environment Protection Authority *guidelines Environmental Action for Service Stations* - Information Sheet 3 – *Forecourt Design, Operation and Maintenance* October 2008, as amended

17. Liquid Wastes

Prior to the issue of the relevant Construction Certificate which includes work to liquid trade waste equipment, details on the collection, treatment and/or disposal of liquid wastes arising from the operations shall be submitted to Council for approval. Details shall include segregation of drainage areas subject to likely contamination, and the methods for preventing contaminants discharging from the site into the stormwater system. No work shall commence on site until the Council's approval is obtained.

18. Garbage Storage Areas

The garbage washing and bin storage area shall be provided with:

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

19. Loading Dock and Driveway

Details of the loading dock and driveway area shall be submitted.

The loading dock and driveway shall be graded and drained to a collection sump for the control of any spillages or cleaning waste generated.

Wastes shall be directed to the sewer in accordance with the requirements with the Hunter Water Corporation.

20. Construction and Fit-out of Food Premises

Prior to the issue of the first Construction Certificate which includes the Architectural components of the retail warehouse, the food premises shall comply with the following:

a) General Construction

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

Note: Particular attention shall be paid to:

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

b) Plans and Specifications

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

c) Mechanical Ventilation

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

d) Partition Wall Construction

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

e) Waste Traps

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

21. Heritage Interpretation / Interpretation Devices

Prior to issue of the Construction Certificate for Architectural components of the development detailed drawings of interpretation devices and their content for the subject site, in line with the 'Former Pasminco Cockle Creek Smelter Heritage Interpretation Strategy' and the approved Landscape Plans, shall be submitted to and approved by Council.

22. Acoustic Wall Certification

Prior to the issue of the first Construction Certificate that includes architectural components of the development, design specification certification of the loading bay and acoustic walls, having been designed and certified by a qualified acoustic consultant shall be submitted to Council.

Prior to the issue of the first Construction Certificate that includes architectural components of the development, certification shall be submitted to Council stating the development will comply with the NSW EPA Sleep Disturbance criteria as outlined in the NSW EPA Noise Policy for Industry.

23. Construction Waste Management Plan

Prior to the issue of the first Construction Certificate, a Construction Waste Management Plan prepared in accordance with Council's Waste minimisation guidelines, shall be provided to and approved Principal Certifying Authority.

24. Forecourt Design

Type text General forecourt design and bunding shall be designed in accordance with NSW EPA Practice Note - Managing Run-off from Service Station Forecourts (2019).

25. Fotheringham Road treatment

The person having the benefit of this consent shall prepare an amended landscape design for the Fotheringham Road frontage of the site.

The amended design shall include a minimum 5m depth planting for the length of the frontage, with densely planted shrub and canopy trees. Beyond the 5m depth, canopy trees shall be provided across the batter.

Tree species shall be fast growing endemic species which will grow to a height to obscure the view of the development from the adjoining southern residential area.

The amended design shall be undertaken in consultation with Council and adjoining land owners on the southern side of Fotheringham Road. The amended landscape design is to be approved by Council prior to the issue of the Construction Certificate for architectural components of the development.

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. Erosion and Sediment Control

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

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. 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.

29. Works Within a Public Road Reserve

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

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

30. Dial Before You Dig (Advice)

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



Conditions to be satisfied during demolition and construction works

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

31. 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*.

32. 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.

33. 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.

34. Landscape Works

Landscape works shall be constructed in accordance with the approved landscape concept plans, details and specification and the following:

- Trees planted within 1000x1000mm tree pits in hardstand shall have a vaulted structural soil root zone constructed as per *Detail 01 Tree in Tree Pit with Structural Soil Modules* of the approved landscape concept plans.
- The stormwater basin shall be planted out with locally endemic species with no turf planting within or fringing the basin. Any fencing shall be located within mass mulched and planted area.
- 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.
- Any 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 of trees as located, ground covers 2/m², grasses 4/m², small shrubs 1/750mm and large shrubs 1/1500mm. All planting as scheduled with all plants installed at nominated pot sizes. Any substitutions must be approved by the consulting Landscape Architect.
- All landscaping shall 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.

35. 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.

36. 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*.

37. Building Waste

The enclosure or bin shall be maintained for the term of the construction to the completion of the development.

The enclosure or bin shall be regularly cleaned to ensure proper containment of the building wastes generated on the site.

38. Works Within a Public Road Reserve

When works are being undertaken within a public road reserve, all necessary precautions shall be taken to protect the public while work is in progress, this shall include traffic control in accordance with *Australian Standard AS1742 – Manual Uniform Traffic Control Services – Parts 1, 2 and 3*.

39. 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.

40. 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.

41. 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.

42. Construction Site Vibration

Vibration on surrounding land from construction site operations shall comply with the Office of Environment and Heritage publication *Assessing Vibration: a technical guideline February 2006*.

43. Underground Petroleum Storage Systems

The installation of underground fuel storage tanks, pipework, associated pumps, fitments, groundwater monitoring wells and vapour recovery systems, shall comply with the requirements of the *NSW Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*.

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.

44. Occupation Certificate

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

45. 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.

46. Stormwater Management

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

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

47. 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.

48. Geotechnical Report Compliance

Prior to the issuing of any Part 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.

49. Car Parking

All car parking spaces, line marking and signage shall be completed prior to the issue of any Part or Final Occupation Certificate, whichever comes first.

50. Parking Areas and Access Ways

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

51. 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 these conditions and the approved landscape documentation, and practical completion of the landscaping works has occurred. The Certifying Authority shall not issue the Final Occupation Certificate without receipt of the Landscape Compliance Report.

52. Boundary Fencing

Side boundary fencing shall be provided in accordance with the approved landscape plan.

Fencing to the Fotheringham Road frontage shall be limited to the 2.5m high acoustic fencing, located 5m inward from the site boundary for the length required by the approved Acoustic Report. No fencing is to be provided at the street frontage.

No fencing is to be provided to the Cressy Road frontage of the site

All costs associated with the 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.

53. Driveway Construction – Industrial/Commercial

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

54. Works Within a Public Road Reserve

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

55. Noise – Ongoing Operation of Machinery, Plant and Equipment

Certification from a suitably qualified acoustic consultant shall be submitted prior to the issue of Part or Final Occupation Certificate, whichever occurs first, demonstrating the Laeq (15 minute) operating noise level of machinery, plant, equipment, or any other operational noise source, when measured at the boundary of another premises, complies with either the amenity or intrusiveness criteria calculated in accordance with the NSW Environment Protection Authority *Noise Policy for Industry 2017*.

56. Acoustic Certification

Prior to the issue of any Part or Final Occupation Certificate, whichever comes first, 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.

57. Certification of Food Premises Fit-out

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

58. External Road Works

Compliance Certificate/s shall have been issued for the following external works:

- The construction of Reserve Road fronting the site, including the roundabout at the intersection with Hague Road and the traffic signals at the intersection with Munibung Road.
- The intersection upgrade of Hague Road with Munibung Road.

59. Heritage Interpretation / Interpretation Devices

Prior to the issue of any Part or Final Occupation Certificate being issued by the Principal Certifying Authority, whichever occurs first, the approved site heritage interpretation shall be implemented to the satisfaction of Lake Macquarie City Council's Development Planner – Heritage Focus.

60. Safety and Security

The following measures to ensure and maintain safety and security shall be provided prior to the issue of any Part or Final Occupation Certificate:

- Provision of CCTV and effective lighting shall be provided within the car parking area and at the store entry and staff entry.
- Driveways and pedestrian pathways shall not lead to concealed spaces.
- A lighting design shall be prepared by a suitably qualified and experienced lighting expert.
- The pedestrian entry/egress to/from the site from Hague Road. Reserve Road and Fotheringham Street shall be clearly defined and have an appropriate width, be appropriately lit and be provided with clear sight lines to ensure natural surveillance.
- Consistent and uniform lighting is shall be provided throughout all publicly accessible areas (where appropriate) within the proposed development.
- Lighting along publicly accessible pathways and throughout the car park shall provide a lux level and uniformity level that is appropriate for urban areas. This shall be determined in consultation with an experienced lighting expert with experience in community safety principles.
- All outdoor lighting within the proposed development shall comply with AS4282-1997.
- A CCTV network shall be provided. The CCTV network shall be a discrete style of camera (such as a small dome camera) that is integrated/attached to the car park lighting or buildings.
- The CCTV network is shall cover the entrance/egress points of the site.
- A security consultant with a Class 2A licence under the Security Industry Act 1997 shall provide specific advice on placement, installation, monitoring and maintenance of the CCTV network.
- Display CCTV security notice signs to convey that the site is under constant surveillance (if applicable).
- Clearly delineate between publicly accessible areas and back of house/ staff only areas.
- Boundary fencing shall not visually enclose the site with high fencing for access control purposes, rather the fencing and associated gates should typically be a visual and physical cue not an intruder barrier.
- Provide wayfinding signage where appropriate to reinforce perceptions of safety and legibility.
- Provide access control gates or other mechanisms to the car parking entries where appropriate and the building to prevent public access at times when the development is not operational”.

61. Operational Management Plan

Prior to the issue of any part or final Occupation Certificate an Operational Management Plan shall be provided to and approved by Council. The Operational Management Plan shall include:

- All landscaping shall be maintained in perpetuity.
- Tree succession planting with fast growing native canopy trees.
- Limit all service and waste vehicle access to occur only from Cressy Road.
- Lighting maintenance.
- Loading dock operation.
- Emergency vehicles access.

Operational Conditions

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

62. Use and Allocation of Car Parking

The car parking provided shall only be used in conjunction with the uses contained within the development and except as provided for in these conditions, shall not be used other than by an occupant or tenant of the development.

The spaces shall be allocated in the following proportions:

Commercial spaces	770 spaces
Staff parking spaces	34 spaces
Disabled car spaces	18 spaces

63. Landscape Works

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

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*.

64. Hours of Operation

Following commencement of occupation:

- The retail premises and ancillary uses shall only trade to the public between 8am to 9pm, Monday to Sunday.
- The service station shall only trade to the public between 6am to 10pm, Monday to Sunday.
- Internal operation without trade to the public may occur within the main retail building between 4am to 10pm, Monday to Sunday
- Deliveries may occur to the site 24 hours a day seven days a week.

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.

65. External Storage of Products

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

66. Lighting

All external lighting shall be LED type with shielding and louvres which generally direct light in a downward direction to minimise light spill from the site. Any lighting installed shall comply with *Australian Standard AS4282-1997*.

67. Onsite Loading Facility

The on-site loading facility shall be kept clear of goods and is not permitted to be used for any storage purposes, including garbage storage.

All loading operations associated with servicing the site, shall be carried out within the boundaries of the site, and shall not obstruct other properties, access driveways, public roads or footpaths.

68. External Material Reflection

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

69. Noise – Ongoing Operation of Machinery, Plant and Equipment

The Laeq (15 minute) operating noise level of machinery, plant, equipment, or any other operational noise source, when measured at the boundary of another premises, shall comply with 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.

70. Noise – Sleep Arousal

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

71. 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.

72. Bunded Spillage Areas

Chemicals stored in bulk form, or work areas where spillages are likely to occur, shall be bunded in accordance with the NSW Environment Protection Authority manual *Bunding and Spill Management*.

73. Liquid Gaseous Wastes, Emissions and Odour Control

Emissions shall be responsibly managed at all times, so as not to cause a danger to public health or loss of amenity or damage to the environment.

Any liquid gaseous wastes, emissions or odours shall be controlled and disposed of in accordance with the *NSW Protection of the Environment Operations Act 1997* and *Regulations 1997*, as amended.

Where it is proposed to treat and discharge waters to the Hunter Water Corporations Sewer, formal approval from the Corporation shall be obtained.

74. 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.

75. Medical / Pathology Waste

Any contaminated medical or pathology wastes stored on the premises shall be secured in approved containers and disposed of by a registered contractor, in accordance with the requirements of the NSW Department of Health and the NSW Environment Protection Authority.

76. Garbage Storage Areas

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

77. Fuel Storage System

The operation of underground petroleum fuel storage tanks, pipework, associated pumps, fitments, groundwater monitoring wells and vapour recovery systems, shall comply with requirement of Protection of the Environment Operations (Underground Petroleum Storage System) Regulation 2019 at all times.

78. Safety and Security

The following measures to ensure and maintain safety and security shall be enforced in perpetuity:

- Ensure opportunities for natural and incidental surveillance are maintained through effective lighting, access control and environmental maintenance.
- All new landscaping shall retain and improve sightlines. In this regard, the proposed vegetation, shrubs and trees should not (as far as possible) impede sightlines for pedestrians and should be regularly maintained to minimise concealment opportunities throughout the site.
- All lighting provided within and around the development, shall meet or where possible exceed the minimum Australian Lighting Standard AS/NZ 1158 specifically addressing crime reduction.
- All CCTV shall be maintained in functional and useful manner.
- Ensure that the building entrance/s remains free of unnecessary clutter to ensure entry points are highly visible.
- Ensure mechanisms are in place to facilitate the ongoing maintenance of the building, including the implementation of a rapid removal policy for vandalism repair and removal of graffiti.

- Consistently manage vegetation so that sight lines are maintained and opportunities for concealment are minimised.

79. Intersection upgrades

Prior to commencement of trade the following traffic upgrades shall be complete and operational:

- Hague Road shall be limited to left in left out movements.
- Installation of traffic control signals at the intersection of Cressy Road, Munibung Road and Bunnings entry/exit.
- Upgrade of Munibung Road, TC Frith Roundabout to remove fifth exit which is currently closed and install double right hand turn from Munibung Road to Lake Road.

All works shall be complete to the satisfaction of the relevant road authority.

80. Fotheringham Road Access

The Fotheringham Road access shall remain closed and secured with barriers to prevent traffic movement until such time as Fotheringham Road is operational as a public road.

Access from Fotheringham Road is limited to customer and staff vehicles. No service vehicles are to utilise the Fotheringham Road access.