

5 July 2017

GIC SYDNEY HSC (NORTH) PTY LTD
165 Grenfell St
ADELAIDE SA 5000

Development Application Notice Of Determination

Issued under the Environmental Planning and Assessment Act 1979
Sections 80, 80A & 81 (1)(a)

Development Consent No: DA/1006/2015

Property Address: Lot 4 DP 264501, Lot 211 DP 702166, Lot 1 DP 368882, Lot 50 DP 701946
264 & 266 Newport Road, COORANBONG NSW 2265,
101 Hawke Mount Road, DORA CREEK NSW 2264

Description of Development: Highway Service Centre

Determination: Approved

Determination Date: 22 June 2017

Consent to operate from: 22 June 2017

Consent to lapse on: 22 June 2022

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 is to ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved:

- (a) To encourage:
 - (i) 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;
 - (ii) The promotion and co-ordination of the orderly and economic use of development of land;
 - (iii) The protection, provision, and co-ordination of communication and utility services;

-
- (iv) The provision of land for public purposes;
 - (v) The provision and co-ordination of community services and facilities;
 - (vi) 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;
 - (vii) Ecologically Sustainable Development; and
 - (viii) 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 must 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 must 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 Principal 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 is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal 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 that the information notified under (d) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

2. Approved Documentation

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

- (a) Plans Reference:

Plans prepared by: Cardway Projects; Project Number. 11010 and Landscaping Plans prepared by Arcadia Landscape Architecture			
Name of Plan	Drawing Number	Issue	Date
Overall Site and Locality Plan	SK001	H	04/04/17
Northbound Site Plan Overall	SK002	K	04/04/17
Northbound – Site Layout	SK003	P	04/04/17
Northbound – Site Frontage perspective	SK006	E	04/04/17
Northbound Sections	SK007	D	04/04/17
Southbound – Site Plan Overall	SK008	K	04/04/17
Southbound – Site Layout	SK009	P	04/04/17
Southbound – Site Frontage Perspective	SK012	F	04/04/17
Southbound – Site Sections	SK013	D	04/04/17
Southbound – Sections Southbound Building Floorplan	SK014	L	04/04/17
Southbound Building Elevations	SK015	E	04/04/17
Building Sections	SK016	D	04/04/17

Car Canopy Floor Plan	SK017	D	04/04/17
Car Canopy Elevations	SK018	C	04/04/17
Car Canopy Sections	SK019	C	04/04/17
Truck canopy Plan, Elevations and Sections	SK020	D	04/04/17
Northbound Building Floorplan	SK024	J	04/04/17
Northbound Building Elevations	SK025	D	04/04/17
Northbound – Vehicle Paths	SK031	F	13/12/16
Southbound – Vehicle Paths	SK032	F	13/12/16
Northbound Landscape Plan	102	C	April 2016
Northbound Landscape Section	103	C	April 2016
Southbound Landscape Plan	104	C	April 2016
Southbound Landscape Section	105	C	April 2016
Planting Palette	106	C	April 2016
Planting Schedules	107	C	April 2016
Northbound Landscape Master Plan	108	C	April 2016
Southbound Landscape Master Plan	109	C	April 2016
Northbound Landscape Detail Plan	201	C	April 2016
Northbound Landscape Detail Plan	202	C	April 2016
Northbound Landscape Detail Plan	203	C	April 2016
Northbound Landscape Detail	204	C	April 2016

Plan			
Northbound Landscape Detail Plan	205	C	April 2016
Northbound Landscape Detail Plan	206	C	April 2016
Northbound Landscape Detail Plan	207	C	April 2016
Northbound Landscape Detail Plan	208	C	April 2016
Northbound Landscape Detail Plan	209	C	April 2016
Southbound Landscape Detail Plan	210	C	April 2016
Southbound Landscape Detail Plan	211	C	April 2016
Southbound Landscape Detail Plan	212	C	April 2016
Southbound Landscape Detail Plan	213	C	April 2016
Southbound Landscape Detail Plan	214	C	April 2016
Southbound Landscape Detail Plan	215	C	April 2016
Southbound Landscape Detail Plan	216	C	April 2016
Southbound Landscape Detail Plan	217	C	April 2016
Southbound Landscape Detail Plan	218	C	April 2016
Southbound Landscape Detail Plan	219	C	April 2016

Southbound Landscape Detail Plan	220	C	April 2016
Landscape Details	221	C	April 2016
Landscape Specifications	222	C	April 2016

(b) Document Reference:

Document	Reference	Author	Date
Statement of Environmental Effects – as amended by conditions of approval	250615 v3	Elton Consulting	25 June 2015
Detailed Response to Information Request - – as amended by conditions of approval	-	Elton Consulting	2 May 2016

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.

2a Acoustic and Visual Screening

A solid acoustic and visual screening wall shall be erected for the entire perimeter of the north-bound site (at the edge of the Highway Service Centre use), to a height of 3.2 metres above ground level and laterally extending the western acoustic wall.

This shall also extend to the western side of the off-ramp from the freeway with RMS land (being the ramp leading into the north-bound site from the freeway), provided this is agreed by the RMS (if not this component may be deleted, although the remaining wall within the site is still required).

The 'outer face' of the wall shall be treated in colour and finish to be provided prior to the issue of a Construction Certificate and for the written approval of Council prior to the release of the Construction Certificate.

3. 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 Principal Certifying Authority that is not Council it will be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval. (Clause 142(2) EPA Regulation 2000).

4. Occupation Certificate

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

5. Commencement of the Use of the Land

The approved use of the land shall not commence until all relevant conditions of this consent have been complied with and a Final or Interim Occupation Certificate has been issued. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

6. Contribution to Provision of Public Amenities and Services (Sec. 94)

- (a) In accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and the Lake Macquarie City Council Development Contributions Plan 2012 - Morisset Contributions Catchment, the monetary contributions in the attached Contributions Schedule must be paid to Council for the purposes identified in that Schedule.
- (b) From the date this determination is made until payment, the amounts of the contributions payable under the preceding clause will be indexed and adjusted at the close of business on:
 - 14 August,
 - 14 November,
 - 14 February, and
 - 14 May;in each year in accordance with indexation provisions within the Contributions Plan. The first date for indexation will occur on the first abovementioned date after the Notice of Determination becomes effective.
- (c) The contributions payable will be the amounts last indexed and adjusted in accordance with Clause (b) 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 in clause (a) above.
- (d) The contributions shall be paid to Council as follows:
 - Development Applications involving subdivision – prior to the release of the Subdivision Certificate;
 - Development Applications involving building work – prior to the release of the first Construction Certificate;

-
- Development Applications involving both subdivision and building work – prior to the release of the Subdivision Certificate or first Construction Certificate, whichever occurs first;
 - 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;
 - Complying Development Certificates - prior to any work authorised by the application or certificate commencing.

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

Indexation details are available from Council's Community Planning Department.

A copy of the Lake Macquarie City Council Development Contributions Plan 2012 - Morisset Contributions Catchment may be viewed on Council's website, or a copy is available for inspection at the Council's Administrative Building during Council's ordinary office hours at 126-138 Main Road, Speers Point, NSW.

7. Stormwater Disposal - Stormwater Detention and Harvesting

The Stormwater Detention and Harvesting system submitted with any Construction Certificate shall be generally in accordance with the plans approved by the Development Consent prepared by Northrop Consulting Engineers, Ref: NL140438, Revision A, dated 21 April 2016 and must 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. Qualifications shall be in accordance with Part DQS.06 of Council's Engineering Guidelines.
- (b) Stormwater detention measures shall be constructed and maintained to ensure that the development does not increase upstream or downstream flood levels.
- (c) Detention storage shall be calculated and designed in accordance with "Australian Rainfall and Runoff 1987" and the Lake Macquarie City Council guideline – "Handbook for Drainage Design Criteria" and shall conform to the specifications and standards contained in the LMCC Engineering Guidelines.
- (d) Stormwater harvesting measures shall be constructed and maintained in accordance with clause 2.5.4 of DCP 1 (and supporting guidelines). Stormwater drainage plans shall include details of the harvesting system (eg rainwater tank and pump details plus reticulation diagrams).

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first:

- (e) All drainage works shall be carried out generally in accordance with the approved Construction Certificate plans.

-
- (f) A **Works As Executed Plan** is to be submitted to the Principal Certifying Authority that shows any changes (in different colour) to the approved Construction Certificate plans and endorsed by a registered surveyor.
 - (g) Certification by the engineer, is to be submitted to the Principal Certifying Authority that any changes comply with the requirements (a), (b), (c) and (d) as shown above. **Note:** This may be shown on the Works As Executed Plan.

8. Erosion and Sediment Control

Prior to any works commencing onsite which do not require a Construction Certificate, appropriate erosion and sediment controls shall be installed in accordance with Development Control Plan 2014 (DCP 2014).

The final Erosion and Sediment Control Plan (ESCP) / Soil and Water Management Plan (SWMP) shall be submitted to the certifier prior to the approval of the first Construction Certificate for the development. The plan shall contain information required for the area of disturbance of the development or its distinct and separate stages in accordance with DCP 2014.

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

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

The final ESCP / SWMP and the Statement of Compliance shall be provided to Council with the Construction Certificate documentation in accordance with clause 142(2) of the Environmental Planning and Assessment Regulation (NSW) 2000.

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.

9. Floor Levels – Flooding

Council records indicate that the development site is likely to be or has been affected by flooding.

The proposed development has been assessed against Councils flood planning levels and shall meet the following Flood Planning Level criteria.

The floor level for the proposed building (Northbound) shall be constructed in accordance with the approved plans – FFL 18AHD.

10. Bushfire – Development on Bushfire Prone Land

The development shall conform to the specifications and requirements of the guide “*Planning for Bushfire Protection*” ISBN 0 9585987 8 9, produced by the NSW Rural Fire Service and following requirements of the local Rural Fire Service:

A - At the commencement of building works and in perpetuity, the property around the bowsers or above ground storage to a distance of 100 metres or to the property boundary (whichever comes first) on both Lot 211 and 4 shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of ‘Planning for Bush Fire Protection 2006’ and the NSW Rural Fire Service's document ‘Standards for asset protection zones’.

B - Water, electricity and gas are to comply with section 4.1.3 of ‘Planning for Bush Fire Protection 2006’. In recognition that an unreliable reticulated water supply exists, a 20,000 litre water supply shall be provided for each site for firefighting purposes.

A minimum 5hp or 3kW petrol or diesel powered pump shall be made available to the water supply. A 19mm (internal diameter) fire hose capable of reaching all parts of the building shall be connected to the pump. A 65mm Storz fitting and a ball or gate valve made of metal shall be installed on the tank.

C - The proposed structures on Lot 4 DP 264501 and Lot 211 DP 702166 be installed with ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

11. Geotechnical Report Compliance

The recommendations of the Geotechnical Report No. 49989 and 49989/1 prepared by Douglas Partners dated November 2012 shall be complied with. Any works undertaken in relation to the development shall embody all the relevant recommendations of the Geotechnical Report.

Where the geotechnical report requires inspections, a geotechnical engineer shall inspect the works at the stages as specified in that report.

Prior to the issue of the first Construction Certificate, all construction and engineering plans shall be certified as being designed in accordance with the approved Geotechnical Report by a suitably qualified structural / civil engineer.

12. Fix Damage Caused by Construction Works

Any damage or injury caused to a public road or associated structures including footpaths, drains, kerb and gutter and utility services caused as a consequence of the construction works shall be made good at the cost of the person with the benefit of the consent.

Any disused kerb and gutter and footpath crossing shall be removed and replaced with full kerb and gutter in accordance with Council's standards to match finished adjoining kerb and gutter. All replacement works are to be completed to the satisfaction of Council prior to the issue of an Occupation Certificate at the cost of the person with the benefit of the consent.

13. Disability Access Requirements

Access for people with disabilities must be provided within the site in accordance with Australian Standard AS 1428.1.

Note: Additional legislation exists to promote the provision of services, which enable people with a disability to maximise their potential, further their integration in the community and achieve positive outcomes.

The following legislation may be relevant:

- The NSW Disability Services Act 1993
- The Commonwealth Disability Discrimination Act 1992
- NSW Anti Discrimination Act 1977.

For further information please consult:

- Human Rights and Equal Opportunity Commission
- NSW Anti Discrimination Board.

14. Tactile Indicators

The development shall have tactile indicators installed in accordance with AS 1428.4.

Note: The areas of the development to have tactile indicators installed are varied and include kerb ramps and footpaths along the street frontage; carpark pedestrian crossings (street frontage and internal); lifts; stairways and ramps.

15. Disability Access Design Audit

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

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

Note:

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

Advice: Consideration needs to be given to suitable seating for older people in the outdoor seating area and dining area and access to dining tables for wheelchair users.

Advice: Provision needs to be made for a lower section in the counter areas suitable for wheelchair users.

Advice: Signage needs to be provided at the petrol bowser indicating that assistance is available for people requiring access to the bowser.

16. Dilapidation Survey Report (Northbound Only)

Prior to the commencement of works (including demolition) on the land, a dilapidation survey report prepared by a suitably qualified practising engineer, of properties and existing public infrastructure potentially affected by the proposed development, shall be lodged with Council and submitted to the Principal Certifying Authority.

The dilapidation survey report shall locate the area within which the damage may be potentially caused to nearby and neighbouring properties as a result of the carrying out of demolition or construction works pursuant to this consent. The report is to include a description of the location and nature of any existing observable defects to the properties and existing public infrastructure, including a photographic record.

A final Dilapidation Survey Report shall be prepared by a suitably qualified practising engineer at the completion of the works to ascertain if any structural or cosmetic damage has occurred to the properties specified in the earlier report. A copy of the report shall be submitted to Council the Principal Certifying Authority and owners of potentially affected properties and public infrastructure prior to the issue of the Final Occupation Certificate.

Where access to neighbouring properties is denied by the subject landowner, suitable evidence must be provided of such, as well as efforts to gain access, to Council and to the Principal Certifying Authority.

17. Retention of Trees and Native Vegetation (Development)

All native vegetation on the site shall be retained and protected unless it:

- (a) has been identified for removal on the approved plans or documentation; or
- (b) has been identified for selective removal by the NSW Rural Fire Service; or
- (c) is a tree or native vegetation, on the site, that is within close proximity to the approved buildings (ie; within 0 to 5 metres of the approved building) and provided it has not been identified for specific retention in any of the approved plans or documentation.

A separate application shall be made to Council in accordance with Clause 5.9 of LEP 2014 for the removal of any other trees or native vegetation. This includes application for the removal of any understorey vegetation or the stripping of ground cover vegetation that is outside those areas approved for construction.

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

- (a) installing exclusion fencing around vegetation that adjoins the construction area to minimise damage to vegetation that is to be retained. Exclusion fencing shall be installed prior to the issue of the first Construction Certificate or if no Construction Certificate is necessary, prior to the commencement of works and maintained in good working order for the duration of works. The person having the benefit of the consent shall notify Councils Development Planner Flora and Fauna when exclusion fencing has been installed;
- (b) prohibiting compaction and the placement of fill within 5 metres of trees and native vegetation that are to be retained;
- (c) keeping all vehicles, construction materials and refuse within areas approved for buildings, structures, access ways and car parks;
- (d) limiting the number of access points;
- (e) salvaging useable trees and shrubs which are felled for re-use, either in log form, or as woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots and stumps may only be disposed of at an approved site;
- (f) notifying all contractors, sub-contractors, and personnel of vegetation protection requirements of this condition.

18. Vegetation Management Plan and Implementation

Implementation of the Vegetation Management Plan (VMP) (Ecological 23/02/2017) shall commence immediately upon any construction work commencing and shall be carried out in accordance with the VMP Implementation Schedule (Table 6 of the VMP) with the following exceptions:

- Glider poles and/or roped bridge shall be installed within three months of vegetation clearing commencing.
- Establishment weed control for Zones 1 and 2 shall commence in Year 2 so that construction-based weed outbreaks can be monitored and treated, and continue until the end of Year 5.
- Infill planting for Zones 1 and 2 shall commence in Year 2 and continue until the end of Year 5.

The VMP Performance Criteria (Table 8 of the VMP) shall be met with the following exceptions:

- Noxious weeds shall be 100% eliminated from all zones by the end of Year 5.
- Zone 1: minimum 90% native groundcover by end of Year 5. Minimum 90% survivorship of native plantings.

-
- Zone 2: minimum 80% native groundcover by end of Year 5. Minimum 90% survivorship of native plantings.
 - Zone 3: minimum 80% native groundcover by end of Year 5. Minimum 90% survivorship of native plantings.

Annual Monitoring statements shall be provided to Council's Development Planner Flora and Fauna verifying compliance with the VMP. Implementation of the VMP may cease once outcomes of the VMP have been met, the works schedule completed and approval for the completion of works has been obtained from Council's Development Planner Flora and Fauna.

19. Native Vegetation Act

Clearing of native vegetation on this site shall be in accordance with the Native Vegetation Act. Clearing of native vegetation on the site shall not commence until the Catchment Management Authority has been contacted and all necessary approvals have been obtained.

20. Tree Protection Measures

Tree Protection Measures are to be implemented around trees on the approved plans, which are to include the following:

- (a) Tree Protection Zones (TPZ) are to be established on the development site around trees identified to be retained in accordance with Australian Standard AS4970-2009 – Protection of Trees on Development Sites
- (b) A 1.8 metre high chain mesh fence is to be erected along the perimeter of each TPZ, on the development site, prior to works and must remain intact until construction is completed.
- (c) Any excavation within the vicinity of an identified TPZ is to be carried out by hand, with all care taken not to damage tree roots. If tree roots greater than 30mm are found during works that need to be severed, they are to be cut with a saw (not ripped).
- (d) TPZs are to be mulched to a minimum depth of 100mm using organic mulch.
- (e) Fences around Tree Protection Zones must be sign posted to warn of its purpose.
- (f) Harmful Materials – storage of materials, building waste, excavated spoil, cement or any harmful materials are not permitted within TPZs.
- (g) Any minor pruning of trees must be carried out in accordance with Australian Standard AS 4373-2007 - Pruning of Amenity Trees, by a suitably qualified Arborist.
- (h) All native trees and vegetation both on the site and on adjoining properties shall be retained and protected in accordance with DCP 2014 – Tree Preservation and Native Vegetation Management Guidelines (Section 6) and the Australian Standard AS4970-2009 – Protection of Trees on Development Sites unless they have been specifically identified for removal on the approved plans or documentation.

Note: A separate application shall be made to Council in accordance with Clause 5.9 of Lake Macquarie Local Environmental Plan 2014 for the removal of any other trees or native vegetation. This includes application for the removal of any understorey vegetation or the stripping of ground cover vegetation that is outside those areas approved for construction.

21. Hollow Bearing Tree Removal and Nest Box Installation

Biodiversity management guidelines within the Biodiversity Management Plan (Ecological 23/02/2017) shall be implemented. In addition:

A qualified ecologist or wildlife carer shall supervise installation of nest boxes and removal of any hollow bearing trees to ensure mitigation against any native animal welfare issues. Tree hollows shall be salvaged wherever possible and replaced onto suitable trees within the offset land.

Removal of Trees with Habitat Hollows

Removal of trees with habitat hollows shall be undertaken outside of hollow dependent fauna hibernating and breeding periods (i.e. preferred clearing times occur in March/April and October / November). Any hollow-bearing trees shall be felled in one to two metre sections, beginning at the top of the crown. Lengths cut from the tree(s) shall be in a manner that will preserve the hollow(s) with each section inspected and appropriately treated to minimise impact to fauna.

Nest Box Installation

Nest boxes are to be installed:

- At a ratio of 1:1 hollow ratio of loss: replacement. Based on the estimates within the Species Impact Statement (Ecological 24/02/2017), 29 hollows require replacement;
- At least 2 weeks prior to clearing;
- At least 4 metres above ground;
- Be of a design suitable for species that may be residing in trees marked for removal;
- Be of a design that is consistent with NSW Government 2011, "*Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects - Guide 8: Nest boxes*", prepared by the Roads and Traffic Authority, September 2011 and NSW Government 2008, "*Guidelines for the design, construction and placement of nestboxes*", prepared by the Department of Environment, Climate Change and Water, Biodiversity Conservation Section.
- At an orientation that is suitable for the species that the nest box has been designed. Micro bat nest boxes should be orientated at a north to north westerly aspect. Bird and mammal boxes should be orientated at an east facing aspect;
- In a manner that minimises damage to the trees and surrounding vegetation; and
- With a unique number affixed that can be read from the ground.

Nest Box Monitoring

Nest boxes shall be monitored to determine their usage and repairs or replacement (as required on an annual basis and maintained within the offset site in perpetuity).

Reporting

Council's Development Planner Flora and Fauna is to be provided with a written report following:

- Installation of nest boxes;
- Removal of hollow bearing trees; and
- Each annual monitoring/maintenance inspection.

Reports are to include the nest box identification number, artificial nest box or salvaged tree hollow type, GPS location (including GIS map), species and diameter at breast height of the host tree, artificial nest box or salvaged tree hollow height, nest box orientation, species use and nest box condition.

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

22. Biodiversity Offset Site

The Biodiversity Offset Site as shown in Figure 4 Revised Offset Area (Species Impact Statement Addendum, Ecological 24/02/2017) shall be established and maintained in perpetuity with a suitable conservation agreement over the site. The conservation agreement shall be legally binding and may include a property vegetation plan, a restrictive covenant, a VPA under the EP&A Act or VCA under the NPWS Act. Documentation demonstrating the above shall be submitted to the Principal Certifying Authority prior to the issue of the first Occupation Certificate.

Native vegetation shall be retained and managed to achieve minimum 80% cover native groundcover, minimum 90% abundance of native understorey and minimum 90% abundance of native canopy vegetation in in perpetuity.

Noxious weeds shall be 100% eradicated from the Biodiversity Offset Site.

A qualified ecologist shall undertake an annual inspection of the offset land and provide the landowner and Council with an annual report detailing the condition of the offset land. This report is to include any monitoring requirements and recommendations for changes to management practices.

23. S.88B Instrument

Prior to the issue of an Occupation Certificate, a restriction as to user shall be registered over the Biodiversity Offset Site as shown in Figure 4 Revised Offset Area (Species Impact Statement Addendum, Ecological 24/02/2017) under Section 88B of the Conveyancing Act setting out the following:

“The area shown as Biodiversity Offset Site as shown in Figure 4 Revised Offset Area (Species Impact Statement Addendum, Ecological 24/02/2017) shall be established and maintained as a biodiversity offset area.”

Council is to be the party empowered to release, vary or modify the restriction and the terms of the instrument are to be agreed by Council in writing.

24. Habitat Augmentation

An alternative native vegetation corridor shall be provided away from the operational aspects of the development.

At least twenty tubestock shall be planted between the two north-south powerlines west of the northbound development area. Species shall include smooth-barked apple *Angophora costata*, scribbly gum *Eucalyptus haemastoma*, red bloodwood *Corymbia maculata*, swamp mahogany *Eucalyptus robusta*, forest oak *Allocasuarina littoralis*, hairpin banksia *Banksia spinulosa*, fern-leaved banksia *Banksia oblongifolia*, paperbark tea-tree *Leptospermum trinervium*, sunshine wattle *Acacia terminalis*, Sydney golden, wattle *Acacia longifolia*.

The plantings must be grown to NATSPEC Guidelines for Specifying Trees to ensure quality trees and more successful establishment.

The planting must be undertaken in such a manner as to promote good health during the establishment period, and must be maintained to maturity in perpetuity.

Alternatively, squirrel glider poles and/or rope bridges shall be installed to maintain connectivity in this location.

25. Fencing of Biodiversity Offset Site

Barbed wire or similar shall not be used for temporary and permanent fencing of the Biodiversity Offset Site. Where adjacent stock requires exclusion from the offset site, rural-style post and plain wire, or post and rail, shall be used. Fencing of the Biodiversity Offset Site shall be maintained in perpetuity. Exclusion signage should also be installed.

26. Litter Management Plan

A Council-approved Litter Management Plan shall be developed. The entire site including the offset site, development site and access ramps shall be regularly inspected for litter. Litter shall be regularly removed with appropriate recycling from the entire site. Regularly is considered to be daily as a minimum.

27. Provision of Survey Plans and Files

Prior to commencement of construction the proponent must arrange for the production of a proper survey plan, prepared by a registered surveyor that clearly shows the location and pegging of boundaries of the offset land, as shown schematically in the Species Impact Statement (24/2/2017). An electronic copy of each survey plan that can be clearly printed at A1 or A0 scale must be provided to Council within two weeks of these plans being produced. The electronic copy of the survey plan and GIS shapefiles of the offset land shall also be provided to Council within two weeks of these plans being produced. GIS shapefiles of the offset land shall also be provided to Council within two weeks of these plans being produced.

28. Squirrel Glider Poles and/or Rope Bridges

Measures to establish a functioning corridor to enable fauna movement (in particular squirrel gliders) to the north and south of the northbound site, shall be provided between native vegetation fronting the M1 Pacific Motorway. Structures (glider poles and/or rope bridges) shall be installed on Lot 4 DP 264501 266 Newport Road Cooranbong with the intent to facilitate movement of squirrel gliders between patches of native vegetation to the north and south of the northbound site (a minimum of four glider poles are required). Input from a squirrel glider expert shall be obtained and included in the design, placement and to confirm the number of these structures. They must be designed in consultation with Council and with consideration to site constraints including power lines and traffic/public safety requirements, have regard to any requirement of the Roads and Maritime Services, and be certified by a practicing structural engineer. The poles shall be installed within three months of vegetation clearing commencing. A minimum ten years of monitoring fauna usage of the poles is required, with an annual monitoring statement provided to Council. The poles shall be maintained in perpetuity.

29. Management of Site - Erosion Prevention and Sediment Control

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

30. 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.

31. Category 3 Landscaping

Landscaping shall be implemented/installed generally in accordance with the approved landscape plans and documentation as prepared Arcadia Revision C dated April 2016. The landscaping plan shall be updated to be consistent with the approved layout plans.

All landscape works shall be carried out by members of Landscape NSW & ACT Master Landscapers Association and implemented under the full supervision of an appropriately qualified landscape contractor.

Landscape works must conform to planting densities nominated spacings in all areas dedicated to planting. A steel retaining edge to all garden bed areas adjoining stabilised gravel surfaces must be implemented and all planted areas covered with minimum 100mm mulch to aid plant establishment.

At the practical completion of landscape works, the landscape consultant who prepared the documentation shall submit to the Principal Certifying Authority a Landscape Compliance Report prior to issue of Occupation Certificate that establishes satisfactory completion of the landscape works approved by this consent.

All landscaping shall be permanently maintained in good condition in accordance with the adopted DCP 2014 Guidelines – Landscape Design Guidelines.

32. Hoarding and Construction Site Safety Fencing

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

33. Boundary Fencing

The fencing of the lots shall conform with rural fencing requirements of Council (post and wire). The centres themselves shall be fenced with a minimum 1.8 chain wire fencing (excluding where acoustic fencing is required.) 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.

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

34. Advertising Structures and Signs

Development consent shall be obtained from Council prior to the erection of any advertising structures or signs on the site. This requirement does not apply to any exempt, complying, or previously approved signage.

35. Car Parking and Allocation of Spaces

Car parking spaces shall be constructed on the site as per the table below, in accordance with the minimum requirements of the Australian Standard AS/NZS 2890 as current at the time of construction, and maintained on the land in accordance with the approved plans.

The spaces shall be allocated in the following proportions:

Northbound Customers	101
Northbound Staff	31
Northbound A-Doubles	10
Northbound B-Doubles	15
Northbound Caravan/Coaches	9
Southbound Customers	106
Southbound Staff	21

Southbound A-Doubles	10
Southbound B-Doubles	15
Southbound Caravan/Coaches	9

The car parking spaces are to be identified on-site by line marking, sign posting and must be numbered. The car parking provided shall only be used in conjunction with the uses contained within the development.

The required disabled car parking spaces shall be clearly marked and signposted for the sole use by disabled persons.

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

36. Bicycle Parking Racks

Secure bicycle parking/storage shall be provided to accommodate a minimum of three (3) bicycles on each site. The installation and dimensions of the bicycle parking/storage shall be in accordance with the Austroads 'Cycling Aspects of Austroads Guides' and Australian Standard AS2890.3:1993. These works shall be completed prior to the issue of the Final Occupation Certificate.

37. Parking Areas and Access Ways

All parking areas and access ways shall be designed, constructed, sealed and drained in accordance with the standards nominated in DCP 2014 Guidelines - Engineering Guidelines and the Australian Standard AS2890. All parking areas and access ways, line marking and signage shall be completed prior to the issue of an Occupation Certificate.

38. Lighting

Any lighting shall be installed to ensure minimal glare and no light spill onto adjoining properties, roadways or bio-diversity areas. Where applicable light shields are to be applied. Lighting shall comply with Australian Standard AS4282-1997.

No light poles shall exceed 10 metres in height.

39. Lighting Plan

A lighting plan shall be submitted to the Principle Certifying Authority for approval prior to release of the first Construction Certificate that:

- (a) Shall be designed so as to ensure minimal glare onto adjoining properties, surrounding residential areas or roadways.
- (b) Comply with the relevant Australian and New Zealand Lighting Standards.
- (c) A lighting maintenance policy shall be established.

(d) Lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels as per Australian and New Zealand Lighting Standard 1158.1 – Pedestrian.

(e) Pedestrian pathways, roadways, carparks and recreational areas shall be appropriately lit.

40. External Storage of Products

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

41. Onsite Loading Facility

The onsite loading facility shall be constructed clear of designated car parking spaces and driveways, must be kept clear of goods and must not be used for any storage purposes, including garbage storage.

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

42. External Material Reflection

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

43. Ausgrid Requirements

Prior to the issue of the first Construction Certificate, any requirements of Ausgrid shall be obtained and a copy of the such requirements shall be lodged with Council and the Principal Certifying Authority. All works shall comply with the requirements of Ausgrid.

44. Transgrid Requirements

TransGrid's easement corridor must remain unencumbered, and have **no** structures placed (temporary/ permanent) within this zone.

All works must be carried out in accordance with the *NSW WorkCover 'Work Near Overhead Power Lines' Code of Practice 2006* (link attached below) and *TransGrid's Easement Guidelines for Third Party Development (V10) (Guidelines)* will also need to be adhered too. Please contact TransGrid in event of any uncertainty.

<http://www.workcover.nsw.gov.au/health-and-safety/industry-safety/electrical-and-power/power-lines/publications/work-near-overhead-power-lines-code-of-practice-2006>

45. Excavation and Retaining

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

No additional excavation/fill is to 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 (SEPP). Prior to erection of any retaining wall not approved under this consent, reference to the SEPP should be undertaken to ascertain whether approval is required.

46. Filling Importation and Compaction

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

- (a) Uncontaminated 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 are to 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 Principal Certifying Authority or Council upon receipt of a written request.

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."

47. Building Waste

Prior to any construction work commencing, containment of building waste materials shall be provided within the boundaries of the building site, above natural or excavated ground level, by a screened area of silt stop fabric or shade cloth, having minimum dimensions of 2.4 x 2.4 x 1.2 metres high OR equivalent size waste disposal bin.

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

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

Appropriate provision is to be made to prevent wind blown rubbish escaping from the containment.

48. Unobstructed Footpath Access

The person having the benefit of the consent shall maintain unobstructed footpath access within the public road reserve at all times. Building materials shall not be placed or stored within the road reserve.

In the case of sites where it is not possible to keep the footpath or road reserve clear during construction works written approval from Council shall be obtained prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The area shall be signposted and such signposting be maintained in a way that ensures public safety at all times.

49. Demolition

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

No trees shall be removed from the site unless they are shown for removal on the approved plans, or separately approved by Council.

Erosion and sediment control measures shall be installed prior to any demolition works and maintained in accordance with DCP 2014 Guidelines - Erosion Prevention and Sediment Control Guidelines.

Temporary toilet facilities shall be provided during the course of demolition at a ratio of one toilet, plus one additional toilet for every 20 persons employed at the site.

All demolition work shall be carried out strictly in accordance with *Australian Standard AS 2601—1991: The Demolition of Structures* and as in force at 1 July 1993.

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

At the completion of the works, the work site must be left clear of waste and debris and the site shall be grassed or otherwise rendered erosion resistant.

50. 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 must:

- (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.

51. Removal, Management and Transportation of Fill

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

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

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

52. 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 Principal Certifying Authority.

53. Asbestos

If asbestos is encountered during construction or demolition work, even if the works are partial demolition (e.g. one wall), measures must be in place in accordance with SafeWork NSW guidelines and the *Occupational Health & Safety Regulations 2001*. Work shall not commence or continue until all the necessary safeguards required by SafeWork NSW are fully in place.

Only contractors who are appropriately licensed for asbestos disposal by SafeWork NSW may carry out the removal and disposal of asbestos from demolition and construction sites.

Prior to commencing demolition of buildings containing asbestos, a commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring 400mm x 300mm (see below) shall be erected in a prominent visible position on the site in accordance with AS1319 "Safety Signs for the Occupational Environment".



The person entitled to act on this consent shall notify adjoining residents in writing five working days prior to the demolition.

Asbestos waste must only be disposed of at a landfill site authorised to receive such waste and copies of receipts received from such disposal kept and made available for inspection by Council during normal working hours and upon the giving of reasonable notice.

Note: Council's Awaba Waste Management Facility can accept asbestos for a fee, provided that the material is safely secured in accordance with the relevant guidelines. At least 24 hours prior notice must be given to allow an area to be prepared for disposal.

54. Dial Before You Dig

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



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

The Laeq (15 minute) operating noise level of machinery, plant and equipment when measured at the boundary of the nearest residential premises shall comply with either the amenity or intrusiveness criteria calculated in accordance with the NSW Office of Environment and Heritage Industrial Noise Policy. For assessing amenity criteria, the area shall be categorised in accordance with the guidelines outlined in Chapter 2 of that Policy.

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, certification from a suitably qualified acoustic consultant shall be submitted to the Principal Certifying Authority, demonstrating compliance with the above.

56. 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

The approved hours for construction of this development are –

Monday to Friday - 7.00am to 6.00pm.

Saturday – 8am to 1pm.

No construction work shall take place on Sundays or Public Holidays.

Construction Periods in Excess of 26 Weeks

If the construction period is in excess of 26 weeks, a Noise Management Plan (NMP) 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 NMP 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.

Operational times may be amended with the written advice of Council's General Manager or delegate.

57. 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 Office of Environment and Heritage sleep arousal criteria, calculated in accordance with Chapter 19 of the NSW Office of Environment and Heritage Noise Control Manual.

If the sleep arousal operating noise level is not achieved, further noise attenuation works will be required within the site to ensure such compliance is achieved.

58. Acoustic Certification

The recommendations contained in the acoustic report prepared by SLR Acoustic Consultants, project number 630.10453 dated 2nd May 2016 shall be incorporated into the design and construction of the development except where other conditions of consent in relations to acoustics apply, with the other conditions prevailing to the extent of any inconsistency.

A suitably qualified acoustic consultant shall be engaged to assist with the preparation of the final building plans and specifications to ensure compliance with any acoustic conditions and that no other noise nuisance is created to the neighbourhood.

Upon completion of the works and prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified acoustic consultant certifying that the works have been completed in accordance with their requirements and the development or proposed use is capable of operating in accordance with the design criteria.

At 90 days, 6 months and 12 months of operation a suitably qualified acoustic consultant shall test, measure and certify that the development is operating, at that time, in accordance with the approved acoustic report. The 6 months and 12 month tests are to occur over the closest long weekend public holiday – i.e. Easter, Queens Birthday, Labour Day or Australia Day, Anzac Day and the Christmas period if these holidays create a long weekend.

59. Acoustic Treatment to Dwelling at Lot 175 DP 650940

(a) Prior to the issue of an Occupation Certificate, the landowner of Lot 175 DP 650940 (**Lot 175**) must be provided with a copy of this condition and address or other contact details, should the owner wish to provide a written request as specified in condition (b).

(b) If a written request is received from the owner of Lot 175, the operator of the northbound highway service centre must arrange for independent noise monitoring to be carried out by a qualified acoustic consultant to establish whether:

(i) the operation of the development exceeds the sleep disturbance noise goals provided in Table 14 of the Noise and Vibration Impact Assessment Report, prepared by SLR dated 2 May 2016 (refer report 620.10453R3 Revision 1 *M1 Twin Service Centres – Cooranbong – Noise and Vibration Impact Assessment*); and

(ii) internal L_{Amax} noise levels with façade openings such as windows and / or door open exceeds 55dBA. (These criteria are set out in the email from SLR dated 24 May 2017.)

(c) In the event the monitoring required by condition (b) shows a non-compliance with the criteria specified in that condition, the operator will, subject to the owner of Lot 175 providing access, implement noise mitigation measures at the residence located on Lot 175 to the extent required to achieve compliance and as recommended by the acoustic consultant. The noise mitigation measures must be reasonable and feasible, having regard to the guidance provided in the NSW Industrial Noise Policy and NSW Road Noise Policy.

(d) The operator will appoint a qualified builder or technician to install noise mitigation measures to the residence. The works must be completed within 3 months of the owner of Lot 175 agreeing to provide access to Lot 175 for the purposes of carrying out the works.

(e) On completion of the works, the operator must submit to Lake Macquarie City Council a statement prepared by a qualified acoustic consultant confirming completion of the works and demonstrating compliance the criteria specified in condition (b).

(f) For the avoidance of doubt:

(i) any works carried out in accordance with this condition must comply with the Building Code of Australia;

(ii) nothing in this condition requires the operator of the highway service centre to provide treatment or any mitigation measures for dwellings or buildings that did not exist as at the date of the development application for this development; and

(iii) nothing in this condition requires the operator of the highway service centre to take any action if the owner of Lot 175 fails to permit access:

The owner of Lot 175 must provide access to Lot 175 for the purposes of the operator implementing the mitigation measures, within 2 months of the operator being requested to do so, or the request does not need to be complied with.

60. 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.

61. 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 Office of Environment and Heritage Protection Manual – "Bundling and Spill Management."*

62. 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.

63. Segregation of Drainage (Fuel Dispensing Areas)

Prior to the issue of the first construction certificate, details shall be submitted to Council for approval 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. No work shall commence on site until the Council's approval is obtained.

The design and construction of the forecourt dispensing area shall be in accordance with the NSW Office of Environment and Heritage guidelines "Environmental Action for Service Stations - Information Sheet 3 – Forecourt Design, Operation & Maintenance " October 2008, as amended.

Advice - Fuel Dispensing Area Wastewater Disposal

The NSW EPA requires that drainage from the fuel dispensing areas be appropriately treated and discharged to the sewer, or, where sewer is not available, to a holding vessel for collection and disposal. The EPA have not approved of any other treatment system to allow polluted waters from the dispensing area to be discharged to stormwater.

The SPEL treatment system mentioned in Appendix B-3 (Northrop Civil Engineers) of **Elton Consulting's correspondence of the 2nd May 2016** has not been approved by the EPA as a stand-alone treatment device for forecourt treatment and discharge to stormwater, and the EPA will not issue a discharge license for that system.

The SPEL system is considered as being suitable for installation and treatment of all other stormwater run-off from the site.

64. Liquid Wastes

Prior to the issue of the first construction certificate 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.

65. Contaminated Land Remediation and Validation

Prior to commencement of works associated with the built form of the development:

The applicant shall submit a site Remedial Action Plan, prepared by a qualified Contaminated Site Consultant

Prior to the issue of an Occupation Certificate:

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

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

66. Garbage Storage Areas

The garbage washing and bin storage area shall be constructed of, or lined with materials that are durable, impervious to moisture, and capable of being easily cleaned.

The storage area shall be supplied with hot and cold water, roofed and the floor bunded, graded and drained to a sump, which shall be connected to the sewer in accordance with the requirements of the Hunter Water Corporation.

Construction details shall be provided to the Principal Certifying Authority prior to the issue of the first construction certificate.

Adequate facilities shall be provided in a screened location within the premises for the separate storage of recyclable and non-recyclable material and arrangements shall be made for the regular removal and disposal of those materials.

67. 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 2008*.

68. Site induction

All relevant staff and contractors must be made aware of their statutory obligations for heritage under the National Parks and Wildlife Act 1974 and the Heritage Act 1977, which must be implemented as a heritage induction.

All relevant staff and contractors must be made aware of their statutory obligations in relation to the protection of any designated biodiversity offset areas.

69. Excavation – Aboriginal Relics

Should any Aboriginal relics be discovered then all excavations or disturbance to the area shall cease immediately and the NSW Office of Environment and Heritage, shall be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*.

All necessary approvals from the NSW Office of Environment and Heritage shall be obtained and a copy provided to Council prior to works recommencing.

70. Excavation – Skeletal Remains

In the unlikely event that skeletal remains are identified, work must cease immediately in the vicinity of the remains and the area must be cordoned off. The proponent must contact the local NSW Police who will make an initial assessment as to whether the remains are part of a crime scene or possible Aboriginal remains. If the remains are thought to be Aboriginal, OEH must be contacted. An OEH officer will determine if the remains are Aboriginal or not; and a management plan must be developed in consultation with the relevant Aboriginal stakeholders before works recommence.

71. Topsoil and Stockpiles of Materials

Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.

Stockpiles of topsoil, sand, aggregate, spoil or other material stored on the site that is capable of being moved by running water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb, and/or road surface. Suitable sediment and erosion control devices shall be installed prior to the stockpile being created. The stockpile shall be treated so its surface is erosion resistant to wind and water action. No stockpiles of topsoil, sand, aggregate, spoil or other material shall be located on the public footpath or road reserve.

72. Children's Play Area

Equipment to be installed in and the design of the proposed children's play areas must comply with the applicable Australian Standard (AS 4685)

73. Site Management Plan

A Site Management Plan shall be created and implemented for the proposal – this should be developed and monitored in conjunction with the local community through the establishment of a community consultative committee. The Plan should clearly identify how residents/the community/customers are able to raise concerns or issues, and the process for addressing these issues;

- Security/Crime Prevention
- Maintenance
- Litter
- Noise
- Light
- Waste Minimisation
- Vehicle Access/Road Maintenance
- Contractor Parking

This plan is to be developed with a minimum of two months lead time for construction and notified to residents.

74. Crime Prevention

The proposal shall comply with the recommendations of the Crime Risk Assessment Report (Marshall, 2015) and Statement of Environmental Effects - CPTED Statement (Elton, 2015) prepared for the proposal.

The crime mitigation strategies are to be considered by the applicant when developing site management plan..

The following measures shall also be implemented to mitigate against anti-social and criminal behaviour as a result of the design of the building:

-
- Closed Circuit Television (CCTV) shall be installed throughout the development in high resolution digital colour format recorded 24 hours per day. The CCTV shall monitor the inside of building, external facades of the buildings, access ways (both pedestrian and vehicular), landscaped areas and all areas of car parking, not just entries and exits. The CCTV system shall be designed and installed to clearly identify and record faces, shapes and colours (over a target range);
 - Traffic calming devices shall be installed within the car park to slow traffic down and to ensure that vehicles are not attracted to the car park for the purposes of burn outs, racing, driving at speed, etc within the car park.
 - Vegetation shall be maintained to enable views through plants at a height of 1.5 metres to enable visual contact between persons from a distance.
 - Playground equipment shall be made of fire retardant materials;
 - Landscaping shall be maintained so as not to interfere or obstruct security lighting.
 - Bollards and toughened, shatter proof glass shall be installed to the shop fronts facing car park and road way areas.
 - A lighting management / maintenance plan shall be developed to provide for the replacement and repair of defective lighting within 24 hours of the defect occurring;
 - Convex mirrors shall be erected at pedestrian/vehicle conflict points.
 - Graffiti and other damage caused by vandalism shall be removed/repared within 24 hours.
 - Cooling room louvres shall run vertically and not horizontally;
 - Signage needs to be provided on the fire exit doors warning users that the doors are to be used for emergency purposes only;

75. Sewer – Connection to Hunter Water

All wastewater must be disposed of via sewer in accordance with Hunter Water Corporations guidelines.

Compliance is required with the recommended design practices outlined in the Environment Protection Authority's Guideline, *Environmental Action for Service Stations – Information Sheet 3 – Forecourt design, maintenance and operation*.

76. Waste Management

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

77. Waste Minimisation Plan

A Site Waste Minimisation and Management Plan shall be prepared that advises the final bin configuration and servicing depending on the final tenancy mix. The site plan shall include an assessment on bin storage and security, ability for the occupant to manoeuvre the bins to and from the storage area to an agreed location for servicing, and accessibility for the collection vehicle.

The following design issues shall also be detailed:

- The detailed design of the waste storage areas should allow for cardboard and plastic wrap bailing equipment for tenants.
- Regarding bin configuration and servicing for food waste generators, smaller bins with more regular servicing may be appropriate, or use of food dehydrator systems.
- It may also be beneficial to add to the tenant's waste management guide to consider two further options:
 - donation of unsold foods where suitable to food charities; and
 - food dehydrator systems.
- As future tenants will be discharging their waste into receptacles provided by site management, sufficient space needs to be allocated in the shared waste receptacle area.

Given the proximity to local waterways and E2 Environmental Conservation zoned land, the plan should also:

- require the designation of a smoking area, with associated cigarette butt bins or the total prohibition of smoking on both sites.
- the prohibition of non-recyclable or non-biodegradable food packaging and carry bags.
- Occupant businesses shall be required to avoid waste where possible (such as reducing packaging) and to utilise and clearly delineate either compostable (as per Australian Standard AS4736-2006) or fully recyclable (not "compostable", "biodegradable" or "degradable") packaging, including alternative carry bags and cutlery, for any takeaway food service. Compostable packaging shall be collected for composting at a licensed waste facility; and recycling shall be collected for comingled recycling at a licensed waste facility.

A copy of the plan shall be provided to Council prior to the issue of any Occupation Certificate.

78. Electric Fuel Pumps

At least two electric vehicle fast charge stations (or the infrastructure to accommodate them) shall be installed per site.

79. Dam Dewatering

A Controlled Activity Approval from the Office of Water will be required prior to the dewatering taking place and this activity will be carried out in accordance with requirements to be set by the Office of Water, (NSW Department of Industries – Water).

80. First Occupation Approval

Separate development consent or a Complying Development Certificate shall be obtained for the detailed fit-out of each and every new tenancy prior to the first occupation of that tenancy within each centre.

81. Construction and Traffic Management Plan

A Construction and Traffic Management Plan prepared by a suitably qualified and experienced Traffic Engineer shall be lodged with Council and approved by Council's Asset Management Department prior to release of the first Construction Certificate. The Construction and Traffic Management Plan shall address (but not be limited to) the following matters:

- 1) Details of the construction process;
- 2) Vehicular access to the proposed development during the construction phase;
- 3) The management of parking of construction workers vehicles during the construction phase; and
- 4) Routes to be taken by vehicles removing and delivering materials to the site.

The plan shall be prepared with the intention of causing minimal impact to adjoining land owners and traffic operations.

82. Traffic Control Standards

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

83. Haulage Routes

The Applicant shall submit to Council, in writing, details of the proposed haulage routes to be used during construction works, where haulage will be undertaken on a Council controlled public road. These details must be submitted a minimum of seven days before the commencement of haulage operations. No haulage operations shall take place prior to the approval of the routes by Council. The haulage routes shall not be varied without the approval of Council.

The Applicant shall maintain and restore the haulage route roads, as near as possible, to their original condition.

84. Signage Strategy

A Signage Strategy shall be prepared to ensure the rationalisation of signage on the site and for uses as a guide for the introduction of any new signs on the site in the future. The signage strategy should include drawings to scale, illustrating the location, type construction, size, method of illumination, for all business identification signage required for each tenancy

Prior to the issue of any Occupation Certificate (interim or final) a copy of the Strategy shall be submitted to Council.

Signage shall be installed and maintained in accordance with the Strategy.

85. Loading Dock And Driveway

All loading docks and driveways are to be graded and drained to a collection sump so as to control any spillages or cleaning waste generated as a result of the area being hosed down. Wastes are to be directed to the sewer in accordance with the requirements with the Hunter Water Corporation. Details are to be submitted to the PCA and Council prior to the issue of a Construction Certificate.

86. Bund Spillage Areas

All work storage areas where spillages are likely to occur are to be suitably banded in accordance with the NSW Department of Environment and Conservation's Environment Protection Manual – Bunding and Spill Management.

87. Control Liquid Gaseous Emissions

Any liquid or gaseous wastes or emissions shall be properly controlled and disposed of in accordance with the requirements of the Department of Environment and Conservation, the Hunter Water Corporation and Council's policy. If any liquid or gaseous wastes or emissions are proposed, the details of their control shall be submitted to and approved by Council prior to the release of the first Construction Certificate.

88. Emissions

There is to 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 proposed development.

- *Regarding vapour emissions, your attention is further directed towards the requirements for Vapour Recover for new Service Stations in the PoEO-Air regulation.*

89. Air Quality Management Plan

The person entitled to the benefit of this consent shall prepare an Air Quality Management Plan (AQMP, or variation thereof), for all operations on-site, such as tenancies and vehicles within the site. The AQMP shall be prepared prior to commissioning of the facility, to the satisfaction of Council officers. The AQMP shall be developed to ensure compliance with statutory provisions in the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Clean Air) Regulation 2010, relevant standards and impact assessment guidelines. At a minimum, the plan shall detail:

- 1-All potential emissions sources; and
- 2-The nature of air quality control methodologies that will be used to ensure that operations do not exceed air quality guidelines as per statutory requirements; and
- 3-Complaints handling and management in accordance with AS/NZS 10002:2014; and
- 4-Other relevant matters.

Details of complaints (complainant details, nature of complaint, and actions to rectify the issue), shall be retained in company files and presented to Council compliance officers (or other appropriate regulatory authorities) upon request.

90. Section 50 Certificate

Prior to the issue of any Construction Certificate, a certificate of compliance under Section 50 of the Hunter Water Act 1991 for this development shall be submitted to the Principal Certifying Authority.

91. Degreasing and Steam Cleaning

Any washing, degreasing or steam cleaning of vehicles, plant, engines, mechanical equipment or parts are to be carried out within an approved wash bay or vessel and shall not be carried out elsewhere on the site.

92. Stormwater Runoff

All surface stormwater run-off from trafficable areas subject to contamination shall be disposed of by means which do not pollute waters.

93. Lodgement of Food Premises Fitout Plans

Prior to the issue of a Construction Certificate, the Principal Certifying Authority is to require submission of appropriate detailed plans of all food shop fit-outs and ensure they comply with the Food Regulation 2004, under the Food Act 2003 and relevant Standards, Australian Standard 4674-2004 "Design, Construction and Fit-out of Food Premises" and Council's local food premises policies.

94. Construction of Food Premises

REASON: To ensure compliance with the Food Regulation 2004, under the Food Act 2003, the Local Government Act 1993 and Regulations, Standard 3.2.3 – Food Premises and Equipment, of the Australia New Zealand Food Standards Code, Australian Standard AS 4674-2004 “Design, construction and fit-out of food premises”, and Council's local policies, for the purpose of sanitation, rodent and vermin proofing and to reduce the risk of food borne illness.

(a) Compulsory Inspection Prior To Opening

Prior to commencing to operate the food premises, an inspection of the premises shall be carried out, by an “authorised officer”, as defined in the Food Act 2003, to ensure that the premises including the construction and installation of all equipment, fixtures and fittings and finish therein comply with Standard 3.2.3 – Food Premises and Equipment, of the Australia New Zealand Food Standards Code, Australian Standard AS 4674-2004 “Design, construction and fit-out of food premises” and Council's local policies.

(b) Fitout To Comply With Acts & Codes

The walls, floors and ceiling construction including finishes and fitout of rooms used for food preparation, storage or display shall comply with the requirements of the Food Regulation 2004 under the Food Act 2003, Standard 3.2.3 – Food Premises and Equipment, of the Australia New Zealand Food Standards Code, Australian Standard AS 4674-2004 “Design, construction and fit-out of food premises”, and Council's local policies.

(c) Solid Walls

The walls including internal walls of the food premises to the food preparation areas, kitchens, sculleries, food displays, food serveries and food storage areas shall be of solid construction eg. brick, concrete, concrete block. lightweight concrete block or other similar approved homogenous material.

(d) Wall Finishes

Any kitchens, sculleries, food preparation areas, food serveries and the like shall be finished to a height of at least two (2) metres above the floor level with:-

- (i) glazed tiles fixed in accordance with the requirements of AS3958.1;
- (ii) stainless steel or other approved impervious material adhered directly to the wall.

(e) Rendering Walls Above Two (2) Metres

Where wall tiling does not extend to the ceiling level the wall surface above the tiles shall be rendered to a smooth steel trowel finish flush with the face of the tiles and painted with a durable gloss paint of a light colour.

(f) No Ledge On Wall Tiles

The face of the tiles fixed to the vertical wall surfaces shall be flush with the adjoining wall surfaces to reduce the likelihood of the collection of dust and other accumulations on the ledge formed.

(g) Ceilings

Ceilings over food preparation, display and storage areas are to be constructed of rigid smooth faced material such as plasterboard or villa board finished with set joints and a plaster cornice at the walls and is required to be painted in a washable gloss paint of a light colour.

(h) Partition Walls Splayed

Any partition walls that do not extend to the ceiling shall be splayed on top at an angle of 60 degrees to prevent storage of articles and ensure ease of vision to detect dust buildup.

(i) Floor Finishes

Floors are to be covered with approved floor coverings:

- (i) with the use of ceramic floor tiles covered with a 25mm ceramic cove tile at the intersection with the walls, or
- (ii) with the use of a continuous sheet vinyl returned 150mm up the wall to form a cove and sealed to the wall and fillet with an approved fillet or backing piece to provide support, or
- (iii) with the use of impervious trowelled epoxy over concrete, coved at the intersection of the walls and floor.

(j) Floorwastes

Floors are to be adequately graded and drained to the required floor waste(s).

(k) Light Fittings

Light fittings being recessed flush to the ceiling surface or be attached to the underside of the ceiling, such as squareline profile, which does not have ledges, is sealed to the ceiling and provided with diffuser covers.

(l) Window Sills Splayed

Window-sills, where provided, are to be splayed inwards at an angle of 45 degrees and finished with a material matching the wall finish, with all vertical and horizontal edges rounded or bullnosed to a smooth even finish.

(m) Vermin Proofing

Windows, external doors and other external openings shall be provided with vermin and insect proofing.

(n) Coolroom Construction

Any cool rooms and freezing rooms shall be constructed and drained in accordance with Standard 3.2.3 – Food Premises and Equipment, of the Australia New Zealand Food Standards Code, Australian Standard AS 4674 and Council's local policies.

(o) Coolroom Coving

Coving of the coolroom and/or freezer room shall be finished up to a 25mm aluminium "arrowhead" moulding installed 50mm above the finished floor surface to prevent damage to the coving and to allow ease of cleaning.

(p) Coolroom Floor

The floor of the coolrooms/freezer rooms must be finished with a trowelled epoxy finish or tile with an epoxy grout or similar to ensure that the floor is impervious and easily cleaned. The concrete floor must be covered a minimum of 25mm and capped with an aluminium arrowhead.

(q) Coolroom Shelving

Shelves to the coolroom/freezer rooms shall be constructed of galvanised pipe, angle iron, T iron, flat metal or other approved materials, all of which should be treated to prevent corrosion. The base of the shelves in the coolroom/freezer room must be at least 300mm above the floor surface.

(r) Coolroom Top Infill

The coolroom being sealed and vermin proofed against the existing ceiling and wall surface.

(s) Plumbing & Electrical

Services pipes, conduits, condensate drains and the like being concealed behind the finished floor and ceiling surfaces. Where such services are installed pre-fabricated panels provide 25mm clearance off panel surfaces.

(t) Fixed Thermometers

All hot and cold holding units used for storage of perishable foods eg. coolrooms/freezer rooms, fridges, pie warmers, bain maries, roller grills etc. must be fitted with permanent thermometers accurate to one (1) degree that are able to be read from outside the unit (ie. without opening the unit) and must be fitted in a location that gives an accurate reading of the temperature of the food.

(u) Refrigeration Drainage

The refrigeration condensation drainage shall be conveyed to the reticulated sewerage system where available and in other cases disposed of without causing a nuisance.

(v) Equipment 150mm Off Floor

All cookers, ovens, vats, fridges, freezers, benches, dishwashers, cupboards, shelves or similar appliances or equipment are required to be fitted with legs so as the base of the unit is at least 150mm off the floor surface. Further consideration must be given to deep units so as to not hinder cleaning requirements.

(w) Coffee Machine Waste

Waste drainage from any coffee machine shall be conveyed to the sewer by approved concealed means.

(x) False Bases

False bottoms beneath counters, cupboards, fittings, fixtures and equipment are not permitted. The above shall be installed on approved metal legs not less than 150mm in height.

(y) Shelves Over Food Preparation Areas

Shelves, storage racks and other projections shall not be located above food storage or food preparation benches in rooms used for food preparation, storage or display to ensure that foreign matter does not fall into or contaminate an article of food.

(z) Roller Shutters

Any roller shutter drum casings are to be concealed above the ceiling level or enclosed in a plasterboard bulkhead.

(aa) Mechanical Ventilation Application

Where any system of Mechanical Ventilation and/or air conditioning is proposed or installed within the premises such system shall be designed to comply with Australian Standard, 1668, Part 2 and AS 3666, and shall be subject to a separate application to be approved by the Principal Certifying Authority prior to installation.

(bb) Exhaust Required Over 8 Kw

If the total maximum power electrical input of the proposed cooking appliance exceeds 8kw or a total gas power input exceeding 29 MJ/h then an approved method of local exhaust shall be provided in accordance with AS 1668 Part 2.

(cc) Menu Boards

Menu boards are to be sealed to the adjoining ceiling and/or wall surfaces and designed to eliminate ledges.

(dd) Hands Free Basin

All hand washbasins shall be provided in sufficient number within a food premises and must be fitted with a 'hands free' operation with a single spout to mix hot and cold water.

Examples of acceptable 'hands free' tap operation are:-

- (i) Electronic sensor tap operation, or
- (ii) Foot or knee operated tap levers.

Units are to be mounted directly off the wall on metal brackets and shall not be incorporated in timber bench tops nor shall there be cupboards or enclosures there under.

The wash hand basin shall be of stainless steel having a minimum size of 450 x 400mm.

Provide liquid soap and paper towels to the wash hand basin.

(ee) Loading Dock Floor

The path from any meat cool room to a loading dock shall be sealed with epoxy or the like.

(ff) Cleaners Sink

A **cleaners sink** shall be provided with hot and cold water connected thereto, through a common mixing spout.

(gg) Inspection Requirements

It is the Applicants responsibility to ensure that the appropriate progress and final inspections of the food premises fitout have been carried out by the Principal Certifying Authority.

95. Certification of Food Premises Fit-out

Prior to the issue of any Occupation Certificate the food premises shall be inspected by an appropriately qualified person who shall certify that 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"*.

96. Application of Occupation Certificate

Where this consent does not specify a time when a condition is to be complied with, it shall be taken to mean the first Occupation Certificate, unless it is framed and intended as an ongoing operational condition.

General Terms of Approval

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

Controlled Activity under Section 90 the Water Management Act 2000

Compliance with the General Terms of Approval issued by the Department of Primary Industries – Water on 31 May 2016 (ref: ERM 2015/0693).

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 1006/2015 and provided by Council:
 - i. Plan titled "Overall Site & Locality Plan" prepared by Cadway Projects (drawing number 11010 SK001, issue F) dated 19 April 2016.
 - ii. Plans titled "Figure 2: Northbound Riparian Areas" and "Figure 4: Southbound Riparian Areas" prepared by Northrup (job number NL140438) dated 14 April 2016.

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.

2. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

-
3. The consent holder must prepare or commission the preparation of:
 - i. Vegetation Management Plan
 - ii. Erosion and Sediment Control Plan
 4. All plans must be prepared by a suitably qualified person and submitted to the DPI Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DPI Waters guidelines located at [www.waternsw.gov.au/ Water-Licensing/Approvals](http://www.waternsw.gov.au/Water-Licensing/Approvals).
 - i. Vegetation Management Plans
 - ii. Laying pipes and cables in watercourses
 - iii. Riparian Corridors
 - iv. In-stream works
 - v. Outlet structures
 - vi. Watercourse crossings
 5. The consent holder must
 - i. carry out any controlled activity in accordance with approved plans and
 - ii. construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and
 - iii. when required, provide a certificate of completion to DPI Water
 6. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the DPI Water.
 7. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water
 8. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required
 9. The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to DPI Water as and when required
 10. The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by DPI Water.
 11. The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by DPI Water

-
12. The consent holder must ensure that no materials or cleared vegetation that may
 - i. obstruct flow,
 - ii. wash into the water body, or
 - iii. cause damage to river banks;are left on waterfront land other than in accordance with a plan approved by DPI Water.
 13. The consent holder is to ensure that all drainage works
 - i. capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water; and
 - ii. do not obstruct the flow of water other than in accordance with a plan approved by DPI Water
 14. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.
 15. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised
 16. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water
 17. The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain riparian corridors to the satisfaction of DPI Water and in accordance with a plan approved by DPI Water.
 18. The consent holder must ensure that any construction below ground level does not result in the need for permanent dewatering, other than in accordance with licence conditions approved by DPI Water.

Section 138 of the Roads Act 1979

Compliance with the General Terms of Approval issued by the Roads and Maritime Services on 31 March 2017 (ref CR2015/003026)

- Entry and exit ramps shall be designed and constructed to provide vehicular access to and from the subject site(s) generally in accordance with the revised Civil Works plans by Cardno dated 12 June 2015 and the *Austrroads Guide to Road Design 2009* (with Road and Maritime supplements), and all other relevant guidelines and standards, to the satisfaction of the Roads and Maritime.

The design vehicle must be able to achieve a minimum speed that is equivalent to 80% of the posted speed of the M1 Pacific Motorway at the merge location. Further design changes may also be required to ensure Roads and Maritime's Safety in Design, Maintenance and Asset teams' requirements can be achieved.

-
- Entry and exit ramps, and internal configurations, shall accommodate safe access for PBS Class 2B vehicles (A-Double configuration). Turning paths demonstrating appropriate access for this all vehicle type will be required during the detailed design process prior to the issue of any Construction Certificate (interim or final).

The M1 Pacific Motorway is a critical freight and transport route within NSW, and it is considered that appropriate provisions should be made for higher productivity vehicle types. Turning paths demonstrating appropriate access for this and all other vehicle types is required to ensure the road user safety function of the HSC Development is not compromised.

- Prior to the issue of any Construction Certificate (interim or final) for the HSC Development, the developer must enter into a Long Term Access Licence to permit access over the RMS Land between the M1 Motorway Reserve and the HSC Development.
- The developer must not construct any means of access from the M1 Pacific Motorway otherwise than in accordance with the consent of Roads and Maritime. Roads and Maritime can revoke such consent in accordance with section 70 of the Roads Act including any change or discontinuation of the HSC Development use.
- The southbound and northbound service centres shall be constructed and occupied concurrently to serve as a road safety function. If, for any reason, (other than short term temporary closure e.g. fire) the northbound or southbound centre ceases operation, the other centre must also be closed immediately.
- No vehicular connections shall be permitted from the site(s) to the local road network, including but not limited to Newport Road and Hawk Mount Roads, Cooranbong (excluding temporary access via the local road network prior to the issue of any occupation certificate during construction phase if in accordance with an agreed construction traffic management plan CTMP as required below)
- Fencing across the full frontage of the M1 Pacific Motorway shall be provided to prevent pedestrian access located to RMS satisfaction prior to the issue of any Construction Certificate (interim or final).
- The HSC development must operate and the services must be provided 24 hours a day, seven days a week including fuel and associated service facilities that will accommodate:
 - light and heavy vehicles;
 - refreshment and relaxation areas;
 - a shop;
 - restaurants;
 - car parking;
 - truck and coach parking; and
 - lighting.
- Separate undercover fuel areas for heavy and light vehicles must be provided.

-
- An emergency break down clearance point is to be provided in each centre suitable for all vehicle types to be inspected and towed for mechanical repair off-site shall be provided.
 - A minimum of twenty-five (25) B-Double parking spaces that can also accommodate larger vehicles must be provided for each centre. Each space must be clearly marked and identified so that no other type of vehicle can use these spaces.
 - The minimum vehicle parking spaces provided for each centre shall be based on demand and meet or exceed either the Lake Macquarie City Council Development Control Plan (**LMDCP 2014**) or the Roads and Maritime Guide to Traffic Generating Development requirements. The demand based assessment is to be undertaken at similar HSC during peak holiday periods to ascertain the appropriate minimum parking to be provided and is to account for future growth on the M1 Pacific Motorway corridor over a 30 year period.
 - A minimum of two (2) coach bus parking spaces that can accommodate longer vehicles up to 30m shall be provided for each centre. Each space must be clearly marked and identified so that no other type of vehicle can use these spaces.
 - A minimum of ten (10) recreation vehicle and trailer parking spaces shall be provided for each centre which can be easily and safely accessed. Each space must be clearly marked and identified so that no other type of vehicle can use these spaces.
 - A maximum of two (2) drive through facilities will be permitted for each centre at any one time.
 - Prior to the issue of any Construction Certificate (interim or final) internal directional signage plans must be submitted to Roads and Maritime for approval prior to installation, and shall be maintained to the satisfaction of Roads and Maritime and Council, at no cost to either Roads and Maritime or Council. The signage (as approved) must be installed prior to the issue of any Occupation Certificate.
 - Prior to the issue of a Construction Certificate (interim or final) a pedestrian safety audit shall be undertaken on the service centre design by a suitably qualified consultant and submitted to Roads and Maritime for review and acceptance. This audit shall include, but is not to be limited to, proposed access points from all parking areas, proposed paths and pedestrian desire lines.
 - A 'no obligation' 24 hr rest area facility shall be provided for users who choose not to utilise the food outlets, inclusive of an outdoor picnic / eating area(s), to the satisfaction of Roads and Maritime and Council. Design details are to be provided to Roads and Maritime for review and acceptance prior to issue of a Construction Certificate (interim or final).
 - A separate dining area and / or restaurant for heavy vehicle drivers shall be provided for each centre which must operate 24 hours a day.
 - No supply, sale or consumption of alcohol shall be permitted on the site of the HSC Development at any time.

-
- The day to day operations of the HSC Development shall be coordinated through an on-site 'centre manager' to ensure a high standard facility, address any safety issues, and must maintain the each centre and facilities in a clean and presentable manner commensurate with high standard facilities. The HSC Development shall have a 'centre manager' representative on site available 24hr 7day a week 365 day a year that has the authority to act immediately on the provider's behalf.
 - As road works are required on a classified (State) road, Roads and Maritime will require the developer to enter into a Works Authorisation Deed (**WAD**) with Roads and Maritime. The developer must enter into a WAD with Roads and Maritime prior to the issue of any Construction Certificate (interim or final) for the HSC Development.
 - Any conditions of consent set by Council do not guarantee Roads and Maritime's final consent to the specific road work, for which it is responsible, on the road network. Roads and Maritime must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work. Further advice regarding the WAD process is provided in *Attachment A*.

Prior to the issue of a Construction Certificate (interim or final) for the HSC Development the developer shall complete all road works under the WAD to practical completion, as determined by Roads and Maritime. Note all road works subject to a WAD for both centres shall be completed to practical completion prior to the issue of an Occupation Certificate for both centres.

Comment: The WAD process, including acceptance of design documentation and construction, can take a considerable amount of time. The developer should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is therefore suggested that the developer work through the process as soon as possible with Roads and Maritime.

- A Construction Traffic Management Plan (CTMP) shall be prepared and include a Vehicle Movement Plan and a Traffic Control Plan. The CTMP shall be prepared with the intention of having minimal impact on the operation of the M1 Pacific Motorway during the construction phase of the development. The CTMP must be submitted to Roads and Maritime and Council for review and acceptance prior to the issue of a Construction Certificate (interim or final).
- The applicant must obtain a Road Occupancy Licence (**ROL**) prior to the closure of any lane or erection of any structures within the roadway associated with the future roadworks. An ROL can be obtained from Hunter Traffic Operations via the Roads and Maritime website (see: <https://myrta.com/oplinc2>).
- All works (including, but not limited to, road works and the construction of access ramps onto the M1 Pacific Motorway) shall be undertaken at full cost to the developer to the satisfaction of Roads and Maritime.
- Prior to the issue of a Construction Certificate (interim or final), a Maintenance Deed must be entered into with Roads and Maritime for the long term maintenance of the access ramps and centres.

-
- Discharged stormwater from the HSC Development shall not exceed the capacity of the M1 Pacific Motorway stormwater drainage system. Council shall ensure that drainage from the HSC Development is appropriately catered for and should advise Roads and Maritime of any adjustments to the existing system that are required prior to issue of a Construction Certificate (interim or final).
 - The developer is not permitted to place any advertising or signage on the HSC Development site, M1 Pacific Motorway, or RMS Land unless otherwise agreed by Roads and Maritime.
 - A signage strategy is required to ensure the rationalisation of signage on the site and for use as a guide for the introduction of any new signs on the site in the future. No signage visible from the M1 Pacific Motorway is supported as part of the subject application. A signage strategy, inclusive of drawings to scale, illustrating the location, type, construction, size, and method of illumination, for all business identification signage required for each tenancy, is to be provided to roads and maritime for review and approval prior to the lodgement of any development application with the appropriate consent authority.

Section 15 of the Mine Subsidence Compensation Act 1961

Compliance with the General Terms of Approval issued by the Mine Subsidence Board for the southbound centre on 27 August 2015. (ref FN99-00305L0).

1. Demonstrate by geotechnical investigations that mine workings are;
 - a) Long term stable and there is no risk of mine subsidence affecting the site;
Or Alternatively
 - b) By Geotechnical investigation and analysis, recommend mine subsidence design parameters for the Boards acceptance.

In each case, the geotechnical investigation shall contain confirmation of the depth of coal seam, height of the workings, thickness of competent rock, as well as detailing the pillar dimensions used in any analysis. It should also include sensitivity and risk analysis, and a review of potential subsidence, scenarios with a recommendation for the Board's consideration and acceptance.
2. Where mine subsidence design parameters are nominated, or there is a risk of mine subsidence;
 - 2.1 Submit an "Impact Statement" prior to commencement of detailed design for acceptance by the Board, which shall;
 - a. Identify the Mine Subsidence Parameters used- for the design.
 - b. List the structures and building elements.
 - c. Summarise the outcome of a mine subsidence risk assessment.
 - d. List the design mitigation measures proposed.
 - e. Comment on the sensitivity of the design to greater levels of mine subsidence.

2.2 The final design shall;

- a. Be developed from the concept design. accompanying the Building Application.
- b. Include sufficient drawing plans, long-sections, elevations and details, to describe the work and proposed mine subsidence mitigation measures.
- c. Include design mitigation measures to reduce the transfer of horizontal strain into building structures.
- d. Include an additional grade for tilt due to mine subsidence, in excess of the minimum Code requirements for structures including pipes, gutters and wet areas.
- e. For underground pipes or conduits, allow for flexible joints, flexible bedding surround and flexible building connections and penetrations.
- f. Ensure there is sufficient capacity in any storage structure for tilt due to mine subsidence.
- g. Locate underground structures to facilitate ease of repair and replacement.
- h. Ensure internal finishes are installed in accordance with relevant codes and standards and industry best practice guidelines with additional provision for mine subsidence.
- i. Ensure there is suitable provision for articulation jointing in building elements. All control joints including articulation for mine subsidence are to be shown on the design plans and elevations,
- j. Ensure there is provision for isolation joints between adjoining structures. For example between a building and adjacent paving.
- k. Ensure roads, driveways and pavement areas are designed as flexible structures with an asphalt surface and unbound base course. If a concrete surface course is required, it shall be designed so any damage is slight classification and include expansion and crack control joints or sacrificial sections.

- 2.3 Submit final design drawings incorporating the mine subsidence mitigation measures identified in the "Impact Statement" for approval by the Board prior to commencement of construction. This shall include certification by the project engineer to the effect that the improvement will remain "safe, serviceable and any damage from mine subsidence will be slight, localised and readily repairable" taking into account the mine subsidence parameters.

3. On completion, certification by a qualified structural engineer is to be forwarded to the Board, that all improvements have been constructed in compliance with plans approved by the Board under this development application with supporting documentation.

Section 79B of the Environmental Planning and Assessment Act 1979

Compliance with the General Terms of Approval issued by the NSW Office of Environment and Heritage on 17 March 2017 (ref DOC16/638860-7)

1. The development must be undertaken in accordance with the Species Impact Statement (SIS) including by not limited to the ameliorative measures documented in

Chapter 8 of the SIS and the compensatory strategies documented in Chapter 9 of the SIS (as updated by the SIS Addendum Report dated 24 February 2017).

2. Prior to the commencement of construction the proponent must arrange for the production of a proper survey plan, prepared by a registered surveyor that clearly shows the location and boundaries of the offset land, as shown schematically in the SIS Addendum Report (dated 24 February 2017). An electronic copy of each survey plan that can be clearly printed at A1 or A0 scale must be provided within two (2) weeks of these plans being produced.
3. This determination, and the conditions of this determination, do not relieve the applicant of any obligation to obtain other statutory approvals necessary to undertake the activity, including but not limited to any approvals required under the Australian Government *Environmental Protection and Biodiversity Act 1999*.
4. If, during the course of undertaking the activity, the applicant becomes aware of the presence of threatened species, populations or endangered ecological communities, or their habitats, that were not identified and assessed in the SIS and which are likely to be affected by the activity, the applicant must:
 - Immediately cease all work likely to affect the threatened species, populations or endangered ecological communities, or their habitats;
 - Notify the Senior Team Leader Planning of OEH Hunter Central Coast Branch as soon as practicable by telephone, electronically or in writing; and
 - Not recommence work likely to affect the threatened species, populations or endangered ecological communities, or their habitats until receiving written advice from OEH to do so.

5. Equipment and Materials storage

At all times when the activity is being undertaken, the applicant must store any machinery, equipment or materials required at a secure onsite location. Machinery, vehicles and other construction equipment must be cleaned in accordance with Construction Environmental Management Plan. All fuels, oils and pollutants are to be stored in a designated bonded areas. Vehicles and machinery must be refuelled with designated bonded areas.

6. Fire Fighting Equipment

The applicant must ensure that fire-fighting equipment is provided on site during periods of declared high fire danger. Machinery which may result in sparking or ignition must not be operated during total fire bans. The applicant must store fuel and other similar flammable materials, such as gas cylinders and paint, in appropriate fire-resistant storage containers.

7. Revegetation

The applicant must only use locally –sourced endemic native plant species for site revegetation works and must plant at least 50% of the recommended species per stratum per vegetation community as described in the Vegetation Management Plan.

Ausgrid – advice only

- **Supply of Electricity**

It is recommended for the nominated electrical consultant/contractor to provide a Preliminary Enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not: the existing network can support the expected electrical load of the development; a substation may be required on-site, either a pad mount kiosk or chamber; and site conditions or other issues. Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

- **Proximity to Existing Network Assets**

There are existing overhead high voltage electricity network assets on both the Northbound and Southbound subject lots adjacent to the development. Workcover Document 8290 – Work Near Overhead Powerlines outlines the minimum safety separation requirements between these mains / poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, *NS220 Overhead Design Manual*. This document can be sourced from Ausgrid's website, www.ausgrid.com.au

The existing overhead mains may require relocating should the minimum safety clearances be compromised in either of the above scenarios, this relocation work is generally at the developers cost.

Before construction of this commercial building commences, the developer will be required to submit a survey plan to Ausgrid showing the location of all overhead mains within 5 metres of the proposed development. This drawing must contain a plan view and an elevated view clearly indicating the location of the overhead mains in relation to the development. This information should be forwarded to Sean Freeman (02) 4910 1200 at the above Ausgrid mail address for further comment.

It is recommended that Sean Freeman (02) 4910 1200 is consulted to discuss compliance issues regarding the relevant *Workcover Document 8290 – Work Near Overhead Powerlines*.

- **Method of Electricity Connection**

The method of connection will be in line with Ausgrid's Electrical Standard (ES) 1 – *'Premise Connection Requirements*.

- **Conduit Installation**

The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.

- **Existing Electricity Easements**

A title search of the development site should be completed to check for existing electricity easements. If easements are present, Ausgrid must assess the proposed activity within the easement. Please direct the developer to Ausgrid's website, www.ausgrid.com.au to download our "Living with Electricity Easements" brochure.

Depending on the development and its location in relation to existing electrical infrastructure, the timeframe between the initial application for electricity supply and energising assets will vary and may involve months. The developer's earliest advice that the development is to proceed to construction will allow us to begin planning and processing of the connection project and hopefully minimise any delays.

CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
M05-Open Space & Recreation Facilities-Capital-CPI	\$8,479.43
	TOTAL \$8,479.43

Right of Appeal

If you are dissatisfied with this decision (including a determination on a review under Section 82A), Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months:

- after the date on which you receive this notice, or
- the date on which that application is taken to have been determined under Section 82(1).

Section 98 of the Environmental Planning and Assessment Act 1979, does not give a right of appeal to an objector who is dissatisfied with the determination of the Council to grant consent to a development application, unless the application is for designated development (including designated development that is integrated development). The objector may, within twenty eight (28) days after the date on which the notice of the determination was given in accordance with the regulations, and in accordance with rules of the Court, appeal to the Court.

Right of Review

Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) within six (6) months after the date as specified in this notice of determination, together with payment of the appropriate fee. (**See exclusions note below**).

Exclusions: A request to review the determination of a development application pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 can only be undertaken where the consent authority is Council, other than:

-
- (a) A determination to issue or refuse to issue a complying development certificate, or
 - (b) A determination in respect of designated development, or
 - (c) A determination in respect of integrated development, or
 - (d) A determination made by the Council under Division 4 in respect of an application by the Crown.

Planning Assessment Commission

The Planning Assessment Commission has not conducted a public hearing in respect of this application.

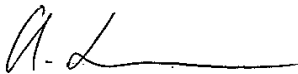
Advisory Note:

Hunter Water Requirements

The owner is required to comply with the requirements of the Hunter Water Act 1991, relevant to the development. If you require further information, please contact Hunter Water on 1300 657 657.

Should you require further information, please contact the undersigned on 4921 0201 or by e-mail on adleese@lakemac.nsw.gov.au.

Yours faithfully



Andrew Leese
Senior Development Planner
Development Assessment and Compliance