



25 February 2022

WINARCH CAPITAL
PO Box 1883
NEWCASTLE NSW 2300

Development Application Notice of Determination

Issued under the Environmental Planning and Assessment Act 1979
Sections 4.16, 4.17 & 4.18 (1)(a)

Development Application No: DA/1290/2019

Property Address: Lot 1 DP 1265834, Lot 2 DP 1047043, Lot 1 DP 1047043,
Lot 7047 DP 93594, Lot 7048 DP 93599
126 Dora Street, MORISSET NSW 2264, 118A Dora
Street, MORISSET NSW 2264, Morisset Country Club, 126
Dora Street, MORISSET NSW 2264, 116A Dora Street,
MORISSET NSW 2264

Description of Development: Entertainment Facility, Function Centre, Market And
Associated Works

Determination: Approved

Determination Date: 21 February 2022

Consent to operate from: 21 February 2022

Consent to lapse on: 21 February 2027

Conditions of Consent

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

Reason for the Imposition of Conditions

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

To encourage:

- a) The proper management, development and conservation of natural and artificial
resources, including agricultural land, natural areas, forest, minerals, water,

cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;

- i. The promotion and co-ordination of the orderly and economic use of development of land;
 - ii. The protection, provision, and co-ordination of communication and utility services;
 - iii. The provision of land for public purposes;
 - iv. The provision and co-ordination of community services and facilities;
 - v. The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
 - vi. Ecologically Sustainable Development; and
 - vii. The provision and maintenance of affordable housing.
- b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

Administrative Conditions

1. Prescribed Conditions

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

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

- d) Residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the Certifying Authority for the development to

which the work relates (not being the Council) has given the Council written notice of the following information:

- i. in the case of work for which a principal contractor is required to be appointed:
 - a. the name and licence number of the principal contractor, and
 - b. the name of the insurer by which the work is insured under Part 6 of that Act,
- ii. in the case of work to be done by an owner-builder:
 - a. the name of the owner-builder, and
 - b. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

2. Approved Documentation

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

a) Plans Reference:

Development Plans prepared by: ADW Johnson, Project Number. 239813-MP-007-U			
Name of Plan	Drawing Number	Issue	Date
Master plan	Sheet 1 of 6	U	01/02/2022
Master Plan	Sheet 2 of 6	U	01/02/2022
Master Plan	Sheet 3 of 6	U	01/02/2022
Master Plan	Sheet 4 of 6	U	01/02/2022
Master Plan	Sheet 5 of 6	U	01/02/2022
Indicative concert layout	Sheet 6 of 6	U	01/02/2022

Stage Plans prepared by: Van der meer, Project Number. SY21E-013			
Name of Plan	Drawing Number	Issue	Date
Pedestal plan	S03-01	A	27/02/2021
Roof plan and	S04-01	A	27/02/2021

elevations			
Arch in-plane elevations	S04-03	A	27/02/2021
Elevations and section	S04-04	A	27/02/2021

Engineering Plans prepared by: ADW Johnson, Project Number. 239813(4)			
Name of Plan	Drawing Number	Issue	Date
Title sheet, drawing index, general notes and locality plan	001	F	25/01/2022
Overall site plan	002	F	25/01/2022
Site section plan	003	F	25/01/2022
Detail plan – sheet 1	101	F	25/01/2022
Detail plan – sheet 2	102	F	25/01/2022
Detail plan – sheet 3	103	F	25/01/2022
Detail plan – sheet 4	104	F	25/01/2022
Detail plan – sheet 5	105	F	25/01/2022
Detail plan sheet 6	106	F	25/01/2022
Typical sections and details	201	F	25/01/2022
Road longitudinal section MC01 – sheet 1	211	F	25/01/2022
Road longitudinal section MC01 – sheet 2	212	F	25/01/2022
Road longitudinal section MC02 – sheet 1	213	F	25/01/2022
Road longitudinal section MC01 – sheet 2	214	F	25/01/2022
Road longitudinal section MC18	215	F	25/01/2022
Road longitudinal section firetrail – sheet 1	216	F	25/01/2022
Road longitudinal section firetrail – sheet 2	217	F	25/01/2022
Site cross sections –	221	F	25/01/2022

sheet 1			
Site cross sections – sheet 2	222	F	25/01/2022
Site cross sections – sheet 3	223	F	25/01/2022
Site cross sections – sheet 4	224	F	25/01/2022
Site regrade plan – sheet 1	501	F	25/01/2022
Site regrade plan – sheet 2	502	F	25/01/2022
Site regrade plan – sheet 3	503	F	25/01/2022
Site regrade plan – sheet 4	504	F	25/01/2022
Site regrade plan – sheet 5	505	F	25/01/2022
Site regrade plan – sheet 6	506	F	25/01/2022
Erosion and sediment control details	611	F	25/01/2022
Erosion and sediment control plan – sheet 1	801	F	25/01/2022
Erosion and sediment control plan – sheet 2	802	F	25/01/2022
Erosion and sediment control plan – sheet 3	803	F	25/01/2022
Erosion and sediment control plan – sheet 4	804	F	25/01/2022
Erosion and sediment control plan – sheet 5	805	F	25/01/2022
Erosion and sediment control plan – sheet 6	806	F	25/01/2022
Erosion and sediment control plan – sheet 10	810	F	25/01/2022

Landscape Plans prepared by: Mara consulting, Project Number. 211

Name of Plan	Drawing Number	Issue	Date
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Cover sheet, plant and drawing schedule	L100	F	30/01/2022
Site analysis and report	L-101	F	30/01/2022
Landscape Plan	L-102	F	30/01/2022
Landscape Plan	L-103	F	30/01/2022
Landscape Plan	L-104	F	30/01/2022
Entry Sign	L-105	F	30/01/2022
Specifications	L-106	F	30/01/2022
Landscape maintenance specification	L-107	F	30/01/2022

b) Document Reference:

Document	Reference	Author	Date
Biodiversity Development Assessment Report	20214347	Kleinfelder	02/02/2022
Letter – Referral response – <i>Corunastylis</i> sp. Charmhaven	-	Kleinfelder	14/02/2022
Letter – Additional information DA/1290/2019, 126 Dora Street Morisset	19051 Event RFI Corridor Augmentation	MJD Environmental	09/02/2022
Acoustic assessment and noise management plan	207402.0030	Event Noise Management	27/01/2022
Bushfire emergency management and evacuation plan	Cedar Mill Cultural Arts and Events Space	Blackash Bushfire Consulting	22/10/2021
Crime risk assessment	Cedar Mill Cultural Events Site Mirsset	Sheridan Consulting	October 2021
Cedar mill event transport strategy	SCT_00254	SCT Consulting	22/10/2021
Water cycle management plan	Proposed restaurant, function area and event space	ADW Johnson	03/09/2021

Aboriginal heritage impact assessment	Entertainment Precinct	Insite Heritage	August 2019
Preliminary Site Investigation	EP1296.001	EP Risk	26/08/2019

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

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

General Terms of Approval and Concurrence Requirements

3. General Terms of Approval

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

- Subsidence Advisory New South Wales
- New South Wales Rural Fire Service
- Natural Resource Access Regulator
- Transport for New South Wales

4. Subsidence Advisory NSW – General Terms of Approval

Plans, standards and guidelines

1. These General Terms of Approval (**GTAs**) only apply to the development described in the plans and associated documentation relating to **DA/1290/2019** and provided to Subsidence Advisory NSW.

Any amendments or subsequent modifications to the development may render these GTAs invalid.

If the proposed development is amended or the development consent modified, Subsidence Advisory NSW must be notified to determine if any variations to these GTAs are required.

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

Post Construction

3. Upon completion of construction, work-as-executed certification by a qualified engineer will be required by Subsidence Advisory NSW confirming that construction was in accordance with the plans accepted by Subsidence Advisory NSW.

5. NSW Rural Fire Service – General Terms of Approval

Asset Protection Zones

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

1. From the commencement of building works and in perpetuity, the entire property must be managed as an inner protection area in accordance with the following requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*:
 - tree canopy cover should be less than 15% at maturity;
 - trees at maturity should not touch or overhang the building;
 - lower limbs should be removed up to a height of 2 m above the ground;
 - tree canopies should be separated by 2 to 5 m;
 - preference should be given to smooth-barked and evergreen trees;
 - large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
 - shrubs should not be located under trees;
 - shrubs should not form more than 10% ground cover;
 - clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
 - grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
 - leaves and vegetation debris should be removed regularly.

Construction Standards

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

2. New construction must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard – Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

Access - Internal Roads

The intent of measure is to provide safe operational access for emergency services personnel in suppressing a bush fire while residents are accessing or egressing an area.

3. Access roads must comply with the requirements of Table 6.8b of *Planning for Bush Fire Protection 2019*.

Water and Utility Services

The intent of measure is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

4. The provision of water, electricity and gas must comply with the following in accordance with Table 6.8c of *Planning for Bush Fire Protection 2019*:
 - reticulated water is to be provided to the development where available;
 - fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419;
 - hydrants are not located within any road carriageway;
 - reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
 - fire hydrant flows and pressures comply with the relevant clauses of AS 2419;
 - all above-ground water service pipes are metal, including and up to any taps;
 - where practicable, electrical transmission lines are underground;
 - where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 *Guideline for Managing Vegetation Near Power Lines*.
 - reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
 - reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - *The storage and handling of LP Gas*, the requirements of relevant authorities, and metal piping is used;
 - all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
 - connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
 - above-ground gas service pipes are metal, including and up to any outlets.

Emergency and Evacuation Planning Assessment

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

5. A Bush Fire Emergency Management and Evacuation Plan must be prepared in accordance with Table 6.8d of *Planning for Bush Fire Protection 2019* and be consistent with the NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*. The plan must also include the following in accordance with the recommendations of the submitted bush fire report prepared by Blackash Bushfire Consulting (Dated 22 October 2021) :
 - on Total Fire Ban days and above, the Event Operations/site Manager must liaise NSW Rural Fire Service and seek to seek guidance regarding fires in the vicinity and the potential closure of the site and/or relocation of site occupants;
 - a formal mechanism and clear procedures that will inform occupants where to relocate to or when to shelter within the subject site, where the relocation of occupants is not possible or practical, in the event of an emergency;
 - the site must not operate on days where a Catastrophic Fire Danger Rating is issued for the area.

Any Bush Fire Emergency Management and Evacuation Plan produced for the development must include and consider the impacts of the adjoining development to the south of the subject site in the event of a bush fire. Where consent is granted for the development of the land to the south an event site, the plan must be updated

to manage the impacts of the major increase in total site occupants and the pressures placed on proposed and existing infrastructure.

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

6. Natural Resource Access Regulator – General Terms of Approval

1. Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
2. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA1290/2019 provided by Council to Natural Resources Access Regulator.
3. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, must be notified in writing to determine if any variations to the GTA will be required.
4. The application for a controlled activity approval must include the following plan(s):
 - Construction streamworks plans;
 - Soil and water management plan;
 - Erosion and sediment control plans;
 - Construction detailed drainage plans;
 - Construction stormwater drainage outlet plan;
 - Construction detailed basin design plans;

5. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.dpie.nsw.gov.au/nrar/how-to-apply/controlled-activities/guidelines-forcontrolled-activities>

7. Sydney Trains – Concurrence Requirements

The person having the benefit of the consent shall comply with the following requirements of Sydney Trains where the development impacts on land which benefits Sydney Trains including any easement and/or associated buffer zone.

1. Prior to the commencement of any works a Registered Surveyor shall peg-out the common property boundary between the development site and TAHE (Transport Asset Holding Entity) land and easements. A copy of the survey report indicating the location of pegs must be provided to Sydney Trains prior to the commencement of works.
2. Prior to the issue of a Construction Certificate the Applicant is to provide structural details that the concrete slab or footings will be protected by a vapour barrier membrane. A copy of this detail is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
3. Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
4. Prior to the issue of a Construction Certificate, the Applicant shall provide certification from a qualified Geotechnical and Structural Engineer, based on final version documentation, confirming that the proposed works are to have no impact on the rail corridor and associated rail infrastructure, the stability of the embankment and the impact of vibration on the rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
5. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
6. No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.

7. Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
8. There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor, rail operations and maintenance, assets or the HTTL electrical easement. In addition, all Landscaping shall be in accordance with the Sydney Trains High Voltage Powerline Tree Management Plan. A final landscaping and planting plan demonstrating measures to ensure compliance with this condition must be prepared to the satisfaction of Sydney Trains. No construction certificate can be issued until written confirmation has been received from Sydney Trains confirming that this condition has been complied with.
9. No work is permitted within the rail corridor or any easements (including the HTTL Electrical Easement) which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
10. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains. Prior to the issuing of a Construction Certificate, the following rail specific items are to be submitted to Sydney Trains for review, comment, and written endorsement:
 - Final version Drainage Plans and Hydrology Report confirming no impact to the rail corridor and stormwater calculations confirming the post-development flow rate and velocity, from the development site to **TAHE (Transport Asset Holding Entity)** land and the rail corridor culvert(s), is equal to or less than the pre-development flow rate and velocity up to and including during a 1 in 100-year event.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

11. During all stages of the development the Applicant must take extreme care to prevent any form of pollution (including dust) entering the rail corridor or affecting the High Voltage Aerial Transmission Line. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
12. The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare, reflectivity, and illumination to the satisfaction of the rail operator. In addition, any signage visible from the rail corridor shall not incorporate any green, red, or amber colours. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

13. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into TAHE (Transport Asset Holding Entity) property or easements, unless agreed to by TAHE (Transport Asset Holding Entity). The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
14. Sydney Trains advises there is a 66kV High Voltage Aerial Transmission Line in close proximity to the proposed works. All works within 6 metres of the nearest transmission line conductor must comply with:
 - ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.
 - The Safe Approach Distances (SADs) in the Sydney Trains Document titled “SMS-06-GD-0268 – Working Around Electrical Equipment”.
 - “WorkCover Code of Practice – Work near Overhead Power Lines (The Code)”
15. Sydney Trains advises they have several power poles associated with the 66kV High Voltage Aerial Transmission Line immediately adjacent to the proposed works. Prior to the issue of a Construction Certificate, the Applicant shall undertake consultation with Sydney Trains and provide for review, comment, and written endorsement:
 - Documentation to Sydney Trains’ satisfaction detailing physical barrier safety measures intended to protect the power poles during all works; including earthworks, construction, and post development. These measures shall be incorporated into a Construction Methodology for Sydney Trains review and endorsement.
 - Documentation to Sydney Trains’ satisfaction confirming how accessibility for emergency and maintenance purposes to the existing Sydney Trains power poles will be maintained. a. Sydney Trains advises that no structures are permitted within 2m of a power pole above or below stratum.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
16. If required by Sydney Trains, a monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to, where required, undertake a monitoring plan for the High Voltage Aerial Transmission Line Power Poles, and that it has been endorsed.
17. Prior to the issuing of a Construction Certificate, the Applicant shall prepare and provide to Sydney Trains for review, comment, and written endorsement the following final version rail specific items, in compliance with applicable ASA Standards (<https://www.transport.nsw.gov.au/industry/asset-standards-authority>):
 - Machinery to be used during excavation/construction.

- Demolition (including tree removal), excavation and construction methodology and staging

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

18. The Applicant/Developer shall not at any stage block rail related use (including the HTTL Electrical Easement) from Dora Street to the rail corridor and the corridor access gates, to ensure continuous provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
 - The Applicant/Developer must give Sydney Trains written notice at least 5 business days before any necessary closure or partial closure relating to the area associated with any rail related easements.
19. Any person acting on this consent shall not at any stage block the corridor access gate on Crown Land (Part Lot 7047 DP 93594), to ensure continuous provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities, except on event days.
 - Authorised personnel must be present on all event days with the required key access to remove/collapse any bollards or the like that would inhibit access to the rail corridor.
 - Prior to all events, Sydney Trains must be notified at least 2 weeks in advance via email at maintenanceoperationsmanagers@transport.nsw.gov.au, and any other contact details provided subsequently, the details of the time and date of the event, and the contact details of the person(s) that will have key access to collapse/remove any bollards as required to ensure adequate and timely access in the event of an emergency or maintenance operations.
 - On event days, a sign must be clearly displayed at the entrance to the driveway of Sydney Trains corridor access gate with the contact details of the person(s) that has the keys to unlock the removable bollards in the event of an emergency or maintenance operations.
20. Prior to the issue of a Construction Certificate, the Plan of Management must be updated to also include items identified in Condition 19, as written.
21. Prior to the issue of a Construction Certificate, the Applicant is to provide documentation to Sydney Trains' satisfaction detailing the type and design of the bollards located across the existing rail corridor access gate.
 - The type and design of the bollards shall not inhibit access, or cause damage to rail vehicles, plant, and equipment, when removed/collapsed. In addition, the type and design of the bollards must account for rail vehicles, plant, and equipment (with varying loads) crossing over, when removed/collapsed. Sydney Trains or TAHE will not accept any liability resulting from damage to any of the proposed new infrastructure as our equipment will be of varying loads.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

22. Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
23. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
24. Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
25. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.
26. Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
27. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - acts as the authorised representative of the Applicant; and
 - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
28. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
29. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney

Trains External Interface Management team. In this instance the relevant interface team is North Interface, and they can be contacted via email on North_Interface@transport.nsw.gov.au.

8. Transport for New South Wales – General Terms of Approval

- TfNSW will require the developer to enter into a Works Authorisation Deed (WAD) with TfNSW for all works required on the classified (State) road network. TfNSW would exercise its powers and functions of the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act, as applicable, for all works under the WAD. TfNSW must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work.
- All road works under the WAD shall be completed prior to issuing any Occupation Certificate / commencement of operation for the development.

Fees, Charges and Contributions

9. Fixed Development Contributions

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

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

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

The contribution payable shall be the amount last indexed and adjusted in accordance with the above. However, if no amount has been indexed and adjusted because the first date for indexation and adjustment has not arrived, the contributions payable shall be that contribution nominated below.

The contribution shall be paid to Council as follows:

- a) Development Applications involving subdivision – prior to the release of the Subdivision Certificate;
- b) Development Applications involving building work – prior to the release of the first Occupation Certificate;
- c) Development Applications involving both subdivision and building work – prior to the release of the Subdivision Certificate or first Construction Certificate, whichever occurs first;

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

It is the professional responsibility of the Certifying Authority to ensure the monetary contributions have been paid to Council in accordance with the above provisions.

Please note for payments made by cheque or electronic transfer – the release of any documentation shall be subject to the clearing of those funds.

Indexation details are available from Council's Development Contributions Team. A copy of the Section 7.12 Contributions Plan can be viewed on Council's website, and at Council's Administrative Building during Council's normal business hours.

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

TOTAL \$146,925.55

Conditions to be satisfied prior to the issue of the Construction Certificate

The person having the benefit of the consent shall comply with each of the following conditions prior to the issue of a Construction Certificate.

Any documentation required to be submitted for the Construction Certificate shall be submitted to the Certifying Authority unless otherwise specified.

10. Construction Certificate

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

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

11. Stormwater Disposal - Stormwater Detention and Harvesting

A Stormwater Detention and Harvesting Plan shall be submitted. The plan shall be generally in accordance with the plans approved by the Development Consent prepared by ADW Johnson, Ref: 239813(4) dated 20.10.21. The stormwater plans approved by this development consent are not approved for construction. The stormwater plans shall comply with the following:

- a) Stormwater shall be disposed of through a piped system designed in accordance with *Australian Standard AS 3500* by a suitably qualified professional. The design shall be undertaken by a practising Civil Engineer deemed to be suitably experienced by Council and qualified so as to be accepted as a Member of the Institution of Engineers Australia or a Registered

Surveyor deemed to be suitably experienced by Council shall be accepted as qualified to prepare plans for drainage works (excluding flood control structures and bridges). Qualifications demonstrating the above may be requested by Council. Stormwater detention measures shall be designed to ensure the development does not increase upstream or downstream flood levels for all recurrence intervals up to and including the 1% Annual Exceedance Probability.

- b) Detention storage shall be calculated and designed in accordance with *Australian Rainfall and Runoff 2019* and the Lake Macquarie City Council guideline – *Handbook for Drainage Design Criteria* and shall conform to the specifications and standards contained in *Development Control Plan 2014 Engineering Guidelines*.
- c) Stormwater harvesting measures shall be designed in accordance with the *Development Control Plan 2014 Water Cycle Management Guideline*. Stormwater drainage plans shall include details of the harvesting system, including rainwater tank details, pump details and reticulation diagrams.

12. Parking Areas and Access Ways

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

A suitably qualified consultant shall provide confirmation that the parking areas and accessways comply with the abovementioned standards.

13. Driveway Design – Industrial/Commercial

A design plan for the driveway/accessway(s) of the development shall be submitted. The design shall be in accordance with the following requirements and Council Standard Drawing: *EGSD-104* (available from Council's website).

- a) The driveway design levels at the front boundary shall be obtained from Council's Asset Management department prior to design of the driveway.
- b) The design plan shall include a driveway longitudinal section, incorporating the design level provided by Council and other construction details (i.e. concrete thickness and reinforcement).
- c) In accordance with *AS2890.2:2018* the maximum gradient of any driveway or ramp shall not exceed 1V:6.5H (15.4%).
- d) Any changes in grade shall be in accordance with cl 3.3.4.2 or cl 3.3.4.3 *AS2890.2:2018*.

14. Garbage Storage Areas

Details of the garbage washing and bin storage area shall be submitted demonstrating:

- a) Adequate facilities provided in a screened location within the premises for the separate storage of recyclable, non-recyclable and putrescible material.

15. Acoustic Certification

Plans shall be certified as being designed in accordance with the approved Acoustic Report reference 207402.0030 prepared by Event Noise Management dated 27/01/2022.

16. 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 *Australian Standard AS 1428.1*, 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 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.

17. Geotechnical Report Required

A Slope Stability Geotechnical report prepared by a qualified geotechnical engineer shall be submitted.

The report shall have due regard and make appropriate recommendations with respect to the pre-existing site conditions (such as any uncontrolled fill, excavations, or construction works).

18. Car Parking and Allocation of Spaces

Plans demonstrating a total of 464 car parking spaces in accordance with *Australian Standard AS/NZS 2890* shall be submitted.

In addition, 110 spaces to accommodate coach parking shall be included.

19. Ausgrid Requirements

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

20. Erosion and Sediment Control

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

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

- a) This plan has been developed, certified and signed off by an appropriately qualified and experienced professional in erosion and sediment control;

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

21. Squirrel Glider corridor

A Squirrel Glider expert and / or an ecologist with at least 10 years' experience in squirrel glider assessment shall prepare a squirrel glider assessment.

The assessment shall determine if Squirrel Gliders can continue to move through the area without going to ground, using the principles in Council's Squirrel Glider Planning and Management Guidelines.

A plan shall be prepared that shows the location of glide pole and supplementary tree plantings required to ensure the area maintains squirrel glider corridor function. The plan shall be prepared and approved in consultation with Lake Macquarie City Council.

Note: Glide poles must be designed in consultation with Lake Macquarie City 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.

22. Retirement of Biodiversity Credits

Ecosystem Credits

Prior to issue of the Construction Certificate the class and number of ecosystem credits in Table 1 shall be retired to offset the impacts of the development.

The requirement to retire credits outlined in Table 1 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 1 requirements shall be provided to Lake Macquarie City Council prior to release of Construction Certificate.

Table 1: Ecosystem credits required to be retired – like for like

Impacted Plant Community Type (PCT)	Number of ecosystem credits to be retired	Plant community type(s) that can be used to offset the impacts from development	Trading Group	Hollow-bearing trees required	IBRA subregion
PCT 1636 Scribbly Gum – Red Bloodwood – Angophora inopina heathy woodland on	92	Sydney Coastal Dry Sclerophyll Forest PCTs: 1138, 1253, 1625, 1636, 1638, 1776, 1778, 1782, 1786	Sydney Coastal Dry Sclerophyll Forests ≥50% and	Yes	Wyong, Hunter, Pittwater and Yengo. Or Any IBRA

lowlands of the Central Coast.			<70%		subregion that is within 100 kilometres of the outer edge of the impacted site.
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Species Credits

Prior to issue of construction certificate, the class and number of species credits in Table 2 shall be retired to offset the impacts of development.

The requirement to retire credits outlined in Table 2 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 2 requirements shall be provided to Lake Macquarie City Council prior to release of the Construction Certificate.

Table 2: Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA sub-region
<i>Angophora inopina</i> Charmhaven Apple	15	Any in NSW
<i>Lathamus discolor</i> Swift Parrot	1	Any in NSW
<i>Myotis macropus</i> Southern Myotis	55	Any in NSW
<i>Petaurus norfolcensis</i> Squirrel Glider	105	Any in NSW

23. Vegetation and Fauna Management Plan and Implementation

A person qualified in natural vegetation management, ecology or bush regeneration shall prepare a Vegetation and Fauna Management Plan (VFMP) in consultation with Council's Development Planner Flora and Fauna for the retained native vegetation on site. The VFMP shall be prepared in accordance with the *Lake Macquarie City Council Vegetation Management Plan Guidelines* and the *LMCC Flora and Fauna Survey Guidelines*. Where appropriate, the *Draft LMCC Vegetation Management Plan Guidelines 2020*, including soil translocation protocols should be used to assist in providing a comprehensive VFMP.

The VFMP is to include:

- A construction / operation plan, including identification of stockpile areas during construction.
- Detailed management objectives and strategies for identified management zones.
- Pre-clearing survey protocols to identify:

- Important ecological values to be retained in addition to those already identified under the BDAR, including:
 - Hollow-bearing trees;
 - Charmhaven Apple (*Angophora inopina*)
 - Southern Myotis (*Myotis macropus*)
- Tree Retention / Removal Plan as a result of the pre-clearing surveys.
- Detailed weed management objectives and strategies.
- Weed management monitoring controls.
- Natural regeneration strategies for the first 12 months after works have been completed.
- Soil translocation protocols in accordance with Part 2 of the LMCC Soil Translocation Guideline under the *LMCC Draft Vegetation Management Plan Guidelines (2020)*.
- Management strategies for modification works to the existing first order stream to be formed into a detention basin (direct and indirect).
- Proposed revegetation actions within each management zone.
- Adaptive management strategies for any uncertain impacts identified under the Biodiversity Assessment Method (2020).
- Hollow-bearing tree and coarse woody debris clearing / relocation protocols.
- Nest box and artificial hollow installation strategies.
- Nest Box location plan, including types of boxes suitable for target species.
- Glider Pole strategies and monitoring, including innovative measures that can be relied upon.
- Monitoring assessments for Squirrel Gliders on site and their habitats.
- Fauna management strategies for construction and operational works for existing fauna on site, including the population of Eastern Grey Kangaroo (*Macropus giganteus*) on site.
- Threatened species relocation protocols for threatened species identified during pre-clearing surveys. Protocols are to include pre-clearing strategies, construction management strategies and operational management strategies, including ongoing monitoring.
- Appropriate fencing and conservation signage (temporary and permanent) types are to be provided in the VFMP and shown on a plan to identify locations of types of fencing and signage to be installed. Fencing and signage are to be installed:
 - along boundaries
 - around 'no-go' zones
 - and around any retained native vegetation / trees.

The VFMP is to provide a suitable example of proposed temporary and permanent signage to be installed. The example may be adapted with the approval of Council's Development Planner Flora and Fauna.

- Works schedule
- Cost schedule

The VFMP shall be submitted to and approved by Council's Development Planner Flora and Fauna prior to commencement of any works. The VFMP is to be implemented in perpetuity.

Bi-annual monitoring reports are to be provided to Council's Development Planner Flora and Fauna for review and approval:

- every 6 months from the date of receiving the construction certificate and
- from the date of approval of the reviewed monitoring reports thereafter.

Monitoring reports are to be provided to Council's Development Planner Flora and Fauna for review for a minimum of 5 years after works have been completed. Maintenance reports are to be provided for a further 5 years to ensure ongoing maintenance of biodiversity values under the VFMP.

Conditions to be satisfied prior to the issue of the Public Works Certificate

The person having the benefit of the consent shall comply with each of the following conditions prior to the issue of the Public Works Certificate for works within the public domain.

A Public Works Certificate is issued under s138 of the Roads Act 1993.

24. Public Works Certificate for Works

An application for a Public Works Certificate and the associated fee shall be submitted to Council.

The application shall include detailed engineering plans and specifications (including a Design Certification Report and Checklists in accordance with *the Lake Macquarie City Council Engineering Guidelines*) relating to the works.

25. Roadways and Drainage Works Standards

All works within the public domain shall be designed and constructed in accordance with the following publications (as amended or updated), as applicable:-

- a) *Australian Rainfall and Runoff, 1987.*
- b) *Development Control Plan 2014* and supporting guidelines.
- c) *AUSTROADS Guide to Road Design Guide.*
- d) *Roads and Maritime Services Delineation Guidelines.*
- e) *Managing Urban Stormwater documents (2004)* by Landcom.
- f) *The Constructed Wetlands Manual* - Department of Land and Water Conservation, 1998.

- g) *WSUD Technical Design Guidelines for South East Queensland.*
- h) *Healthy Waterways – Water by Design Guidelines.*
- i) Australian Standards including, but not limited to:-
 - i. *AS1428 - Design for Access and Mobility, Part 1 General Requirements for Access and Part 4 Tactile Indicators,*
 - ii. *AS2890 - Off Street Parking*

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

26. Line Marking and Signposting

All regulatory line marking and sign posting on public roads shall be submitted to Council's Traffic Facilities and Road Safety Committee for approval. The works shall not commence until approved by the Committee.

27. Intersection Upgrade

The intersection of Wyee Road and the main entry to the car parking area shall be constructed as a roundabout, generally as shown on the engineering plans by ADW Johnson Ref: 239813(4) dated 20.10.21. The engineering design plans submitted with the Public Works Certificate application shall show full details of the intersection including associated road pavement, road shoulders including drainage and adjustment to existing constructions in accordance with the provisions of the publications and standards identified in this consent.

The pavement design for the intersection shall include a geotechnical investigation to assess the capability of the existing pavement to accommodate any new turning movements and new traffic volumes. Any costs associated with the reconstruction and sealing of the existing pavement to meet the road design ESA's shall be borne by the developer.

28. Pavement Standards

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

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

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

29. Transport for NSW Approval Required

Transport for NSW (TfNSW) shall approve all engineering plans and specifications, for works on or impacting upon a Classified Road, prior to the issue of a Public Works Certificate.

30. Compliance Certificate for Works

An application for a Compliance Certificate and the associated application fee shall be submitted to Council prior to the commencement of works identified on the respective Public Works Certificate.

31. Application Fees for Required Certificates

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

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

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

Where the development includes public domain construction works valued at \$25,000.00 or more, the person having the benefit of the consent shall pay the Long Service Levy, as detailed in the *Building and Construction Industry Long Service Payments Scheme*. The Levy shall be paid prior to the issue of the Public Works Certificate. The Levy shall be paid directly to the Long Service Payments Corporation or to Council as agent for the Corporation. The Levy rate is 0.35% of the cost of building and construction works.

The above fees are current for the 2021/2022 financial year and are subject to change each financial year without notice. Confirmation of the relevant fee shall be obtained from Council prior to the lodgement of any application.

Conditions to be satisfied prior to the commencement of works

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

32. Cultural Awareness Induction

The person having the benefit of the consent, shall ensure that a Cultural Awareness Induction is provided to any contractors and persons involved in undertaking subsurface disturbance works, prior to works commencing.

The induction shall be delivered by a suitably qualified archaeologist and/or a representative the Aboriginal Community, as identified in the Aboriginal Heritage Impact Assessment – ‘Proposed Development of North Part of the former Morisset Country Club - Entertainment Precinct’ by Insite Heritage dated October 2019.

33. Filling Importation and Compaction

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

- a) Virgin excavated natural material (VENM) as defined under the provisions of the *NSW Protection of the Environment Operations Act 1997*; or

- b) The material is from a known origin and composition, free of contamination from manufactured chemicals, process residues, building debris, sulfidic ores, or other foreign matter; or
- c) Fill which has been characterised and validated by a suitably qualified and experienced site contamination consultant, in accordance with the NSW Office of Environment and Heritage publication *Contaminated Sites - Sampling Design Guidelines* dated September 1995.
- d) Other material which is subject of a resource recovery exemption under s.91 of the Protection of the Environment Operations (Waste) Regulations

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.

Any waste derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to Council

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

34. Works Within a Public Road Reserve

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

35. Dilapidation Survey Report

A Dilapidation Report shall be submitted to Council and the Certifying Authority prior to any works, including demolition works, commencing. The report shall be prepared by an engineer or other suitably qualified person.

The report shall cover all properties and public land that adjoin the development or that could be potentially damaged by the works.

The report shall include a description of the location and nature of any existing observable defects to the properties and existing public infrastructure, including a photographic record.

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

Construction works in accordance with this development consent shall not commence until:-

- a) a Public Works Certificate has been issued by Council
- b) the person having the benefit of the development consent has given at least two days notice to Council of the intention to commence works.

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

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

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

Works within public domain

The contractor engaged to undertake the construction works within the public domain shall provide a Construction Management Plan (CMP) to Council, a minimum of seven days prior to commencing any works. The CMP shall be submitted to the City Projects Department at the following email address projectmanagementpat@lakemac.nsw.gov.au. The CMP shall be approved by Council prior to works commencing on site. The CMP shall set out the construction approach for the works and should seek to minimise disruption to the local community.

Works within development site

The contractor engaged to undertake the construction works within the development site shall provide a CMP to the satisfaction of the Certifying Authority, a minimum of seven days prior to commencing any works. The CMP shall be approved by the Certifying Authority prior to works commencing on site. The CMP shall set out the construction approach for the works and should seek to minimise disruption to the local community.

CMP's

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

Health and Safety

- a) Public safety, amenity and site security,
- b) Traffic control and management,
- c) Pedestrian management,
- d) Construction hours,
- e) Noise control,
- f) Contractor vehicle parking,
- g) Locating existing utilities and services,
- h) Health and Safety requirements.

Environment

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

Quality

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

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

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

38. Notice of Commencement of Works within the Public Domain

Construction works shall not commence until a meeting between the contractor and a representative of the Council or Certifying Authority has taken place on site.

In accordance with Section 6.12 of the *Environmental Planning and Assessment Act* the Council or Certifying Authority shall be given at least two days notice in writing prior to such meeting taking place.

The notice shall also include the names of the contractor undertaking construction and the developer's supervising officer.

39. Notification to Neighbours

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

40. Asbestos

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.

41. Dial Before You Dig (Advice)

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



42. Hoarding and Construction Site Safety Fencing

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

Council approval is required to install hoarding, site fencing or overhead protective structures over or adjoining a public place i.e. a footpath or a Public Reserve. No work shall commence until written approval is obtained.

43. Erosion and Sediment Control

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

44. Nest Box Installation

A qualified ecologist or wildlife carer shall supervise installation of nest boxes and/or artificial hollows.

Nest boxes/artificial hollows shall be installed at a minimum ratio of 1:1 (one nest box per hollow bearing tree removed):

- a) At least two weeks prior to clearing and maintained for five years.
- b) At least four metres above ground.
- c) Of a design suitable for species that may be residing in trees marked for removal, including Southern Myotis (*Myotis macropus*) and Squirrel Glider (*Petaurus norfolcensis*).
- d) Of a durable material (i.e. marine ply or equivalent).

- e) 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 Roads and Traffic Authority, September 2011 and NSW Government 2008, *Guidelines for the design, construction and placement of nest boxes*, prepared by Department of Environment, Climate Change and Water, Biodiversity Conservation Section.
- f) At an orientation that is suitable for the species that the nest box has been designed. Micro bat nest boxes shall be orientated at a north to north westerly aspect. Bird and mammal boxes shall be orientated at an east facing aspect;
- g) In a manner that minimises damage to the trees and surrounding vegetation; and
- h) With a unique number affixed that can be read from the ground.

Nest boxes can be installed within nearby retained native vegetation where it is deemed more appropriate. A plan shall be provided as part of a Vegetation and Fauna Management Plan (VFMP) showing the location and types of nest boxes in relation to the development. The plan is to identify the nest boxes relating to the development site. The number affixed to the bottom of each nest box shall also be shown on the plan.

Conditions to be satisfied during demolition and construction works

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

45. Noise - Construction Sites

The operating noise level of construction site operations, including machinery, plant and equipment when measured at any affected premises, shall be evaluated and comply with the requirements of the NSW Office of Environment and Heritage publication *Interim Construction Noise Guideline July 2009*.

Approved Construction Times

- a) The approved hours for construction of this development are –
 Monday to Friday - 7.00am to 6.00pm.
 Saturday – 8am to 1pm.
- b) No construction work shall take place on Sundays or Public Holidays.

Construction Periods in Excess of 26 Weeks

- a) If the construction period is in excess of 26 weeks, a Noise Management Plan shall be provided to Council prior to the issue of the first construction certificate. Such plan shall be prepared with the assistance of a suitably qualified acoustic engineer, indicating whether the use of machinery, plant and equipment during those operations can be completed without causing offensive noise (as defined in the *Protection of the Environment Operations Act 1997*) in the neighbouring area. The Noise Management Plan shall be complied with at all times during the construction period and shall identify any mitigation measures to control noise, noise monitoring

techniques and reporting methods, likely potential impacts from noise and a complaints handling system.

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

46. Excavation – Aboriginal Relics

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

All necessary approvals from the Department of Premier and Cabinet shall be obtained and a copy provided to Council prior to works recommencing.

47. Excavation – Human Remains

If human skeletal remains are discovered within the subject property, work must stop immediately and the area cordoned off with a high visibility barrier and the NSW Police and the Department of Premier and Cabinet must be notified.

Clearance to recommence construction works shall be sought directly from the Police and/or OEH. Any necessary approvals from the Department of Premier and Cabinet shall be obtained and a copy provided to Council prior to works recommencing.

48. Landscape Works

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

The planting of vegetation along the Wyee Road reserve shall comprise endemic trees, shrubs and ground cover planting at densities as scheduled that result in the screening of the site from Wyee Road. The planting shall comprise a diversity of habitat species in keeping with the ecological requirements of the vegetation corridor.

There shall be 24 trees planted within the southern car park in designated bays measuring 12m² per bay as per the approved landscape plan. There shall be 16 trees planted within the bus parking area as per the landscape plan with planting areas comprising the full extent of median areas unrequired for vehicle manoeuvring, as per the approved landscape plan and engineering plan.

The 15m buffer across the southern boundary shall be revegetated with endemic trees, shrubs and ground cover planting at densities as scheduled. All edges with turf shall have a hard edge constructed.

There shall be continuous native tree planting along the eastern boundary and batter that comprises a diversity of endemic species that provides visual fragmentation of the site when viewed from the Great Northern Railway.

All tree planting within turf shall be within a mulched ring 1500mm diameter to ensure the long term viability of tree planting and reduce mechanical damage from maintenance machinery. All mass planting abutting turf shall have a continuous hard edge constructed.

All landscape planting works shall be implemented under the full supervision of a contractor with a current NSW Department of Fair Trading endorsed license in Structural Landscaping.

All paving works shall be implemented under the full supervision of a contractor with a current NSW Department of Fair Trading endorsed license in Structural Landscaping, Building or Minor Trade – Paving.

A hard garden retaining edge (timber or concrete) shall be installed to all planting areas adjoining turf surfaces. All planted areas shall be covered with minimum 100mm mulch to aid plant establishment.

Landscape works shall conform to planting densities as scheduled with all plants at nominated pot sizes and spacing's and be maintained for a minimum of 52 weeks to achieve continuous healthy growth.

49. Filling Importation and Compaction

All fill shall be placed in accordance with the standards specified in Table 5.1 of AS 3798-2007 *Guidelines on Earthworks for Commercial and Residential Developments*.

50. Works Within a Public Road Reserve

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

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

51. Traffic Control Standards

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

52. Waste Management

A Waste Management Plan prepared in accordance with the Lake Macquarie Waste Management Guidelines shall be submitted to the Principal Certifying Authority. The plan shall be implemented during the demolition, excavation and construction of the development.

53. 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.

54. Dust Suppression

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

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

55. 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*.

56. Restriction of Site Access to Prevent Unauthorised Filling

The property entry and exit points shall be secured at all times to prevent the unauthorised entry of vehicles, and to ensure the site manager can control and prevent dumping of waste and potentially contaminated material whilst fill material is being imported or managed on site.

57. No works on adjoining Public Reserve

The public reserve adjoining the site shall not be affected by site works, construction materials stockpiles, waste, building products and debris, site sheds, spoil placement or the like. No access for vehicles, machinery or goods to the site shall be gained across the public reserve without written approval from Council. All costs associated shall be payable by the person having the benefit of the consent.

58. Site Amenities

Toilet facilities shall be available or provided at the work site before works begin and shall be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet shall:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an approved on-site effluent disposal system under the *Local Government Act 1993*, or
- c) be a temporary chemical closet.

59. Asbestos

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

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

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

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

60. Demolition

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

All demolition work shall be carried out strictly in accordance *with Australian Standard AS 2601-2001: The Demolition of Structure*.

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

61. Removal, Management and Transportation of Fill

All excavated fill material that shall 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 Certifying Authority prior to the issue of the Final Occupation Certificate, 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 shall be provided to the Certifying Authority prior to the issue of the Final Occupation Certificate, 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.

62. Management of Site - Erosion Prevention and Sediment Control

All disturbed areas shall be revegetated or rendered erosion resistant in accordance with *Development Control Plan 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.

63. Erosion and Sediment Control

All erosion and sediment controls shall be appropriately managed throughout the development to prevent pollution until the land is considered erosion resistant.

Any pollution from site shall be cleaned up immediately and appropriate repairs made to onsite controls.

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

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

64. Geotechnical Report Inspections

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

65. Vegetation Management Plan and Implementation

Implementation of the VMP shall commence immediately upon any construction work commencing and shall be carried out in accordance with the VMP approved schedule of works.

66. Removal of Fauna Habitat

A qualified ecologist or wildlife carer shall supervise removal of any hollow-bearing trees to ensure mitigation against any native animal welfare issues.

Removal of trees with habitat hollows and / or nests shall be undertaken at a time that minimises impact to fauna, particularly threatened fauna that could breed and or hibernate within hollows / nests on site (i.e. preferably March, April, September or October).

Where possible, trees with habitat hollows and / or nests shall be removed at least 24 hours after other vegetation approved for removal to encourage any residing fauna to relocate.

Any hollow-bearing trees shall be felled in one to two metre sections, beginning at the top of the crown. Lengths cut from the trees shall be in a manner that shall preserve the hollows with each section inspected and appropriately treated to minimise impact to fauna.

Clearing shall be staged, where possible, from areas of most impact to areas of least impact to help guide fauna into areas of bushland that are to be retained.

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

Written confirmation shall be provided to Lake Macquarie City Council confirming species detected during hollow bearing tree removal.

Removal of habitat trees shall be undertaken in a staged manner as set out below:

- Stage 1 – A preclearance survey shall be conducted with all habitat trees to be marked up with a 'H' and bands placed around the tree barrel using fluorescent paint or flagging tape. Where possible, a matrix of trees shall also be maintained to facilitate movement displaced fauna into refuge habitat. These trees are to be marked up with a band of fluorescent paint or flagging tape around the tree barrel during the pre-clearance survey.
- Stage 2 – All trees other than those marked up during Stage 1 are to be removed.
- Stage 3 – Habitat trees and matrix of trees (where required) shall be removed under the direct supervision of a qualified ecologist or wildlife carer. Ideally 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). In the event hollow-bearing trees are to be felled outside of these periods, a qualified ecologist or wildlife carer shall stagwatch hollow-bearing trees in the week prior to clearing and be onsite during tree clearing.

Hollow-bearing trees are to be 'soft felled' by machinery (excavator or similar). The operator shall tap the tree barrel to alert any resident fauna, followed by a period of waiting/observation of no less than one minute. This is to be repeated as required by the supervising ecologist or wildlife carer.

Trees are to be 'soft felled' by the operator and when deemed safe, the supervising ecologist or wildlife carer shall inspect all hollows for fauna. All felled habitat trees are to remain insitu on the ground for at least one night before being stockpiled for processing". Lengths cut from the trees shall be in one or two metre sections, in a manner that will preserve the hollows with each section inspected by the supervising ecologist or wildlife carer.

67. Contaminated Land Remediation and Validation

During any construction or excavation works should unexpected contaminants be identified, works within the vicinity are to immediately cease and the Principle Certifying Authority notified. A suitably qualified contaminated land consultant shall be engaged to analyse and assess the contamination and provide a report to the Principal Certifying Authority with recommendations for suitable management and/or disposal, to achieve the required contamination land use thresholds levels for the proposed use. Works shall be carried out in accordance with recommendations of report by the engaged contaminated land consultant. A validation report shall be provided to the Principle Certifying Authority

68. Safety and Security

All recommendations of the approved Crime Risk Assessment prepared by Sheridan Consulting shall be implemented during construction.

Specifically the measures identified in the report (Section 5 – 10 CPTED Principles pp22-29) regarding surveillance, access control, territorial reinforcement, activity and space shall be included in construction and on going maintenance. In addition the following measures are to be included:

- Closed-Circuit Television System (CCTV) shall comply with Australian Standard – AS 4806.1/2/3/4. The system to be installed to receive, hold or process data for the identification of people involved in anti-social or criminal behaviour. The system is obliged to conform with Federal and State Privacy and Surveillance Legislation. Digital or analogue technology should be used to receive, store and process data.
- Lighting shall be designed in accordance with Australian Standard - AS 1158.3.1 to provide appropriate lamps and lighting levels.
- Construction shall utilise robust and vandal-proof finishes and fixtures including fencing, seating and signage including graffiti resistant building materials and fixtures. Where there are existing surfaces exposed to potential for graffiti damage, graffiti resistant coatings should be applied.
- The use of trees with elongated trunks with canopy clearance of 2.4 metres, and shrubs/ground covers should be less than 0.7 metres high. When selecting and maintaining vegetation, consideration should be given to the possibility of areas becoming entrapment sites in the future.

69. Squirrel Glider Corridor

The Squirrel Glider Expert or ecologist with minimum 10 years experience shall supervise the installation of glide poles and trees to be planted for glider connectivity.

Glide poles for glider connectivity shall be installed within three months of clearing commencement and / or as otherwise agreed with Lake Macquarie City Council.

70. Ausgrid Requirements

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

Conditions to be satisfied prior to issue of an Occupation Certificate

The person having the benefit of the consent shall comply with each of the following conditions prior to the issue of the Occupation Certificate, Interim or Final, as stated in each condition.

71. Occupation Certificate

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

72. Contaminated Land Remediation and Validation

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

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*.

73. Landscape Works

At the completion of landscape works, the consulting landscape architect who prepared the documentation shall submit to the Certifying Authority a Landscape Compliance Report. This report shall certify shrub and tree species, pot size, and planting densities and landscape area setout comply with these conditions and approved documentation and practical completion of the landscaping works has occurred. This report shall certify required revegetation works within the roadside edge has occurred specifically as per the nominated planting schedule on the approved landscape documentation and these conditions. The report shall certify that all mass mulched areas has edging constructed and all isolated tree planting is within a 1500mm mulch ring. The Certifying Authority shall not issue the Final Occupation Certificate without receipt of the Landscape Compliance Report.

74. Stormwater Disposal - Stormwater Detention and Harvesting

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

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

75. Provision of Council Easement (Public)

An easement to drain water, (minimum three metres wide or the width of the 100 year flow path, whichever is greater) shall be created at no cost to Council in favour of Council over stormwater drainage infrastructure that conveys public water through the site.

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

The terms of the easement shall be such that all maintenance is to be borne by the owner of the land.

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

76. Positive covenant for water quality device maintenance

A positive covenant shall be placed on title requiring the owner on the land to undertake periodic maintenance for the water quality device(s) shown on the engineering plans by ADW Johnson, reference 239813(4) and dated 20.10.21.

A maintenance schedule for the water quality device(s) shall be completed by a suitably qualified engineer. The maintenance schedule shall outline the required maintenance and timing intervals (e.g. monthly, quarterly etc).

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

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

77. Fix Damage Caused by Construction Works

Any damage to a public road or associated structures caused as a consequence of the construction works shall be made good to the satisfaction of Council.

Any disused kerb and gutter and footpath crossing shall be removed and replaced with full kerb and gutter in accordance with Council's standards.

These works shall be undertaken prior to the issue of the Final Occupation Certificate.

78. Parking Areas and Access Ways

All parking areas and access ways shall be fully constructed and sealed in accordance with the approved Construction Certificate plans, prior to the issue of any Occupation Certificate.

79. Driveway Construction – Industrial/Commercial

The driveway/accessway(s) for the development shall be constructed in accordance with the approved Construction Certificate plan.

80. Works Within a Public Road Reserve

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

81. Dilapidation Survey Report

A final Dilapidation Report shall be prepared by an engineer or suitably qualified person at the completion of the works. The report shall identify if any structural or cosmetic damage has occurred to the properties specified in the earlier report. A copy of the report shall be submitted to Council, the Certifying Authority and owners of potentially affected properties and public infrastructure. Any identified damage shall be repaired prior to the issue of the Final Occupation Certificate.

82. Works as Executed Plan – Public Domain Works

An electronic copy of the Works as Executed Plans, certified by the Consulting Civil Engineer or Registered Surveyor supervising the works shall be supplied to Council.

The Works as Executed Plan shall, in addition to construction details, show limits and depths of filling, locations of service conduits and street names.

83. Compliance Certificate for Works

All public domain construction works required for the development shall be completed and a Compliance Certificate shall be obtained for these works. The Compliance Certificate shall certify that all public domain construction works and associated development have been constructed in accordance with this Development Consent, the Public Works Certificate and all other standards specified in this consent.

84. Acoustic Certification

Prior to the issue of the Interim or Final Occupation Certificate, whichever comes first, written confirmation shall be provided from a suitably qualified acoustic consultant certifying works have been completed in accordance with the recommendations of the Acoustic Report prepared for the development and the development is capable of operating in accordance with the design criteria.

85. Removal, Management and Transportation of Fill

For all excavated fill material that has been removed from the site during construction:

- a) A copy of the receipts from the waste disposal facility shall be kept and provided to the Certifying Authority prior to the issue of the Final Occupation Certificate, or authorised officer of Council upon request; or
- b) A copy of the current development consent for the site to which the material has been distributed shall be provided to the Certifying Authority prior to the issue of the Final Occupation Certificate, or authorised officer upon request.

86. Hunter Water Requirements

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

87. 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.

88. Tactile Indicators

Prior to the issue of an interim or final occupation certificate, whichever occurs first, 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.

89. Boundary Fencing

Boundary fencing shall be provided in accordance with the approved engineering and include a 2.4m high Black Palisade fence to Wyee Road and Dora Street frontages and

the southern edge of the events site, and required acoustic fencing shall be provided to the eastern edge of the event site.

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

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

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

90. Geotechnical Report Certification

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

91. Car Parking

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

92. Vegetation Management Plan and Implementation

Written approval from Council's Development Planner Flora and Fauna shall be submitted to the Certifying Authority demonstrating that relevant VMP outcomes, including the VMP works schedule and nest box requirements have been met, prior to the issue of the Final Occupation Certificate.

93. Water Supply and Dump Point

A potable water supply and a waste water dump point connected to the sewer shall be provided at each food precinct, to service the operational needs of food businesses operating during events.

All connections shall comply with relevant Hunter Water Corporation requirements

94. Land Dedication

Prior to the issue of any Occupation Certificate, land required for the purposes of road reserve for construction of the roundabout at the intersection of Wyee Road and Alliance Avenue shall be dedicated to Council.

95. Safety and Security

All recommendations of the approved Crime Risk Assessment prepared by Sheridan Consulting shall be maintained in perpetuity.

Specifically, the measures identified in the report (Section 5 – 10 CPTED Principles pp22-29) regarding surveillance, access control, territorial reinforcement, activity and space shall be included in construction and on-going maintenance. In addition, the following measures are to be included:

- Closed-Circuit Television System (CCTV) shall receive, hold or process data for the identification of people involved in anti-social or criminal behaviour. The system is obliged to conform with Federal and State Privacy and Surveillance Legislation. Digital or analogue technology should be used to receive, store and process data.
- Any lighting which is damaged or broken, lighting shall be repaired within 48 hours.
- Any graffiti shall be removed within 24 hours of its appearance.
- All landscaping shall maintained so as to not inhibit natural surveillance (block sight lines) or provide concealment and entrapment opportunities.

96. Squirrel Glider Corridor

The squirrel glider expert or ecologist with minimum 10 years' experience shall provide a written statement \ confirming they are satisfied the area facilitates movement of the squirrel glider. The statement shall be provided to and approved by Lake Macquarie City Council prior to issue of any Occupation Certificate.

Operational Conditions

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

97. Landscape Works

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

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

98. Noise – Entertainment

The operating noise level of the functions and entertainment provided on the premises shall comply with the following:

- a) The recommendations of the approved Noise Management Plan and any subsequent revisions.

Notwithstanding compliance with the above, noise from the premises shall not exceed 35dB(A) within any habitable room in any residential premises between the hours of midnight and 7:00am.

99. Emissions

There shall be no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise" as defined in the *Protection of the Environment*

Operations Act 1997, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the development.

100. Acoustic Certification

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

At 12 months from the issue of Occupation Certificate a complete review of operational practices informed with acoustic monitoring data collected from events and any complaints shall be conducted in consultation with Council. Outcomes of this consultation shall be included into an updated plan of management and changes required implemented into site operations.

101. Garbage Storage Areas

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

102. 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.

103. Lighting

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

104. External Storage of Products

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

105. Hours of Operation, including amplified music

Following commencement of occupation, amplified music for any event shall only between the times stated as follows:

Sundays to Thursdays 10am to 10pm

Fridays and Saturdays 10am to 11pm

Later finishing times may be permitted on New Year's Eve – subject to consultation with Council and the Event Working Group.

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

106. External Material Reflection

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

107. Use and Allocation of Car Parking

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

The spaces shall be allocated in the following proportions:

Patron spaces	454 spaces
Accessible spaces	10 spaces
Coach parking	93 coach spaces
Coach set-down spaces	17 coach spaces

No spaces shall be marked, signposted or otherwise identified as being for the sole use of staff only. Non-residential spaces shall not be fitted with any equipment serving to render the car park inaccessible at any time, such as bollards, roller doors, or the like.

Any future strata subdivision plan relating to the development shall be consistent with the car parking allocation in this consent.

108. Onsite Loading Facility

Areas utilised for on-site loading shall be kept clear of goods and are not permitted to be used for any permanent storage purposes, including garbage storage.

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

109. Native tree and vegetation protective measures

Trees and native vegetation shall be retained and protected in accordance with *Development Control Plan 2014 – Tree Preservation and Native Vegetation Management Guidelines* (Section 6) and *Australian Standard AS4970-2009 – Protection of Trees on Development Sites*, unless they have been specifically identified for removal on the approved plans or documentation.

All reasonable measures shall be undertaken to protect trees and native vegetation on, and adjoining the site, that shall be retained from damage during construction. Such measures shall include, but not be limited to:

- a) Maintaining exclusion fencing around trees and vegetation that adjoins the construction area to minimise damage to vegetation that shall be retained.

For isolated trees that are to be retained within and immediately adjoining the site a 1.8 metre high chain mesh fence shall be erected along the perimeter of each Tree Protection Zone, prior to works commencing and shall remain intact until construction is completed.

Exclusion fencing shall be sign posted to warn of its purpose (sign example under AS4970).

- b) Prohibiting compaction and the placement of fill within five metres of trees and native vegetation that shall be retained.

For isolated trees that are to be retained within and immediately adjoining the site, excavation shall 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 shall be cut with a saw (not ripped) under the supervision of a suitably qualified AQF5 arborist or horticulturalist.

- c) 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 shall only be disposed of at an approved site.
- d) Any minor hand pruning of trees shall be carried out in accordance with *Australian Standard AS4373-2007 – Pruning of Amenity Trees*, by a suitably qualified AQF3 arborist or horticulturalist.
- e) Keeping all vehicles, construction materials and refuse within areas approved for buildings, structures, access ways and car parks.
- f) Limiting the number of access points.
- g) Notifying all contractors, sub-contractors, and personnel of vegetation protection requirements of this condition.

A separate application shall be made to Lake Macquarie City Council 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.

110. Squirrel Glider corridor

Annual monitoring reports shall be prepared by a Squirrel Glider expert or ecologist with at least 10 years' experience. The monitoring reports shall confirm the establishment of plantings and functioning of glide poles. Monitoring reports shall be prepared for five years and provided to Lake Macquarie City Council.

111. Vegetation and Fauna Management Plan and Implementation

Bi-annual monitoring reports shall be provided to Council's Development Planner Flora and Fauna verifying compliance with the VFMP. Maintenance reports shall also be provided after the monitoring report time period has been reached.

Outcomes of the VFMP shall be maintained in perpetuity.

112. Nest Boxes

Nest boxes / artificial hollows shall be monitored by a qualified ecologist to determine their usage and repairs or replacement (as required). Monitoring shall be carried out on an annual basis for a minimum period of five years following installation and/or as otherwise agreed with Council.

If feral bees establish in the nest box during the monitoring phase, an appropriately qualified person shall remove them. The box shall 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.

113. Sale of food at markets

Any market activities involving the sale of food, as defined under *The Food Act 2003*, shall comply with the provisions of the NSW Food Authority Guideline for temporary events and the NSW Food Authority Guideline for mobile food vending.

114. Interim Site Capacity

In accordance with Transport for New South Wales (TfNSW) request, the first event on site shall be restricted to a maximum of 5,000 patrons. The number of patrons may be increased above 5,000 people prior to the first event, subject to providing TfNSW with traffic modelling and TfNSW granting approval.

Alternatively the first event may be operated at 5,000 patrons and upon successfully meeting the KPI tabled and results assessed by the EWG patron number may be increased.

115. Patron Numbers

Individual event types shall not exceed the following patron capacity for respective type:

- Large – 30,000 people capacity.
- Medium – 22,500 people capacity.
- Small – 15,000 people capacity.
- Minor – 2,000 people capacity.

The site shall have a maximum total patronage of 434,000 people per calendar year.

Each day a patron attends the site contributes to the total site attendance figure.

A record of patron numbers shall be maintained and available for review upon request

Patrons attending markets and Minor events do not contribute to the overall site attendance figure.

116. Event Working Group

An Event Working Group (EWG) shall be formed to provide a collaborative review and response to events and relevant management plans. The EWG shall include representatives from the following:

- Lake Macquarie City Council

- Transport for New South Wales
- NSW Police
- Ambulance NSW
- NSW Rural Fire Service
- State Emergency Services
- National parks and wildlife services
- Cedar Mill Group
- A Lake Macquarie City Council representative on behalf of the Morisset Showground

Additional attendees may be required for specific events.

117. Plan of Management

A detailed overall plan of management (POM) shall be prepared in consultation with the Event Working Group (EWG). The POM shall set out standard operating protocols for all events and site operations, pulling together all required individual management plans including:

- Event Management Plan.
- Communication Plan.
- Traffic Management Plan.
- Traffic Control Plan.
- Acoustic Management Plan.
- Crime Risk Assessment

The POM shall be reviewed annually in consultation with the EWG incorporating all lessons learnt and any agreed recommendations/ amendments.

118. Control Centre

All large, medium and small events shall make provision for and operate a control centre.

Unless agreed to by the respective agency prior to the event, the control centre shall be attended by Emergency Services, Transport for New South Wales (TfNSW) Traffic Management Centre (TMC), TfNSW Regional Operations Centre, Sydney Trains, NSW Police and Lake Macquarie City Council to enable the provision of coordinated response to disruptions.

All members of the EWG shall be provided access to the control centre as required.

The Control Centre shall be in place for all events for the first twelve months of operation and in perpetuity for all major and medium events.

Lake Macquarie City Council require an inspection fee to be paid for services provided in accordance with Council's fee's and charges current at the time of application.

Note other external agencies required to attend may also have a fee for attendance which shall be paid by and be the responsibility of the person having the benefit of this consent.

119. Event Management Plan

Prior to each event on site, an Event Management Plan (EMP) shall be in place for that event, which has been prepared in consultation with the Event Working Group (EWG).

The EMP shall consider the impact posed by the scale of each event and the impact this will have on the immediate area, addressing acoustic management, waste management and other ongoing operational requirements of each event type.

All EMP's shall be reviewed after the first event of each size/type, in consultation with the EWG and then on an annual basis after that. All recommendations of the consultation with the EWG shall be incorporated into an amended EMP.

120. Communication Plan

Prior to each event on site, a Communication Plan (CP) shall be in place for that event, which has been prepared in consultation with the Event Working Group (EWG).

Each CP shall demonstrate, include and implement:

- Details of promotional / communication activities to provide residents in the Morisset area with advanced warning of the event and the likely impacts;
- A variable message sign strategically located to forewarn residents of upcoming events and to provide direction during events.
- Communication and signage that will be in place at Cedar Mills site advising of upcoming events.
- Consultation with and notification to the EWG.

The CP's shall be reviewed after the first event of each type/size in collaboration of the EWG then on annual basis after that, and include any updates or outcomes as a result of the consultation in an updated CP.

121. Traffic Management and Control Plans

A. Traffic Management Plan

Prior to each event on site, a Traffic Management Plan (TMP) shall be in place for that event, which has been prepared in consultation with the Event Working Group (EWG).

The TMP shall consider the impact posed by the scale of each event and the impact this will have on the immediate area, addressing management of parking and traffic associated with the event and how access will be maintained for residents.

Each TMP shall include provision of no stopping signs or clearways along MR217 (Mandalong Road/Dora Street) and Wyee Roads .

All TMP's shall be implemented by suitably qualified and experienced experts.

B. Pedestrian Management Plan

Prior to each event on site, a Pedestrian Management Plan (PMP) shall be in place for that event, which has been prepared in consultation with the Event Working Group (EWG).

The PMP shall consider the consider pedestrian movements between any proposed off site car parking area, access to the train station and any road crossing implications.

C. Traffic Control Plan

Traffic Control Plans (TCP's) shall be developed for each event by a suitably qualified person/s in accordance with TfNSW Traffic Control at Worksites Technical Manual.

A Traffic Control Plan (TCP) is required on the Pacific Motorway (M1) for all first-time events of any size over 5,000 patrons.

Any event requiring a TCP set up on the M1 or MR217 will also require a Road Occupancy Licence (ROL) from TfNSW. ROLs will not be issued for the M1 during peak times when restrictions apply to the road network.

Restrictions to any impact on the M1 also apply to the last business day before public holiday/long weekends and on the last business day before and after school holidays start and end, respectively. No events requiring traffic control on the M1 shall be scheduled on these dates.

For the first three years, after each event TMP's shall be reviewed with regard to the respective performance evaluation report, in collaboration of the EWG. After the first three years reviews shall occur on six monthly basis.

Items raised or additional matters to be included in TMP's, PMP's and TCP's as a result of ach review shall be implemented as required.

122. Train Patrons

A train patron limit of 5,000 people shall be implemented until such time as crowd modelling is provided to Transport for New South Wales (TfNSW) which is accepted and approved to allow an increase in patronage. Alternatively information may be provided after the first event based on outcomes of monitoring, post event debrief and from the advice of the EWG.

123. Performance Evaluation Review

At the conclusion of each small, medium and large event a Performance Evaluation Review (PER) shall be conducted which considers the following Key performance indicators (KPI):

- Queuing on M1 Motorway on ramps less than target – minimise risk of incidents on M1 motorway
- Towards Zero incidents on the transport network – minimise incidents and align with TfNSW Policy

- Level of service of key intersections – assess impact to customers (event and non-event)
- Traffic during peak periods is less than cap – assess impact to customers (event and non-event)
- Traffic speeds at key locations is maintained – assess delays to customers (event and non-event)
- Monitoring of diversion compliance – inform future event planning

Prior to the first event on site the person having the benefit of this consent shall consult with the Event Working Group (EWG) to determine any additional KPI to be measured.

The PER shall be provided to the EWG for review to determine compliance and if any plans in place require amendment to facilitate an improved operational outcome.

124. State Road Upgrade - Morisset

Having regard to operation of development consent DA/1290/2019 and likely future development in the locality, Lake Macquarie City Council is satisfied that it is likely that an upgrade of the State Road network will be required. The person having the benefit of this consent shall make a contribution of \$700,000 to Lake Macquarie City Council for Council to facilitate the upgrades, in the event the upgrades are scheduled to occur prior to the expiration of this condition of consent, unless alternate funding arrangements are agreed to with Council.

Right of Appeal

If you are dissatisfied with this decision (including a determination on a review under Section 8.2), Section 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court.

Please note Section 8.8 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).

Right of Review

Section 8.2 and 8.3 of the Environmental Planning and Assessment Act 1979 provides the applicant may request the Council to review the determination. A request to review the determination of a development application pursuant to Section 8.2 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 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:

Smoke-Free Environment Amendment Act 2004

The development shall comply with the *Smoke-Free Environment Amendment Act 2004*.

Should you require further information, please contact the undersigned on 4921 0399 or by e-mail on gmathews@lakemac.nsw.gov.au.

Yours faithfully



Glen Mathews
Principal Development Planner
Development Assessment and Certification