

General Conditions

1. Public Domain Works

The landscape consultant that prepared the Public Works Certificate landscape construction plans (or a consultant with equivalent qualifications) shall submit Landscape Maintenance Reports to LMCC Senior Project Officer (Civil) at 52 weeks and 104 weeks after practical completion certifying the public domain works are being satisfactorily maintained.

Condition reason: To ensure all assets have received the required maintenance over the extent of the establishment period.

2. Public domain works - landscaping

A Public Works Certificate (under Section 138 of the Roads Act 1993) application shall be lodged with and approved by Council prior to any works in the public domain. The landscape construction documentation shall be completed by a qualified landscape architect (category three landscape consultant) with demonstrated experience in producing landscape construction documentation for public domain works and include the extent of detail required to construct hard and softworks. The landscape documentation shall reference and comply with the conditions of consent and approved concept landscape plans. The landscape construction documentation shall integrate with the civil works for the public domain. The landscape construction documentation shall not comprise concept level landscape plans and shall grey out any landscape works on private land.

Landscape construction documentation shall include details and specification information suitable for construction with no generic reference to concept plans or Council guidelines. Plans shall include tactile ground surface indicators as required to Australian Standards.

The plans shall reference the standard hold and witness points listed below for hard and soft works and shall include contact details for Council's City Projects Department at projectmanagementpat@lakemac.nsw.gov.au to assess and sign off on public domain works. Plans shall include a 104 week establishment phase for all hard and softworks within the public domain.

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

Street Trees

Street trees along Kent Place shall comprise three number of 75 litre trees as specified on the approved landscape plan. The landscape plan shall be amended to reflect the approved public domain kerb and indented parking arrangement, with the trees located in a suitable location and generally evenly spaced.

All street trees shall be planted to *PLA-LSD-07 Lake Macquarie City Council Landscape Standard Drawings March 2019*. Street trees shall have standard timber tree guards equivalent to PLA-GUA-01 installed. The Landscape Contractor shall remove all pot stakes, labels and wire/rubber/plastic tags from every tree. All street trees shall be grown to AS2303:2918 with the landscape consultant sighting documentation from the nursery supplier confirming this.

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.

The detail of these requirements shall be included in the Public Works Certificate landscape construction documentation.

The Hold/Witness Points – Checks Required:

- Set out of tree pits within existing concrete footpath (hold point);
- Excavation of tree pits with root barrier and sub-surface drainage installed in accordance with Lake Macquarie City Council Landscape Standard Drawings March 2019 – relevant street tree details (hold point);
- Evidence of certification of all associated imported topsoil for street tree planting in accordance with AS4419 – 2018 shall be provided to Council’s Coordinator Project Management (hold point);
- Tree delivery prior to installation and certification to comply with AS2303-2018 Tree Stock for Landscape Use (hold point);
- Commencement of tree planting (witness point);
- Installation of growing medium (witness point);
- Completion of tree planting, including the installation of tree guards, in accordance with Lake Macquarie City Council Landscape Technical Drawings February 2016 (witness point).

Condition reason: Compliance of public works with Council Requirements.

3. Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans

Plan number	Revision number	Plan title	Drawn by	Date of plan
DA02	E	Basement floor plan	Lawrence Chong Architects	22/04/25
DA03	F	Ground floor plan	Lawrence Chong Architects	14/09/25
DA04	E	First floor plan	Lawrence Chong Architects	22/04/25
DA05	E	Second floor plan	Lawrence Chong Architects	22/04/25

DA06	C	Roof terrace plan	Lawrence Chong Architects	26/08/24
DA07	E	Elevations	Lawrence Chong Architects	22/04/25
DA09	E	Sections	Lawrence Chong Architects	22/04/25
DA12	C	Roof plan	Lawrence Chong Architects	26/08/24
DA19	E	Finishes schedule – South west elevation	Lawrence Chong Architects	--
DA20	E	Finishes schedule – South west elevation	Lawrence Chong Architects	--
DA21	E	Finishes schedule – South west elevation	Lawrence Chong Architects	--
DA22	E	Finishes schedule – South east elevation	Lawrence Chong Architects	--
35643S sheet 2 of 3	A	Site and detail plan	Daly Smith	19/09/2025
35643S sheet 3 of 3	A	Stormwater long section	Daly Smith	19/09/2025
P2024-111 SW01	B	Stormwater services cover sheet	ADCAR Consulting	06.06.2025
P2024-111 SW02	A	Stormwater services erosion / sediment control plan	ADCAR Consulting	19.04.2024
P2024-111 SW03	B	Stormwater services basement	ADCAR Consulting	06.06.2025

P2024-111 SW04	C	Stormwater services ground floor	ADCAR Consulting	19.04.2024
P2024-111 SW05	C	Stormwater services detail sheet	ADCAR Consulting	06.06.2025
LDA02	F	Public domain works plan	Conus Landscape Architecture	03/06/25
LDA03	F	Ground floor landscape plan	Conus Landscape Architecture	03/06/25
LDA04	F	Roof top landscape plan	Conus Landscape Architecture	03/06/25
LDA05	F	Plant schedule and images	Conus Landscape Architecture	03/06/25

Approved documents

Document title	Version number	Prepared by	Date of document
Dewatering management plan	25002320 v1.0	Kleinfelder	4 October 2024
Dewatering management summary letter	NCA25L187016	Kleinfelder	23 September 2025
Class B slope stability report	25003206 v1.0	Kleinfelder	9 January 2025
Acid sulfate soil management plan	250032106.001A v1.0	Kleinfelder	9 January 2025
BCA compliance assessment report	A24_237_BCA rev 02	Absolute BCA Access	17.06.2024
Accessibility compliance assessment report	A24_237_Access rev 02	Absolute BCA Access	17.06.2024
Detailed site investigation	24002879.001A v1.0	Kleinfelder	1 March 2024
Arborists report	1 Kent Place Wangi NSW	Hunter Horticultural Services	11 June 2024
Hunter Water requirements for building services /	--	Hunter Water	30 May 2024

development application			
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In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

4. Subsidence Advisory NSW General Terms of Approval

GENERAL

Plans, Standards and Guidelines

1. These conditions of approval under s.22 of the *Coal Mine Subsidence Compensation Act 2017* (the Act) only apply to the development described in the plans and associated documentation relating to TBA24-01371.

Any amendments or subsequent modifications to the development renders this approval invalid.

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

PRIOR TO COMMENCEMENT OF CONSTRUCTION

3. Prescribed Design Parameters – Serviceability

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

- a) Maximum Horizontal Strains (+/-): 2 mm/m
- b) Maximum Tilt: 4 mm/m
- c) Minimum Radius of Curvature: 10 km

4. Structural Engineer Certification

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

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

- likely building damage in the event of mine subsidence.
- sensitivity of the design to greater levels of mine subsidence.

OR

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

5. Submit Final Design

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

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

POST CONSTRUCTION

6. Certification of Works

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

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

Condition reason: to impose conditions of an integrated approval

5. Contaminated Land Remediation Action Plan

Prior to the issue of a construction certificate, a Remediation Action Plan (RAP) shall be prepared and a copy of the RAP provided to Council.

The RAP shall be prepared by a suitably qualified and experienced contaminated land consultant, to the satisfaction of Council and in accordance with:

- Guidelines for Consultants Reporting on Contaminated Sites (NSW Environment Protection Authority 2020, or as amended).
- Managing Land Contamination Planning Guidelines SEPP 55–Remediation of Land (Department of Urban Affairs and Planning and NSW EPA 1998, or as amended).
- The recommendations of the approved detailed site investigation report.

Condition reason: To ensure suitable site remediation measures for the development.

6. Condition Heading

The attached GTA issued by WaterNSW do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to

WaterNSW for a Water Supply Work approval after consent has been issued by Council and before the commencement of any work or activity.

A completed application form must be submitted to WaterNSW together with any required plans, documents, application fee, and proof of Council's development consent.

Application forms are available from the WaterNSW website which can be found [here](#).

Information to the proponent:

- An extraction limit will be determined by the Department of Climate Change, Energy, the Environment and Water (DCCEEW) following a further hydrogeological assessment and included on the conditions applied to the approval authorisation for the dewatering activity.
- Detailed information required to permit the hydrogeological assessment to be carried out is to be provided by the applicant otherwise the issue of the authorisation will be subject to delay. The [Minimum requirements for building site groundwater investigations and reporting](#) (DPE Oct 2022) identify what data needs to be collected and supplied.
- Site-specific data gathering to meet or exceed the information required by the Minimum Requirements for Building Site Groundwater Investigations and Reporting needs to be continued by the proponent for the period between the determination of the development application by the consent authority and the lodgement of a water supply work approval application with WaterNSW (should a consent be granted).

Note: This is necessary for the appropriate site-specific information to be supplied with the water supply work approval application so that the volume of water take from the excavation is confirmed and an appropriate extraction limit can be determined by the Department of Planning and Environment. Any report (such as a dewatering management plan) that is provided at the time of the water supply work approval application must demonstrate that new or additional site information has been incorporated into a more detailed water take predictions for the proposed development and include a minimal harm assessment of water table, water pressure and water quality effects in the form required to satisfy the NSW Aquifer Interference Policy.

- In accordance with the Minimum Requirements for Building Site Groundwater Investigations and Reporting (DPE, 2022), the applicant must provide the following information with the water supply work approval application:
 - a) The details of the analytical/numerical model used to estimate the groundwater inflow rates along with the boundary conditions and other inherent assumptions that apply to the model.
 - b) Descriptive borehole logs from the site intrusive investigations.
- As required by the Geotechnical Investigation Report prepared by Kleinfelder Australia Pty Ltd, an Acid Sulphate Management Plan (ASMP) must be submitted with the water supply work approval application. The ASMP must contain details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual.
- The authorisation will be issued for the purpose of temporary construction dewatering only and it does not constitute any form of approval for ongoing pumping of groundwater from basement levels after the building is issued an occupation certificate.

Dewatering

- GT0115-00001 Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
- GT0116-00001 Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity
Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
- GT0117-00001 A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement – see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
- GT0118-00001 If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.

- GT0119-00001 All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
- GT0120-00001 The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
- GT0121-00001 Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
- GT0122-00001 Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
- GT0123-00001 (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include

matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website
www.waternsw.com.au/customer-service/waterlicensing/dewatering

- GT0150-00001 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site – Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
- GT0151-00001 Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0152-00001 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0155-00001 The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with DA/490/2024 as provided by Council:

- Dewatering Management Plan, Kleinfelder Australia Pty Ltd, 25002320, 4 October 2024
- Geotechnical Investigation Report, Kleinfelder Australia Pty Ltd, 24002879, 1 February 2024
- S.E.E., Four Towns Planning, 22 April 2024

Condition reason: to impose conditions of an integrated approval

7. Archaeological test excavation

The person having the benefit of the consent shall ensure that archaeological test excavation is carried out in accordance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, as identified in the Archaeological Due Diligence Assessment by McCardle Cultural Heritage Pty Ltd dated 28 June 2024. All topsoils removed shall be replaced on site after the test excavation has been completed.

A copy of the result of the site test investigations shall be provided to Lake Macquarie City Council prior to works commencing.

Should the investigations trigger the requirement for an Aboriginal Heritage Impact Permit (AHIP) the person having the benefit of the consent shall apply for an AHIP from the Heritage NSW. A copy of the approved AHIP and associated Aboriginal Cultural Heritage Assessment Report (ACHAR) and/or Aboriginal Cultural Heritage Management Plan (ACHMP) shall be provided to Lake Macquarie City Council prior to works commencing..

Condition reason: To ensure the protection of sites of potential significance.

8. Cultural awareness induction

The person having the benefit of the consent shall arrange for any contractors and persons involved in undertaking subsurface disturbance works to undertake a Cultural Heritage Induction to make them aware of their responsibilities regarding Aboriginal heritage. The induction shall be delivered by a qualified archaeologist and/or a representative of the local Aboriginal community.

Condition reason: To ensure the protection of objects of potential significance during works.

9. Shoring and adequacy of adjoining property

- This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
- It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—
 - protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
- This section does not apply if—

- the person having the benefit of the development consent owns the adjoining land, or
- the owner of the adjoining land gives written consent to the condition not applying.

Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.

10. Disability access requirements

Access for people with disabilities shall be provided from the buildings to kerb ramps and footpaths along the street frontage, by means of a continuous path of travel in accordance with *Australian Standard AS 1428.1*.

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

The following legislation may be relevant:

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

For further information please consult:

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

Condition reason: To ensure that disability access requirements are met.

11. Temporary traffic and pedestrian management

The contractor engaged to undertake construction works shall obtain prior approval from Council for associated traffic and pedestrian control a minimum of four weeks prior to commencing any works. An application for temporary traffic and pedestrian management should be submitted via Council's website.

Traffic management or control plans shall be approved by Council prior to works commencing on site. Traffic management or control plans shall set out the vehicle and pedestrian management for the works and should seek to minimise disruption to the local community.

As a minimum, the application must address the following areas:

- Traffic Control and Management
- Public safety, amenity and site security
- Pedestrian management
- Construction hours
- Construction dates
- Haulage routes

Condition reason: To ensure impacts to traffic and pedestrians are minimised during construction works.

12. Unobstructed footpath access

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

In the case of sites where it is not possible to keep the footpath or road reserve clear during construction works approval from Council shall be obtained prior to any closing of the road reserve or footpath area. An application for temporary structure or occupation of road reserve should be submitted via Council's website.

Condition reason: To ensure safe access through a public space is maintained until the completion of works.

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

Condition reason: To ensure the building is suitably constructed for potential bush fire attack.

14. General terms of approval

The development must comply with the following General Terms of Approval.

- Subsidence Advisory NSW
- Water NSW

Condition reason: To ensure the development meets the requirements of Integrated development approval bodies.

15. 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 structures*.

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.

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

Condition reason: To ensure demolition practices are conducted in a controlled method to minimize risk to community and damage to the environment or property.

16. Building Sustainability Index (BASIX) Certificate

The development shall be constructed in accordance with a current Building Sustainability Index (BASIX) certificate.

Condition reason: BASIX reduces water and energy consumption in homes across NSW.

17. Contaminated Land Remediation and Validation

A suitably qualified and experienced Contaminated Land Consultant shall validate the site has been remediated. Validation shall be provided in accordance with the *Guidelines for Consultants Reporting on Contaminated Sites (NSW Environment Protection Authority 2020, or as amended)*. The validation report shall include a clear statement the consultant considers the site to be suitable for the approved use.

Note: Certification from the person who carried out remediation works shall be provided to Council in accordance with the requirements of *Clause 4.15 of Environmental Planning Policy (Resilience and Hazards 2021) - Chapter 4 Remediation of land*.

Condition reason: To ensure site is remediated and rendered suitable for the proposed use.

18. Fulfilment of BASIX commitments

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—

- BASIX development,
- BASIX optional development, if the development application was accompanied by a BASIX certificate.

Condition reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.

19. Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989

- 1 It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.
- 2 It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the *Home Building Act 1989*, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
- 3 It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*.
- 4 In subsection (1), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.

- 5 In subsection (3), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
- 6 This section does not apply—
 - to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
 - to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.

20. Notification of Home Building Act 1989 requirements

1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—
 - a. for work that requires a principal contractor to be appointed—
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,
 - b. for work to be carried out by an owner-builder—
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.
3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.

21. Construction Certificate

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

Condition reason: To require a construction certificate prior to building work commencing.

22. Erosion and sediment control plan

Before site work commences, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to Council:

- Council's relevant development control plan,
- the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and
- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

23. Erosion and sediment controls in place

Before any site work commences, Council, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and construction' prepared by Landcom (the Blue Book) (as amended from time to time).

Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

24. Occupation Certificate

The development shall not be occupied or used prior to the issue of a Whole Occupation Certificate or a Part Occupation Certificate by the Principal Certifier.

Condition reason: To ensure an Occupation Certificate is obtained at the completion of work and prior to occupancy or use.

25. Erection of signs

- This section applies to a development consent for development involving building work, subdivision work or demolition work.
- It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—
 - showing the name, address and telephone number of the principal certifier for the work, and
 - showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - stating that unauthorised entry to the work site is prohibited.
- The sign must be—
 - maintained while the building work, subdivision work or demolition work is being carried out, and
 - removed when the work has been completed.

- This section does not apply in relation to—
 - building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - Crown building work certified to comply with the Building Code of Australia under the Act, Part 6

Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

26. Repair of infrastructure

After completion of all site work:

- a. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or
- b. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.

Condition reason: To ensure any damage to public infrastructure is rectified.

Remediation Work

Before remediation work commences

No additional conditions have been applied to this stage of development

During remediation work

No additional conditions have been applied to this stage of development

On completion of remediation works

No additional conditions have been applied to this stage of development

Demolition Work

Before demolition work commences

27. Return of existing waste bins

Prior to commencement of site works, any Council or contractor recycling or green waste bins existing on the demolition and construction site must be returned to Council or the contractor for re-use. Bins to be utilised for site works must be separately contracted.

Condition reason: to ensure the return of existing waste bins to service providers.

28. Notice of commencement for demolition

At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:

- name
- address,
- contact telephone number,
- licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and
- the contact telephone number of council and
- the contact telephone number of SafeWork NSW (4921 2900).

Condition reason: To advise neighbours about the commencement of demolition work and provide contact details for enquiries.

29. Hazardous material survey before demolition

Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to council at least one week before demolition commences.

Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint.

The report must include at least the following information:

- the location of all hazardous material throughout the site
- a description of the hazardous material
- the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust
- an estimation of the quantity of each hazardous material by volume, number, surface area or weight
- a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials
- identification of the disposal sites to which the hazardous materials will be taken

Condition reason: To require a plan for safely managing hazardous materials.

During demolition work

No additional conditions have been applied to this stage of development

On completion of demolition work

No additional conditions have been applied to this stage of development

Building Work

Before issue of Construction Certificate

30. Floor Levels – Flooding

The floor level for the dwelling shall be constructed in accordance with the minimum Australian Height Datum level of 2.82m AHD.

Condition reason: To ensure floor levels in flood prone land are above known flood height parameters.

31. Waste management – prior to construction certificate

Demolition and Construction Site Management Plan

Before the issue of a Construction Certificate, a demolition and construction waste management plan for the development, as per Sections 8 and 9 of the 2019 Lake Macquarie Waste Management Guidelines, must be provided to and approved by Council Waste Services. The plan must include the following matters:

- a. Waste types and estimated volumes, use and destination, in accordance with the 2019 Lake Macquarie Waste Management Guidelines sub-sections 8.1 and 9.1 to include the following information:
 - i. the contact details of the person removing waste,
 - ii. an estimate of the type and quantity of waste,
 - iii. whether waste is expected to be reused, recycled or sent to landfill, and
 - iv. the address of the disposal location for waste.
- b. Reference to any applicable NSW EPA Resource Recovery Exemptions and Orders requirements related to re-using demolition wastes onsite and sending for re-use/resource recovery offsite;
- c. A waste management information guide as part of demolition and construction management plans; and
- d. The location of garbage, recycling, green/food and/or any other bins needed for onsite demolition and/or construction and/or refit waste separation, with all bins having tight lids where the separated waste/resource needs to be:
 - i. protected from rain,
 - ii. prevented from blowing out of the bin,
 - iii. protected from flies and other vermin,
 - iv. prevented from releasing odour or dust and/or
 - v. a plan showing waste vehicle access and turn circles to collect the waste.

A copy of the demolition and construction waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.

Demolition and Construction Waste Management Plans – copy to Certifier

Before the issue of a Construction Certificate, the Council-approved demolition and construction waste management plan for the development must be provided to the certifier (or Council where the certifier is not required) to ensure resource recovery is protected during demolition and construction.

Detailed Design

Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following detailed design elements in the approved plans and documents to ensure that the design retains sufficient space for waste storage, bin movement and waste collection:

- a) landscape and architectural floor plans showing the location of bin storage, with bins and door opening arcs drawn to scale within the waste storage areas;
- b) landscape and architectural floor plans showing the location of the waste collection location(s) with bins drawn to scale;
- c) detailed design plans for waste storage and bin presentation area(s) reflecting detailed design requirements, as follows:

- a. to ensure that larger as well as smaller bins can be moved in and out of the waste storage room/area without obstruction:
 - i. The doorway/gate space width must be a minimum of 900mm (for 140L-360L bins), 1200mm (for moving out two 140L-360L bins at once in shared waste storage and/or for 660-1100L bins), 1500mm for 1.5 or 3.0 cubic metre bins on wheels (and the bin tug width); and
 - ii. The door(s)/gate(s) must not swing inwards blocking storage space nor in any way that will block egress of the bins; and
 - iii. There must be no step or change in level across the doorway/gate threshold; and
 - iv. There must be no steps or obstructions between the waste storage room/area and the bin collection point; and
 - v. Along the route from each bin storage area to the collection point, the gradient must be sufficiently low to allow bins to be moved with a long-fall and cross-fall gradient less than 1:14 (7.1%); or
 - vi. If any change in level along the route to the bin collection point from the waste storage room/area is steeper than 1:14 for 140L-360L bin designs or 1:30 (or further than 5 metres) for 660L-1100L designs, a bin cart re-charging power point and sheltered, secure space for bin cart storage must be installed.
- b. To ensure sanitary and safe conditions there must be sufficient:
 - i. Lighting in the service driveway area outside the bin storage room (front approach) for safety of early morning and late evening use (as well as crime prevention surveillance);
 - ii. Lighting within the waste storage room/area for when the space is being used;
 - iii. Water supply and drainage to enable bin cleaning and room cleaning, including hot tap (if bin room) and cold taps (for bin room and outdoor bin areas) and floor drain to sewer;
 - iv. Ventilation (for removal of bin odours) in bin rooms; and
 - v. Prevention of access to bins and bin room or area by pests.
- d) that the detailed design includes waste storage cupboard space in or near each kitchen area that is sufficiently sized to hold two days' volume of waste in five separated containers sized between two and twenty litres for recyclables, food waste, soft plastic, problem wastes (e.g. batteries) and residual garbage.

Adaptable Dwellings - Waste

Before the issue of a construction certificate, the detailed design must show that bins within the waste storage area for Adaptable Units are accessible from the dwelling by residents using mobility aids (including wheelchairs).

Condition reason: to ensure the appropriate design of waste management facilities

32. Rooftop planter details

The plans shall include details for the construction of the planter boxes, including consideration of structural adequacy, water proofing, drainage, irrigation, soil depth and planting media.

Condition reason: to ensure the appropriate design of planters on structure.

33. Construction Site Management Plan

Before site work commences, a construction site management plan must be prepared, and provided to **the certifier**. The plan must include the following matters:

- The location and materials for protective fencing and hoardings on the perimeter of the site;
- Location of dedicated washdown areas (located away from drainage lines, stormwater drains and water bodies);
- Provisions for public safety;
- Pedestrian and vehicular site access points and construction activity zones;
- Details of construction traffic management including:
 - Proposed truck movements to and from the site;
 - Estimated frequency of truck movements; and
 - Measures to ensure pedestrian safety near the site;
- Details of bulk earthworks to be carried out;
- The location of site storage areas and sheds;
- The equipment used to carry out works;
- The location of a garbage container with a tight-fitting lid;
- Dust, noise and vibration control measures;
- Details of chemical storage and management;
- The location of temporary toilets;
- The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - AS 4970 – Protection of trees on development sites;
 - An arborist's report approved as part of this consent

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction..

34. Adaptable dwelling

Prior to the issue of a construction certificate, the submitted plans shall demonstrate the pre and post adaption of at least one dwelling to accessibility standards.

Condition reason: to ensure a dwelling is capable of adaption for accessibility purposes.

35. Roadways and Drainage Works Standards

All works for the development shall be designed and constructed in accordance with the following publications (as amended or updated), as applicable:

- a. Australian Rainfall and Runoff, 2019.
- b. Development Control Plan 2014 and supporting guidelines.
- c. AUSTROADS Guide to Road Design Guide.
- d. Roads and Maritime Services Delineation Guidelines.
- e. Managing Urban Stormwater documents (2004) by Landcom.
- f. The Constructed Wetlands Manual - Department of Land and Water Conservation 1998
- g. WSUD Technical Design Guidelines for South East Queensland
- h. Healthy Waterways - Water by Design Guidelines
- i. Australian Standards including, but not limited to:
 - i. AS1428 - Design for Access and Mobility, Part 1 General Requirements for Access and Part 4 Tactile Indicators,
 - ii. AS2890 - Off Street Parking
 - iii. AS3500 – National Plumbing and Drainage Code

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

Condition reason: To ensure all works are designed in accordance with relevant standards.

36. 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 Road and industrial road pavements shall be designed in accordance with Pavement Design, A Guide To The Structural Design Of Road Pavements - AUSTROADS 2019.

Designs for road pavements shall be prepared by a geotechnical consultant, and shall be submitted.

Condition reason: To ensure pavements are designed in accordance with relevant standards.**Application Fees for Required Certificates - PWC**

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 \$110 Archival Fee
Compliance Certificate	Please contact Council for fees	Plus \$110 Archival Fee

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

Where the development includes public domain construction works valued at \$250,000.00 or more, the person having the benefit of the consent shall pay the Long Service Levy, as detailed in the Building and Construction Industry Long Service Payments Scheme. The Levy shall be paid prior to the issue of the Public Works Certificate. The Levy shall be paid directly to the Long Service Payments Corporation or to Council as agent for the Corporation. The Levy rate is 0.25% of the cost of building and construction works.

The above fees are current for the 2025/2026 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.

Condition reason: To ensure Council's fees are paid for Public Works and Compliance Certificates and long service levy is paid.

38. Compliance Certificate for Works - PWC

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 (Section 138 of *Roads Act 1993*).

Condition reason: To ensure Council has an application for a Compliance Certificate for works in the public domain.

39. Pavement Standards - PWC

Residential road pavements shall be designed in accordance with *A Guide To The Design Of New Pavements For Light Traffic - AUSTRROADS 2006*. Main and industrial road pavements shall be designed in accordance with *Pavement Design, A Guide to the Structural Design of Road Pavements - AUSTRROADS 2019*.

Designs for road pavements shall be prepared by a geotechnical consultant and shall be submitted to Council with the Public Works Certificate (Section 138 of the *Roads Act 1993*) application.

Where work shall be undertaken within a classified Main Road the pavement design shall also be submitted to Transport for NSW for its approval prior.

Condition reason: To ensure pavements are designed in accordance with relevant standards.

40. Line Marking and Signposting - PWC

The engineering design plans submitted with the Public Works Certificate (Section 138 of the *Roads Act 1993*) application shall include details of line marking and sign posting.

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.

Condition reason: To ensure regulatory signage and line marking is approved in accordance with Council's policy.

41. Public Works Certificate for works

An application for a Public Works Certificate (under Section 138 of the *Roads Act 1993*) and the associated fee shall be submitted to Council.

The application shall reflect the extent of works within Council's Road Reserve generally shown in the external civil plans prepared by Daly Smith, Reference: 35643S, Dated: 19/09/2025. The application shall also include details of the proposed driveway crossover and street trees.

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.

Condition reason: To ensure public works are designed in accordance with Council's requirements.

42. Roadways and Drainage Works Standards - PWC

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

- Australian Rainfall and Runoff, 2019.
- Development Control Plan 2014 and supporting guidelines.
- AUSTRROADS Guide to Road Design Guide.
- Roads and Maritime Services Delineation Guidelines.
- Managing Urban Stormwater documents (2004) by Landcom.
- The Constructed Wetlands Manual - Department of Land and Water Conservation, 1998.
- WSUD Technical Design Guidelines for South East Queensland.
- Healthy Waterways – Water by Design Guidelines.
- Australian Standards including, but not limited to:-
 - AS1428 - Design for Access and Mobility, Part 1 General Requirements for Access and Part 4 Tactile Indicators,
 - AS2890 - Off Street Parking

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

Condition reason: To ensure public works are completed in accordance with relevant standards.

43. Vehicles access crossing and kerb layback - MPW

An approval for the vehicle access crossing and kerb layback, including associated cut or fill works, under Section 138 of the *Roads Act 1993* is required.

A paved vehicular access including kerb layback from the property boundary to the street shall be designed in accordance with Councils Standard Drawings: EGSD-103, EGSD-201 or EGSD-104 (available from Councils website).

Where existing street tree/s are to be retained and are within 3m of the vehicle access, details shall be provided to identify appropriate construction techniques to retain the street tree.

Where street trees cannot be retained, street trees shall be replaced at a rate and with species approved by Council's Natural Assets section.

To obtain the Section 138 approval, an application for Minor Public Works shall be made to Council. Where other public domain works such as street tree planting, footpaving or kerb and gutter construction are proposed, a Public Works Certificate application shall be lodged for the works including the vehicle access crossing. Application can be made via Council's website.

Condition reason: To ensure the driveway cross-over and layback are completed in accordance with Council's requirements.

44. Concrete Footpath - PWC

A design plan for concrete footpaths 1.5 metres wide along the full length of the Kent Place street frontage within Council's Road Reserve shall be submitted. Concrete foot paving shall be constructed in accordance with Lake Macquarie City Council standard drawing EGSD-301 which is available from Council's website. No works shall commence prior to the issue of a Public Works Certificate in accordance with Section 138 of the Roads Act 1993. Any works on a public road shall be approved by Council.

Condition reason: To ensure footpath works are completed in accordance with Council's requirements.

45. Kerb and guttering – PWC

A design plan for kerb and guttering, road pavement, shoulder sealing and associated drainage works along the full length of the Kent Place frontage within Council's Road Reserve shall be submitted. No works shall commence prior to the issue of a Public Works Certificate in accordance with Section 138 of the *Roads Act 1993*. Any works on a public road shall be approved by Council.

Condition reason: To ensure kerb and gutter works are completed in accordance with Council's requirements.

46. Stormwater disposal and harvesting

A Stormwater Management and Harvesting Plan shall be submitted. The plan shall be generally in accordance with the plans approved by the Development Consent prepared by ADCAR Consulting, Ref: P2024-111 dated 6/6/2025. The stormwater plans approved by this development consent are not approved for construction. The stormwater plans shall comply with the following:

- 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.

- The stormwater outlet shall be amended to connect into the proposed piped drainage system within Council's Road Reserve in Kent Street, Adjacent to the Western property boundary.
- Stormwater harvesting measures shall be constructed and maintained in accordance with *Development Control Plan 2014 Water Cycle Management Guideline*. Stormwater drainage plans shall include details of the harvesting system, including rainwater tank details, pump details and reticulation diagrams.

Condition reason: To ensure stormwater disposal and harvesting measures are designed in accordance with relevant standards.

47. Car parking details

Before the issue of a Construction Certificate, written evidence prepared by a suitably qualified engineer must be obtained that demonstrates, to the certifier's satisfaction, the plans for parking facilities comply with the relevant parts of AS 2890 Parking Facilities set and the relevant section of Council's development control plan (in force as at the date of determination of this consent).

Condition reason: To ensure parking facilities are designed in accordance with the Australian Standard and Council's DCP.

48. Approval for Civil Works

An approval for the following **public** civil works included in the development shall be obtained from Council. Note this approval may only be obtained from Council.

- Stormwater drainage
- Kerb return
- Pavement widening

The plans shall be generally in accordance with the external civil works plans prepared by Daly Smith, Reference: 35643S, Dated: 19/09/2025.

Where approval for the works is sought from Council, an application for the approval of civil works associated with the development and the associated fee shall be submitted.

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.

Condition reason: To ensure the works are appropriately reviewed to be in accordance with Council's requirements and relevant Australian Standards.

49. Housing and productivity contribution

1. The housing and productivity contribution (**HPC**) set out in the table below, but as adjusted in accordance with condition 2, is required to be made:

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$77,466.03
Total housing and productivity contribution	\$77,466.03

2. The amount payable at the time of payment is the amount shown in condition 1 as the total housing and productivity contribution adjusted by multiplying it by:

highest PPI number

consent PPI number where:

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made, and

consent PPI number is the PPI number last used to adjust HPC rates when consent was granted, and

June quarter 2023 and ***PPI*** have the meanings given in clause 22 (4) of the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

3. The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required).
4. The HPC must be paid using the NSW planning portal <https://pp.planningportal.nsw.gov.au/>.
5. If the Minister administering the *Environmental Planning and Assessment Act 1979* agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:
 - a. the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
 - b. the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 2 at the time of payment.

6. Despite condition 1, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023* exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

Condition reason: Housing and productivity contribution

50. Section 7.11 Citywide Development Contributions Plan – 2025 – Local Infrastructure Contribution

In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* – Section 7.11 and the Lake Macquarie City Council *Section 7.11 Citywide Development Contributions Plan - 2025*, the monetary contributions in the attached Contributions Schedule shall be paid to Council for the purposes identified in that Schedule.

From the date this determination is made until payment, the amount of the non-residential 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 Lake Macquarie City Council *Section 7.11 Citywide Development Contributions Plan - 2025*. The first date for indexation shall occur on the first abovementioned date after the Notice of Determination becomes effective.

The non-residential 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 contributions must be paid to Council at the time specified as follows:

- a) Residential Development (excluding Secondary Dwellings and Manufactured Dwellings/Home Estates) – prior to the issue of the first Occupation Certificate
- b) Non-residential Development – prior to the issue of the first Construction Certificate

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

Please note that should payment be made by cheque or electronic transfer the release of any documentation will be subject to the clearing of those funds.

Council's Development Contributions Plan can be viewed at www.lakemac.com.au or a copy may be inspected at Council's Administration Centre during normal business hours.

Condition reason: To enable application of relevant contribution levies and ensure adequate community infrastructure is provided to meet demands generated by new development.

CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
TO-Open Space & Recreation Facilities-Capital-CAP	\$0.00
Transport network -S7.11-25R	\$3,106.00
Shared pathways/cycleways and footpaths -S7.11-25R	\$49,894.00
Open space and recreation -S7.11-25R	\$88,237.00

Community facilities -S7.11-25R	\$17,456.00
State emergency services -S7.11-25R	\$10,429.00
Plan preparation and administration -S7.11-25R	\$3,427.00
Transport networks-S7.11-25 PPI	\$1,463.63
Plan preparation and administrations-S7.11-25 PPI	\$183.37

TOTAL \$174,196.00

Before building work commences

51. Dilapidation report

Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the **<Insert the principal certifier or Council (where a principal certifier is not required)>**.

Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the **<Insert the principal certifier or Council (where a principal certifier is not required)>**, that all reasonable steps were taken to obtain access to the adjoining properties.

No less than **<Insert number>** days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the principal certifier) at the same time.

Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the dilapidation report.

52. Tree protection measures

Before any site work commences **the principal certifier** must be satisfied the measures for tree protection detailed in the construction site management plan are in place.

Condition reason: To protect and retain trees.

53. Details Required Prior to Commencement of Civil Works

Civil works included with this consent shall not commence until:

1. A construction approval for civil works has been issued by :
 - a. Council (civil works certificate issued), or
 - b. A suitably qualified engineering consultant, and
2. the person having the benefit of the consent has given at least two days' notice to Council or the suitably qualified engineering consultant of the intention to commence works, and

3. where council has issued the approval for civil works, a meeting between the contractor and a representative of the Council has taken place on site.

Condition reason: To ensure works do not commence until the appropriate approval is given

54. Notice of Commencement of Works within the Public Domain - PWC

Construction works associated with a Public Works Certificate (Section 138 of the Roads Act 1993) shall not commence until a meeting between the contractor and a representative of the Council or Certifying Authority has taken place on site.

Council 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.

Condition reason: To ensure Council's Quality & Surveillance staff are sufficiently notified prior to public domain works commencing.

55. Details Required Prior to Commencement of Works within the Public Domain – MPW or PWC

Construction works within the public domain in accordance with this development consent shall not commence until a Minor Public Works or Public Works Certificate has been issued by Council.

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

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

Condition reason: To ensure works do not commence in the public domain without Council's approval.

During building works

56. Floor Levels – Flooding

Upon completion of the concrete formwork for the floor or the timber floor joists frame, a registered surveyor shall survey the finished floor level for the dwelling and/or garage to Australian Height Datum.

Works shall not proceed until confirmation is provided of compliance with the minimum Australian Height Datum level stated in this consent.

A copy of the registered surveyors report setting out the actual surveyed levels and certifying that the floor levels meet the above requirements shall be submitted to Council at floorlevels@lakemac.nsw.gov.au. The copy of the registered surveyors report shall be submitted to Council prior to works proceeding above floor level.

Condition reason: To ensure floor levels in flood prone land are above known flood height parameters.

57. Soil management

While site work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
- All fill material imported to the site must be:
 - Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997; or
 - a material identified as being subject to a resource recovery exemption by the NSW EPA; or
 - a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA.

Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.

58. Discovery of relics and Aboriginal objects

While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:

- the work in the area of the discovery must cease immediately;
- the following must be notified
 - for a relic – the Heritage Council; or
 - for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.

Site work may recommence at a time confirmed in writing by:

- for a relic – the Heritage Council; or
- for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.

Condition reason: To ensure the protection of objects of potential significance during works.

Before issue of an occupation certificate

59. Floor levels – flooding

All unsealed electrical installations associated with the development, such as pumps, switches, power points, motors, etc. shall comply with the protection against

electric shock provisions for 'Damp Situations' outlined in Australian Standard AS 3000 "Australian/New Zealand Wiring Rules".

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

Condition reason: To ensure floor levels in flood prone land are above known flood height parameters.

60. Waste management – prior to occupation certificate

Removal of waste upon completion

Before the issue of an occupation certificate:

- all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan, and
- written evidence of the waste removal must be provided to the satisfaction of the Principal Certifier or Council.

Bin services commencement

Before commencement of any part occupation:

- a service agreement must be in place with either Lake Macquarie City Council or a privately-owned licensed waste collection services provider that will allow for waste services to commence upon occupation of the development.
Note: at least six (6) weeks notice is required to allow time for delivery of bins;
- the residential and commercial waste services must be separate services in accordance with NSW Government requirements;

And in addition, for multiple dwelling developments (or commercial unit) where there are shared waste storage area(s):

- to ensure occupational use waste is able to be removed from the commencement of occupation – i.e. when residents and commercial occupants are moving in (onboarding), as this will create large volumes in a short period of time from onboarding waste such as removalist boxes, packing materials and replaced goods - a service agreement or other waste removal arrangement must be in place for provision of temporary additional cardboard, paper and other excess reusable, recyclable and garbage removal services to manage waste storage volumes in a timely way.

Waste Information Guide

- A Waste Information Guide as per 3.1.8 (for residential) and 4.1.10 (for commercial) of the 2019 Lake Macquarie Waste Management Guidelines must be provided to residents, commercial unit occupants, owners, property management and a copy to Council Waste Services.

Condition reason: to ensure appropriate waste management plans are in place

61. Post-construction dilapidation report

After completion of all site work a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the <Insert principal

certifier or Council (where a principal certifier is not required)>, detailing whether:

- after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent; and
- a copy of the post-construction dilapidation report must be provided to Council (where Council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s).

Condition reason: To identify any damage to adjoining properties resulting from site work on the development site.

62. Certification of Works

All civil works included in the condition "Approval for Civil Works" in this consent shall be completed and a Compliance Certificate shall be obtained for these works. The Compliance Certificate shall certify all construction works required under that condition have been constructed in accordance with this consent, the civil works approval, and all other standards specified in this consent.

Where the works approved by this consent include public assets, only Council may issue the Compliance Certificate.

Condition reason: To ensure the works are constructed in accordance with the approved plans, specifications and Council's requirements.

63. Compliance Certificate for Public Works Certificate - PWC

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 (Section 138 of the *Roads Act 1993*) and all other standards specified in this consent.

Condition reason: To ensure all works in the public domain are completed in accordance with the PWC approval.

64. Vehicles access crossing and kerb layback – MPW

Prior to the issue of whole Occupation Certificate, the paved crossing shall be completed for the building, at the owner's cost. Any disused kerb and gutter and footpath crossing shall be removed and replaced with full kerb and gutter to match adjoining kerb and gutter to the satisfaction of Council.

Condition reason: To ensure the driveway cross-over and layback are completed prior to occupation of the building.

65. Stormwater disposal and harvesting

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

Prior to the issue of a Partial or Whole Occupation Certificate, whichever comes first, a Works As Executed Plan shall be prepared by the plumber undertaking the

works and shall be 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..

Condition reason: To ensure any changes to the stormwater design are certified by the design engineer.

Occupation and ongoing use

66. Lighting

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

Condition reason: To control the obtrusive effects of outdoor lighting.