



CESSNOCK  
DEVELOPMENT CONTROL PLAN 2010

*PART E*  
*SPECIFIC AREAS*



**E15:**  
**NULKABA URBAN RELEASE AREAS- BC10**  
**and VALLEY VIEW PLACE**

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## Overview

This Chapter provides guidelines for the development of certain land in the suburb of Nulkaba. The land comprises two Urban Release Areas under the Cessnock Local Environmental Plan 2011 - namely the BC10 and Valley View Place Urban Release Areas as shown in **Figure 1**.

Nulkaba is located on the western side of Wine Country Drive 1 km north of the urban fringe of the Cessnock urban area and 2.5 km from the Cessnock City Centre. It is separated from Cessnock by flood prone land (a tributary of Black Creek), rural land, the Calvary Retirement Community, and Cessnock Corrective Centre. To the east lies rural land and Black Creek. To the west and north is rural land largely occupied by vineyards. Further to the north is the Cessnock airport.

Nulkaba is generally zoned RU5 Rural Village and R5 Large Lot Residential, with a number of smaller areas of land zoned RU2 Rural Landscape and E2 Environmental Conservation, under the Cessnock Local Environment Plan 2011.

The Urban Release Area lands have been identified as extensions to the village of Nulkaba to provide additional serviced land for village and large lot residential development.

Nulkaba contains a mixture of lots ranging from less than 700 sq. metres to around 8 ha. Ausgrid have a large holding of around 12 ha which contains a substation but is otherwise underdeveloped woodland. There is a local primary school and two parks.

The main drainage line through Nulkaba runs in a northerly direction parallel to Pinchen Street, and flows under Wine Country Drive south of Valley View Place (but does not drain Valley View). Valley View Place is within a small catchment that drains towards Wine Country Drive and hence into Black Creek. The western areas of Nulkaba drain westwards into Pokolbin Creek.

The landownership within the Urban Release Areas is generally fragmented in a number of ownerships. A co-ordinated approach to the development of the land is important to the sound and efficient development of the land. The provision of new and upgraded public amenities, services and infrastructure is important to ensure that they meet contemporary standards and the increased demand arising from the new development.

### **13.1.1 Objectives:**

The principal objectives of this Chapter are to:

- (a) Facilitate quality residential development at the BC10 and Valley View Place Urban Release Area;
- (b) Maintain the low scale character of Nulkaba;
- (c) Facilitate the efficient provision of infrastructure and services;
- (d) Avoid and manage natural hazards;
- (e) Provide an overall structure plan for BC10 and Valley View Place Urban Release Area in the context of the wider suburb of Nulkaba;
- (f) Provide adequate transport networks for vehicles, bicycles and pedestrians;
- (g) Provide for environmentally sustainable and economically affordable water management;
- (h) Provide for adequate open space;
- (i) To protect areas of significant vegetation and to enhance the habitat of threatened species and promote biodiversity;
- (j) Provide other objectives and controls that complement and supplement those of the other chapters of the Cessnock Development Control Plan, and
- (k) Implement the Cessnock Local Environmental Plan 2011.

### **13.1.2 Application**

This Plan is called *Nulkaba Urban Release Areas*, and forms part of the Cessnock City Wide Development Control Plan 2010. The Plan consists of the written statement and plans referred to in the document.

**Figure 1** details the land to which the Plan applies (shown edged heavy black).

The land is proposed to be subdivided to permit the development of dwellings. This Plan (Chapter) was adopted by Council on **20 August 2014**

### **13.1.3 Purpose of the Plan**

The purpose of the Plan is to give detailed guidance for development within the area. It provides more detailed provisions than those contained in the Cessnock Local Environmental Plan 2011 (CLEP) and more locally specific provisions than other chapters of the Cessnock Development Control Plan 2010.

The Plan also seeks satisfy the requirements of Clause 6.3 of the CLEP by supplementing the other provisions of the Cessnock Development Control Plan 2010 (CDCP).

Council will take into account the provisions of this Plan in determining development applications. Council may consent to an application that departs from the provisions of this Plan. Where applications seek to depart from the provisions of this Plan, they should be accompanied by a written justification.

### **13.1.4 Relationship to other Plans and Chapters of the Development Control Plan**

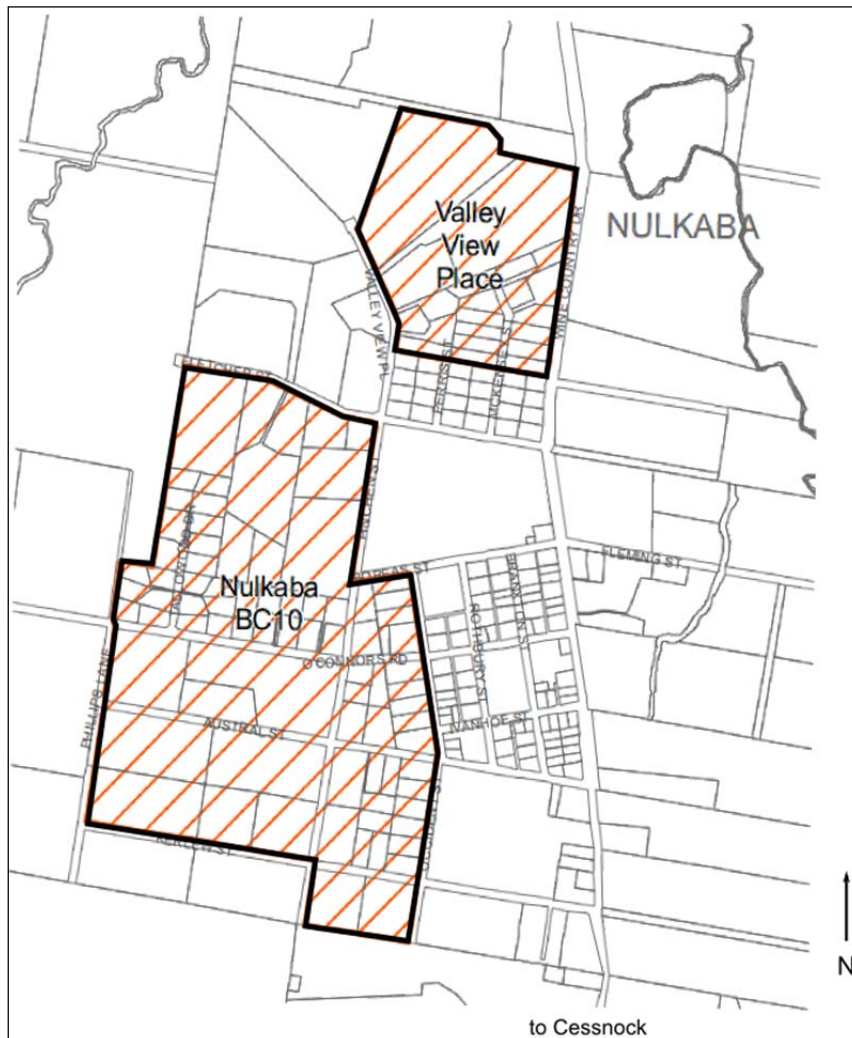
This Section supplements the provisions of the CLEP, and the other chapters of the CDCP.

This Chapter should be read in conjunction with all relevant Chapters of the CDCP and any other relevant Council policies. A number of other Chapters are applicable to the site (e.g. residential subdivision guidelines) and in some instances the provisions of those Chapters are supplemented by additional guidelines in this locality specific chapter.

Where there is an inconsistency between this Chapter and other Chapters of the CDCP, the provisions of this Chapter prevail.

Where there is any inconsistency between this Plan and any environmental planning instrument, the provisions of the environmental planning instrument prevail. An environmental planning instrument includes a State Environmental Planning Policy (SEPP), a Regional Environmental Plan (REP) and a Local Environmental Plan (LEP).

**Figure 1: Boundary of BC10 and Valley View Urban Release Areas**



Source: Cessnock LEP 2011

### **13.1.5 Structure Plan**

The Structure Plan at **Figure 2** shows the basic development principles to apply to the land.

It shows the development concept that applies to the Urban Release Areas and the surrounding suburb.

The Structure Plan provides guidance for individual developments to enable them to contribute to an overall development plan.

All development should demonstrate consistency with, and consideration of, the following development objectives.

Even though the RU5 zoning of part of the land permits a wide variety of land uses, it is considered that new development will consist almost entirely of residential uses. It should be noted that Wine Country Drive is a main road and that Road and Maritime Services (RMS) will limit access from individual properties to the road.

Objectives:

- (a) The development of the Valley View Place and BC10 Urban Release Areas is well co-ordinated and efficient across a number of land parcels and owners, including in the context of the overall development of the suburb of Nulkaba;
- (b) As much as practicable, the development of the Urban Release Areas provides a seamless extension of the existing village area of Nulkaba;
- (c) Walkable neighbourhoods provide convenient access to a neighbourhood park and school, with less dependence on cars for travel;
- (d) Neighbourhood structure fosters a sense of community;
- (e) Access is generally provided by way of an interconnected network of streets and paths that facilitate safe, efficient and pleasant walking, cycling and driving;
- (f) Development is compatible with the rural village ambience of the area, and
- (g) Important environmental features such as waterways and vegetation are protected.

Requirements:

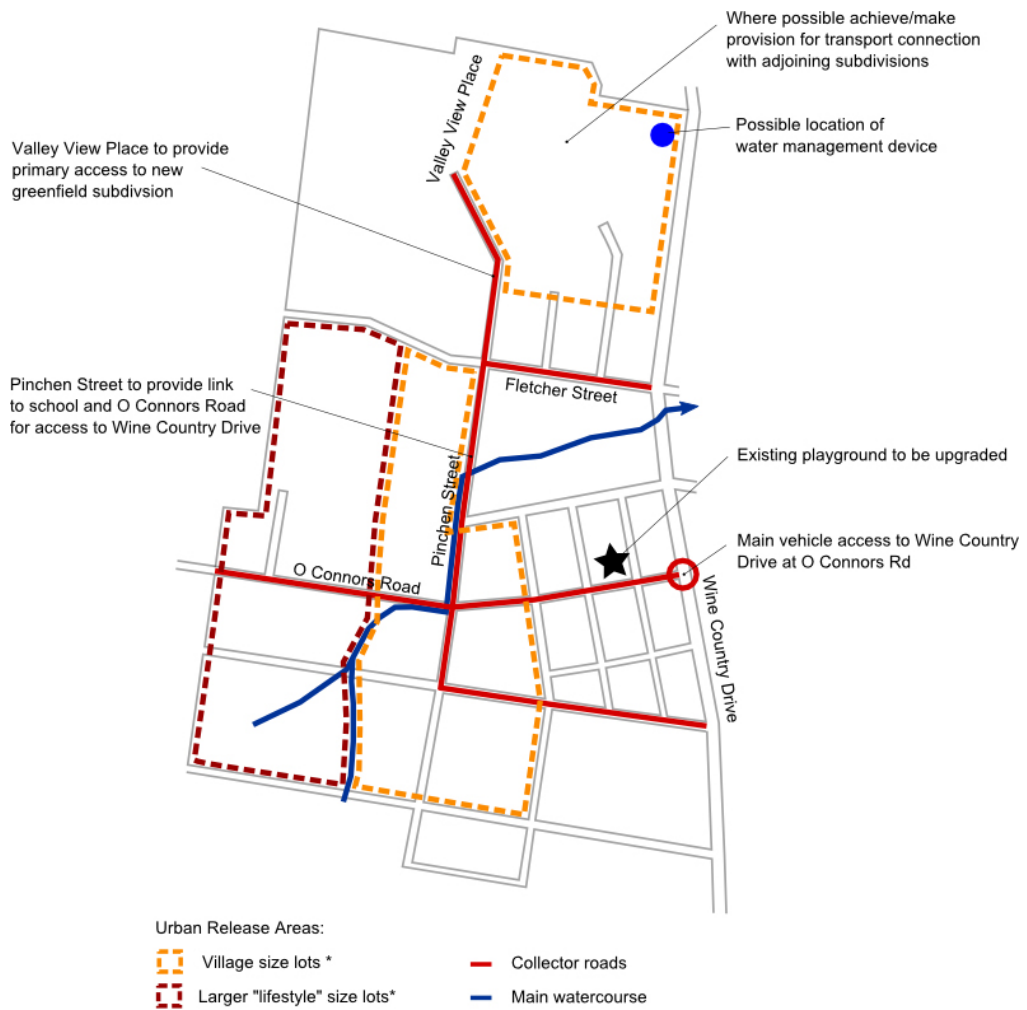
- (i) Development is to be generally consistent the Structure Plan at

**Figure 2.**

- (ii) Subject to detailed site investigation, applicants for subdivision in the BC10 Urban Release Area are encouraged to be guided by the subdivision concept at **Figure 3** in order to optimise the sharing and efficiency of transport and other infrastructure
- (iii) Infrastructure provision should be optimised at a catchment level in order to maximise sharing and the ease of expansion of infrastructure and utilities.
- (iv) Subdivision layout must not prejudice the ability of neighbouring sites to deliver the outcomes sought by this Plan.
- (h) Suitable legal access is to be retained where it already exists and provided to all new lots.

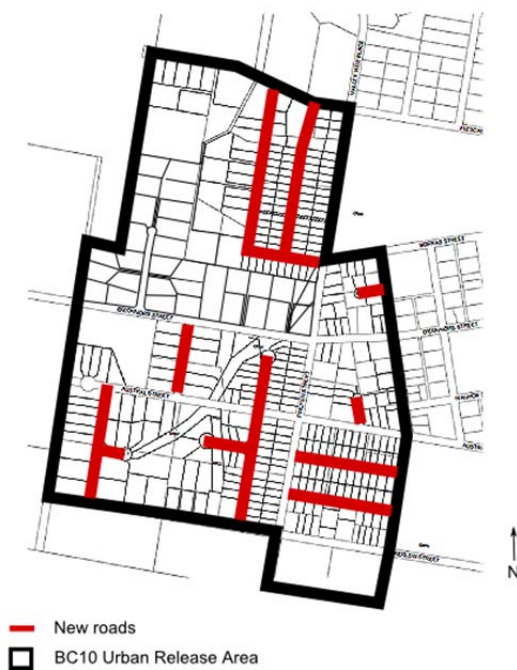


**Figure 2: Nulkaba Structure Plan**



\* lot size is indicative only. The minimum lot size is specified in the Cessnock LEP 2011. Achievable lot size is influenced the nature of a specific site and should be determined by detailed planning investigation.

**Figure 3: BC10 Potential subdivision concept**





### **13.1.6 Staging and Servicing Strategy**

#### Objectives

- (a) Development of the land is efficient and cost effective;
- (b) The logical expansion of urban infrastructure is facilitated;
- (c) The life cycle cost of infrastructure is minimised;
- (d) Residents have access to urban infrastructure and services;
- (e) There is a basis for the equitable sharing of infrastructure costs.

#### Requirements

- (i) The subdivision of land requires a Servicing Strategy to be lodged to the satisfaction of the consent authority prior to consent being granted.
- (ii) The issues to be addressed in a Servicing Strategy should include:
  - a. The provision of hydraulic, telecommunication and electricity services;
  - b. Proposed utilities networks and their relationship to adjacent properties, including links to adjacent properties;
  - c. Capacities of the utility services and the impact of the proposed development on remaining service capacity;
  - d. Options for utility service provision and a preferred option;
  - e. Implications of the servicing options for other landowners;
  - f. Proposed cost sharing arrangements with other landowners for any shared utility infrastructure including facility upgrades;
  - g. Details of consultations with servicing authorities in the preparation of the Servicing Strategy.
  - h. Details of easements may be needed if required by the consent authority.

(Note: the nature and scope of the Servicing Strategy will vary depending on the scale of the proposed subdivision).
- (iii) Clause 6.2 of the CLEP states that development consent must not be granted for development on land in an Urban Release Area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available, or that adequate arrangements have been made to make that infrastructure available when required. BC 10 and Valley View Place are Urban Release Areas.
- (iv) All land in the Urban Release Areas is to be serviced by reticulated water and sewerage services unless a servicing study and strategy justifies an alternative means of providing such services, including the long term viability of the proposed strategy. The servicing strategy must be to the satisfaction of the consent authority prior to the granting of development consent.
- (v) Each stage of development may be subdivided into sub stages. Any sub stages should be identified in a report to accompany the development application for subdivision, together with a description of the sub stages and the impact of the sub stage sequence on the provision of infrastructure.
- (vi) The upgrading of Pinchen Street to provide safe access to Wine Country Drive, connectivity between neighbourhoods and access to the school without a need to travel on Wine Country Drive is an early objective of development. Provision has been made for these works in the Section 94 Contributions Plan for the area.

### **13.1.7 Transport**

**Figure 4** shows the Transport Concept Plan for the Urban Release Areas including the surrounding suburb.

#### Objectives

- (a) Residents have access to safe convenient public transport, vehicular, pedestrian and bicycle networks;
- (b) Vehicular, cyclist and pedestrian connectivity within and between the Urban Release Areas, other parts of Nulkaba and to other parts of Cessnock is maximised;
- (c) Low vehicle speeds are encouraged throughout Nulkaba;
- (d) The impact of development in the Urban Release Areas on the efficient functioning of Wine Country Drive from development is minimised, and
- (e) Conditions of development consent, arrangements with Roads and Maritime Services, and a Section 94 Plan support the resourcing of new transport infrastructure required as a result of development.

#### Requirements

Note: This section includes items that are funded through Section 94 contributions and provides a holistic perspective of transport requirements.

- (i) Consent will not be granted for the subdivision of land unless a Transport Management Plan has been lodged to the satisfaction of the consent authority. The Transport Management Plan should address such matters as:
  - a. Traffic volumes;
  - b. Triggers for the provision of infrastructure and upgrades;
  - c. An assessment of the impact of the development on the road system internal and external to the site and urban release area;
  - d. Pedestrian and cyclist networks;
  - e. Identification of road upgrades, and
  - f. Intersection upgrades and the cumulative impact of development on the road network.

(Note: the nature and scope of the Transport Management Plan will vary depending on the scale of the proposed subdivision).
- (ii) The road, cycle and pedestrian movement network is to be generally consistent with the concept plan shown in **Figure 4**.
- (iii) Traffic calming and other safety measures are to be implemented in the streets surrounding Nulkaba School because of the increased traffic resulting from new residential development.
- (iv) Subdivision road networks should have no dead ends unless unavoidable. The use of low speed “share ways” to connect cul de sac heads and the like is acceptable.
- (v) Road, intersection, cycleway and pedestrian networks upgrades throughout the area will be necessary due to increased transport development demand resulting from new development. These will be provided by a combination of

conditions of development consent and Section 94 contributions as relevant to a specific development.

- (vi) The first development within the BC10 precinct, west of Pinchen Street and south of O'Connors Road is required to construct the unformed section of Austral Road between Pinchen Street and Occident Street.
- (vii) Upgrades to Austral Street between Pinchen Street and Occident Street are to be undertaken in association with development occurring adjacent to this section of Austral Street. Upgrades are to be proportionate to the proposed development.

**Figure 4: Transport Concept Plan**



### **13.1.8 Landscaping, Vegetation, Streetscape and Open Space Areas**

#### Objectives

- (a) Open space caters for a variety of recreational, aesthetic and environmental use;
- (b) Open space is easily maintained;
- (c) Open space provides informal and formal settings;
- (d) Landscaping responds to the natural topography and rural setting of the land;
- (e) Existing native vegetation is to be retained and enhanced where possible, and
- (f) The use of existing open space and recreational facilities is maximised.

#### Requirements

- (i) It is proposed to rely on the existing public open space areas rather than create additional open space areas, as shown in **Figure 5**. The Section 94 Contributions Plan makes provision for the augmentation of the existing playground in Nulkaba and for the augmentation of facilities at Drain Oval to meet the increased demand arising from new development at Nulkaba.

- (ii) Consent for the subdivision of land requires a Landscape Plan to be lodged to the satisfaction of the consent authority.

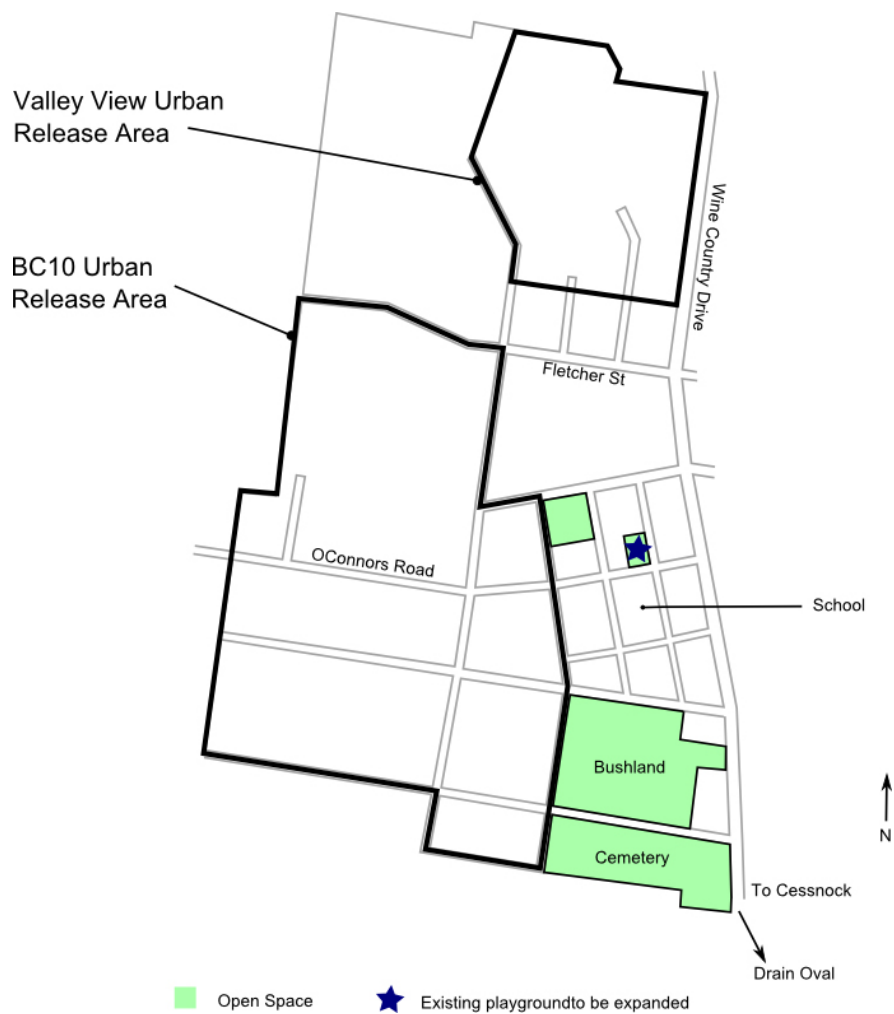
The Landscape Plan can be in the form of a concept plan at the Development Application stage and a detailed plan at the Construction Certificate stage (this should be confirmed with the consent authority prior to lodgement of a Development Application for subdivision).

- (iii) Such Landscape Plans should include:
  - a. Details of the proposed landscaping of the public domain, such as tree planting;
  - b. A schedule of the species and the planting locations;
  - c. Technical details of the planting and initial maintenance regime;
  - d. An assessment of ongoing maintenance requirements;
  - e. Landscape treatments, including any paving and street furniture;
  - f. The location of existing trees, highlighting those with hollows and those that it is proposed to remove, and
  - g. Details of the restoration of any riparian areas.
- (iv) Landscaping should be consistent with the rural nature of the area, with a focus on retaining and enhancing natural trees/woodland wherever possible.
- (v) Street trees are to be planted to:
  - a. Soften the streetscape
  - b. Act as traffic calming measures through perceived narrowing the road
  - c. Provide shade to footpaths and roads
  - d. Enhance views.
- (vi) Natural watercourses are to be protected and revegetated where appropriate to enhance the visual amenity, prevent soil erosion, and to protect the quality of receiving waters with a treatment commensurate with their role in the water management system. Riparian vegetation along watercourses is to be re-

established using locally occurring native species from locally sourced seed stock and in accordance with Office of Water guidelines.

- (vii) A vegetated riparian zone corridor along the watercourse designated in Figure 7 is to be provided to enhance visual amenity, prevent soil erosion, and to protect the quality of receiving waters commensurate with its role in the water management system. This should be done to an extent not less than that required by the Department of Primary Industries Office of Water in the publication "Guidelines for Riparian Corridors on Waterfront Land", unless otherwise justified to the satisfaction of the consent authority and agreed by the NSW Office of Water.
- (viii) Riparian vegetation along watercourses is to be re-established using locally occurring native species from locally sourced seed stock.
- (ix) Clearing of native vegetation shall only occur within an approved development footprint to accommodate the proposed development and any required Asset Protection Zones (bushfire).

**Figure 5: Open Space concept**



### **13.1.9 Biodiversity**

Notes:

The presence of Endangered Ecological Communities (EEC) has been identified in studies of Nulkaba, as shown in **Figure 6**. EECs are protected by legislation, such as the Threatened Species Conservation Act 1995 and the Threatened Species Conservation Regulation 2010 and other policies.

In addition, the Native Vegetation Act 2003 has requirements in relation to the clearing and removal of native vegetation. This Act applies to land zoned R5 large lot residential but not land zoned RU5 Village.

#### Objective

Areas of biodiversity significance, including riparian areas are managed to conserve their biodiversity values.

#### Requirements

- (i) Where required by legislation, threatened species assessments are to be undertaken at the subdivision or building DA stage, whichever occurs first, to assess the impact of the development and any proposal to clear native vegetation including old growth trees and any trees with hollows. Flora/fauna assessment(s) and Species Impact Statements shall be prepared in accordance with requirements specified in Chapter C.2 Flora and Fauna Survey Guidelines in the Cessnock Development Control Plan 2010. It is recommended that a Council statutory planner be consulted if further information is required.
- (ii) Consent will not be granted for the subdivision of land containing an EEC unless a Vegetation Management Plan has been lodged to the satisfaction of the consent authority.
- (iii) The Vegetation Management Plan is to include:
  - a. Details of the location of significant vegetation, including trees with hollows.
  - b. The location of building footprints relative to significant vegetation.
  - c. Details of the clearing of native vegetation relative to the proposed development footprint to accommodate the proposed development and any required Asset Protection Zones (bushfire).
  - d. Details of the proposed rehabilitation of significant vegetation.
  - e. Details of the proposed ongoing vegetation management regime in the context of the proposed subdivision, which may include such measures as Section 88B instruments to designate building footprints.
- (iv) Where possible within the scope of design and safety issues, hollow-bearing trees should be retained. Where hollow bearing trees are required to be removed, this should be undertaken in the presence of a suitably qualified ecologist equipped with the appropriate tools and experience in fauna recovery. Hollow loss may be able to be partially offset with installation of suitable nest boxes in retained areas.
- (v) Landscaping of the site should enhance retained vegetation where possible. Any future landscaping should aim to utilise locally occurring flowering/fruited native shrubs that would provide potential foraging resources for threatened species and other native species.
- (vi) Where clearing of the filling of farm dams is proposed, development consent must be obtained prior to works and supported by a flora/fauna assessment(s).



**Figure 6: Location of Ecologically Endangered Species (2003)**



### **13.1.10 Water Management**

Nulkaba contains several catchments, a number of which experience flooding.

#### Objectives

- a) The water balance of the BC10 and Valley View Place Urban Release Areas is to be as close as practical to natural conditions;
- b) Water management should seek to provide an effective treatment train in the context of minimising Council's long term maintenance requirements. The treatment train should consider source controls, water quality, water volume, salinity management, on and off site detention, instream treatment measures and the implications for receiving areas;
- c) Runoff flow rates from low intensity, common rainfall is equivalent to the runoff flow rates from a natural catchment;
- d) Runoff generated by more intense rainfall causes no downstream property damage or risk to public safety;
- e) To mimic the existing flow regime as near as possible, and
- f) Easements are to be negotiated between adjoining landowners if required.

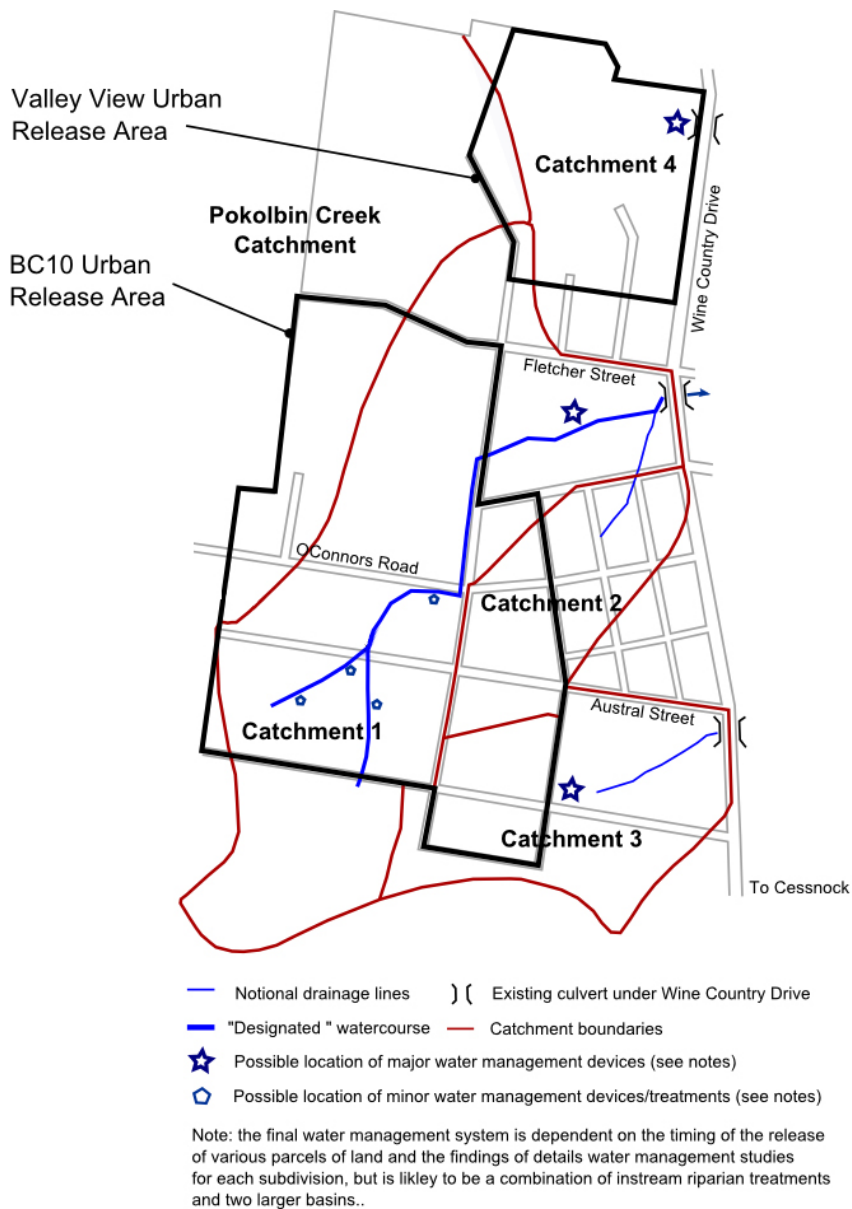


## Requirements

- (i) A Water Management (stormwater) Strategy is to be lodged to the satisfaction of the consent authority prior to consent being granted, **Figure 7** illustrates selected hydrological features of the Nulkaba area.
- (ii) Water management strategies should aim to achieve a:
  - a. Reduction of erosion;
  - b. Reduction of flow velocity;
  - c. Reduction of runoff volume through at source controls and water quality treatment, and
  - d. Maximum practical infiltration (note: the nature of the soils at Nulkaba may limit infiltration).
- (iii) The Water Management Strategy shall include, but is not limited to, the management of upstream and downstream impacts on water quality and quantity (having regard to all contributing catchments and downstream water bodies, the 1% AEP Black Creek Flood Level and the 1% AEP storm event). These measures may be provided at a subdivision level, allotment level, or a combination. The Water Management Strategy should clearly outline the requirements for any allotment controls that will be required in any development application, including individual buildings.
- (iv) Development of land inconsistent with the Water Management Strategy can occur if the proposed measures are justified by a supporting study, to the satisfaction of the consent authority. The supporting study must be lodged prior to or with the relevant development application.
- (v) The supporting study is to include (but is not limited to):
  - a. Hydrological and flood analysis of the proposed strategy;
  - b. Impact on the overall Water Management Strategy;
  - c. Impact on other future urban development within Nulkaba;
  - d. Cost impact on Council (recurrent) and other future urban development (capital);
  - e. Impact on upstream and downstream land and buildings, and
  - f. Environmental impact.
- (vi) The Water Management Strategy for the watercourses is to be designed to appear as a natural stable stream in a riparian corridor. Existing major natural drainage lines and watercourses are to be retained wherever possible, and preferably rehabilitated through comprehensive re-planting with indigenous plant species, rather than being piped and filled.
- (vii) Subject to the role of the watercourse within the water management system and Council's approval, subdivision proposals which affect the "designated" watercourses shown in

- (viii) **Figure 7** shall either:
- a. Include a 'restriction as to user' over the watercourse and buffer zones under section 88 Conveyancing Act 1919. The restriction shall prohibit the construction of any building or structure, which would affect the flow of the watercourse, including any standard fencing, or
  - b. Be transferred to Council at the subdivision certificate stage as a drainage easement, with a maintenance period.
- (ix) The design of stormwater management systems is to be undertaken in accordance with Cessnock City Council's engineering requirements for development, unless otherwise varied by the content of this DCP.
- (x) The quality of runoff should be in accordance with ARQ guidelines and Council Engineering Standards.
- (xi) Development should not result in more run off than what existed prior to development for the 10 year ARI to 100 year ARI, and the quantity of runoff flow rates of each stage of development is to be equivalent to the pre development state. Council will assist in determining what is defined as a stage for the purposes of this clause.
- (xii) Design storms and flow rates shall be determined using the procedure in the current version of Australian Rainfall and Runoff.
- (xiii) An underground piped drainage system is to be constructed within the road alignments to provide sufficient depth for lots to drain and shall be designed to convey the flow rate from the design 10 year Average Recurrence Interval (ARI) event.
- (xiv) The combination of the pipe drainage network and water within the road reserve is to convey the 100 year ARI event. The depth velocity product of surface water for the 100 year ARI event within the road reserve is to be less than  $0.4\text{m}^2/\text{s}$  unless special safety features are provided.
- (xv) Cross drainage (culverts and bridges) is to be designed to convey the design critical 100 year ARI storm event. The design of subdivision earthworks levels shall consider the potential increase in flood water as a result of the cross drainage structures, including an appropriate allowance for blockage. Concessions may be granted for larger culvert diameters, open span bridges or where additional features (i.e. trash racks) are installed to reduce the likelihood and magnitude of blockage.
- (xvi) Additional piped drainage features (e.g. inter-allotment drainage lines) are permissible for areas other than roads within the development, where required and appropriate.
- (xvii) Alternative methods and criteria for design of stormwater systems (for example, continuous simulation using rainfall data) may be proposed and considered on merit.
- (xviii) Easements may need to be created in circumstances where water management infrastructure, such as detention basins, is located on land not included in that development. Easements are to be negotiated between adjoining landowners as required prior to the approval of the construction certificate of the development.
- (xix) Any drainage easements and reserves within the site shall be constructed and dedicated to Council (at no cost) at the subdivision stage or prior to occupation.
- (xx) Minimum floor level of any habitable space in a residential dwelling must be to comply with Council's Flood Standard for the locality

**Figure 7: Conceptual Water Management Strategy**



**13.1.11 Built Form**

Objective

- (a) The built form is consistent with that of a rural town or village.

Requirements

New dwellings with a street frontage should have the appearance of a low scale detached dwelling in order to maintain the low density streetscape typical of Nulkaba.

### **13.1.12 Road Noise and Vibration**

#### Objective

To ensure that future residences and other noise sensitive land uses are not unreasonably affected by road noise or vibration.

#### Requirements

- (i) Consent shall not be granted for the subdivision of land, or for noise sensitive development (including but not limited to dwellings, places of public worship, child care centres, hospitals, and educational establishments) within 200 metres of the Wine Country Drive unless:
- (ii) A noise and vibration assessment has been carried out, and
- (iii) Suitable noise and vibration attenuation measures are identified
- (iv) The noise and vibration assessment and proposed measures must be to the satisfaction of the consent authority prior to the granting of development consent.
- (v) The development is to meet the requirements of AS 3671-1989 Acoustics-Road Traffic Noise Intrusion – Building, Siting and Construction intrusion – Building Siting and Construction.
- (vi) Alternatively, in the case of noise and vibration levels affecting residential development, it is demonstrated that the following LAeq levels will not be exceeded:
  - a. In any bedroom in a residential building—35 dB(A) at any time between 10 pm and 7 am.
  - b. Anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time, and
  - c. Vibration levels are to the satisfaction of the consent authority.
- (vii) Noise and vibration attenuation measures undertaken to comply with the conditions of development consent for a subdivision may obviate the need for additional noise or vibration assessments and attenuation measures for subsequent developments on the land.