

ATTACHMENT B – DRAFT SCHEDULE OF CONDITIONS – DA10/0336 – 120
UNION STREET, NEWCASTLE WEST

1 Conditions Restricting the Terms of Consent

- 1.1 The proposed development being carried out strictly in accordance with the details set out on the amended plans by EJE Architecture, Project number 7211, dated 18/08/2010, Site Landscape Masterplan, prepared by Terras landscape Architects, Job number 7211.5, Rev B, dated 19/03/2010, the Statement of Environmental Effects by ADW Johnson, dated March 2010, the Applicant's written submissions dated 2 July 2010 and on the Application form, except as otherwise provided by the conditions of this consent.

Note: Any proposal to modify the terms or conditions of this consent whilst still maintaining substantially the same development to that approved, will require the submission of a formal application for Council's consideration in accordance with the provisions of Section 96 of the Environmental Planning and Assessment Act, 1979.

Reason: To confirm and clarify the terms of Council's approval.

- 1.2 Events other than sporting events are restricted to occur only between 9:00am and 10:00pm. Any event that occurs outside of these hours or during school hours must be the subject of further event specific acoustic assessment.

Reason: To ensure appropriate noise control measures are implemented if required.

- 1.3 Events other than sporting events are limited to an average of one per month.

Reason: To ensure appropriate noise control measures are implemented if required.

- 1.4 Events other than sporting events must operate in accordance with the Noise Management Plan prepared by Spectrum Acoustics project number 10527_3426 dated February 2010

Reason: To ensure appropriate noise control measures are implemented if required.

- 1.5 The use of the floodlights shall be limited to no later than 10:30pm at any time, other than for special events where they shall be used up to, but not later than 11pm.

Reason: To limit the impact of light spill on the surrounding areas.

2 Carrying Out of Off Site Works

- 2.1 Commercial type vehicular crossings being constructed across the public footway at the proposed driveway entrance/exits at no cost to Council and in accordance with Council's A017 Series (Concrete Vehicular Crossings) design specifications and such crossing being properly maintained.

Reason: To ensure the provision of adequate clearly defined and properly constructed means of all-weather vehicular access to the site in order to encourage the use of on-site parking facilities and in the interest of maximising vehicular and pedestrian safety and convenience.

- 2.2 Any necessary alterations to public utility installations being at the Developer/Demolisher's expense and to the requirements of both Council and the appropriate authorities.

Reason: To ensure that any required alterations to public utility infrastructure are undertaken to acceptable standards and without demands on public sector resources.

- 2.3 A temporary protective crossing being provided over the footway for vehicular traffic before building operations are commenced. This approval does not permit access to the property over any adjacent private or public land.

Reason: To ensure public safety and protection of public assets.

- 2.4 The Developer constructing / reconstructing, at no cost to Council and to Council's requirements, the public footway works in Parry Street and Smith Street adjacent to the site in accordance with the concept plan 238260-PED-001-C, dated 2 September 2010, with amendments as agreed to by the applicant and Council and listed below. Such works are to be implemented prior to the occupation of the premises. The additional works / amendments required are;

- a) Provision of a dedicated right turn storage bay at the Parry Street access to Market Town Shopping Centre.
- b) Provision of a minimum 5 metre wide marked pedestrian crossing of Parry Street at the proposed pedestrian refuge.
- c) Reconstruction of the footway along the full site frontage.
- d) Provision of a bus and vehicle set down bay in Smith Street.
- e) All medians are to be raised concrete medians.
- f) The existing kerb extensions at the corner of Smith Street and Parry Street are to be removed and the kerb alignment restored to widen the intersection to improve access to Smith Street for buses.
- g) The parking area along the Parry Street site frontage between Steel Street and Smith Street is to be designated as short term set down parking. Proposed adjustment to kerbside parking provisions and restrictions as a result of the work are to be clearly identified on the plans.

Note: 1. The applicant will need to obtain Newcastle City Traffic Committee approval for the proposed layout. This traffic change will also be subject to public notification under the requirements of the Roads Act (1993).

2. It will be necessary for the Developer to notify water, telecommunications, and gas and electricity authorities of the proposed footway works in order to enable the various

authorities to carry out and complete any necessary repairs and/or amplification to their respective services before such works are commenced.

3. Consultation will be required with Council's Landscape Officer in order to confirm the type of footway required and landscaping requirements though generally in accordance with the submitted plans.
4. The Developer is advised to confer with Council's Development & Building Services Section in order to confirm Council's design requirements and construction standards prior to the commencement of the civil works within the public road.

Reason: To provide for an appropriate standard of pedestrian amenity and to protect the heritage values and enhance the overall environmental quality of the public road.

- 2.5 No work within the public road being commenced until Council's separate written approval has been obtained.

Note:

- 1) A separate road works application is required for the works to be undertaken in the public road.
- 2) Engineering design plans and specifications for the works being undertaken in the public road reserve are required to be submitted to Council for approval with the Road Works application.
- 3) An additional fee will be required by Council for the assessment of engineering plans submitted for the public road works. In this regard the developer is advised to confer with Council's Development & Environment Section in order to confirm this fee.

Reason: To ensure that any work within the public road is carried out in accordance with Council's and the Roads & Traffic Authority's requirements and under Council supervision.

3 Conditions Requiring Inclusion of Details in Documentation for a Construction Certificate Application

- 3.1 All proposed driveways, parking bays and vehicular turning areas being constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. All driveways and manoeuvring areas are to be designed in accordance with Australian Standards AS 2890.1 – 2004 "Parking facilities – Off-street car parking". Suitable pedestrian linkages are to be provided within the car park areas directing spectators to the appropriate entrance/exits for the ground facilities. Full details are to be included in documentation for a Construction Certificate application.

Reason: To facilitate the use of vehicular access and parking facilities and to minimise any associated noise and dust nuisance.

- 3.2 The development is to be provided with appropriate secured bicycle and motorcycle parking facilities in the car park area. Full details are to be included in documentation for a Construction Certificate application.

Reason: To ensure appropriate facilities are provided for cyclists within the development.

- 3.3 Landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2m in the 2.5m by 2m splay within the property boundary each side of the driveway entrance. Full details are to be included in documentation for a Construction Certificate application.

Reason: To ensure adequate sight distance to traffic on the frontage road and sight distance to pedestrians on the frontage road footway.

- 3.4 The Developer instituting appropriate erosion protection and soil stabilisation measures in association with the proposed site works. Such measures are to be designed in accordance with the requirement of the Department of Water and Energy. Full details are to be included in the documentation for a Construction Certificate application.

Reason: To control soil erosion and prevent sedimentation of surrounding lands both private and public.

- 3.5 All external ramps and pathways within the site required to be accessible for persons with disabilities being designed and constructed in accordance with AS.1428 – Design for Access and Mobility. Kerb ramps are to be provided adjacent to disabled parking bays. Full details are to be included in documentation for a Construction Certificate application.

Reason: To ensure appropriate disabled persons access is provided for this development in accordance with the appropriate standards.

- 3.6 The design and construction of the proposed canteen and bar areas being in accordance with the relevant requirements of the Australian Standard AS 4674-2004 *Design, construction and fit-out of food premises* dated 11 February 2004. Full details are to be submitted with the required construction certificate application for the proposed fit-out.

Reason: To ensure safe and suitable food for human consumption under the provisions of the Food Act 2003 and Food Regulations 2004.

- 3.7 The building being provided with adequate means of access for persons with disabilities in order to comply with the Building Code of Australia and the Disability Discrimination Act 1992.

In this regard, the applicant is to submit a design detail which has been certified by a qualified Access Advisor* with the application for a Construction Certificate.

Note: i) Compliance with the Building Code of Australia only can still leave a building professional or building owner in contravention of the Disability Discrimination Act 1992.

ii) * A qualified Access Advisor is a current member of -
Association of Consultants in Access Aust Inc
326 Autumn Street, HERNE HILL, VIC. 3218.
Ph (03) 5221 2820
www.access.asn.au

iii) A qualified Access Advisor should carry current and relevant public liability and public indemnity insurances for the practice of their trade.

Reason: To ensure compliance with the provision of the Environmental Planning and Assessment Act, 1979 and the Building Code of Australia and the Disability Discrimination Act 1992 in relation to the provision of equity in access for disabled persons.

3.8 The applicant complying with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's certificate of compliance is to be included in documentation for a Construction Certificate application.

Reason: To ensure that water supply and sewerage services are properly connected to the proposed development in the public interest.

3.9 The whole of the proposed structure below 3.15m Australian Height Datum being constructed in materials and finishes that are resistant to damage from floodwaters. Any new machinery or equipment, electrical circuitry or fitting, storage unit or similar items likely to be damaged by floodwaters being installed above the said height or alternatively being of materials and functional capability resistant to the effects of floodwaters. Full details are to be included in documentation for a Construction Certificate application.

Reason: To minimise the extent of property damage and the risk of injury in the event of flooding of the site.

3.10 A flood emergency response plan being prepared and put in place by the applicant prior to occupation of this site for the intended use. The plan must be updated and maintained as required by the occupiers to include an education and awareness component for the workforce and detailed evacuation procedures to interface with emergency services where appropriate and to include provisions for any third parties likely to be involved.

The flood emergency response plan should describe the following components:

- a) Likely flood behaviour
- b) Flood warning systems
- c) Education awareness program
- d) Evacuation and evasion procedures

- e) Evacuation routes and flood refuges
- f) Flood preparedness and awareness procedures for workforce and visitors

Considerations should include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. As much as possible, the plan should be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources. Full details to be included in documentation for a Construction Certificate application.

Reason: To adequately manage the risk to life, property and all potential adverse flood impacts within the flood environment.

- 3.11 The buildings being structurally designed to withstand the hydraulic loading due to flooding at the Probable Maximum Flood (PMF) event. The current estimate of the PMF level on this site is 4.9m AHD. Structural certification being provided with the Construction Certificate application.

Reason: To ensure the structural stability of the building during extreme flood events to provide safe refuge for building occupants.

- 3.12 All stormwater runoff from the proposed development being managed in accordance with the requirements of the *Water Management* Element 4.5 of the Newcastle Development Control Plan 2005 and the associated Technical Manual as indicated on the Stormwater Management and Concept Engineering Plan (Ref. 238260, sheet 3 of 7, version C, dated 25/05/2010, prepared by ADW Johnson Pty. Ltd.). Full details to be included in documentation for a Construction Certificate application.

Reason: To ensure that site stormwater runoff is properly managed in a safe and sustainable manner.

- 3.13 All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required under the conditions of this consent being implemented and a comprehensive landscape design plan and specification in respect thereof being prepared by a qualified landscape designer and being submitted with a Construction Certificate application.

Note: i) The required comprehensive landscape design plan and specifications is to be in accordance with the provisions of Council's adopted Newcastle Development Control Plan, 2005 and is to include cross sections through the site where appropriate, proposed contours or spot levels, botanical names, quantities and container size of all proposed trees, shrubs and ground cover, details of proposed soil preparation, mulching and staking as well as treatment of external surfaces and retaining walls where proposed, drainage, location of taps and the nominated maintenance periods. Refer to attached checklist.

- ii) A Landscape Practical Completion Report is required to be submitted to the Principal Certifying Authority by the consultant responsible for

the landscape design plan prior to occupation of the premises or any portion of the premises that is the subject of this consent. The report is to verify that all landscape works have been carried out in accordance with the approved landscape design plan to a high professional standard and that an effective maintenance program has been commenced.

Reason: To ensure that adequate and appropriate provision is made for landscaping of the site in association with the proposed development, to enhance the external appearance of the premises and to contribute to the overall landscape quality of the locality.

3.14 The landscape proposal for the site being modified as follows with full details to be included in documentation for a Construction Certificate application.

- Extend tree planting along the south-eastern boundary to form a continuous canopy coverage to the boundary edge of the development.
- Norfolk Island Pine trees to be planted as replacement to paperbark trees currently existing in Parry Street. All new trees to be a minimum 400 litre in size and planted in structural soil vaults that extend the entire width and length of the pavement.
- The proposed security fencing that encloses the small urban park located at the north eastern corner is to be re – routed to the southern side of the proposed park.

Reason: To ensure that adequate and appropriate provision is made for landscaping of the site in association with the proposed development to enhance the external appearance of the premises and to add to the landscape quality of the locality.

3.15 A qualified arborist is to be engaged to supervise the transplantation and retention of the existing trees nominated in the arborist report prepared by Terras Landscape Architects. Project No. 7211.5, dated November 2009. The existing Norfolk Island Pine trees located on the western side of the site, identified in the Arborist report as tree numbers 2, 3, 5, 6, 7, 8 and 9 and recommended to be transplanted are to be incorporated into the open carpark area, in structural soil vaults and permeable paving, located south west of the clubhouse. Full details are to be included in documentation for a Construction Certificate application.

Reason: To ensure that adequate and appropriate provision is made for landscaping of the site in association with the proposed development to enhance the external appearance of the premises and to add to the landscape quality of the locality.

3.16 A vegetation management program is to be submitted, incorporating the following features. Full details are to be included in documentation for a Construction Certificate application.

- Maintain clear and open sightlines throughout the development.
- Ensure there are no pathways around the facility that are obstructed with dense vegetation.

Reason: To ensure landscaping facilitates adequate surveillance in accordance with Crime Prevention Through Environmental Design (CPTED) principles.

3.17 Prior to the issue of a Construction Certificate the proponent is to finalise and submit to the PCA and the Council the Environmental Management Plan (EMP) for construction/demolition works on the site. The plan is to be kept on site and be made available to authorised Council officers upon request. The EMP should include but not be limited to:

- a) A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
- b) A water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
- c) A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions.
- d) A noise and vibration management program, detailing measures to minimise the impact of the development on local amenity. Provision for noise and vibration monitoring during works should be incorporated into the program.
- e) A soil management strategy, detailing measures to be implemented to manage the identification and control and disposal of any acid sulphate soils or soil contamination identified during site works.
- f) A waste minimisation strategy, which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
- g) A community relations plan, which aims to inform local residents and other local stakeholders of the proposed nature and timeframes for demolition and construction activities together with contact details for site management.
- h) A demolition work plan is to be prepared in accordance with Australian Standard AS2601 and incorporated in the EMP. The demolition work plan is to include a hazardous substances audit and a hazardous substances management plan detailing the location and quantities of hazardous substances and methods for removal, handling and disposal of hazardous substances on the site.

Reason: To prevent environmental pollution and to ensure compliance with relevant provisions of the Protection of the Environment Operations Act 1997.

4 General Conditions

4.1 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Reason: To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

- 4.2 A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Reason: To confirm a condition of consent prescribed by the Environmental Planning and Assessment Regulation 2000.

- 4.3 If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason: To confirm a condition of consent prescribed by the Environmental Planning and Assessment Regulation 2000.

- 4.4 Construction/demolition work that generates noise that is audible at residential premises being restricted to the following times:
- Monday to Friday, 7:00 am to 6:00 pm;
 - Saturday, 8:00 am to 1:00 pm;

With no noise from construction/demolition work to be generated on Sundays or Public Holidays.

Reason: To prevent 'offensive noise' from construction/demolition sites in order to safeguard the amenity of the neighbourhood

- 4.5 No construction/demolition work being undertaken on a Public Holiday or on a Saturday or Sunday adjacent to a Public Holiday

Reason: To safeguard the amenity of the neighbourhood.

- 4.6 Council's "PREVENT POLLUTION" sign being erected and maintained in a conspicuous location on or adjacent to the property boundary so that it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of construction work.

Note: Council's PREVENT POLLUTION sign can be obtained by presenting your development application receipt at Council's Customer Enquiry Counter at 282 King Street Newcastle or at the Master Builders Association office.

Reason: To increase industry and community awareness of developer's obligations to prevent pollution and to assist in ensuring compliance with the statutory provisions of the Protection of the Environment Operations Act 1997.

- 4.7 Building demolition being planned and carried out in accordance with Australian Standard AS 2601 - 2001 The Demolition of Structures.

Reason: To minimise the risk of injury or damage to property as a result of the proposed demolition.

- 4.8 A Hazardous Substances Audit being carried out on the building/s or parts of the building proposed to be demolished, in accordance with Australian Standard AS2601: 2001 - The Demolition of Structures, and a copy of the Audit Report and any associated Hazardous Substances Management Plan being provided to Council and the licensed demolition contractor and/or principal contractor prior to commencement of work. The nature and location of each hazard identified and the proposed measures for controlling and/or removing the hazards are to be indicated in the Plan and such measures are to be implemented in accordance with the provisions of the Plan. The required Plan is to be kept on site and made available to authorised Council officers upon request.

Reason: To ensure that no work takes place involving the removal or handling of hazardous substances including asbestos material, other than in accordance with appropriate public health guidelines.

- 4.9 The licensed demolition contractor and/or principal contractor complying with the following specific requirements in respect of the proposed demolition works:

- a) Demolition work is not to be undertaken until:
 - i) Council has been provided with a copy of any required Hazardous Substances Management Plan;
 - ii) The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
- b) The removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in

accordance with the requirements of WorkCover NSW and the National Occupational Health and Safety Commission's Code of Practice for the Safe Removal of Asbestos, 2nd Edition [NOHSC: 2002 (2005)] and Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)];

- c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Department of Environment and Conservation;
- d) Seven working days notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor;
- e) Seven working days notice in writing is to be given to owners and occupiers of all neighbouring premises prior to demolition, such notice to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor, Newcastle City Council's contact telephone number (49742000) and WorkCover NSW telephone number (49212900); and
- f) On sites where buildings to be demolished contain asbestos materials, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent position to the satisfaction of Council prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

Note: Demolition, in relation to a building, work, archaeological site, relic or place means the damaging, defacing, destruction, pulling down or removal of that building, work, archaeological site, relic or place in whole or in part.)

Reason: To ensure in the public interest that:

- i) No work takes place involving the removal or handling of hazardous substances including asbestos material, other than in accordance with appropriate public health guidelines;
- ii) Council has all necessary information to effectively monitor demolition works and is aware of the contact details of the contractor should it need to follow up on complaints;
- iii) Neighbouring residents are provided with adequate prior notice of proposed demolition work, as well as a convenient avenue for liaising with the demolition contractor and the appropriate

regulatory authorities in the event of an incident occurring on site; and

- iv) Appropriate warning signs are in place regarding the conduct of a hazardous operation on site.

4.10 The removal, handling and disposal of any asbestos material being undertaken in accordance with the requirements of the NSW WorkCover Authority, the National Occupational Health and Safety Commission's Code of Practice for the Safe Removal of Asbestos, 2nd Edition (NOHSC:2002 [2005]) and Guide to the Control of Asbestos Hazards in Buildings and Structures (NOHSC:3002 [1998]), and the NSW Environment Protection Authority.

Note: In this regard, an audit of all asbestos products present in the area of the building to be effected by demolition and construction works is to be undertaken prior to works commencing, and all asbestos and other hazardous materials are to be appropriately contained and disposed of at Council's Waste Management facility or an alternative site licensed by the Department of Environment & Conservation.

Reason: To ensure that an identified hazards building material is appropriately handled and disposed of to prevent environmental pollution and to ensure observance of appropriate public health standards.

All asbestos material being appropriately contained and disposed of at Council's Waste Management facility or other approved waste management facility.

Reason: To confirm the conditions of consent and prevent indiscriminate dumping of waste material.

4.11 If the work involved in the erection / demolition of the building:

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

Reason: To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

4.12 The placing of building materials or the carrying out of building operations upon or from Council's footway or roadway is prohibited unless prior consent in writing is obtained from Council.

Reason: To maintain pedestrian passage and public safety.

- 4.13 The floor level of all occupiable rooms being not below 3.15 m Australian Height Datum (AHD) and to be indicated on plans for a Construction Certificate application. The finished floor levels are to be certified by a registered Surveyor prior to the placement of the floor material and a copy of the Surveyor's Certificate is to be forwarded to the Principal Certifying Authority.

Reason: To minimise the extent of property damage and the risk of injury in the event of future flooding of the site.

- 4.14 A minimum 10m wide flood spillway being provided in the south east corner of the site to allow local flood waters to spill into the playing field. The spillway crest being set no higher than RL 2.3m AHD to correspond to the current estimate of the 1 in 20 year chance flood level at this location. Fencing and any other obstructions within the spillway area to be designed to ensure they do not significantly impede floodwaters.

Reason: To ensure that large floods can spill into the flood storage area within the ground.

- 4.15 A copy of the stormwater drainage design plans approved with the Construction Certificate with "work as executed" levels indicated, shall be submitted to Newcastle City Council prior to occupation of the building. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

Reason: To ensure the stormwater system is constructed in such a manner that achieves the design's objectives and to update Newcastle City Council's records.

- 4.16 The proposed parking bays being clearly indicated by means of signs and/or pavement markings.

Reason: To encourage the use of the proposed on-site car parking facilities and thereby minimise kerbside parking in the adjacent public road as a result of the proposed development.

- 4.17 The vehicular entrance and exit driveways and the direction of traffic movement within the site being clearly indicated by means of reflectorised signs and pavement markings.

Reason: To ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking spaces / facilities and driveway access and in the interest of traffic safety and convenience.

- 4.18 All vehicular movement to and from the site being in a forward direction.

Reason: To ensure that the proposed development does not give rise to vehicle reversing movements on or off the public road with consequent traffic accident potential and reduction in road efficiency.

- 4.19 All public footways, footpaving, kerbs, gutters and road pavement damaged during the works being restored to match existing conditions at the Developer's/Demolisher's expense.

Reason: To ensure that the required restoration is undertaken to acceptable standards and without demands on public sector resources.

- 4.20 Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected being relocated at no cost to Council by a Surveyor registered under the Surveyor's Act.

Reason: To ensure that existing permanent survey marks which may be affected by the development are appropriately reinstated.

- 4.21 Appropriate lighting being provided for the car park and pedestrian pathways in accordance with AS 1158 - Lighting and AS 4282 - Control of the Obtrusive Effects of Outdoor Lighting, such being installed prior to the issue of any occupation certificate.

Reason: To ensure that adequate and appropriate lighting facilities are provided for the proposed development.

- 4.22 Appropriate arrangements being made for the collection of waste (recyclable and non-recyclable) from the development and such arrangements being in place prior to the occupation of the premises the subject of this development application.

Reason: To ensure suitable garbage removal arrangements are provided in association with the proposed development in the interest of public safety.

- 4.23 Separate bins being provided within the proposed development to enable the on-site separation of recyclable and non-recyclable garbage, such arrangements being in place prior to the occupation of the premises the subject of this development application.

Reason: To ensure suitable garbage arrangements are provided in association with the proposed development in accordance with Council's Waste Minimisation Policy.

- 4.24 Prior to commencement of site works the developer submitting to Council for approval a Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase.

Note: The required plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve. The plan

is to be prepared in accordance with Australian Standard 1742.3 – 2002.

Reason: To control vehicular and pedestrian traffic movements in the public road reserve during the construction phase

4.25 The developer being responsible for the provision of additional regulatory signage and all adjustments to and/or relocation of existing regulatory signage as part of this development at no cost to Council and in accordance with Council requirements, such works to be implemented prior to the occupation of the premises. In this regard the following amendments are required.

- 1) Provision of a 10 metre No Stopping zone on either side of the Parry Street access.
- 2) Provision of a 50 metre No Stopping Zone directly opposite the Smith Street access to the proposed major car parking area.
- 3) Provision of a short term set down parking area along the Parry Street frontage of the site between Steel Street and Smith Street.

Note: Alterations to regulatory signage will need to be referred to the Newcastle City Traffic Committee for approval.

Reason: To ensure that public road facilities are upgraded to an appropriate standard having regard to the additional traffic movement and pedestrian activity likely to be generated by the proposed development.

4.26 Proposed parking areas, driveways, vehicular ramps and turning areas being maintained clear of obstruction and being used exclusively for purposes of car parking and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.

Reason: To ensure the proposed/required parking, facilities and associated driveways are able to function efficiently for their intended purpose and are not otherwise used in a manner which detracts from the overall appearance of the development.

4.27 Prior to the issue of any occupation certificate the developer submitting to Council for approval, an Events Management Plan addressing strategic actions to be undertaken to reduce the impact of the event on the local road network as well as traffic control measures to be utilised in the public road reserve during an event.

Note: 1. The required plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve. The plan is to be prepared in accordance with Australian Standard 1742.3 – 2002.

2. The plan should detail measures to be employed for different levels of events and expected attendances.
3. Measures to be considered would include but not be limited to promotion of public transport, overflow car parking areas, road closures, traffic diversions, marshalling, police involvement etc.
4. This plan is likely to be referred to the RTA and Police for their approval also.

Reason: To control vehicular and pedestrian traffic movements in the public road reserve during major events.

- 4.28 All servicing of the site is to occur prior to and after major events and not during these events.

Reason: To ensure no conflict occurs between servicing traffic and the peak pedestrian and vehicle movements associated with a major event.

- 4.29 Street lighting being upgraded to Standard V3 at no cost to Council (other than annual maintenance) in accordance with AS 1158.1.1 – Road Lighting on Smith Street and Parry Street in association with the proposed road upgrade works. The lighting upgrade works being completed prior to the issue of any occupation certificate for the premises.

Note: The developer is to liaise with Energy Australia in relation to the design and construction of the street lighting.

Reason: To ensure adequate street lighting is provided for the development.

- 4.30 The use and occupation of the premises including all plant and equipment installed thereon, not giving rise to any "offensive noise", as defined under the Protection of the Environment Operations Act, 1997, as amended.

Note: Should Council consider that offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic consultant's report recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant confirming that the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council before the expiration of the nominated period.

Reason: To ensure that appropriate noise control measures are implemented if required.

- 4.31 There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.

Reason: To prevent environmental pollution, to ensure observance of appropriate public health standards and to protect the existing amenity of the neighbourhood.

- 4.32 Any proposed floodlighting of the premises being so positioned, directed and shielded as to not interfere with traffic safety or detract from the amenity of the adjacent premises.

Reason: To ensure that the proposal does not interfere with traffic safety and to protect the existing amenity of the neighbourhood.

- 4.33 Remediation of the site being carried out in the area identified in the report *Remediation Action Plan Redevelopment of Number 2 Sportsground Parry Street Newcastle West prepared by RCA Australia RCA ref 7637-601/2 dated August 2010*. A validation and monitoring report being prepared by an appropriately qualified consultant in accordance with NSW EPA Guidelines for Consultants Reporting on Contaminated Sites certifying the land is suitable for the intended use and submitted to the principal certifying authority and Council upon completion of validation and prior to occupation of the site.

Reason: To ensure the site is suitable for the intended use and complying with the appropriate public health standards.

- 4.34 Management of Potential Acid Sulfate Soils on site is to be in accordance with the document titled Preliminary Acid Sulfate Management Plan Redevelopment of No 2 Sportsground Parry Street Newcastle West prepared by RCA Australia RCA ref 7673-602/0 dated August 2010.

Reason: To prevent environmental pollution.

- 4.35 Any excavated material to be removed from the site being assessed, classified, transported and disposed of in accordance with NSW DECCW requirements and guidelines.

Reason: To prevent environmental pollution and to ensure observance of appropriate health standards.

- 4.36 Any imported fill onto the site being validated to ensure its suitability for the proposed land use from a contamination perspective. Imported fill is to be certified that it is not contaminated, based upon analysis or the known past history of the site from which it is obtained.

Reason: To prevent environmental pollution, to ensure observance of public health standards and to protect the existing amenity of the neighbourhood.

- 4.37 Five working days notice in writing is to be given to Council and the PCA prior to the commencement of any demolition works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours contact telephone number and licence details (type of licences held and licence numbers) of the contractor.

Reason: To ensure that the PCA has all necessary information to effectively monitor demolition works in the public interest and Council is aware of

the contact details of the contractor should it need to follow up on complaints.

- 4.38 Five working days notice in writing is to be given to businesses and residents of all neighbouring premises prior to demolition. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence number of the demolition contractor, Newcastle City Council's contact telephone number (49742000) and WorkCover NSW telephone number (49212900).

Reason: To ensure that neighbouring residents are provided with adequate prior notice of proposed demolition work, as well as a convenient avenue for liaising with the demolition contractor and the appropriate regulatory authorities in the event of an incident occurring on site.

- 4.39 On demolition sites where buildings to be demolished contain asbestos materials, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm being erected in a prominent position to the satisfaction of the PCA. The required sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

Reason: To ensure that appropriate warning signs are in place regarding the conduct of a hazardous operation on site, in the public interest.

- 4.40 Notification of the commencement of remediation works is to be provided to Council in writing at least two days prior to the commencement of any remediation works on site.

Reason: To prevent environmental pollution and to ensure observance of appropriate public health standards.

- 4.41 The ongoing use and occupation of the site being carried out in accordance with the final version of the report titled Long-term Environmental Management Plan Preliminary Site Management Plan Refurbishment of No 2 Sportsground Appendix F Parry Street Newcastle West prepared by RCA Australia RCA ref 7637-601/0 dated August 2010. The final version of this report is to be prepared by an appropriately qualified environmental consultant and submitted to Council prior to the issue of any occupation certificate.

Reason: To prevent environmental pollution, to ensure observance of appropriate public health standards and to protect the amenity of the neighbourhood.

- 4.42 The external doors and frames should be of solid construction and fitted with locks which comply with the Australian Standards: Lock Sets AS4145.

Reason: To ensure adequate access control is established in accordance with Crime Prevention Through Environmental Design (CPTED) principles.

4.43 Lighting in and around the development being designed in accordance with Australian Standard 1158– Lighting.

- Ensure light levels are appropriate for the users, activities and tasks of an area. Higher levels may be required for vulnerable areas.
- Vandal resistant external lighting should be installed.
- Adequate, uniform lighting should cover the premise. The emphasis should be on installing low glare/high uniformity lighting levels in line with Australian Standard AS:1158.
- Lighting sources should be compatible with requirements of any surveillance system installed. Lighting should be a ‘white light’ source. Note that low or high pressure sodium ‘orange’ light is not compatible with quality surveillance systems.
- A limited amount of internal lighting should be left on at night to enable patrolling police, security guards or passing people to monitor activities within the business.

Reason: To increase surveillance throughout the development in accordance with Crime Prevention Through Environmental Design (CPTED) principles.

4.44 Warning signs being strategically posted around the building to warn intruders of security treatments within the building, for example: *Warning, trespasser will be prosecuted, Warning, These premises are under electronic surveillance.*

Directional signage should be posted at decision making points (e.g. Entry/egress points) to provide guidance to visitors and also assist access control.

Reason: To ensure adequate territorial re-enforcement is established in accordance with Crime Prevention Through Environmental Design (CPTED) principles.

4.45 Ground level furniture e.g. rails, seats and bins, are to be a durable construction and attached to the ground to avoid easy removal. Anti-graffiti coatings are to be applied to vulnerable areas.

Reason: To ensure adequate space management is established in accordance with Crime Prevention Through Environmental Design (CPTED) principles.

5 General Terms of Approval to be Obtained from Other Authorities

5.1 Working drawings and specifications of the proposed building being submitted to the NSW Mine Subsidence Board for approval prior to an application for a Construction Certificate and compliance with any requirements of the Board.

Reason: To ensure that structural stability of the proposed development having regard to underground mine workings.

6 Advisory Matters

6.1 Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:

- a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
- b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and form 7 of schedule 1 to the Regulations.
- c) Council is to be given at least two days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.

Reason: To advise of matters to be resolved prior to the commencement of work.

6.2 Prior to the occupation of a new building, or, occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 155 of the Environmental Planning and Assessment Regulations.

Reason: To ensure compliance with Section 109M of the Environmental Planning and Assessment Act 1979, as amended.

6.3 A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

Reason: To ensure compliance with Clause 172 of the Environmental Planning and Assessment Regulation 2000.