

JRPP No:	2010HCC021
DA No:	10/0386
PROPOSED DEVELOPMENT:	Construction of One and Two Storey Administration Building – 210 Cormorant Road, Kooragang Island
APPLICANT:	Port Waratah Coal Services LTD
REPORT BY:	Drew Bulmer / Simon Pocock, Newcastle City Council

Assessment Report and Recommendation

PURPOSE

An application has been received seeking consent to construct a one and two storey administration building at 210 Cormorant Road Kooragang Island to be occupied by Port Waratah Coal Services (PWCS) personnel.

A copy of the submitted plans for the proposed development are appended at **Attachment A**.

The subject site is identified as a State Significant Site – Three Ports Site under Schedule 3 of State Environmental Planning Policy (Major Development) 2005. As the proposal has a capital investment value of more than \$5 million (\$5,965.974 nominated) but less than \$30 million it constitutes ‘Regional Development’ under Part 3 of the Policy which

includes administration buildings as ‘port facilities’. Accordingly the Joint Regional Planning Panel (JRPP) is the determining authority.

The submitted plans have been notified in accordance with Council’s Public Notification policy and two (2) submissions, including a submission from Energy Australia, have been received in response. Neither submission objects to the proposal but seek clarification in respect of a number of matters. The submission from Energy Australia requests that due consideration be given to the compatibility of the proposed development with existing Energy Australia infrastructure and seeks further information regarding the location of the new development relative to property boundaries and adjacent road reserve. The remaining submission expresses the view that the proposed development should be connected to the reticulated sewer system. Details of the submissions received are summarised at Section 3.0 of Part II of this report and the concerns raised are addressed as part of the Environmental Planning Assessment at Section 4.0.



Subject Land: 210 Cormorant Road
Kooragang Island

Issues

- Whether the proposed development is satisfactory having regard to the guidelines of Development Control Plan 2005.
- Whether the proposed development is satisfactory having regard to the relevant provisions of State Environmental Planning Policy No 55 – Remediation of Land, State Environmental Planning policy No. 71 – Coastal Protection and State Environmental Planning Policy No. 14 – Coastal Wetlands.

Conclusion

The proposed development has been assessed having regard to the relevant heads of consideration under Section 79C(1) of the *Environmental Planning & Assessment Act, 1979* (as amended) and is considered to be acceptable subject to compliance with appropriate conditions.

Accordingly, it is recommended that the application be approved on the basis of the submitted plans, subject to the nominated conditions of consent.

RECOMMENDATION

The application to construct a one and two storey administration building be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions appended at **Attachment B**.

PART II

1.0 THE SUBJECT SITE

The subject property comprises Lot 1 in DP 775775 and is an irregular shaped parcel of land of some 129.4 ha. The submitted Statement of Environmental Effects (SOEE) describes the site as follows.

‘The site comprises around 2,000m² within the Kooragang Coal Loader terminal (KCT) which occupies around 220ha of land on Kooragang Island. The site comprises predominantly undeveloped and maintained land which accommodates some trees and grass areas. The site does contain two smaller buildings (the KCT Operations Building and the Rescue Equipment Shed) as well as various sealed pedestrian pathways that provide links between the operations buildings.’

2.0 THE PROPOSAL

The submitted SOEE describes the proposal as follows;

‘The proposal comprises a new administration building at the Kooragang Coal Terminal. The new building will allow four existing Port Waratah Coal Services (PWCS) departments to be combined into one building. The new administration building now proposed has been designed to fit with the

industrial context of KCT to accommodate the following existing key departments:

- 1 KCT Operations which is responsible for the day to day running of the KCT and controlling the operational equipment. The existing building on the site presently accommodates KCT Operations and will be removed as part of the proposal.
- 2 Live Run and Operational Improvement ("LR&OI") are responsible for coordination of coal movements and ensuring the logistics of movements are executed in accordance with that planned by the Hunter Valley Coal Chain Logistics Team. These operations currently take place within demountable buildings that are located to the rear (north) of the Amenities Building. These demountables will remain on site in the short to medium term to accommodate contractors involved with constructing and maintaining the new Coal Loaders on site.
- 3 Administration and Information Technology ("A&IT") are responsible for administration, computer networking, hardware and software to support the operational systems and everyday systems used by all PWCS employees. A&IT operations are presently accommodated within the existing building to the west of the Amenities Building. This building will remain on site in the short to medium term to accommodate contractors involved with constructing and maintaining the new Coal Loaders on site.
- 4 Engineers are responsible for the procurement and maintenance of site infrastructure, services, buildings along with assessment and improvements to operational equipment. The engineering department is presently partly located at Carrington and partly located on site.

The proposed building will comprise a two-storey concrete framed structure with precast concrete walls and steel trussed roof. Materials used for roofing and cladding have been selected to complement those existing on site. The colour selected for roofing and metal cladding is similar to that used on the existing buildings. The colour of the paint finish to be provided will compliment the roofing colour and will be a light tone to reduce visual impact of the building.

The subject DA relates to the following works:

- The clearing of selected vegetation on the site and associated earthworks,
- Removal of the existing structures on the site including the Rescue Shed and the KCT Operations Management building,
- Preparatory earthworks and site preparation including the removal of the in-ground fuel tanks and subsequent soil remediation,
- Erection of two-storey administration building with associated hardstand areas, covered walkways, car parking and landscaping,
- Associated services and drainage infrastructure.'

A copy of the submitted plans is appended at **Attachment A**.

3.0 PUBLIC NOTIFICATION

The application was publicly notified in accordance with Council's Public Notification policy for a period of 14 days and two (2) submissions were received in response.

A submission from Energy Australia requests due consideration be given to the compatibility of the proposed development with existing Energy Australia infrastructure particularly in relation to the risks of electrocution, fire risks, Electric and Magnetic Fields (EMF's), noise, visual amenity and other matters that may impact on Energy Australia or the development. The submission requests additional information in regard to the location of the new building relative to the property and adjacent road reserve.

Additional information was provided to Energy Australia as requested and who have subsequently advised they have no objection to the proposal.

The remaining submission raises no objection to the proposed development but expresses the opinion that the proposal should be connected to the reticulated sewer system given the increasing level of development occurring on Kooragang Island.

The subject site is connected to a reticulated sewer system and this will be extended to service the proposed building.

4.0 ENVIRONMENTAL PLANNING ASSESSMENT

The application has been assessed having regard to the relevant matters for consideration under the provisions of Section 79C(1) of the Environmental Planning & Assessment Act, 1979, as detailed hereunder.

4.1 Statutory Considerations [Section 79C(1)(a)(i) and (ii)]

(a) State Environmental Planning Policy (Major Developments)

The subject property is included within the SP1 Special Activities zone under the provisions of State Environmental Planning Policy (Major Developments) 2005, within which zone the proposed development 'Port Facilities' are permissible with Council's consent and are defined as follows;

'Port facilities includes any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the Ports and Maritime Administration Act 1995:'

- (a) *Facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,*
- (b) *Facilities for the loading or unloading of freight onto or from vessels and associated receivable, land transport and storage facilities,*
- (c) *Wharves for commercial fishing operations,*
- (d) *Refuelling, launching, berthing, mooring, storage, or maintenance facilities for any vessel,*
- (e) *Sea walls or training walls,*
- (f) *Administration buildings, communication, security, and power supply facilities, roads, rail lines, pipelines, fencing, lighting, or car parks.'*

The proposed development is considered to be consistent with the objectives of the SP1 Special Activities zone.

The provisions of Newcastle Local Environmental Plan 2003 are set aside for the purposes of this development application pursuant to clause 4 of Schedule 3 of the State Environmental Planning Policy (Major Developments) 2005.

(b) State Environmental Planning Policy 55 – Remediation of land

This aspect of the project is discussed in section 4.2.3 of this report.

(c) State Environmental Planning Policy 71 – Coastal Protection

The subject site is affected by the provisions of State Environmental Planning Policy No. 71 – Coastal Protection as it located within the 'coastal zone' as defined under the Policy. However, the proposal is considered satisfactory having regard to the matters for consideration under clause 8 of the Policy and will not have any adverse impact on the coastal zone as it comprises construction of a building for administrative purposes which is to be situated within an existing industrial complex.

(d) Lower Hunter Regional Strategy

The proposed development is not inconsistent with the provisions of The Lower Hunter Regional Strategy.

4.2 Merit Considerations

4.2.1 Relevant Strategic Policies

There are no relevant strategic policies.

4.2.2 Newcastle Development Control Plan [Section 79C(1)(a)(iii)]

The following elements of Development Control Plan 2005 are considered relevant to the proposal:

(a) Element 4.1 – Car parking

This aspect of the proposal is discussed in section 4.2.3 of this report

(b) Element 4.3 – Flood Management

This aspect of the proposal is addressed within section 4.2.5 of this report.

(c) Element 4.5 – Water Management

This matter is addressed in the following section of the report.

(d) Element 4.4 – Landscaping and Element 4.10 - Tree Management

The submitted Landscape Report prepared by Terra Aqua Sustainable Solutions states that the proposed development entails the removal of some 45 trees from within the site which will be augmented by mass tree plantings elsewhere on the site. The tree species to be removed, as identified in the Landscape Design Report, include *Melaleuca quinquenervia* (Broad-Leaved Paperbark) 16, *Casuarina glauca* (Swamp Oak) 26, *Grevillea robusta* (Silky Oak) 2, *Eucalyptus botryoides* (Bangalay) 1. An arborist report, prepared by Advanced Treescape Consulting, indicates that all of the trees are young mature and plantings from existing tree management landscaping plans. The report recommends removal of the trees on the basis that they are of local significance only and there is no alternative location for the proposed building.

A major landscape tree replacement plan which was previously prepared for the subject site has been initiated and is ongoing. This landscape tree replacement plan will be supplemented with additional planting in proximity to the proposed building and an appropriate condition has been included in the draft schedule of conditions to address this matter.

(e) Element 7.1 – Industrial Development

The proposed development comprises the construction of an additional building within the existing industrial complex associated with the Port Waratah Coal Loader.

The location, design and materials of construction of the building are considered appropriate for the industrial setting and consistent with the provisions of DCP 2005.

(f) Element 7.4 – Kooragang Port & Industrial Area

The proposed development of an administration building within the existing industrial complex associated with the Port Waratah Coal Loader is not inconsistent with the provisions of Element 7.4 of DCP 2005 which aim principally to promote and maximise the agglomeration advantages for long-term port-related industrial development.

4.2.3 Impacts on the Natural and Built Environment [Section 79C(1)(b)]

a) Stormwater Management

Council's Consultant Development Engineer has provided the following comments in relation to stormwater disposal from the proposed development.

'As the proposal does not increase impervious area on the site and as the roof area of the new building is less than 20 % of the site area it is considered that it is exempt from the provisions of Element 4.5 of Council's DCP 2005 in regard to the provision of stormwater discharge controls. No

objection is raised to the proposed drainage which includes connection to existing drainage including a detention basin.'

b) Access, Traffic and Parking

Council's Consultant Development Engineer has provided the following comments in relation to access, traffic and parking associated with the proposed development.

'It is not considered that the proposal will increase traffic on the local road network as it is unlikely the proposal will itself result in additional employment or additional servicing rather the proposal is to improve amenity for existing employees and allow some future minor growth. Existing traffic may be slightly redistributed on the local road network by the relocation of existing facilities to this facility however overall there is unlikely to be an adverse impact on the local road network.'

From a parking perspective it is not considered that the proposed facility will generate an additional parking demand for the site. The development itself does not generate new employees. Servicing will be minimal and catered for within the internal road network and will not have an impact on the external road network. The parking assessment by TPK has identified that a surplus of parking exists on site when assessment against Newcastle DCP requirements is carried out. However, PWCS continually monitor the need for staff parking and have overflow parking areas identified if needed.

No new accesses are proposed to the external road network with the only changes occurring within the site and therefore very much an internal management issue for PWCS.

No objections are raised on traffic, parking and access issues.'

4.2.4 Social and Economic Impacts in the Locality [Section 79C(1)(b)]

The proposed development would not be likely to have any significant social or economic impacts in the locality as it essentially comprises an infill building within the existing industrial facility of Port Waratah Coal Loader and will consolidate a number of existing administrative and operational activities which are presently carried out in separate buildings.

4.2.5 Suitability of the Site for the Development [Section 79C(1)(c)]

(a) Mine Subsidence

The site is not affected by mine subsidence.

(b) Acid Sulphate Soils

Council's Senior Environment Protection Officer has provided the following comments in regard to this matter:

'The Newcastle LEP states that the consent authority shall not grant the consent for works in areas of potential acid sulphate soil unless it has considered the adequacy of a Preliminary Assessment, and then, if identified as necessary, an Acid Sulphate Soils Management Plan prepared for the proposed development in accordance with the Acid Sulphate Soils Manual. The Acid Sulphate Soil Manual (ASSMAC 1998) provides guidelines on planning, assessment and management methods and is considered the standard reference on these matters.'

The proposed development is situated within an area where these planning provisions apply for any works below the ground surface. The definition of "works" includes "the construction of footings or erection of foundations" and "any disturbance of more than one tonne of soil".

Although not specifically identified as a "Preliminary Assessment", a study conducted in general accordance with the requirements is presented as part of the "Report on Geotechnical Investigation" prepared by Douglas Partners. This assessment determined that there are no actual Acid Sulphate Soils present. Some soil at depth (>3.5m) does demonstrate minor indications of being Potential Acid Sulphate Soil (PASS). Even this minor result may in fact be overstating the real potential for acid generation from these soils as the peroxide testing may be influenced by reaction with organic matter.

Real acid generation from the PASS could only occur with the exposure of these soils to oxidising conditions. This would only take place if spoil from deeper horizons is generated in the piling process, or if deep trenches are excavated and temporarily dewatered for the placement of services. It appears that a final determination on the most appropriate piling technique has not been made and no comment is made with regard to services. There is no categorical statement made regarding whether a Management Plan is required (as described in the ASSMAC Manual), regardless, it has been demonstrated that the situation presents a very low risk for acid generation due to the nature of the materials present and the degree of

disturbance which will at worst be minor. A recommendation is made that pH monitoring be carried out as a precaution that acid is not being generated if the suspect natural soils are disturbed by way of piling that produces spoil or excavation / dewatering for services. A requirement for this monitoring will be confirmed through a consent condition.'

(c) Contamination

The subject site is identified as possibly affected by contamination and consequently Councils Senior Environment Protection Officer has provided the following comments in regard to the proposal:

'The applicant has conducted a preliminary assessment to address soil contamination at the site. Fill material is present across the site and underground storage tanks (USTs) are located in the north east. This investigation determined:'

- "The potential for contamination within filling used across the site is low, with visual and olfactory evidence and the results of laboratory testing, indicating the general absence of gross contamination*
- Gross soil contamination adjacent to and down gradient of the USTs was not identified, however, it is expected that there may be some minor and localised impact to soils identified during decommissioning."*

The USTs will be removed. The report describes that this process will be conducted in accordance with AS 4976-2008 The Removal and Disposal of Underground Petroleum Storage Tanks, and that any hydrocarbon

impacted soils discovered in the vicinity will be remediated and all works validated.

The POEO Underground Petroleum Storage System Regulation 2008 legislates specific requirements for decommissioning of USTs. While the process described by the applicant would address most of the requirements of the Regulation, aspects such as record keeping and reporting to local authorities are also required to fully satisfy the Regulation. Specific reference to the Regulation will be made as a consent condition.'

An appropriate condition has been recommended in this regard.

Council's Environmental Health Services Coordinator has also reviewed the proposal in regard to possible site contamination and provided the following comments:

'The applicant has supplied a preliminary contamination report which has addressed the relevant issues for the consent authority to consider in relation to the above requirements of clause 7 of SEPP55.

In relation to the contamination status of the land, although a number of potentially contamination land use activities have been identified on the site, no significant contamination issues were identified through the sampling undertaken in the preliminary investigation.

The preliminary report by Douglas Partners concludes, based on the assessment contained in their report that:

"the site is considered suitable for the proposed commercial/industrial development, subject to the decommissioning of the USTs and above remedial works if contamination is identified."

The conclusion of consideration of the contamination issues associated with this application by the Compliance Services Unit (CSU) is that we are satisfied that the land will be suitable for the proposed development following the removal of the under underground storage tanks and any remediation and validation required as outlined in the Douglas Partners report.

In relation to the question of whether any required remediation would be considered Category 1 or Category 2 development, I can only offer the following comments given the time constraints:

1. The details of the possible remediation works appear to be of a nature that would be fit Category 2;

2. The only possible reason why the works may be considered Category 1 works would relate to the questions of the area being coastal protection. However previous enquires on the application of coastal protection to SEPP55 have lead the CSU to believe the intent is not to capture this type of remediation; and

3. No remediation may be required, but in the event that some remediation is carried out, the preliminary contamination report does provide a basic plan of remediation which is considered adequate for the

nature and likely extent of the possible contamination that may be present.'

(d) Flooding

The subject site is identified as possibly affected by flooding and consequently Councils Consultant Development Engineer has provided the following comments in regard to the proposal.

'The property being on Kooragang Island is flood prone land with the 100 year flood level for the area in the vicinity of RL 2.7 m AHD and the PMF level is in the vicinity of RL 5.1 m AHD. Council's records show that ground levels in the area are around the RL 8 m AHD level. The proposed ground floor level is RL 8.3 m AHD which is some 5 metres above the minimum floor level required by Council. Therefore the site is not considered flood prone. As such no objection to the proposal on flooding grounds is raised and no specific flood conditions are required.'

(e) Wetlands

The subject site is identified as being affected by State Environmental Planning Policy No. 14 – Coastal Wetlands. The submitted SOEE indicates there are a number of SEPP 14 wetlands located on the North Arm and South Arm of the Hunter River including wetlands 817, 823, 844, 844a, 846, 847, 848, and 849 but that the site of the proposed development is well removed from these designated wetlands.

4.2.6 Submissions made in accordance with the Act or Regulations [Section 79C(1)(d)]

This report has addressed the various concerns raised in the submissions received in response to the Public Notification and/or referral procedures under the Act and Regulation

4.2.7 Public Interest [Section 79C(1)(e)]

(a) Sustainability

The proposed development is considered to be satisfactory having regard to the principles of ecologically sustainable development.

A National Australian Built Environment Rating Scheme (NABERS) Energy for Offices rating undertaken by GHD for the proposed KCT building accompanied the submitted DA documentation. The report concludes that providing all design parameters and

engineering information remain as simulated the building should be able to achieve the NABERS energy rating of 5 stars.

The proposed development will not result in the disturbance of any endangered flora or fauna habitat or otherwise adversely impact on the natural environment.

(b) General

The proposed development does not raise any significant general public interest issues beyond matters already addressed in this report.

ATTACHMENTS

Attachment A: Plans and elevations of proposed development – 210 Cormorant Road Kooragang Island

Attachment B: Draft Schedule of Conditions – 210 Cormorant Road Kooragang Island

Attachment B: Draft Schedule of Conditions

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 submitted plans prepared by GHD dated 5 March 2010, the Statement of Environmental Effects prepared by de Witt Consulting dated March 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.

2 Conditions Requiring Payment of a Monetary Contribution Dedication of Land / Carrying Out of Off Site Works

- 2.1 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.

3 Conditions Requiring Inclusion of Details in Documentation for a Construction Certificate Application / Matters to be Resolved Prior to Certification of Survey Plans / Matters to be Resolved Prior to Occupation of the Premises

- 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. 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 Appropriate lighting being provided to the carpark and connecting pathways in accordance with AS 1158 Lighting and AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting, such being installed prior to occupation of the premise.

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

- 3.3 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 available and adequate for the increased intensity of land use proposed and are properly connected in the public interest.

- 3.4 On-site parking accommodation being provided for a minimum of five (5) vehicles and such being set out generally in accordance with the minimum parking layout standards indicated in Australian Standard AS2890.1-2004 "Parking facilities – off street car parking, Australina Standard AS2890.6-2009 "Parking facilities – off street parking for people with disabilities" and Element 4.1 of Council's adopted Newcastle DCP 2005.
Full details to be included in documentation for a Construction Certificate application.

Reason: To ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development.

- 3.5 Kerbing or dwarf walls having a minimum height of 100 mm being constructed along the edge of all garden or lawn areas adjacent to driveways and parking bays sufficient to discourage the encroachment of vehicles thereon. Full details are to be included in documentation for a Construction Certificate application.

Reason: To assist in confining vehicular movement to constructed driveways and parking areas and protect site landscaping works against vehicular damage.

- 3.6 The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or modified under the terms of this consent being implemented and the nominated fixtures and appliances being installed and operational prior to issue of an Occupation Certificate, full details to be provided with the Construction Certificate application.

Reason: To ensure Councils requirements for water management are complied with in the interest of water conservation and principles of sustainability.

- 3.7 All new impervious surfaces, including driveways and paved areas being drained to the nominated discharge controls, full details to be provided with the Construction Certificate application.

Reason: To ensure that surface water from impervious areas is appropriately managed in accordance with Council's requirements for stormwater management.

- 3.8 The Developer instituting appropriate erosion protection and soil stabilisation measures in association with the proposed site works. Such measures to be designed in accordance with the requirement of the Department of Natural Resources. Full details 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.

- 3.9 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.

- 3.10 The following trees identified for removal are to be specifically identified on plans submitted with the Construction Certificate application and supplementary replacement planting undertaken within suitable locations in proximity to the proposed building. The area of the total canopy of the proposed replacement species at maturity is to be equivalent to the area of the existing tree canopy lost as a result of the proposed development.

Full details, including the replacement species and their locations, are to be provided with the documentation and plans submitted with the Construction Certificate Application.

Tree Species approved for removal:

Melaleuca quinquenervia (Broad-Leaved Paperbark) 16,
Casuarina glauca (Swamp Oak) 26,
Grevillea robusta (Silky Oak) 2,
Eucalyptus botryoides (Bangalay) 1

Reason: To confirm and clarify the trees which may be removed as part of the development and ensure appropriate replacement tree planting is undertaken.

4 General Conditions

- 4.1 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 and driveway access and in the interest of traffic safety and convenience.

- 4.2 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.

- 4.3 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.

- 4.4 Any liquid wastes from the premises, other than stormwater being discharged to the sewers of the Hunter Water Corporation in accordance with that authority's requirements.

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

- 4.5 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

- 4.6 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.

- 4.7 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.

- 4.8 Should construction methods result in the exposure of potential acid sulphate soils as identified in the *Report on Geotechnical Investigation Project 39802A* prepared by Douglas Partners and dated February 2008, an appropriate pH monitoring program is to be determined and implemented to assess possible acid generation, with remedial measures adopted as appropriate in accordance with the Acid Sulphate Soil Manual 1998.

Reason: To confirm the terms of consent and to prevent environmental pollution.

- 4.9 The removal of the underground petroleum storage systems being carried out in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008.

Reason: To prevent environmental pollution and to ensure appropriate environmental legislative requirements are followed.

- 4.10 Any excavated material to be removed from the site being assessed, classified, transported and disposed of in accordance with the Department of Environment, Climate Change and Water's *Waste Classification Guidelines*, the provisions of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment (Waste) Regulation 2005*:

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

- 4.11 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.

- 4.12 Any alteration to natural surface levels on the site being undertaken in such a manner as to ensure that no surface water is drained onto or impounded on adjoining properties. Full details are to be included in documentation for a Construction Certificate application.

Reason: To ensure that any such proposed works do not disrupt existing natural stormwater flows in the vicinity.

- 4.13 Stormwater being conveyed to the existing property stormwater drains by way of a sealed pipe system. The existing drains are to be checked for adequacy and cleared of any obstructions.

Reason: To prevent damage to property and to prevent the creation of unhealthy or dangerous conditions.

- 4.14 All public footways, foot paving, 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.

5 General Terms of Approval to be obtained from Other Authorities

- 5.1 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.

- 5.2 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.