

MINUTES OF THE NORTHERN REGION JOINT REGIONAL PLANNING PANEL MEETING HELD AT ARMIDALE DUMARESQ COUNCIL ON WEDNESDAY 8 JUNE 2011 AT 1.00PM

PRESENT:

Garry West	Chair
Bruce Clarke	Panel Member
John Griffin	Panel Member
Jim Maher	Panel Member
Paul McFarland	Panel Member

IN ATTENDANCE

Stephen Gow	Director Planning and Environment, Armidale Dumaresq Council (ADC)
Regina Hooper	Minute Taker, ADC
Robbie Blair	Development Engineer, ADC
Ian Kirk	Heritage Advisor, ADC
For Item 1:	
Michael Leech	Project Director, Thinc Projects
James Clarence	Suters Architects
Anthony Andjic	Department of Justice and Attorney General
For Item 2:	
Dr David Logan	Resident of 2 Claverie Street
Paul Hamilton	Resident of 5 Crescent Street
Bronwyn Baker	Resident of 5 Claverie Street
Mrs Austin	Resident of 228 Rusden Street

APOLOGY: NIL

1. The meeting commenced at 1.07pm. The Chair welcomed everyone to the meeting of the Northern Region Joint Regional Planning Panel.

2. Declarations of Interest -

Nil

3. Business Items

ITEM 1 2011NTH013 Armidale Dumaresq Council DA-108-2011 - New Court House; 7-11 Moore Street, (part of 96-98 Faulkner Street) Armidale NSW 2350

ITEM 2 2010NTH037 Armidale Dumaresq Council DA-344-2010 - Redevelopment of site for new supportive accommodation facilities, including community education facilities; 1-3 Crescent Street and 1 & 3 Claverie Street Armidale

4. Public Submission -

For Item 1:

Mr Leech	Addressed the panel on behalf of the applicant
Mr Clarence	Addressed the panel on behalf of the applicant
Mr Andjic	Addressed the panel on behalf of the applicant

For Item 2:

Dr Logan	Addressed the panel against the item
Mr Hamilton	Addressed the panel against the item
Ms Baker	Addressed the panel against the item
Ms Austin	Addressed the panel against the item

6. Business Item Recommendations

ITEM 1 2011NTH013 Armidale Dumaresq Council DA-108-2011 - New Court House; 7-11 Moore Street, (part of 96-98 Faulkner Street) Armidale NSW 2350

The chair asked the parties speaking on behalf of the applicant if the applicant accepted the conditions of consent sent to Thinc Projects on 31 May 2011 and all speakers confirmed that this was the case.

Moved: Jim Maher **Seconded:** John Griffin

Recommendation

- (a) **That having regard to the assessment of the Application and the concurrence of the Applicant to the proposed conditions of consent, DA-108-2011 (JRPP ref 2011NTH013) be granted consent in the terms set out in Attachment A to these minutes, provided to the Applicant on 31 May 2011.**
- (b) **That the person that submitted an objection in relation to the Application be notified of the determination in writing.**

MOTION CARRIED UNANIMOUSLY

ITEM 2 2010NTH037 Armidale Dumaresq Council DA-344-2010 - Redevelopment of site for new supportive accommodation facilities, including community education facilities; 1-3 Crescent Street and 1 & 3 Claverie Street Armidale

The speakers against this item conceded that some changes had been made to make the proposal more acceptable to them, however they wanted it put on record that they still had concerns about the parking and traffic situation arising from this development.

Moved: Paul McFarland **Seconded:** Bruce Clarke

Recommendation

- (a) **That having regard to the assessment of the Application, DA-344-2010 (JRPP ref 2010 NTH 037) be granted consent in the terms set out in Attachment B to these minutes, as amended at the Panel Meeting in relation to Condition 7 (privacy screening to the south side of the Rehabilitation Wing) and Condition 10 (parking restrictions at the intersection of Crescent/Claverie Sts and signage to prevent vehicles reversing into the street from car spaces 2 – 5 and 7 – 18).**

- (b) That those persons that made submissions in relation to the Application be notified of the determination in writing.

MOTION CARRIED UNANIMOUSLY

The meeting concluded at 2.14pm

Endorsed by

A handwritten signature in blue ink that reads "Garry West". The signature is written in a cursive, flowing style.

Garry West
Chair, Northern Region Joint Regional Planning Panel
14 June 2011

ATTACHMENT A (CONDITIONS OF CONSENT FOR ITEM 1)

Appendix 3 – Proposed conditions of consent

**VERSION AS AGREED WITH APPLICANT / DAGJ AT JRPP MEETING 8
JUNE 2011**

DA-108-2011 / JRPP 2011 NTH 013

JRPP No:	2011NTH013
DA No:	Armidale Dumaresq Council DA-108-2011
PROPOSED DEVELOPMENT:	<p><i>Development:</i> New Courthouse Building.</p> <p><i>Address:</i> <i>Part of property known as 96-98 Faulkner Street being Part Lots 7 & 8, Section 2 DP 758032.</i></p>
APPLICANT:	NSW Department of Attorney General and Justice c/- Thinc Projects.
REPORT BY:	Stephen Gow, FPIA, Director Planning and Environmental Services, Armidale Dumaresq Council.

PRESCRIBED CONDITIONS

The following conditions are prescribed in relation to this development consent:

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

- (1) The following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building.
- (3) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that 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.
- (2) The condition referred to in subclause (1) 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.

GENERAL CONDITIONS

1. The development must take place in accordance with the approved plans (bearing the Council approval stamp) and documents submitted with the application, including plans drawn by Suturs Architects, numbered N22080 / DA102D, DA103E, DA201D, DA202D, DA203D, DA301D, DA302D, DA303D, DA401D, DA402D, DA601C and McGregor Coxall plans 01C and 02A, all subject to the conditions in this notice, to ensure the development is consistent with Council's consent.

ADVISING: The development will need to comply with the recommendations of the submitted Disability Access report and should fully comply with the relevant provisions of the Building Code of Australia and Access to Premises Standards under the Commonwealth Disability Discrimination Act 1992, in relation to access to and use of the building by people with disabilities.

2. The developer is to submit relevant designs to Council's Engineering and Works Division for its acceptance as the Water and Sewerage authority of proposed activities in connection with the development relating to water supply, sewerage and stormwater drainage, before the commencement of such work.

In addition, application being made to Council, as the local water and sewer authority, for a Certificate of Compliance, pursuant to s.64 of the Local Government Act 1993, and Chapter 6 of the Water Management Act 2000, in connection with approved works, and such Certificate being issued before the use of the proposed development commences.

All sewer and drainage works associated with the approval are to comply with the requirements of AS 3500 and completed only by a licensed plumber and drainer.

3. All Engineering works in connection with the project to be designed by a competent person and carried out in accordance with Council's Engineering Code, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.
4. The proposed rationalisation of the current land title arrangements on the site as part of the project, which is intended to be pursued by the Crown using State legislation, should ensure that the following outcomes are achieved:
 - (i) The relationship between buildings and title boundaries is in accordance with the requirements of the Building Code of Australia;
 - (ii) Provision is made for necessary easements to benefit relevant utility services providers, as advised by those providers and including where required by Council as the water, sewer and road authority for the land and adjoining road reserves, pursuant to the Local Government and Roads Acts 1993;
 - (iii) Provision is made for a necessary stormwater drainage easement(s) to benefit the site of the proposed development, in conjunction with an approved connection between the development and the public stormwater drainage system;
 - (iv) Proposed connections between the development and adjacent property (eg the proposed link between the development and the adjacent Police

Station) are legally effective and recognised.

5. Provision of a heritage interpretive strategy for the development, which also encompasses the history of the existing Courthouse in Beardy Street. Details to be developed in consultation with the Council's Heritage and Urban Design Advisor and implementation of the agreed strategy to occur as part of the development before the proposed building is occupied.

ADVISING:

The interpretive strategy should include the history of Courthouses and the Legal system in Armidale and should be illustrated with plans / photographs / artefacts. The developers may also wish to give consideration to the inclusion of public art installations as part of the project, in which case liaison should be undertaken with Council's Public Art Advisory Panel in the first instance.

6. Given the location of the site within the area of Armidale which has been subject to significant development and land use activity since European settlement in the district, the developers should have a consultant archaeologist on call for advice on any relics that may be uncovered during work that involves excavation below current ground levels.

In the event that any relics, being any deposit, artefact, object or material evidence that:

- a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- b) is of State or local heritage significance,

are identified on the site during development through earthworks or construction, the applicant/developer shall notify the NSW Heritage Council as required under s.146 of the Heritage Act 1977, as well as the Armidale Dumaresq Council, of the find and await further advice before proceeding with the development.

In addition, in the event that any Aboriginal artefacts are identified on the site during development through earthworks or construction, the Applicant shall contact the National Parks and Wildlife Service (NPWS – part of the Office of Environment and Heritage) and cease work in the relevant location pending investigation and assessment of its heritage value by NPWS and the relevant local Aboriginal groups.

For further information see the NPWS Code of Practice for Archaeological Investigations in NSW:

<http://www.environment.nsw.gov.au/licences/archinvestigations.htm>

7. The proposed secure car parking area on the lower ground floor is to be designed to comply with the relevant provisions of Australian Standards AS/NZS 2890.1 – 2004: Off-street car parking, AS/NZS 2890.2 – 2002: Off-street commercial vehicle facilities and AS/NZS 2890.6 – 2009: Off-street parking for people with disabilities, to ensure functional and accessible design, including adequate headroom, manoeuvring turning areas and marking/signage for users.

Because of the proposed single lane ramp access to the lower ground floor, the development shall incorporate appropriate vehicle management measures to prevent conflicts between vehicles entering or leaving the building. Priority should be given to incoming vehicles.

BEFORE WORKS COMMENCE

8. The preparation of a detailed Construction Management Plan for the project in consultation with Council's Development Engineer in so far as its proposals affect Moore Street and other Council infrastructure, prior to commencement of work on the project.

The agreed Plan is to be provided on site used in site induction and made readily available for contractors as required, to ensure that work is undertaken safely and to minimise nuisance to the surrounding area during all construction/work on site. This Plan shall include, as a minimum, provision for:

- (i) Parking arrangements for employees, contractors, sub-contractors and visitors to the site (*ADVISING: this will require prior consultation with / approval by Council's Local Traffic Committee if current on street parking restrictions in the vicinity of the site require adjustment*).
- (ii) Site access and construction traffic management for construction vehicles and equipment.
- (iii) Storage and removal strategies for construction materials and wastes*.
- (iv) Provision of sanitary amenities and ablution facilities for employees, contractors, sub-contractors and visitors to the site*.
- (v) Fire precautions during construction.
- (vi) Dust suppression.
- (vii) Control of noise arising from the works in accordance with the requirements of the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual*.
- (viii) Fencing and security details, including site hoardings to be provided, safeguarding both contractors and the public while works are being carried out. Contractor should endeavour to minimise disturbance to pedestrian / vehicle traffic in the vicinity of the site*.
- (ix) Public footpath and Council infrastructure including street trees being protected from any damage while work is being carried out*.
- (x) Details of all construction-related signs.
- (xi) Careful management of construction activities to prevent any contaminant discharge from the site (including oils, fuels, paints or chemicals), particularly with respect to excess concrete or concrete truck washings*.
- (xii) Location of all public utility facilities and methods of protecting them
- (xiii) Method of support to any excavation adjacent to adjoining properties, or the road reserve.

**Note - see issues subject of further conditions of consent regarding activity "During Construction" including use of Council road reserves, toilets, hoarding and hours of construction activity, etc.*

9. For all construction work required on Council's road reserves (eg. vehicular footpath crossings utilities and stormwater work, footpath paving, kerb and gutter etc.), the developer is to submit an application to Council as the roads authority pursuant to s138 of the Roads Act 1993 and obtain approvals for all such proposed work before it commences. This is to ensure that pedestrian and vehicular safety during construction has been addressed and that the work meets Council's relevant Engineering Code and other design standards for work in Council road reserves.

ADVISINGS:

Council's Civic and Recreation Services staff have provided the developers' consultants with specifications for paving, tree planting in paved areas and tree species as identified in CBD Masterplan. Also, details of the preferred street furniture including rubbish bins and seats.

The proposed pedestrian crossing in Moore Street and any related parking restrictions will require the separate approval of Council's Armidale Local Traffic Committee, including the concurrence of the RTA. Consideration should be given in the final design to the incorporation of pedestrian barriers (eg bollards and chains) to prevent the potential for accidents between vehicles and pedestrians where the proposed footpath widening is to occur in Moore Street.

Council is not intending to contribute to any work in Moore Street beyond new kerbing and guttering on the northern side of Moore Street adjacent to the site and reconstruction of the road pavement, which is part of Council's programmed works to be completed in conjunction with the Courthouse construction works.

Where the proposed development involves work/activity over public land, it is to be protected by public liability insurance with a minimum cover of \$10 million, or such other amount as may be advised by Council. Evidence of adequate cover (including duration of cover) to be submitted before work over any public land commences.

DURING CONSTRUCTION

10. Non-slip materials complying with AS 3661 and AS 4586 are to be used for the paving of public areas within the development, to ensure safe public use of these areas.
11. Waste pipes, stack work and vents (to be positioned below the roof line) are to be concealed to prevent their deterioration and in order to avoid any adverse impact on the aesthetics of the building.
12. Effective dust control measures to be maintained during construction to maintain public safety/amenity and construction activities are to be restricted solely to the subject site.

ADVISING:

Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

13. Tree removal should be carried out by an appropriately qualified person to avoid any risk to life or damage to property. This person should have adequate public liability insurance cover.
14. Materials must not be burned on-site. All waste generated on site must be disposed of at Council's Waste Disposal Depot or Waste Transfer Station, to protect the amenity of the area and avoid the potential of air pollution.
15. Any fill which is placed on the site shall be free of any contaminants and placed in accordance with the requirements of AS 3798-1990 *Guidelines on Earthworks for Commercial and Residential Developments*. The developer's structural engineering consultant shall:
 - identify the source of the fill and certify that it is free from contamination; and
 - classify the area within any building envelope on any such filled lot in accordance with the requirements of "Residential Slabs and Footings" AS 2870.1.
16. The hours of building work are to be restricted to between 7.00am and 6.00pm on Monday to Friday and 8.00am to 1.00pm on Saturdays, to maintain the amenity of the locality, in accordance with State Government Guidelines for construction related noise.

Any proposed building work to be undertaken outside these hours or on Public Holidays must be the subject of prior written agreement from Council - consideration may be given to special circumstances and non-audible work if applicable.

17. All demolition is to be carried out in accordance with AS2601 – Demolition of Structures, to ensure the work is undertaken safely and as required pursuant to the Environmental Planning and Assessment Regulation 2000, allowing for:
- A competent person to determine the presence of any hazardous substances or conditions in the structure, and all parts of the site, which may be hazardous to the health of the site personnel or the public if disturbed by the stripping or demolition.
 - Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 318 of the Occupational Health and Safety Regulation 2001. The principal certifying authority must be provided with a copy of a signed contract with such a person before any development pursuant to the development consent commences. Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered.
 - The nature and location of each hazard shall be recorded and both the record and proposed method on controlling hazards shall be addressed in a Hazardous Substances Management Plan and included in the contract documentation.
 - The appropriate display of signs containing the words “Danger Asbestos Removal in Progress” will be at a prominent position at the front of the premises.
 - Further information regarding asbestos can be found at the NSW Work Cover website: www.workcover.nsw.gov.au/OHS/ManagingSafetyRisks/asbestos_fibro.htm
18. Temporary toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the Council.
19. Compliance with the required Construction Management Plan prepared for the project during the construction process for the development.

No storage of building materials, soil or equipment is to occur on Council's property or roads without the written consent of Council's Civic and Recreational Services Manager or nominee. No unfenced, potentially dangerous activity or material to be located in close proximity to the street boundary or pedestrian walkway adjoining the site. No unsupervised transit of plant, equipment or vehicles across public areas or other obstruction of those areas is permitted.

A hoarding or fence must be erected between the work site and any public place if the work is likely to cause traffic (pedestrian or vehicular) in a public place to be obstructed or otherwise inconvenient. The erected hoarding is to be sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. The hoarding, fence or awning is to be removed once the work has been completed.

BEFORE OCCUPATION OF THE BUILDING

20. Bicycle facilities to serve the proposed development should be provided*. A minimum of three bicycle racks to be provided for public use as part of the development in the widened footpath area to Moore Street, in accordance with Council's Parking Code design standards.

**ADVISING:*

Council understands this may not be possible within the secure parking area under current Department of Attorney General and Justice Parking Guidelines, although the Applicant is encouraged to consider such facilities for staff use as part of a sustainable development approach to the project.

21. All civil engineering and utility service works undertaken pursuant to this consent are to be inspected and tested upon completion, and details of works which will become public assets provided to Council's Director Engineering and Works or nominee.

OPERATIONAL MATTERS

22. All routine vehicular loading and unloading in connection with the use of the Courthouse being carried out on site or via the adjacent Police Station which is to be connected to the building, to provide for safe off-street loading and unloading of vehicles servicing the premises and to prevent unnecessary interference with the use of the Moore Street by other vehicles and pedestrians.

In particular, garbage and recyclables collection from the premises are to be undertaken from within the site or by other arrangement to the satisfaction of Council's Director Engineering and Works or nominee (eg kerbside wheelie bin collection by Council's contractor), to minimise potential interference with the use of Moore Street during business hours.

23. Any lighting used in connection with the development is to comply with AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting.
24. The street number for the site, as agreed with Council's Business Systems Analyst in conjunction with the new title arrangements to be finalised, shall be clearly and permanently displayed on or adjacent to the street frontage of the building, to identify the premises to the public and to essential/emergency services. Numbers shall be 100mm high x 50mm wide (minimum) and of a colour contrasting with the surface to which they are affixed.

ADVICE

ADVISING:

The developer being the Crown is not obligated to submit a Construction Certificate for the project or obtain an Occupation Certificate from Council. However the developer/owner may wish to consider compliance with the following from a risk management viewpoint:

- A Fire Safety Certificate covering each of the essential fire and other safety measures should be provided to the Certifying agency prior to the occupation of the building, to ensure the safety of the occupants in the case of an emergency. A copy of any such certificate should be given to the Commissioner of NSW Fire Brigades and an additional copy displayed in a prominent location within the building.*
- An annual fire safety statement may be provided to Council at least once every 12 months, to indicate that the required fire safety measures for the building are being properly maintained. A copy of any such statement should be given to the Commissioner of NSW Fire Brigades and an additional copy to be displayed in a prominent location within the building.*

Certain modern energy installations (eg. photovoltaic systems, solar hot water, wind energy installations) may require Council's consent under current planning legislation. If you are planning on installing such technology as part of this project, please consult with Council's Development Control Unit to confirm whether development consent is required.

OTHER APPROVALS/CONSENTS

Not applicable

REASONS FOR THE ABOVE CONDITIONS

Given Council's duty to consider the matters set out in Section 79C(1) of the Environmental Planning and Assessment Act 1979 (as amended), the above conditions have been placed on the consent in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 (as amended).

ATTACHMENT B (CONDITIONS OF CONSENT FOR ITEM 2)

**Amended Appendix 4 – Final conditions of consent as agreed to at
JRPP Meeting 8 June 2011
DA-344-2010 / JRPP 2010 NTH 037**

JRPP No:	JRPP 2010 NTH 037
DA No:	Armidale Dumaresq Council DA-344-2010
PROPOSED DEVELOPMENT:	<p>Development:</p> <p><i>Redevelopment of the existing 'Freeman House' complex, operated by the Society of St Vincent de Paul, for new supportive housing accommodation for the homeless and persons with drug and alcohol dependencies, together with ancillary facilities including community education services.</i></p> <p>Address:</p> <p><i>1-3 Crescent Street Armidale and 1 and 3 Claverie Street Armidale 2350, being Lot 16 DP 814532 and Lots 12 and 11 DP 715548.</i></p>
APPLICANT:	Ms Suzanne Hart, c/o Paynter Dixon Constructions (on behalf of The Trustees of the Society of St Vincent de Paul (NSW))
REPORT BY:	Stephen Gow, FPIA, Director Planning and Environmental Services, Armidale Dumaresq Council

PRESCRIBED CONDITIONS

The following conditions are prescribed in relation to this development consent:

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

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
 - (1A) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia*.
 - (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which sub clause (1A) applies.
 - (3) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant:
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.
- Note.** There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

Erection of signs

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (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.
- (3) 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.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that 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.
- (2) The condition referred to in subclause (1) 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.

GENERAL CONDITIONS

1. The development must take place in accordance with the approved plans (bearing the Council approval stamp) and documents submitted with the application, detailed below*, and subject to the conditions in this notice, to ensure the development is consistent with Council's consent.

** The documents and plans relied upon for the purposes of this consent, and subject to the conditions of this consent, are listed below.*

- *Model of proposed development;*
- *Statement of Environmental Effects including architectural design statement (Wakefield Planning, 7 Dec. 2010, design statement by Thomson Adsett 6 Dec 2010);*
- *Statement of Heritage Impact (OCP Architects Pty Ltd, Nov. 2010);*
- *Traffic and Parking Study (Wakefield Planning, 7 Dec. 2010), as amended by Applicant's letter dated 28 April 2011;*
- *Social Impact Assessment (Sarah George Consulting, Dec. 2010);*
- *Building Code Assessment report (Blackett Maguire and Goldsmith, 16 Sept. 2010);*
- *Acoustic report (Acoustic Studio, 28 Sept. 2010);*
- *Access report (Accessibility Solutions, 6 Dec. 2010);*
- *Hydraulic Services report (Creative Engineering Solutions, 29 Nov. 2010);*
- *Waste Management Plan and Cost Estimates (Paynter Dixon, 20-21 Dec. 2010);*
- *Ecologically Sustainable Design Considerations Statement (Partners Energy, Oct. 2010);*
- *Additional supporting correspondence received via applicant on 17 February 2011 and 28 April 2011, including "The Ozanam Learning Centre Armidale – non-resident use protocol", produced by the St Vincent de Paul Society.*

Architectural and related plans for the project are those prepared by Thomson Adsett Architects and numbered 09179/ A00A, A01C, A02A-A07A inclusive, A08B and A09A. A separate Landscape Plan prepared by Conzept Landscape Architects and numbered LPDA11-212/1 has also been provided, together with a *site survey plan*. (Note Plan 09179/ A03A will need to be amended to be consistent with revised parking arrangements on plan A01C and related conditions of this consent*.

Detailed plans for food area fit out and stormwater drainage proposals have also been provided as part of the application.

2. All Engineering / civil works for the development are to be designed by a competent person and carried out in accordance with Council's Engineering Code, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.

3. The proposed uses other than supportive accommodation facilities (eg administration/board room, counselling and education facilities) are to remain ancillary to the approved use of the premises at all times, to ensure compliance with the land use zoning of the site and with the intended purpose of the development outlined in the submitted development application.

Likewise, the residential accommodation provided is to be limited to supportive housing of the user groups defined in the submitted application, namely for homeless persons, and for persons suffering from alcohol and drug dependency, as well as associated management/staff sleepover accommodation.

The use of the proposed Ozanam Learning Centre by non-residents is to be restricted to a maximum class size of 12 persons at any one time between the hours of 9am and 4pm Mondays to Fridays (public holidays excepted).

Finally, the staff numbers for the redeveloped facility are to remain no greater than as specified in the Social Impact Assessment lodged with the application, namely:

9 permanent full time staff;
4 permanent part time staff;
4 casual staff.

Any change in relation to the above matters is to be the subject of a further development application (or application to modify this consent) for assessment of relevant issues by Council, supported by relevant justification..

NOTE:

A further application is to be made for the display / erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent).

BEFORE RELEASE OF CONSTRUCTION CERTIFICATE

4. The plans and specifications accompanying the Construction Certificate are to demonstrate compliance with the Building Code of Australia (BCA) for the proposed Class 3, 5 and 9b building.

Given the scale of the development and multiple classification of the proposed building, the Construction Certificate application is to be accompanied by reports prepared by suitably qualified consultants in relation to the final design to comply with the BCA, in particular in relation to:

Type of Construction to be used;

Fire safety measures to be installed;

Access (including for people with disabilities to and within the development, including off street parking for people with disabilities) and fire safe egress;

Structural design; and

Energy efficiency issues.

Where the design or external configuration of the building is modified as a result of achieving BCA compliance or in complying with conditions of this consent, the plans accompanying this development consent must also be the subject of an appropriate application for modification.

See also advising notes from Council's Building Surveyor at the end of this consent document.

5. The development and future work to the site, in particular to the historic "Trim's Store" building, shall meet the following requirements of Council's Heritage and Urban Design Advisor, to ensure that the heritage significance of the building is maintained and the new development will be suitable in the neighbourhood context:

- Retained original face brickwork is not to be painted, coated or rendered in any way.
- Final details of all new building materials including their colours shall be submitted to and approved by Council's Heritage and Urban Design Advisor prior to the issue of a Construction Certificate. In particular:
 - Details of all new fencing to the site, especially that proposed to the Claverie Street frontage for the proposed service yard adjacent to the Trim's Store façade, are to be provided and compatible with the historic fabric of that building (the proposed 1.8m high Lysaght fencing in this location is considered unacceptable for this purpose);
 - Details of all window materials are to be provided. These should also be designed to prevent any overlooking of the property at 228 Rusden Street from the first floor of the adjacent "Crisis" wing;
 - Evidence is to be supplied that the proposed silver panelling will not cause reflection of sunlight or glare to neighbouring residential properties, or alternatively other material(s) shall be provided for consideration;
 - Colour schemes for the restoration and preservation of the Trim's Store building shall be prepared in consultation with a Conservation Architect.

- The original roof form of the “Trim’s Store” building, to the northern extent of the current twin ridge lines, is to be retained and conserved in order to interpret the original form of the building externally. The proposed design is to be refined in order to retain the significant original roof form and remove any proposed encroachments into this. Amended drawings shall be submitted to and approved by Council’s Heritage and Urban Design Advisor prior to the issue of a Construction Certificate.
- The early painted signage on the eastern brick wall of the “Trim’s Store” building is to be retained and conserved. Advice to be obtained from a Conservation Architect and a report on how this is to be achieved is to be submitted to and approved by Council’s Heritage and Urban Design Advisor prior to the issue of a Construction Certificate.
- The proposed front veranda / awning for the Trim’s Store building is to be reconstructed based on historic photographic and/or documentary evidence of the building. Details of the veranda including paving of the footpath in this location (see separate conditions) are to be prepared by a Conservation Architect and submitted to and approved by Council’s Heritage and Urban Design Advisor prior to the issue of a Construction Certificate.
- Details of the extent of retention of the existing pressed metal ceilings in the “Trim’s Store” building (greater than those suggested on the submitted plans) and methodologies for their preservation are to be submitted to and approved by Council’s Heritage and Urban Design Advisor prior to the issue of a Construction Certificate.
- An archival photographic recording of the “Trim’s Store” building in accordance with the guidelines by the NSW Department of Planning – Heritage Branch is to be submitted to and approved by Council’s Heritage and Urban Design Advisor prior to the issue of a Construction Certificate. The recording is to be undertaken prior to works commencing on site, during demolition and on completion of the works. Two copies are to be provided – one copy to the Armidale Dumaresq Council for Library purposes and the other copy to the University of New England Heritage Centre.
- A Heritage Interpretation Strategy must be developed for the site. An interpretation information display is to be located in a prominent publicly accessible location and should include a brief history of the building and historic plans or photographs, and samples of the pressed metal ceilings. The Heritage Interpretation Strategy must be approved by Council’s Heritage and Urban Design Advisor prior to the issue of a Construction Certificate and installed prior to the issue of an Occupation Certificate.

6. The proposed development and curtilage / car parking areas being landscaped, to enhance the site's appearance and provide shade and environmental benefits.

Details to be indicated in a landscaping management plan to the satisfaction of the Council's Civic and Recreation Services Unit or other relevant Certifying Authority before the issue of a Construction Certificate for the development.

This management plan is to include detailed landscaping plans to indicate the proposed species to be used (which must be appropriate for the New England climate), height and spread at maturity, and a specification for soil preparation, drainage, weed control, watering, fertilising and general maintenance during establishment. *(Note: Council's Civic and Recreation Services Unit advises that the species selection submitted to date cannot be accepted as it is largely inappropriate for Armidale conditions, specifically our winters. Of the extensive list of plants proposed [relatively few] will tolerate our conditions . . . most of the new varieties are derived from coastal populations and [would be] unsuitable in Armidale. Otherwise, the structure and design of the proposed landscaping design appears to satisfy requirements for compensation of loss of existing vegetation, screening of neighbouring properties and streetscape amenity, with the exception of replacements for the Elm trees, should they need to be removed.)*

Particular arboricultural advice should be sought as part of the preparation of the Plan regarding the retention of the *Ulmus procera* (English elms), on the Crescent Street frontage, of which one is proposed to be removed. These trees have particular streetscape significance but are becoming senescent, and no work to these trees is to occur without specialist advice as to their retention and or removal or replacement, as part of the site landscaping management.

New tree planting should wherever possible be a minimum of 3m horizontal distance from the line of buildings or underground services to reduce risk of future damage by limbs, roots, etc.

All trees proposed to be removed are to be clearly identified by survey and shown on detailed construction plans to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate for the development.

Council requires that existing trees on development sites that are to remain are identified in the landscape management plans and protected in accordance with AS 4970. *(Note: Council's Civic and Recreation Services Unit advises that the fencing details shown on the plan to date are acceptable, however fences should be located outside the Tree Protection Zone (TPZ), calculated at 12 x diameter at breast height, not simply on the drip line, unless encroachment is unavoidable and directed by the on-site arborist).*

All street trees adjoining the site are to be preserved except where removal is separately approved by Council (under an application under the Roads Act 1993), to ensure the continued amenity of the streetscape and to maintain public assets.

The final plans/specification should bear the name and qualifications of the persons responsible for their preparation. Such persons should be qualified landscape architects or horticulturalists, or have demonstrated experience in the design and implementation of landscaping projects in New England.

7. Details of the following further matters are to be provided to and approved by

Council's Director Planning and Environmental Services or nominee before the approval of a Construction Certificate for the development:

- Increased setback from the rear boundary of 228 Rusden Street to the northern wall of the Crisis Wing, to reduce the impact of the proximity of a major vertical element close to the neighbouring property. Setback to be at least three metres, with appropriate landscaping in the setback area, consistent with the site landscape management plan (see also condition 5).
- Increased privacy screening to the balconies of accommodation units along the northern, western and southern sides of the Rehabilitation Wing, to avoid the potential for direct overlooking of the driveway area and private open space of the adjoining developments, especially at 230 Rusden Street and 5 Crescent Street. *[Additional setback to the northern boundary of the site in this location would also be considered.]*
- Details of the final design in terms of water efficiency features, to be prepared by a competent consultant.
- Full details of proposed plant (including solar) installation and housings and relevant acoustic and visual screening to be used for these, to demonstrate that the visual and acoustic impact of these installations on public views and on the amenity of neighbouring properties will be minimised. The DA plans show an air conditioning installation at the north-east corner of the site near to 118 O'Dell Street, which is of concern given the potential for noise transmission.
- Full details of the acoustic screening treatment and hours of operation of the proposed sound studio which is included within the development.

8. For all work required on Council road reserves or in relation to Council utility services (eg. vehicular footpath crossings, work on street trees, water and sewer utilities and stormwater work, footpath paving, kerb and gutter etc.), the Applicant is to submit detailed applications to Council as the roads authority pursuant to s138 of the Roads Act 1993 or as required under s.68 of the Local Government Act 1993, and obtain the required approvals for all such proposed work in connection with the development.

In particular an application is to be made to Council, as the local water and sewer authority, for water supply and sewer works and a related Certificate of Compliance, pursuant to Chapters 6 and 7 of the Local Government Act 1993, and Chapter 6 of the Water Management Act 2000, and such application being approved before the issue of any Construction Certificate.

ADVISINGS:

Council's sewer main that traverses the property is to be relocated to prevent any superimposed load being placed on the main with the decommissioning of the redundant portion of sewer line. Decommissioning of the redundant main is to ensure continuation of the sewer service to the property at 128 O'Dell Street. Sewer diversion works has to be completed prior to the commencement of pouring slab for the building. Details of the main extension must be submitted with the required Section 68 application under the Local Government Act 1993.

Approval must also be obtained for the discharge of any liquid trade waste into Council's sewerage system, to prevent any adverse impact on the sewerage system and environment.

An approved grease trap/arrestor is to be incorporated in the internal drainage to

ensure no site wastewater enters Council's sewer without prior grease removal.

Redundant vehicular footpath crossings along the development frontage are to be removed and footpath and kerb and gutter reinstated to the satisfaction of Council's Development Engineer or nominee as part of the required footpath works.

All relevant Applications must be approved by Council prior to the issue of a Construction Certificate, to ensure that the work meets Council's relevant Engineering Code and other design standards for such work.

If compliance certificates for civil works to become public assets are sought before the issue of an Occupation Certificate, an 'Agreement to Meet Costs' form and monetary security for civil works to become public assets is to be provided to Council, to complete any public work required in connection with the project, or to cover the cost of carrying out rectification work in public areas in connection with the proposal should any defect arise within 12 months of completion of the works. Security shall be in the form of cash or bank guarantee for an amount determined by Council. Application for a 90% refund of the security may be made on documented completion of the works, with full refund of the remaining 10% upon satisfactory completion of the 12 months' defects liability period.

9. Car parking facilities, including all internal parking and manoeuvring areas, are to be designed and constructed in accordance with Australian Standards AS/NZS 2890.1 - 2004 : Off-street car parking, AS/NZS 2890.2 - 2002 Off-street commercial vehicle facilities and AS/NZS 2890.6 - 2009 Off-street parking for people with disabilities and Council's Development Control Plan 2007. The details must be submitted to and approved by the relevant Certifying Authority prior to a Construction Certificate being issued.
10. Details of the matters outlined below for the improvement in traffic/pedestrian safety and for parking management control, including works in accordance with the recommendations made by the project traffic consultant and the Council's Local Traffic (Development) Committee are to be provided for the approval of Council's Development Engineer and (where relevant) the Committee, before the issue of a Construction Certificate:
 - "No Stopping" signs to be installed at the Crescent/Claverie Street and Crescent/O'Dell Street intersections, to improve visibility for motorists and in particular ensure at least 10 metres of kerbside space adjacent to these intersections will be kept free of parked vehicles, per NSW RTA standards, or other distance specified by the Local Traffic Committee.
 - "No Parking" signs to be installed to prevent parking on the northern side of the Claverie Street in the vicinity of the development.
 - Line marking for kerb side parking to be undertaken on the northern side of Crescent Street along the site frontage, to demonstrate the sections of roadside where parking is legally permitted.
 - Review of the location of proposed accessible parking spaces for the development, to be as close as practicable to the principal entrances of the adjacent facilities;
 - Review of vehicle and pedestrian safety in the vicinity of off-street parking spaces which will involve vehicles reversing over the footpath, in particular consideration of any works required to ensure visibility of and from such vehicles;
 - Signage visible to users of parking spaces 2-5 and 7-18 inclusive indicating

users are not to reverse into adjacent streets.

NOTE:

The developer must to arrange with Council to provide the road signs and pavement markings for kerb side parking at the developer's cost. The developer may wish to consider application to the Local Traffic Committee for a on-street disability parking space in connection with the development.

11. Construction of a concrete footpath (1.2m wide, 100mm thick, tool jointed every 1.2m and dowel jointed at every 4.8m) or (preferably) segmental paved footpath to a specification to be agreed with Council as part of the required Roads Act approval, along the site's entire frontage to Crescent Street, from the existing concrete footpath in O'Dell Street to the proposed footpath adjoining the western end of the "Trim's Store" building, to provide an effective all-weather pedestrian route in connection with the proposed development.

Details to be provided for the approval of the Council's Development Engineer or nominee before the issue of a Construction Certificate.

ADVISING - Council requires that the proposed footpaths extend to the back of the kerb in the street at each end of the subject path. They are to be provided with a maximum 2.5% reverse cross fall, a 100mm high kerb (in the sections that are between road boundaries) and are to be drained into a stormwater pit adjacent to the downstream road reserve. Floodways are to be designed to contain the water from a 1% AEP flood.

12. The proposal, which will involve work/activity over public land, is to be protected by public liability insurance with a minimum cover of \$10 million, or such other amount as may be advised by Council. Evidence of adequate cover (including duration of cover) to be submitted with the application for a Construction Certificate.
13. Written advice from telecommunications and electricity providers, confirming that satisfactory arrangements have been made for the provision of telecommunications and electricity services to this development, are to be submitted to the relevant certifying authority before the issue of a Construction Certificate. In the case of electricity services, details of the final siting and easement requirements for the proposed substation are to be provided and approved by Council's Development Engineer to ensure that satisfactory access can be provided to and from this facility from the adjacent road for maintenance purposes.
14. A Lighting Design and Management Plan for the development is to be provided for the approval of Council's Director Planning and Environmental Services or his nominee before the release of a Construction Certificate, to address:
 - Construction Safety Lighting
 - Lighting to pedestrian ways, dwelling entries, driveways and car parks to ensure a high level of safety and security for residents and visitors at night (note lighting may be required for use in connection with any facility CCTV system).
 - Street and security lighting on and adjacent to the frontages of the site.

All lighting is to be designed by a suitably qualified person experienced in illumination design, having regard to relevant Australian Standards, in particular AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting - to minimise light

entering adjacent dwellings, to ensure the amenity of adjoining properties is maintained.

Moreover, lighting assessment of the development frontage in O'Dell, Crescent and Claverie Streets is to be undertaken to identify levels of lighting required post development to provide safe access for pedestrians/clients and improve surveillance of the centre entries and adjacent areas.

New street lighting is to be provided if required, and thus maintain visibility and safety for pedestrians and vehicles. The developer is to liaise with Country Energy with regard to street light standard and location.

15. The design and construction of food preparation and dining areas must:
- be appropriate for the activities for which the premises are used;
 - provide adequate space for the activities to be conducted on the premises and or the fixtures, fittings and equipment used for those activities;
 - permit the food premises to be effectively cleaned and, if necessary, sanitised; and
 - to the extent that is practicable (i) exclude dirt, dust, fumes, smoke and other contaminants; (ii) not permit the entry of pests; and (iii) not permit any harbourage for pests,

in accordance with the Australia and New Zealand Food Safety Authority *Food Safety Standards* and to ensure the public health and safety of patrons and staff. A copy of the Standards can be downloaded from the ANZFA website <http://www.foodstandards.gov.au> or a hard copy obtained from Council on request.

Details to be submitted for the approval of the Council's Environmental Health Officer before the issue of a Construction Certificate for the project.

16. Prior to the issue of a Construction Certificate the applicant shall provide details, and obtain the approval of Council's Development Engineer or relevant certifying authority, demonstrating how gross pollutants are to be prevented from entering the stormwater drainage system from any new or augmented stormwater systems adjoining or within the site. Such details shall demonstrate simple, collection procedures which maximise functionality and minimise initial and long term maintenance/collection expenses.
17. An Erosion and Sediment Control Plan and Soil and Water Management Plan, in accordance with the requirements of the Department of Housing's *Managing Urban Stormwater - Soils and Construction* is to be submitted with the application for a Construction Certificate for the development for approval by the relevant Certifying Authority. The soil and water management plan once approved must be implemented in conjunction with the project.
18. All-weather, nuisance-free travel surfaces for pedestrians and vehicles is to be provided throughout the site, including parking areas and driveways. The vehicle traffic surfaces shall be provided with effective edge support / drainage control and landscaped areas adjacent to kerbing to be self-draining to the kerb. Details to be provided to the relevant Certifying Authority for approval before the issue of a Construction Certificate for the development.

ADVISING: Bitumen sealed compacted gravel pavement or reinforced concrete to the standards set out in the Department of Housing Road Manual, 1987, will

satisfy the above requirement. Alternatively, segmental paving may be used provided it is installed as part of a pavement design in accordance with the Cement & Concrete Association of Australia's "Guide to Design and Construction" for Interlocking Concrete Road Pavements, July 1986.

Vehicular footpath crossings shall require heavy duty concrete slabs in accordance with ADC Std. Dwg. 040-4 and 040-3 and to achieve property protection level with the caveat that the crossfall of the driveway crossing across the footpath must not exceed 2.5% for disabled access. Segmental paving may be used on footpath areas provided it is installed as part of a pavement design in accordance with the Cement & Concrete Association of Australia's "Guide to Design and Construction" for Interlocking Concrete Road Pavements, July 1986.

19. Protection of the development by provision of underground drainage pipelines to cater for a stormwater flood frequency of 20% Annual Exceedence Probability (AEP) and fail-safe aboveground floodways to cater as a minimum for a flooding frequency of 1% AEP, to connect to the existing stormwater infrastructure in O'Dell Street. Details to be provided to Council's Development Engineer or relevant certifying authority, for approval before the issue of a Construction Certificate for the development.
20. A stormwater detention system is to be designed to ensure the post-development flow from the detention basin is to be no greater than the pre-development flow from the catchment. Storm events to be provided for are the 1% Annual Exceedence Probability (AEP), 5% AEP and 20% AEP. Details to be provided to the Council's Development Engineer or relevant certifying authority for approval before the issue of a Construction Certificate for the development.
21. Arrangements for kerbside garbage collection from the complex are to be detailed for the approval of Council's Development Engineer before the release of the Construction Certificate, to ensure that sufficient space is available for the necessary operations.
22. The owner is required to enter into an agreement for payment of a contribution towards water and sewer infrastructure provided by Council for the benefit of this site. A draft agreement is enclosed for the owner's signature and return to Council with payment. Upon payment of the required contribution or completion of appropriate arrangements for payment, which must be made before the issue of the Construction Certificate, Council will issue a Certificate of Compliance, pursuant to s.64 of the Local Government Act 1993, and Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000.
23. The submission of a detailed Construction Management Plan for the approval of the Council's Director Planning and Environmental Services or nominee(s), including if necessary Council's Local Traffic Committee, prior to the issue of a Construction Certificate for the development, to ensure that work is undertaken safely and to minimise nuisance to the surrounding area during all construction/work on site. This Plan shall include, as a minimum, provision for:
 - Off-street parking for employees, contractors, sub-contractors and visitors to the site.
 - Public parking arrangements during construction.
 - Site access for construction vehicles and equipment.
 - Storage and removal strategies for construction wastes.

- Construction Traffic Management Plan.
- Provision of sanitary amenities and ablution facilities for employees (at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the council.
- Fire precautions during construction.
- Dust suppression.
- Hours of work - The hours of building work are to be restricted to between 7.00am and 6.00pm on Monday to Friday and 8.00am to 1.00pm on Saturdays, to maintain the amenity of the locality.
- Any proposed building work to be undertaken outside these hours or on Public Holidays must be the subject of prior written agreement from Council - consideration may be given to special circumstances and non-audible work if applicable.
- Control of noise arising from the works in accordance with the requirements of the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.
- Construction Hoarding/Fencing and security details, including site hoardings to be provided, safeguarding both contractors and the public while works are being carried out on any public footpath areas. Contractor should endeavour to minimise disturbance to pedestrian / vehicle traffic in the vicinity of the site.
- Protection of trees and retained heritage fabric during work (including in particular protection of the stone kerbing opposite the site in Crescent Street)
- Public footpath being protected from any paint spillages or other damage while work is being carried out.
- Details of all construction-related signs.
- Careful management of construction activities to prevent any contaminant discharge from the site (including oils, fuels, paints or chemicals), particularly with respect to excess concrete or concrete truck washings.
- Location of all public utility facilities and methods of protecting them.
- Method of support to any excavation adjacent to adjoining properties, or the road reserve.

BEFORE WORKS COMMENCE

24. The owner/s of the property are to give Council written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement, in accordance with cls 103, 103A and 104 of the Environmental Planning and Assessment Regulation 2000. Such notice is to be given using the form enclosed with this consent.
25. A Construction Certificate must be obtained before work commences, in accordance with cl.146 of the Environmental Planning and Assessment Regulation 2000.
26. Before construction commences on the site and throughout the construction phase of the development, erosion control measures are to be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
 - divert contaminated run-off away from disturbed areas,
 - erect silt fencing along the downhill side of the property boundary,
 - prevent tracking of sediment by vehicles onto roads by limiting access to the site and, where necessary, installing a temporary driveway and
 - stockpile all topsoil, excavated material and construction debris on the site, erecting silt fencing around the pile where appropriate.

Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.
27. Under-road conduits are to be provided to cater for electricity, telecommunications, gas supply or other underground utility services. Utility crossings of public roads are to be under-road bored and Council's Roads Manager advised of the intention to commence work at least 48 hours in advance. The developer and its agents are responsible for ascertaining the location of existing underground services before commencing work. Any damage to existing services or to the road construction is to be made good at the expense of the developer.
28. A hoarding or fence must be erected between the work site and any public place if the work is likely to cause traffic (pedestrian or vehicular) in a public place to be obstructed or otherwise inconvenient, in accordance with the approved Construction Management Plan and relevant (eg Roads Act) approvals. The erected hoarding is to be sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. The hoarding, fence or awning is to be removed once the work has been completed.

29. Should Council be appointed the Principal Certifying Authority, the Applicant must give at least 2 days' notice to enable the following inspections to be undertaken where appropriate for the class of building:

- after excavation of, and before the pouring of the first footing **
- before covering drainage (under hydrostatic test)
- before pouring any reinforced concrete structure, such as a slab-on-ground, suspended slab, or driveway **
- before covering the framework for any wall, roof or other building element **
- before covering waterproofing in any wet area **
- before covering any stormwater drainage connections **
- when the building work is completed and before the issue of an occupation certificate **

*** denotes a critical stage inspection (a mandatory inspection pursuant to Section 109E of the EP&A Act 1979). Please note that an Occupation Certificate cannot be issued for a development where a critical stage or other nominated inspection has not been carried out.*

DURING CONSTRUCTION

30. No storage of building materials, soil or equipment is to occur on Council's property or roads without the written consent of Council's Civic and Recreational Services Manager or nominee. No unfenced, potentially dangerous activity or material to be located in close proximity to the street boundary or pedestrian walkway adjoining the site. No unsupervised transit of plant, equipment or vehicles across public areas or other obstruction of those areas is permitted.
31. Waste pipes, stack work and vents are to be concealed to prevent their deterioration and improve the aesthetics of the building.
32. Action being taken by the developer and contractors to ensure that public safety is maintained on roadways under construction at all times, by the provision of effective barriers to distinguish between adjacent public roadways and the roadways under construction.
33. Effective dust control measures to be maintained during construction in accordance with the approved Construction Management Plan, to maintain public safety/amenity and construction activities are to be restricted solely to the subject site.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

34. Existing trees to be retained on the site and adjacent footpaths are to be retained and protected from damage during work on the site, in accordance with the approved landscape management plan, to maintain the visual amenity of the locality. No utility service mains installed within 3 metres of the trunks of these trees, so as not to prejudice their future retention.

All tree removals subject to Council's tree preservation controls and approved under this consent (as detailed in the material submitted by the Applicant on 17 February 2011) should be carried out by an appropriately qualified person (e.g. tree surgeon) to avoid any risk to life or damage to property. This person should have adequate public liability insurance cover.

35. Materials must not be burned on-site. All waste generated on site must be disposed of in accordance with the submitted waste management and construction management plans for the project, to protect the amenity of the area and avoid the potential of air pollution.
36. The hours of building work are to be restricted to between 7.00am and 6.00pm on Monday to Friday and 8.00am to 1.00pm on Saturdays, to maintain the amenity of the locality.

Any proposed building work to be undertaken outside these hours or on Public Holidays must be the subject of prior written agreement from Council - consideration may be given to special circumstances and non-audible work if applicable.

ADVISING:

Breaches of this condition may result in the issuing of a Penalty Infringement Notice or prosecution.

Safety lighting is to be provided to the construction site after dark in accordance with the approved lighting management plan for the project.

37. All demolition is to be carried out in accordance with the project waste management plan, construction management plan and AS2601 – Demolition of Structures, to ensure the work is undertaken safely and as required pursuant to the Environmental Planning and Assessment Regulation 2000. Demolition is to provide for the following in particular:
- A competent person to determine the presence of any hazardous substances or conditions in the structure, and all parts of the site, which may be hazardous to the health of the site personnel or the public if disturbed by the stripping or demolition.
 - Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 318 of the Occupational Health and Safety Regulation 2001. The principal certifying authority must be provided with a copy of a signed contract with such a person before any development pursuant to the development consent commences. Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered.
 - The nature and location of each hazard shall be recorded and both the record and proposed method on controlling hazards shall be addressed in a Hazardous Substances Management Plan and included in the contract documentation.
 - The appropriate display of signs containing the words “Danger Asbestos Removal in Progress” will be at a prominent position at the front of the premises.
 - Further information regarding asbestos can be found at the NSW Work Cover website:
http://www.workcover.nsw.gov.au/OHS/ManagingSafetyRisks/asbestos_fibro.htm
 - All demolition work should be undertaken in a manner which does not impact on the structural integrity of the “Trim’s Store” building. The project Conservation Architect is to provide further input on this aspect of the project.
38. Roof and surface stormwater from paved and impervious areas is to be collected and directed to the On Site Detention system and then towards the stormwater pipe in O’Dell Street, to protect the site and adjoining property from effects of flooding. Relevant work to be carried out immediately once the roof and guttering is installed.
39. Provision of a grated catch drain or inlet pit adjacent to the proposed driveways at the property boundary, with piped water discharged to the street gutters, to provide effective stormwater drainage from the development and to protect other property.

40. Toilet facilities are to be provided at, or in the vicinity of the work site, in accordance with the approved Construction Management Plan.
41. Construction of new vehicular footpath crossings, including laybacks, over the full width of the footpath, to provide effective all-weather access to site and a safe and nuisance-free surface over Council's footpath, in accordance with the design approved by Council under the Roads Act 1993 in connection with the project.
42. In the event that Aboriginal artefacts are identified on the site during development through earthworks or construction, the Applicant shall contact the National Parks and Wildlife Service (NPWS – part of the Department of Environment Climate Change and Water) and assessment of its heritage value by NPWS and the relevant local Aboriginal groups.

For further information see the NPWS Code of Practice for Archaeological Investigations in NSW:

<http://www.environment.nsw.gov.au/licences/archinvestigations.htm>

In the event that other relics, being any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

are identified on the site during development through earthworks or construction, the Applicant/developer shall notify the NSW Heritage Council as required under s.146 of the Heritage Act 1977, as well as the Armidale Dumaresq Council, of the find and await further advice before proceeding with the development.

Note: the western part of the site (the Claverie Street properties) is understood to have been associated with a former Steam Sawmill and Chaff factory operated by J J Trim. However it is understood that the potential for site archaeology remains low.

Likewise, if any potential contaminants relating to a former use of the site are discovered during work on the project, although Council has no information to suggest this may be the case at present, the Applicant/developer shall notify the Armidale Dumaresq Council of the find and await further advice before proceeding with the development.

BEFORE OCCUPATION / WHEN WORKS ARE COMPLETED

43. An Occupation Certificate must be obtained before the approved use commences, in accordance with the EP&A Act and to ensure the health and safety of the building's occupants.

ADVISING: Failure to obtain an Occupation Certificate is an offence under the legislation. Penalty advice for buildings (penalties do not apply to uses detailed in 109M and 109N; i.e. crown projects, Class 1a and 10 buildings or as detailed for certain temporary structures).

44. The property (street) number shall be clearly and permanently displayed on or adjacent to the doorway or on the street frontage to identify the premises to the public and to essential/emergency services. Numbers shall be 100mm high x 50mm wide (minimum) and of a colour contrasting with the surface to which they are affixed.
45. A maximum of one common television aerial (per building wing) shall be installed, to minimise visual clutter of building elevation and to maintain the amenity of the locality.
46. One set of print film copies of "work as executed" plans are to be provided to Council for works carried out on Council property or benefiting Council. Each plan is to have a scale adjacent to the title block showing the scale used on that plan. The location of any fill introduced, by both plan limit and depth, together with relevant classifications shall be shown on the "work as executed" plans to be submitted to Council.
47. The site being consolidated before the issue of an Occupation Certificate for the development to ensure the use of the land as one allotment is legally recognised and to prevent separate dealings in the existing allotments after the use commences.

Consolidation Plan is also to provide for the following, to allow for utility authority access and maintenance:

- The inclusion of an easement for electricity authority access to and including the site of the required padmount substation, as agreed as part of the construction certification process;
- The creation of a "Positive Covenant" on the title of proposed consolidated lot, requiring that the approved and constructed stormwater detention basin be maintained on an ongoing basis. The s.88b Instrument is to make provision for Council to conduct maintenance on the subject basin at the owner's expense if the basin is not maintained to an appropriate standard.
- The creation of a "Restriction as to User" on the title of proposed consolidated lot to prevent any change in shape or alteration in the structure of the approved stormwater detention basin.

Details to be provided to the utility authority (Country Energy and Council) for their approval before the issue of an Subdivision Certificate for the consolidation. An

Application for a Subdivision Certificate in relation to the consolidation is to be submitted to Council or relevant certifying authority with six (6) copies of the Title Plan.

48. Landscaping is to be completed in accordance with the approved landscape management plan prior to the issue of an Occupation Certificate for the development.

Landscaping is to be effectively maintained over the full first 12 months after planting and any unsuccessful plantings replaced after that time in consultation with Council's Civic and Recreation Services staff; and on a continual basis to ensure its suitability for purpose thereafter.

49. Provision of all required off-street parking spaces to serve the development, to be completed before the issue of an Occupation Certificate. Approved parking bays, including spaces allocated for people with disabilities, are to be clearly identified by appropriate pavement markings.

ADVISING: Provision of parking spaces and dimensions of spaces to be in accordance with Council's Parking Code and Access and Mobility Code. Spaces adjacent to walls (or other obstructions which may affect the opening of a car door or vehicle manoeuvring) are to be widened by 300mm on the side of the obstruction(s), to facilitate safe use of these spaces.

The required and approved works in relation to traffic signage and line marking adjacent to the site are also to be inspected as completed by the Council's Development Engineer or nominee before the issue of an Occupation Certificate.

50. Bicycle facilities on site, to serve the proposed development are to be completed before the issue of an Occupation Certificate. Provision of facilities to be in accordance with Council's Parking Code.

51. A loading bay is to be provided before the issue of an Occupation Certificate for the proposed development, to provide for safe off-street loading and unloading of vehicles servicing the site and prevent interference with the use of the public road by vehicles and pedestrians.

52. All civil engineering and utility service works undertaken pursuant to this consent, including road and footpath works, are to be inspected and tested upon completion, and details of works which will become public assets provided to Council's Development Engineer, before the issue of an Occupation Certificate.

In particular, completion of new vehicular footpath crossings/reinstatement of disused crossings, in accordance with the Roads Act approval issued by Council in connection with the project, before the issue of an Occupation Certificate, to ensure the availability of effective all-weather access to site and a safe and nuisance-free surface over Council's footpath, with kerb and gutter reinstated to the satisfaction of Council's Development Engineer or nominee as required, prior to the issue of a Final Occupation Certificate for the development.

53. Any damage caused to footpaths, roadways, utility installations and the like by

reason of construction operations shall be made good and repaired to a acceptable standard, as determined by Council's Development Engineer or nominee.

OPERATIONAL MATTERS

54. The hours of operation of the activities not directly related to residential use of the facility (for example use of the Ozanam Learning Facility) being limited to between 8.30am-6pm daily, so as not to adversely affect the amenity of the locality.
55. The premises are not to be used or operated in a manner causing offensive noise (defined in the NSW Protection of the Environment Operations Act), in order to maintain the amenity of the locality. Noise levels generated by the land use must be restricted to a maximum of 5dBA above the background noise levels at any time, measured at the boundaries of the site.

Note: The Applicant's attention is also drawn to the provisions of the Regulation to the Protection of the Environment Operations Act relating to vehicle use associated with the approved activity.

56. All loading and unloading of goods relating to the use of the site (other than garbage collection services) being carried out on site, to provide for safe off-street loading and unloading of vehicles servicing the site and prevent interference with the use of the public road by vehicles and pedestrians.
57. No vehicles larger than those able to be accommodated in the available parking spaces or off street parking area / service yard west of "Trim's Store" are to be used to serve the premises (other than garbage vehicles which will access the facility at the kerbside), given the inadequate manoeuvring area available for larger vehicles and to prevent interference with the use of the public road by other vehicles and pedestrians.
58. An annual fire safety statement shall be provided to Council at least once every 12 months as required under the Environmental Planning and Assessment Act, to ensure that the required fire safety measures for the building are being properly maintained. A copy of the statement is to be given to the Commissioner of NSW Fire Brigades and an additional copy to be displayed in a prominent location within the building.
59. Any lighting used on site or adjacent to the site is to be in accordance with the approved Lighting Management Plan for the development.
60. All clinical and related waste is to be stored in containers compliant with AS 4031 - Non-reusable containers for the collection of sharp medical items used in health care areas (current edition) and managed and transported from the site in accordance with NSW Department of Environment, Climate Change and Water / Department of Health Guidelines, to ensure that public health is maintained at all times.

61. Waste Management is to be undertaken in accordance with the project waste management plan submitted with the application and as approved by Council's Development Engineer prior to Construction Certification for the project, in particular to ensure that waste storage and collection is managed safely and hygienically, and the potential for reuse and recycling of waste materials from the complex is maximized.

ADVICE

BUILDING CODE OF AUSTRALIA COMPLIANCE ISSUES:

The following assessment has been undertaken by Council's Senior Building Surveyor and is provided for the information of the Applicant/Developer:

Fire Resistance (C): Preliminary information provided by the applicant confirms that the building has been designed to comply with Type "B" Construction under Part C1.1 (Table C1.1) of the BCA. From the information submitted, the applicants have apparently elected not to utilise the concession available under Clause C1.5 for the Class 3 portions of the building to be of Type "C" Construction. Generally, use of this concession would require certain access provisions to each sole-occupancy unit nominated in the concession to be satisfied and the Class 9b portion of the building to be fire separated from the remainder of the building. Table C1.1 allows the Class 5 part of the building to be of Type "C" construction where fire-separated.

Clause C3.2 of the BCA requires openings in an external wall that is required to have an FRL, if situated less than 3 metres from a fire-source feature to which it is exposed – than 3 metres to a side or rear boundary of the allotment, to be protected in accordance with Clause 3.4 of the BCA. (Note in particular Northern end of Crisis Centre).

Walls, ceilings and separating floor between sole-occupancy units, connecting corridors and associated rooms to be fire protected in accordance with Part C4.1, Table 4 Type B Construction: FRL of Building Elements of the BCA.

All access doors to sole-occupancy units to be self-closing, tight fitting solid core doors not less than 35mm thick in accordance with Clause C3.11 of the BCA.

The general materials and assemblies of construction must have fire hazard properties calculated in accordance with the requirements of Specification C1.10 Fire Hazard Properties – General.

Access and Egress (D): Generally, distances of travel to required exits appear to comply with the requirements of Part D 1.4 of the BCA. Corridors which provide access to the Class 3 sole-occupancy units must be limited to a maximum length of 40 metres for smoke control in accordance with the requirements of Cl. C2.14 of the BCA. Details need to be provided with the Construction Certificate application.

Access to and within the building for people with disabilities must be provided through the principal public entrance into the building from the allotment boundary and any designated carparking space for people with disabilities.

Doors serving as or forming part of a required exit must swing in the direction of travel, and be able to be readily opened, without a key with a pushing or downward action on a single device from the side facing any person seeking egress from the building in an emergency. In particular, locking provisions to "secure doors" located in paths of travel to exits to be documented. Details to be submitted with the Construction Certificate application for consideration.

It is suggested that consideration be given to the redesign of the egress stairs from the Eastern end of the Rehabilitation Accommodation to exit within the ground floor of the building rather than directly into the Summer Courtyard area, to prevent confusion for people wishing to exit the building from the first floor in an emergency. This would allow such persons to proceed directly to a door serving as a required exit rather than

having to re-enter the building.

Provision for People with Disabilities: As noted above, access for people with disabilities must be provided through the principal public entrance into the building from the allotment boundary. Plans of the Southern elevation of the development would appear to indicate a step at the entry doors into "Trims Store" which would prevent wheel chair access to what is considered to be the main entry within the building.

Provision of complying hand rails to access ramp to OLC area (and where required elsewhere in the building) with details to be shown for consideration on the plans submitted with the Construction Certificate Application.

Essential Services (E): Generally, the List of Essential Services nominated by the applicant (compiled by consultants Blackett Maguire + Goldsmith) is considered to be relevant to the proposal. In addition, Exit Doors (BCA Clause D2.19), Path of Travel (BCA Clauses D1.4, D1.6 & D2.7) and Latching Devices/Panic Bolts (BCA Clause D2.21) should be added to the list.

Details of proposed locking/latching devices to be fitted to doors serving as or forming part of required means of egress to be specified with the Construction Certificate Application.

Plans indicating the location of all essential services within the building to be submitted with the Construction Certificate application.

Health and Amenity (F): Details of proposed light and ventilation/air conditioning system throughout the building, particularly to bathrooms, toilets and rooms without access to natural light and ventilation. Do these facilities also incorporate provisions for heating the building when needed?

Preliminary details of approved means of addressing the sound insulation requirements of the BCA, accessed by Peter Griffiths, Managing Director of Acoustic Studio Pty Ltd have been provided by the applicants. Details selected will need to be confirmed with the Construction Certificate application.

Certification from a qualified authority confirming that the building complies with Part J of the BCA to be submitted with the Construction Certificate application.

OTHER APPROVALS/CONSENTS

Local Government Act 1993 - approvals granted under Section 78A(3) and (5) of the Environmental Planning and Assessment Act 1979:

NOT YET SOUGHT

General terms of other approvals integrated as part of this consent:

NOT APPLICABLE

REASONS FOR THE ABOVE CONDITIONS

Given Council's duty to consider the matters set out in Section 79C(1) of the Environmental Planning and Assessment Act 1979 (as amended), the above conditions have been placed on the

consent in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 (as amended).