

## SCHEDULE 2

1. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.
2. Failure to comply with the conditions of consent constitutes a breach and on the spot fines may be issued under the Environmental Planning & Assessment Act 1979 and or the Protection of the Environment Operations Act 1997.
3. The development application has not been assessed against the provisions of the Building Code of Australia. A Section 96 application under the Environmental Planning & Assessment Act 1979 will be required if design amendments are necessary to comply with the provisions of the Building Code of Australia.
4. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring and the finished ground around the perimeter of the building is to be graded to prevent ponding of water and ensure the free flow of water away from the building.
5. Landscaping shall be carried out in accordance **with the approved Landscape Plan and Landscape Masterplan Report** prepared by Moir Landscape Architecture dated 23 March 2011.
6. The recommendations contained in the Arborist report prepared by Abacus Tree Services dated 14 March 2011 are to be implemented and include but are not limited to:
  - a) Tree protection measures are to be erected for trees 1 and 2 in accordance with Australian Standards 4970 2009 **prior to commencement of any trucks entering the site and inspected by Council's Vegetation Management Officer.** Tree guards are to be installed to minimise damage to the trees during the construction phase. Tree protection measures are to consist of 2 metre (or similar size) wooden beams installed to the trunk of the tree. Hessian or a similar non abrasive material is to be placed behind the planks to ensure minimal damage occurs to the tree.
  - b) The remaining trees on site are to be retained and are to be protected by chain wire interlocking fencing to be installed **prior to commencement of building works** and inspected by Council's Vegetation Management Officer. The fencing is to consist of 1.8m chain wire interlocking fencing as indicated by Figure 16 in the Arborist report. Tree protection fencing to trees 3, 4, 36-39, 41 and 42 is to be erected a minimum 3 metres on all sides where applicable and three sides to the fence for those trees on the western boundary. This is limited to trees 41 and 42. Trees 3 and 4 are to have protection fencing to the

edge of the road reserve on the eastern side and to 3 metres on all other sides.

- c) Protection fencing is to be in accordance with AS 4687 and AS 4970 2009 and should include as a minimum shade cloth attached to reduce the transport of dust or liquids into the protected area.
  - d) All workmen entering the site are to be inducted and made aware of the no go area and the Tree Protection Zones. All stockpile sites are to be maintained a minimum 4 metres away from retained trees.
  - e) Accessible deadwood to tree 39 is to be removed. This is to include minor pruning works up to 10% and removing all accessible dead wood in accordance with AS 4373 2007.
  - f) No works are to be undertaken within structural root zones of trees 1-4, 36-39, 41 and 42 as shown in Figure 18 of the Arborist report.
  - g) Trees 1-4, 36-39, 41 and 42 are to have minimum setbacks where no works occur, which is known as the Structural Root Zone. Details of these zones are located in Figure 18 of the Arborist Report. Minor encroachment is allowed in the Tree Protection Zone by no more than 20% as indicated in Figure 18 of the Arborist report.
  - h) The tree protection fencing located within the road reserve shall be approved by the Roads Authority (Council) and demonstrate how pedestrians shall be managed by submitting a traffic control plan. Details shall be approved by the Roads Authority as part of a Roads Act approval **prior to the installation of the fencing.**
- 7. The encroachment of the Tree Protection Zones of trees 2, 3 and 4 is compensated for by increasing the Tree Protection Zone radius by the corresponding encroachment percentage of each tree.
  - 8. Unless otherwise stated all tree protection measures to be conducted in accordance with AS 4970-2009.
  - 9. Construction vehicles are not to park under the existing Jacaranda trees at any time.
  - 10. Bollards are not to be erected within a 50cm radius of significant tree roots.
  - 11. Any roots within the Tree Protection Zone above 50mm diameter that require severing are to be cut cleanly by or under supervision of the project Arborist.

12. The tree protection fencing as nominated on the landscaping plan must be installed **prior to any construction** and inspected by the Landscape Architect and Council's Vegetation Management Officer. Any excavation within the nominated Tree Protection Zones is to be minimal and supervised by AQF Level 5 Arborist.
13. Construction access for trucks and heavy machinery must be from Swan Street to avoid any damage to the canopy of the Jacaranda trees.
14. The proposed development shall be provided with access and facilities for the disabled in accordance with Australian Standard 1428.1 and the relevant provisions of the Building Code of Australia and should include but not be limited to the following:
  - (a) A continuous and accessible path of travel, designed in accordance with Australian Standard 1428.1 shall be provided to and within any building on the site. This accessway shall provide access to all required facilities.
  - (b) External access to the building required to be accessible must be in accordance with the Building Code of Australia Part D and Australian Standard 1428.1, and must be provided:
    - (i) from the allotment boundary at the main points of entry; and
    - (ii) from any accessible carparking space on the allotment; and
    - (iii) from any adjacent and associated accessible building on the allotment; and
    - (iv) through the principal public entrance.
  - (c) The minimum number of accessible car parking spaces shall be provided in accordance with the Building Code of Australia Section D Subsection 3.5 and designed in accordance with Australian Standard 2890.1.

Note: These shall be maintained for the life of the development by existing or future owners.
15. A separate development application is required for any signage to be installed on site, unless the advertisement does not require approval as defined by exempt development provisions of the Port Stephens Council Local Environmental Plan 2000 or any relevant state environmental planning instrument.
16. A colour scheme providing full details of the colours and character of all external building materials and finishes to be used shall be submitted to Council's Sustainable Planning Group **prior to commencement of works**. It must be noted that:
  - a) The external low level façade of face masonry is not to contain contrasting banding and is to be of small masonry brick units, preferably a dry pressed brick. Similarly any banding to masonry that addresses the street façades should be in the same material colour etc. This is to enable a transition of the building to occur in context.

b) The random patterning and colours of external vertical battens on facades to the streetscape is to be kept to neutral tones with stronger colours reserved for internal site facades.

17. The external walls of the building are to have graffiti proof treatment to a height of 1.8 metres.
18. External lighting to the car park is to be designed to Australian Standard *AS 1158 – Lighting for roads and public spaces*.
19. The development shall provide 69 on-site car parking spaces, including 7 disabled parking spaces. These spaces shall be separately accessible, clearly line-marked (disabled spaces clearly signposted) and adequately paved and drained in accordance with the Section B3 – Parking, Traffic and Transport, of Port Stephens Development Control Plan 2007. Car parking must be provided **prior to the occupation of the building**.
20. The hours of operation shall be restricted to between 8am and 9pm, seven days a week. Small group activities/classes may operate until 11pm, seven days a week.
21. The forecourt seating is to be designed by an artist or artisan. Consultation on the design of this seating is to be undertaken with Council's Community Planner and the seating must be **installed before occupation of the building**.
22. A Waste Management Plan prepared in accordance with Section B2 – Environmental and Construction Management, of Port Stephens Development Control Plan 2007, shall be submitted to and approved by Council's Sustainable Planning Group, which covers demolition and building works through to the management of the finished development **prior to the commencement of works**. The applicant shall recycle any material which is able to be salvaged from the demolition of the existing building/structure. Non salvageable material shall be disposed of at Council approved refuse/land fill sites.

The Waste Management Plan for finished development, needs to determine the location and capacity of receptacles, odour and vermin control. Quantities shall be based on industry standards and contractor capability.
23. A Construction Management Plan shall be submitted to Council's Sustainable Planning Group, **prior to the commencement of works**. The construction management plan shall specify operational details to minimise any potential impact to adjoining properties. The construction management plan should include but not be limited to the following information:- Construction techniques, noise and vibration management, storage of equipment and building materials, hours of work, primary route for truck movements, etc.
24. Pursuant to section 80a(1) of the Environmental Planning and Assessment Act 1979 and the Port Stephens Section 94a Development Contributions Plan, a contribution of

1% of the cost of the development, as determined in accordance with clause 25j of the Environmental Planning and Assessment Regulation 2000, shall be paid to Port Stephens Council.

The amount to be paid is to be determined in accordance with the provisions of the Port Stephens Section 94a Development Contributions Plan. The contribution is to be paid **prior to commencement of works**.

A cost summary report (**form attached**) setting out an estimate of the proposed cost of carrying out development in accordance with schedule 1 of the Port Stephens Section 94a Development Contributions Plan must be approved by Council **prior to the commencement of works**.

25. The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2005). The Flood Planning Level for this development is RL 5.1 metres AHD. The following design precautions must be adhered to:-
- a. The floor level of any habitable room is to be located at a height not less than the Flood Planning Level. A survey certificate verifying compliance with this condition shall be provided to the Principal Certifying Authority as soon as practical on completion of the floor level.
  - b. In sewerred areas some plumbing fixtures may be located below the Flood Planning Level. Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge.
  - c. No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods.
  - d. All building materials, equipment, ducting, etc below the Flood Planning Level shall be flood compatible.
  - e. All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level.
  - f. All electrical wiring below the Flood Planning Level shall be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed.
  - g. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply.
  - h. Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for

continuous submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level.

- i. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning.
- 26. A structural engineer shall design and certify that all building structures and earth mounds are able to withstand the flood forces, debris impact and buoyancy uplift for the PMF Flood **prior to the commencement of works**.
- 27. A Flood Management Plan for a PMF flood event which covers evacuation and the provision of emergency food, medical supplies, power/communication, water and effluent disposal, etc shall be submitted to and approved by Council's Sustainable Planning Group **prior to the commencement of works**.
- 28. **Prior to commencement of any works** within the road reserve for the provision of a driveway crossing, the applicant or their nominated contractor shall make application to Council and receive approval for the construction of the driveway under section 138 of the Roads Act.

Note: An application shall be made on Council's Driveway Construction Application form, a copy of which is attached to this consent for your convenience. For further information on this condition please contact Council's Facilities and Services Group.

The construction of the footpath crossing must be completed to the satisfaction of the Roads Authority **prior to occupation of the building**.

- 29. All redundant lay-backs shall be reinstated to match the adjoining kerb and gutter profile.
- 30. The stormwater detention, water quality and infiltration system shall be designed and built in accordance with the approved concept plan/strategy. Impervious surface and roof water shall be disposed to the infiltration drainage system. A drainage design indicating all engineering details relevant to site regrading and the collection and disposal of the stormwater from the site is to be submitted to and approved by the certifying authority **prior to the commencement of works**. Details are to include pit sizes, infiltration system details, existing site levels, finished levels, pipeline sizes, invert levels, pipe grades and calculations.
- 31. The stormwater system, including the water quality and quantity components, shall be maintained in perpetuity for the life of the development.
- 32. Submission of Works-As-Executed plans and report prepared and certified by a suitability qualified drainage engineer confirming all drainage works (volume, discharge, levels, location, etc) are built in accordance with conditions of consent and the approved plan. Minor variations in height can be certified providing they are

clearly identified in the report and the engineer certifies that the overland flow paths are not altered, discharge rates are not increased, and no additional negative effects are imparted on any dwellings or property. Minor variations can only be certified where it can be demonstrated that the ease of maintenance and monitoring of the system has not been negatively affected.

The documents shall be submitted to, and accepted by the Certifying Authority, **prior to the occupation of the building.**

33. Erosion control measures shall be put in place to prevent the movement of soil by wind, water or vehicles onto any adjoining property, drainage line, easement, natural watercourse, reserve or road surface, in accordance with "Managing Urban Stormwater", Volume 1:2004 (Landcom).
34. The applicant shall construct kerb extensions on Jacaranda Avenue adjacent to the proposed medical centre entrance to facilitate safe pedestrian access and connectivity. Details shall be submitted to, and approved by the Roads Authority **prior to issue of the Roads Act approval.**
35. The intersection of Swan Street, Sturgeon Street and Jacaranda Avenue shall be realigned in conjunction with the frontage site roadworks. These works shall be generally in accordance with Plan 3001.DA02 by TPK & Assoc dated 17/03/11 and include closure of the portion of Swan Street adjacent to No.12 Swan Street, installation of linemarking and regulatory signage. Details shall be submitted to, and approved by the Roads Authority **prior to issue of the Roads Act approval.**
36. The applicant shall construct a raised median in Swan Street at the intersection of Jacaranda Avenue to prevent turning vehicles from cutting the corner. Details shall be submitted to, and approved by the Roads Authority **prior to issue of the Roads Act approval.**
37. The proposed ambulance and service bay driveway shown on the submitted plans requires realignment to enable connection to Swan Street to be within an angle between 70-110° as per AUSTROADS guidelines. Details within the road reserve shall be approved by the Roads Authority **prior to issue of the Roads Act approval.**
38. An accessible bus lay-by and continuous pedestrian pathway connections shall be provided on the northern side of Swan Street, adjacent to the Jacaranda Avenue intersection. Details shall be in accordance with Council's standard drawing and be approved by the Roads Authority **prior to issue of the Roads Act approval.**
39. The developer shall be responsible for the provision of any additional regulatory signage and any adjustments required to existing regulatory signage, as a consequence of the development. All works to be carried out at no cost to Council and in accordance with Council requirements. Details shall be approved by the Roads Authority **prior to issue of the Roads Act approval.**

(Note: Any regulatory signage installations or alterations shall be referred to Port Stephens Local Traffic Committee for approval).

40. A concrete footpath 1.2 metres wide and 100mm thick shall be provided, to Council's Standards, over the full street frontage of the site **prior to occupation of the building**. Details shall be submitted to, and approved by the Roads Authority **prior to issue of the Roads Act approval**.
41. Landscaping works shown within the road reserve are subject to approval by the Roads Authority. Details shall be submitted to, and approved by the Roads Authority **prior to issue of the Roads Act approval**.
42. All works as listed as conditions of development consent, which are located in public roads are subject to approval under section 138 of the Roads Act 1993. Engineering details in accordance with Council's Infrastructure Specification, of such works shall be submitted with a Roads Act application form and then approved by Council **prior to commencement of works** within the Road Reserve.

The following items are also required to be approved by Council prior to approval being granted to commence works within the Road Reserve:

- a) Traffic control plans in accordance with the Roads and Traffic Authority – Traffic Control at Worksites Manual;
  - b) Payment of fees;
  - c) Contractors public liability insurances to a minimum value of \$10 million dollars.
43. Works associated with the approved plans and specifications located within the existing Road Reserve shall not commence until:
    - i) a Roads Act Approval has been issued, and
    - ii) all conditions of the Roads Act Approval have been complied with to Council's satisfaction.
  44. All civil engineering works associated with the Roads Act Approval shall be carried out to the satisfaction of the Roads Authority (with a letter of practical completion issued) **prior to the occupation of the building**.

All works associated with the Roads Act Approval shall be at no cost to Council.

45. Works associated with the Roads Act Approval are subject to:
  - a. inspection by Council,
  - b. testing by a registered NATA Laboratory and
  - c. approval by Council at each construction stage as determined by Council.
46. All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.

47. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.
48. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-
- \* Monday to Friday, 7am to 6pm;
  - \* Saturday, 8am to 1pm;
  - \* No construction work to take place on Sunday or Public Holidays.

When the construction site is in operation the L<sub>10</sub> level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.

49. Separate approval is required to occupy, close or partially close the road reserve adjacent to the property under the Roads Act. The storage of materials, placement of toilets and rubbish skips within the road reserve is not permitted.
50. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. **Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.**
51. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats. Offenders will be issued with an 'on the spot' fine under the Protection of the Environment Operations Act 1997.

Note: Erosion and sediment control measures prepared in accordance with the Erosion and Sediment Control Regional Policy and Code of Practice or Managing Urban Stormwater – Soils and Construction produced by Landcom 2004, need to be maintained at all times. A copy of Landcom 2004 bluebook may be purchased by calling (02) 98418600.

52. A "KEEP PORT STEPHENS WATERWAYS POLLUTION FREE" sign shall be displayed and be clearly visible from the road frontage for public viewing on the site at the commencement of works and remain in place until completion of the development. Signs are available from Port Stephens Council.
53. A Fire Safety Certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the Commissioner of New South

Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council, If Council is not nominated as the Principal Certifying Authority. A further copy of the certificate must also be prominently displayed in the building.

54. At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:
- a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
  - b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.

#### **GENERAL ADVICES**

- a) Access to an adjoining property for construction & maintenance work requires the owner(s) consent. It is the responsibility of the owner/applicant to ensure that no part of the structure encroaches onto the adjoining property. The adjoining property owner can take legal action to have an encroachment removed.
- b) The Commonwealth Disability Discrimination Act makes it an offence to discriminate against people on the grounds of disability, in the provision of access to premises, accommodation, or services. This applies particularly to new buildings or significant building alterations. It is the owner/applicants responsibility to ensure compliance with the requirements of this Act. Further information can be obtained from Council or the Human Rights and Equal Opportunity Commission on 008 021199.
- c) Consideration should be given to the following enhanced access and facilities provisions for the proposed development.
  - (i) Australian Standard 1428.3 Design for access and mobility – Requirements for children and adolescents with physical disabilities.
- d) Further information about disabled access obligations can be found at the Human Rights and Equal Opportunities Commission website [www.hreoc.gov.au](http://www.hreoc.gov.au)

#### **SCHEDULE 3 – APPROVED PLANS AND DOCUMENTATION**

Statement of Environmental Effects prepared by de Witt Consulting dated March 2011
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<b>Location &amp; Site Analysis Plan</b> prepared by schreiber hamilton architecture numbered DA01 Revision D and undated
<b>Site Plan</b> prepared by schreiber hamilton architecture numbered DA02 Revision F and undated
<b>Basement &amp; Lower Level Car Park Plan</b> prepared by schreiber hamilton architecture numbered DA03 Revision D and undated
<b>Ground Floor Plan</b> prepared by schreiber hamilton architecture numbered DA04 Revision D and undated
<b>First Floor Plan</b> prepared by schreiber hamilton architecture numbered DA05 Revision D and undated
<b>Roof Plan</b> prepared by schreiber hamilton architecture numbered DA06 Revision D and undated
<b>Elevations</b> prepared by schreiber hamilton architecture numbered DA07 and DA08 Revision D and undated
<b>Sections</b> prepared by schreiber hamilton architecture numbered DA09 Revision D and undated
<b>Entry Perspective</b> prepared by schreiber hamilton architecture numbered DA10 Revision D and undated
<b>Northern Jacaranda Avenue Perspective</b> prepared by schreiber hamilton architecture numbered DA11 Revision D and undated
<b>Southern Jacaranda Avenue Perspective</b> prepared by schreiber hamilton architecture numbered DA12 Revision D and undated
<b>Western Swan Street Perspective</b> prepared by schreiber hamilton architecture numbered DA13 Revision D and undated
<b>Shadow diagrams</b> prepared by schreiber hamilton architecture numbered DA14 Revision D and undated
<b>Landscape Concept Plan</b> prepared by Moir Landscape Architecture numbered LPO1 Issue D dated 23 March 2011
<b>Landscape Perspectives &amp; Elevations</b> prepared by Moir Landscape Architecture numbered LPO2 Issue D dated 23 March 2011
<b>Tree Protection Zones</b> prepared by Moir Landscape Architecture numbered LPO3 Issue D dated 23 March 2011
<b>Landscape Masterplan Report</b> prepared by Moir Landscape Architecture dated 22 March 2011
<b>Arborist report</b> prepared by Abacus Tree Service dated March 2011
<b>Storm water Management Plan</b> prepared by MPC Consulting Engineers dates March 2011

<b>Disability Access Report</b> prepared by Lindsay Perry Access and Architecture dated 18 March 2011
<b>Traffic Assessment Report</b> prepared by TPK & Associates Pty Ltd dated March 2011
<b>Heritage Impact Statement</b> prepared by Heritas architecture dated 21 March 2011