

SCHEDULE 1

REASONS FOR CONDITIONS

- 1 The conditions of this consent have been imposed in accordance with Section 80A of the *Environmental Planning and Assessment Act 1979* (NSW). The conditions relate to any matter referred to in Section 79C(1) of relevance to the development the subject of the consent and are imposed to ensure that the development is undertaken in an orderly manner, with acceptable impacts on the natural and built environment.

APPROVED DOCUMENTATION

- 2 The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan No./Supporting Document	Reference/Version	Prepared by	Dated
Architectural Plans	F	ELE Architecture	14.11.11
Stormwater Plan	11-3897 Sheet C1- C3 Issue 2	Michael Fitzgerald Consulting Engineers	Feb 2011
Landscape Plan	7480.5 Issue A	Terra Landscape Architects	Feb 2011
Statement of Environmental Effects		ADW Johnson	27.4.11
Noise Impact Assessment		Reverb Acoustics	Feb 2011
Bushfire Report		Newcastle Bushfire Consulting	25.3.11
Remedial Action Plan		Coffey Environments	18.11.11

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- 3 A total monetary contribution of \$177,975 is to be paid to Council, pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979* (NSW), such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.

Note: i) This condition is imposed in accordance with the provisions of the Newcastle City Council S94A Development Contributions Plan 2009 (updated version operational from 15 March 2011). A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.

- ii) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

Indexation quarters	Approx release date
September	Late October
December	Late January
March	Late April
June	Late July

Any party intending to act on this consent should contact Council's Customer Enquiry Centre for determination of the indexed amount of contribution on the date of payment.

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

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

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

- ii) * A qualified Access Advisor is a current member of -
Association of Consultants in Access Aust Inc
326 Autumn Street, HERNE HILL, VIC. 3218.
Ph (03) 5221 2820
www.access.asn.au
 - iii) A qualified Access Advisor should carry current and relevant public liability and public indemnity insurances for the practice of their trade.
- 5 The development is to be designed to comply with Schedule 3 'Standards concerning accessibility and useability for hostels and self-contained dwellings' in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Full details to be included in documentation for a Construction Certificate application.
 - 6 All external ramps and pathways within the site required to be accessible for persons with disabilities being designed and constructed in accordance with AS.1428 – Design for Access and Mobility. Kerb ramps are to be provided adjacent to disabled parking bays allowing access to these pathways. Full details are to be included in documentation for a Construction Certificate application.
 - 7 On-site parking accommodation being provided for a minimum of 47 vehicles and such being set out generally in accordance with the minimum parking layout standards indicated in Australian Standard AS 2890.1-2004 "Parking facilities – off street car parking, Australian Standard AS 2890.6-2000 "Parking facilities – disabled persons car parking, State Environmental Planning Policy Housing for Seniors or People with a Disability and Element 4.1 of Council's Newcastle DCP 2005 as appropriate. Full details are to be included in documentation for a Construction Certificate application.
 - 8 All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. Full details are to be included in documentation for a Construction Certificate application.
 - 9 The visitor parking bays are to be constructed in paving bricks or in a suitable alternative visually unobtrusive paving material which contrasts in colour and texture with that used in the construction of the driveway. Full details are to be included in documentation for a Construction Certificate application.
 - 10 Kerbing or dwarf walls having a minimum height of 100mm are to be constructed along the edge of all garden or lawn areas adjacent to driveways and parking bays sufficient to discourage the encroachment of vehicles thereon. Full details are to be included in documentation for a Construction Certificate application.

- 11 Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2m in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance in accordance with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Full details are to be included in documentation for a Construction Certificate application.
- 12 Roof water from the proposed new work is to be directed to the proposed water tank and being reticulated there from to any new toilet cisterns and cold water washing machine taps, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be installed in accordance with Australian Standard AS 3500, the relevant plumbing regulations and the requirements of the Hunter Water Corporation. Full details are to be included in documentation for a Construction Certificate application.
- 13 Overflows from the roof water tank and any additional discharge controls (if required) are to be directed to Council's drainage system by means of an interallotment drainage line or underground pipe directly to the street gutter. Full details are to be included in documentation for a Construction Certificate application.
- 14 All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls, full details are to be included in documentation for a Construction Certificate application.
- 15 All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required under the conditions of this consent are required to be detailed on a comprehensive landscape design plan and specification. The required comprehensive landscape design plan and specifications is to be in accordance with the provisions of Newcastle Development Control Plan 2005 and is to include details of the following:
 - cross sections through the site where appropriate
 - proposed contours or spot levels
 - botanical names
 - quantities and container size of all proposed trees
 - shrubs and ground cover
 - details of proposed soil preparation
 - mulching and staking
 - treatment of external surfaces and retaining walls where proposed
 - drainage, location of taps
 - appropriate maintenance periods.

The plan is to be prepared by a qualified landscape designer and be included in documentation for a Construction Certificate application.

- 16 Street tree planting shall be undertaken and shall comply with the following:
- a) Council is to complete street tree plantings, at the cost of the developer;
 - b) Street trees shall be planted at a minimum rate of one tree per 8 metres frontage;
 - c) Street trees are to be provided with a minimum 100 litre pot size, or as otherwise approved by Council, such to be installed prior to the certification of the Occupation Certificate;
 - d) Trees are to be installed in gap-graded (structural) soil vaults. Gap-graded soil to be provided to allow adequate rooting volume for the required trees. Vault volumes are to be based on the formula: $CP \times 0.6m^3$, CP = the crown projection (m^2) of a mature tree ($3.14 \times r^2$);
 - e) All street trees are to be selected and certified by the supplier to comply with the current NATSPEC guide with respect to root development, height, trunk diameter and branch structure and balance (refer to Specifying Trees, Construction Information Systems Australia PL, Clark, R 2003); and
 - f) Street trees are to be protected with tree guards to Council's requirements.

Full details are to be submitted to the Principal Certifying Authority for approval with the documentation for the Roads Act application.

- 17 The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's certificate of compliance is to be included in documentation for a Construction Certificate application.
- 18 Adequate facilities are to be provided in a screened location within the premises for the storage of waste in Council approved wheel type bins and arrangements being made for regular removal and disposal of such wastes. The required garbage facility is to be suitable for the accommodation of Council approved wheel type bins or bulk waste containers. Full details are to be included in documentation for a Construction Certificate application.
- 19 Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on an Erosion and Sediment Control Plan that is to be submitted for approval with the Construction Certificate application. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
- 20 A dilapidation report prepared by a suitability qualified person shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate. The dilapidation report shall document and photograph the current structural condition of the adjoining buildings, infrastructure and roads.

- 21 The stormwater management being carried out strictly in accordance with the details set out on the plans dated February 2011 prepared by Michael Fitzgerald Consulting Engineers Job No. 11-3897 Drawing No.'s C1 to C3, Issue 2, except as otherwise provided by the conditions of this consent.
- 22 Clear openings between car park columns for single parking spaces being a minimum of 2.7 m and for double parking spaces of 5.0 m. Full details are to be included in documentation for a Construction Certificate application.
- 23 The minimum height between the car park floor surface and the lowest overhead obstruction being 2.2 m. Details are to be approved prior to the issue of the Construction Certificate.
- 24 Wheel stops being provided along the front of parking spaces adjacent to pedestrian pathways in accordance with AS 2890.1 Parking. Full details are to be included in documentation for a Construction Certificate application.
- 25 The development has been granted an approval from the NSW Rural Fire Service dated 1 July 2011 pursuant to Section 100B of the Rural Fires Act 1997. The development shall comply with the general terms of approval provided by this agency, being:
 - a) At the commencement of building works and in perpetuity the entire property shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones.'
 - b) Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.
 - c) Internal roads shall comply with section 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006' except where the minimum vertical clearance of 4 metres to any overhanging obstructions is not provided, it shall be clearly signposted.
 - d) Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
 - e) New construction shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

Details shall be provided and approved prior to the issue of the Construction Certificate.

- 26 A group type mailbox is to be provided at the street frontage in accordance with the requirements of Australia Post, clearly displaying individual unit numbers and the required house number. Full details are to be included in the documentation for a Construction Certificate application.
- 27 Prior to the issue of a Construction Certificate, the proponent preparing and submitting to the Principal Certifying Authority and Council an Environmental Management Plan (EMP) for construction/demolition works on the site, such to be kept on site and made available to authorised Council officers upon request. The EMP is to include but not be limited to:
- a) A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
 - b) A water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
 - c) A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions.
 - d) A noise management and vibration strategy detailing measures to minimise the impact of the construction phase on the amenity of the locality in accordance with Australian Standard AS 2436. 1981 (Guide to noise control on Construction, Maintenance and Demolition Sites). Noise and vibration monitoring during the construction phase should be incorporated into the program.
 - e) A soil management strategy, detailing measures to be implemented to manage the identification and control and disposal of any acid sulphate soils or soil contamination identified during site works.
 - f) A waste minimisation strategy, which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
- 28 A vehicular crossing is to be constructed across the public footway at the proposed driveway entrance/exit at no cost to Council, as per the following:
- a) A dwelling type vehicular crossing shall be constructed across the public footway at the proposed driveway entrance/exit at no cost to Council and in accordance with Council's A17 Series (Concrete Vehicular Crossings) design specifications.

Note: A separate approval from Council must be obtained for all works within the public road reserve pursuant to Section 138 of the *Roads Act 1993* (NSW). For further information contact Council's Works Depot on 4974 6000 to request a Road Opening Approval. A fee will be payable in this regard.

- 29 Any proposed work within the public road reserve, including driveway works, reinstatement of a kerb or installation of drainage, is to be the subject of the separate approval of Council prior to the issue of the Construction Certificate.

Note: A separate approval from Council must be obtained for all works within the public road reserve pursuant to Section 138 of the *Roads Act 1993* (NSW). For further information contact Council's Works Depot on 4974 6000 to request a Road Opening Approval. A fee will be payable in this regard.

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE

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

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

- 31 Toilet facilities are to be available or provided at the work site before works begin and be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet is to:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an on-site effluent disposal system approved under the *Local Government Act 1993* (NSW), or
- c) be a temporary chemical closet approved under the *Local Government Act 1993* (NSW).

- 32 A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with Australian Standard 2601:2001 - The Demolition of Structures. A copy of the Hazardous Substances Management Plan is to be provided to Council (marked to Attention: Compliance Services) and the demolisher prior to commencement of work.

- 33 The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:

- a) Demolition works shall be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan shall be kept on-site for the duration of the proposed development;

- b) The removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW;
 - c) A copy of all waste disposal receipts are to be kept on-site for the duration of the proposed development and made available to authorised Council Officers upon request;
 - d) Seven working days notice in writing is to be given to Council and the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor. Notification to owners/occupiers of neighbouring premises shall also include Council's contact telephone number (49742000) and the Workcover Authority of NSW telephone number (49212900);
 - e) On sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.
- 34 The demolisher is to ensure that all services (ie water, telecommunications, gas, electricity, sewerage etc), are disconnected in accordance with the relevant authority's requirements prior to demolition.
- 35 Any waste containers used in association with the proposed demolition are to be located on the site where possible.
- Note: Where this is not feasible, application must be made for Council's approval to position the container on the adjacent public road in accordance with Council's adopted Building Waste Container Policy.
- 36 The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
- 37 Any demolition/waste building materials that are not suitable for recycling are to be disposed of at Council's Summerhill Waste Management Facility or other approved site.
- 38 Waste management shall be implemented in accordance with the approved Waste Management Plan. At a minimum, the following measures shall be implemented during the construction phase:
- a) A waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations

until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste.

- b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets.
- c) Appropriate provision is to be made to prevent wind blown rubbish leaving the site.
- d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

Note: Fines may be issued for pollution/littering offences under the *Protection of the Environment Operations Act 1997* (NSW).

39 If construction / demolition work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

40 A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) showing the name, address and telephone number of the principal certifying authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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

42 In the case of residential building work for which the *Home Building Act 1989* (NSW) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.

43 All excavations and backfilling are to be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.

- 44 If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided and adequate provision must be made for drainage.
- 45 All building materials, plant and equipment is to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves including the road reserve is not permitted.
- 46 Certification is to be prepared by a Registered Surveyor and submitted to the Principal Certifying Authority at the stages of construction indicated:
- a) On completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels.
 - b) On completion of each subsequent floor level, confirming that the floor levels are in accordance with the approved levels.
 - c) When the roof has been completed, confirming that the building does not exceed the approved levels.
- 47 Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.
- 48 Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
- Monday to Friday, 7:00 am to 6:00 pm;
 - Saturday, 8:00 am to 1:00 pm;
- No noise from construction/demolition work is to be generated on Sundays or Public Holidays.
- 49 Council's 'PREVENT POLLUTION' sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary so it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of demolition and construction work.
- Note: Council's 'PREVENT POLLUTION' sign can be obtained by presenting your development application receipt at Council's Customer Enquiry Counter at 282 King Street Newcastle.
- 50 Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.

- 51 Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Exemption that is permitted to be used as a fill material, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* (NSW) and the *Protection of the Environment (Waste) Regulation 2005* (NSW).
- 52 Any fill material subject to a Resource Recovery Exemption received at the site must be accompanied by documentation demonstrating that material's compliance with the conditions of the exemption, and this documentation must be provided to Council officers or the Principal Certifying Authority on request.
- 53 Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1* (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
- 54 Prior to the commencement of work, a 3m wide all weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.
- 55 A temporary protective crossing is to be provided over the footway for vehicular traffic before demolition or building operations are commenced. This approval does not permit access to the property over any adjacent private or public land.
- 56 All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are limited to:
- a) restricting topsoil removal;
 - b) regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion;
 - c) alter or cease construction work during periods of high wind;
 - d) erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.
- 57 Prior to the commencement of any works, the principal site contractor is to provide written notification to the all surrounding and adjoining landowners of the intention to start works, advising details of the scheduling of works and nominating a contact person for any enquires. In addition, the principal site contractor is to operate a telephone complaints line during the remediation and construction phases for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by vehicle or mobile plant associated with site works. The principal site contractor is also to

erect prominent signage at access points to the site indicating the name of the principal site contractor and a 24-hour telephone contact number. A log of complaints received on the telephone complaints line and any action taken in response is to be made available to Council officers upon request.

- 58 Continuous monitoring of vibration levels in accordance with the Department of Environment and Climate Change NSW guidelines being conducted on any commercial buildings, school buildings, and residential buildings identified as being likely to be unreasonably impacted by vibration due to site works as determined by a suitably qualified consultant. The vibration monitoring system being designed and operated to allow immediate notification to the site supervisor of vibration levels which are likely to result in the guideline levels being exceeded at any of the affected buildings.
- 59 The proposed remediation works being carried out in accordance with the requirements set out in the submitted Remediation Action Plan prepared by Coffey environments dated 18 November 2011 and the conditions of this consent.
- 60 Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to Council by a Surveyor registered under the *Surveying and Spatial Information Act 2002* (NSW).

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE, A SUBDIVISION CERTIFICATE OR A STRATA CERTIFICATE

- 61 All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to the issue of an Occupation Certificate. Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to Council within fourteen days of receipt.
- 62 All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council's satisfaction prior to the completion of demolition work or prior to the issue of any occupation certificate in respect of development involving building work.
- 63 Any redundant existing vehicular crossing and footways are to be removed at no cost to Council and the public footway and kerb being restored to match the existing infrastructure and be completed prior to the issuing of an Occupation Certificate for the proposed development.

Note: A separate approval from Council must be obtained for all works within the public road reserve pursuant to Section 138 of the *Roads Act 1993* (NSW). For further information contact Council's Works Depot on 4974 6000 to request a Road Opening Approval. A fee will be payable in this regard.

- 64 The proposed visitor parking bays are to be clearly indicated by means of signs and/or pavement markings.
- 65 The vehicular entrance and exit driveways and the direction of traffic movement within the site are to be clearly indicated by means of reflectorised signs and pavement markings.
- 66 A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, shall be submitted to the Principal Certifying Authority and to Newcastle City Council prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
- 67 The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.
- 68 A Landscape Practical Completion Report is to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.
- 69 Separate bins being provided within the proposed refuse storage area to enable the on-site separation of recyclable and non-recyclable garbage, such arrangements being in place prior to the occupation of the premises the subject of this development application.
- 70 Appropriate arrangements being made for the collection of garbage (recyclable and non-recyclable) from the development. Under no circumstances are garbage vehicles to reverse into the proposed access driveways for the collection of garbage.
- 71 Appropriate lighting being provided for the car parks and pedestrian pathways in accordance with AS 1158 - Lighting and AS 4282 - Control of the Obtrusive Effects of Outdoor Lighting, such being installed prior to the occupation of the portion of the premise the subject of this application.

- 72 Construction of the required site discharge control devices being supervised and certified upon completion by a Consultant Engineer or Registered Surveyor with respect to its compliance with the approved design plans. The certification is to be supported by a Works-as-Executed (WAE) plan of the property drainage and detention system, which is to be submitted to Council by the Principal Certifying Authority/Applicant prior to the issue of an Occupation Certificate or occupation of the premises.
- 73 A Validation Report prepared by an appropriately qualified environmental consultant in accordance with the Department of Environment, Climate Change and Water's (DECCW) *'Guidelines for Consultants Reporting on Contaminated Sites'* and *'Guidelines for the NSW Site Auditor Scheme'* being submitted to the Principal Certifying Authority (PCA) and Council prior to the issue of the Occupation Certificate.
- 74 Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Reverb Acoustics, dated February 2011. Written final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation Certificate.

Note: The acoustic consultant may need to be involved during the construction process in order to ensure final certification is achieved.

- 75 The premises are to be identified by the provision of house and street numbers on the building exterior and mailbox, respectively, such that they are clearly visible from the road frontage.

The minimum numeral heights shall be:

- a) Exterior of the building = 75mm
- b) Group mailbox - street number = 150mm
- house number = 50mm

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

- 76 The proposed development being limited to the accommodation of the following only:
- (a) seniors or people who have a disability,
 - (b) people who live within the same household with seniors or people who have a disability,
 - (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy, in accordance with the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Note: The following definitions apply in terms of seniors and people who have a disability:

Seniors are any of the following:

- (a) people aged 55 or more years,
- (b) people who are resident at a facility at which residential care within the meaning of the [Aged Care Act 1997](#) of the Commonwealth) is provided,
- (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.

- 77 A bus capable of carrying at least 10 passengers will be provided to the residents of the proposed development:
 - (a) That will drop off and pick up passengers at a local centre that provides residents with access to the following:
 - (i) shops, bank service providers and other retail and commercial services that residents may reasonably require,
 - (ii) community services and recreation facilities,
 - (iii) the practice of a general medical practitioner, and
 - (b) That is available both to and from the proposed development to any such local centre at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.
- 78 The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.
- 79 All vehicular movement to and from the site is to be in a forward direction.
- 80 A restriction as to user being registered against the title of the property, in accordance with section 88E of the [Conveyancing Act 1919](#), limiting the use of any accommodation to the kinds of people listed under condition 76 of this Notice of Determination and such being lodged with Council for certification by the General Manager and being registered with the Department of Lands, Land and Property Services prior to issue of any Occupation Certificate or occupation of the premises, it being noted that the instrument is to provide that the restriction is unable to be released, varied or modified without the concurrence of the Newcastle City Council.

- 81 Prior to the issue of the Occupation Certificate, an appropriate easement for access shall be lodged with Council for certification by the General Manager and being registered with the Department of Lands, Land and Property Services over Lot 3671 DP1153299. It shall be noted that the instrument is to provide that the restriction is unable to be released, varied or modified without the concurrence of the Newcastle City Council.
- 82 Proposed parking areas, vehicle bays, driveways and turning areas are to be maintained clear of obstruction and be used exclusively for purposes of car parking, loading and unloading, and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.
- 83 All external items of air conditioning plant are to be screened or positioned in such a manner as to not detract from the visual presentation of the building.

ADVISORY MATTERS

- 84 Retaining walls not clearly noted on the approved plans or outside of the parameters of 'exempt development' as specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (NSW) are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to the retaining wall taking place.
- 85 An application is to be submitted to Council for the removal or pruning of any trees located more than three metres from the dwelling, wall measured from the centre of the trunk to the footings of the dwelling, excluding carports and pergolas.
- 86 It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- 87 Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- 88 Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required of any adjoining owner under the provisions of the *Dividing Fences Act 1991* (NSW).
- 89 Prior to commencing any construction works, the following provisions of the *Environmental Planning and Assessment Act 1979* (NSW) (the 'Act') are to be complied with:

- a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c) Council is to be given at least two days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
- 90 Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000* (NSW).
- 91 A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- 92 It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- 93 Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979* (NSW), which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.