

JRPP No.	2011HCC035
DA No.	DA 11/0873
Proposal	ANATOMY AND CADAVER STORAGE BUILDING
Property	LAND ADJACENT TO MEDICAL SCIENCE BUILDING 130 UNIVERSITY DRIVE, CALLAGHAN LOT 16 DP 817507
Applicant	THE UNIVERSITY OF NEWCASTLE
Report By	FUTURE CITY - NEWCASTLE CITY COUNCIL

Assessment Report and Recommendation

Executive Summary

Proposed Development

The proposed development comprises:

- Preparation of the site by clearing vegetation and undertaking general earthworks;
- Construction of a six storey (26.65m high) Anatomy and Cadaver Storage Building with teaching facilities and associated plant;
- Provision of associated landscaping and infrastructure.

Referral to Joint Regional Planning Panel

The proposal is referred to the Joint Regional Planning Panel for determination pursuant to clause 13B of State Environmental Planning Policy (Major Development) 2005, as the proposed development is 'educational establishment' with a capital investment value of more than \$5,000,000. The application submitted to Council nominates the value of the project as \$16,000,000.

Permissibility

The site is zoned 5(a) 'Special Uses' pursuant to the Newcastle City Centre Local Environmental Plan 2003. The proposal is categorised as an 'educational establishment' and is permissible within the 5(a) zone subject to development consent. All required owner's consent has been provided. The proposal is Integrated Development under the *Environmental Planning and Assessment Act, 1979*, (as amended) NSW the proposal must obtain a Bush Fire Safety Authority pursuant to the *Rural Fires Act 1997*.

Consultation

The application was publicly exhibited in accordance with Newcastle Development Control Plan 2005 from 23rd August – 6th September 2011. There were no submissions received.

The application is Integrated Development pursuant to the *Rural Fires Act 1997*. General Terms of Approval have been recommended by the NSW Rural Fire Service.

Key Issues

The main issues identified in the assessment were as follows:

- Whether the proposed development and associated use of the new building is acceptable in this location
- Whether the development will directly result in traffic impacts within the Campus;

- Whether the new building will have unnecessary or detrimental visual impacts;
- Whether the loss of 19 mature trees and proposed replacement planting is acceptable
- Whether appropriate pedestrian links have been considered in the design and location of the proposed building; and
- Whether the development is acceptable in terms of bushfire protection

Recommendation

Grant consent to Development Application 11/0873, subject to conditions contained in Appendix A.

1. Background

Medical Sciences is a faculty within the Newcastle of University Campus. The current teaching facilities associated with anatomy teaching and learning require significant upgrades to ensure a quality led and up-to-date teaching and learning facilities are continued to be made available to students. Time limited Federally Government funding has become available to the University that would allow them to upgrade these facilities of which is being capitalised on with this development proposal. The proposed building will additionally bring on site the cadaver store and embalming facilities that are currently located off site within a facility that is closing down. The space made available by relocating this faculty would create more research space to which little funding is allocated.

2. Site and Locality Description

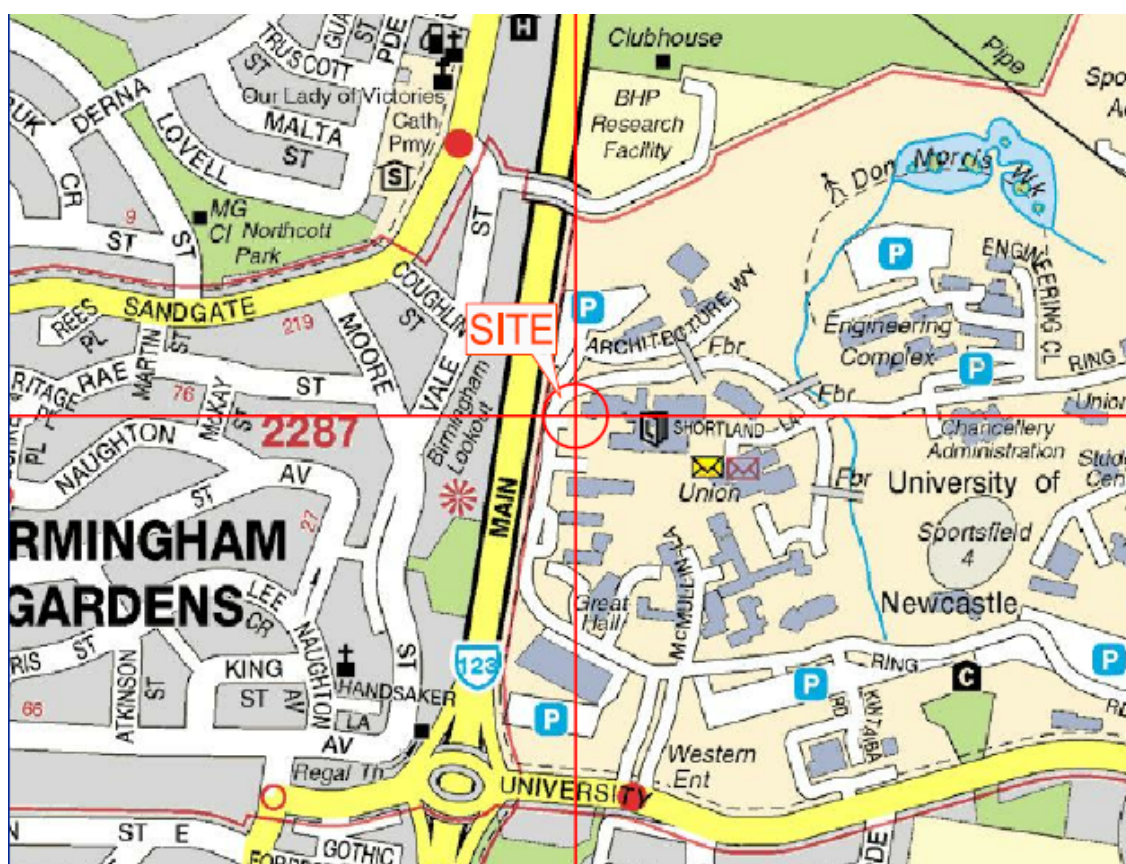
The application site is located on a trapezoidal section of land on the corner of the ring road within the north western precinct of the University of Newcastle Campus. The site comprises an area of approximately 825sqm immediately adjacent the existing Medical Sciences Building and is part of the much larger Lot 16 DP 817507, No. 130 University Drive, Callaghan.

The site falls steadily to the north and north west of the site falling from RL22.5m in the existing car park to the south of the site to RL15.5m to the ring road to the north. This represents an average fall of approximately 7 metres (grade of approximately 1:5) across the site.

The site is currently vacant, but is occupied by pedestrian paths and seating/tables amongst approximately nineteen semi-mature and mature trees within a managed understorey of maintained gardens of mixed grasses and native shrubs.

There is an existing building approximately 24m in height to the east that supports Medical Sciences, Medical Sciences glass houses are located beyond the car park to the south, and a further car park to the north and north/west. A vegetated buffer slope exists to the west to the adjoining highway.

The whole of the University Campus is identified as being Bushfire Prone Land.



3. Project Description

The application comprises clearing the site of vegetation and undertaking general earthworks for site preparation for the construction of a four storey Anatomy and Cadaver Storage Building with teaching facilities. The building will include storage areas, hearse receipt, bio pharmacy, cadaver storage, dissection and general teaching rooms to provide for onsite facilities to enable the receipt, preparation and storage of cadavers (involving embalming, freezing, dissection) that is presently held off campus.

The building has an anticipated provision for some 385 students and 8 teaching staff although it is specifically noted that the new building will be utilised by students and teaching staff which presently operate out of the nearby Life Sciences building and the new building. The resultant space in the life sciences building is to be utilised as research space and it is therefore not anticipated to result in an increase to student or staff numbers.

Although proposed as a four storey building, a large amount of plant is required to adequately ventilate the building and will be utilised to further provide more efficient services to the existing adjacent Medical Sciences building. Consequently a significant amount of plant is proposed to the central section of the roof that will be enclosed with metal mesh material and effectively create two additional floors.

The building footprint extends to a length of 29.62m and width of 34.63m. The use of each floor is described in the table below:

Floor number	RL (at floor level)	Floor Use
1	17.59	Vehicle access from west; pedestrian access from north east. Hearse Receipt; Bin store and Tank room; Bio pharmacy
2	22.095	Pedestrian access from south west; Autoclave, cold room, laboratory, lockers
3	26.295	Cadaver store; dissection room; study room and main teaching room
4	30.495	Embalming, Resource area; Cadaver Store 2; plant room
5	34.695	Plant room – reduced floor area 9.94m x 34.63m
6	38.895	Plant / Fan room 9.94m x 34.63m

The building will be cut into the sloping site to allow vehicular access from the ring road to the north (RL17.59). The main building (to floor four) will be constructed to a height of 17.1m (RL34.695) with the central plant room extending to an overall maximum height of 27.495m (RL42.7m). Plans and Elevations are included in Appendix B.

The new development will result in the net loss of 6 car parking spaces.

Being cut into a sloping site, preliminary estimates for cut and fill equate to some 2379m³ of soils that would be cut and reused within the site. A surplus of 1989m³ will be relocated elsewhere on the campus.

The Capital Investment Value of this project is \$16,000,000.

4. Consultation

The application was publicly exhibited in accordance with Newcastle Development Control Plan 2005 from 23rd September – 6th October 2011. Neighbouring properties in Vale Street, adjacent the highway were notified of the proposal by letter during this time. No submissions were received.

5 Referrals

Statutory Referrals

The site identified as Bush Fire Prone Land on the Bush Fire Prone Land Map for the Newcastle Local Government Area. The proposed development is considered to be a building of '*Special Fire Protection Purpose*' as defined by the *Rural Fire Services Act 1997* and is therefore Integrated Development. A bush fire assessment was undertaken by the applicant and submitted with the application. The Rural Fire Service have reviewed the application and found the development to be acceptable in fire safety terms and have issued General Terms of Approval in accordance with the recommendation of the Bush Fire Assessment report. The recommendations are echoed in recommended planning conditions.

Hunter Water Corporation were advised of the application. No response was received.

Internal Referrals

Internal referrals were made to the following:

- Building Surveyor
- Senior Development Officer (Traffic) concerning removal of car parking spaces and the design of the proposed hearse access.
- Senior Development Officer (Stormwater and Flooding) concerning water and services.
- Environmental Protection Officer (Compliance Services Unit) with reference to the use of the building; treatment and disposal of waste; State Environmental Planning Policy 55 - Remediation of Land; Environmental Planning and Assessment Act 1979 Section 5A (consideration of likely effect on threatened species, populations or ecological communities - the 7-part test) and noise / vibration.

Details of the referrals are provided in **APPENDIX C**.

6. Section 79C Considerations

(a)(i) the provisions of any environmental planning instrument

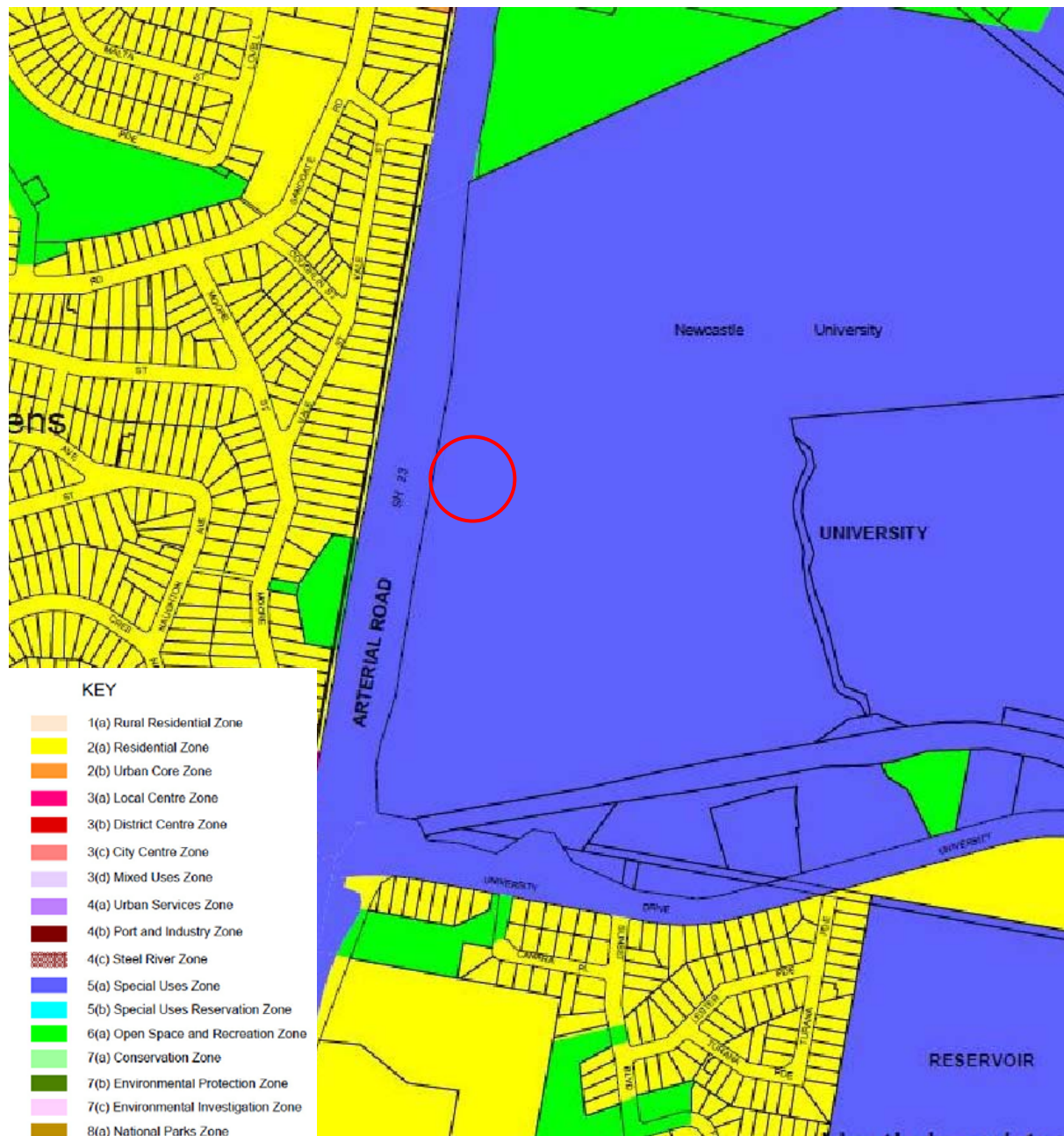
State Environmental Planning Policy No. 55 - Remediation of Land

The proposal involves the excavation of soils on the site and State Environmental Planning Policy No. 55 applies.

The applicant has provided a geotechnical assessment of the site. The site is not identified or found to be contaminated. The proposal involves the relocation and removal of significant amounts of soils. Council's Senior Environmental Protection Officer has reviewed the application and recommended adequate conditions to be imposed on any excavated

material that is to be exported off-site to be classified and disposed of in accordance with the *Occupational Environmental Health Waste Classification Guidelines*.

The site is within the 5(a) Special Uses zone under the provisions of the Newcastle LEP 2003. The proposed development is permitted, with the consent of the Council, in the 5(a) Special Uses zone.



The proposed development is an Educational Establishment which is defined as follows:

Educational establishment means a building used as a school, college, technical college, university, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or a child care centre.

Educational establishments are permitted within the 5(a) Special Uses zone with the consent of the Council.

The objectives of the 5(a) Special Uses zone are:

- (a) *To accommodate major transport networks and facilities.*
- (b) *To accommodate large scale facilities and services, together with ancillary activities.*
- (c) *To accommodate large scale community establishments, together with ancillary activities.*
- (d) *To require development to be integrated and reasonably consistent in scale and character with surrounding natural, rural or urban environments.'*

The proposed development would provide additional educational resources for existing students and teachers within the larger establishment of the University of Newcastle. The proposed development is considered to be consistent with the objectives of the zone.

Clause 25 - Acid Sulfate Soils

There is no known risk associated with Acid Sulfate Soils to this site or within 500m of this site.

Clause 26 - Bush Fire Prone Land

Clause 26 of NLEP 2003 requires the consent authority to be satisfied with the measures proposed to be taken with respect to the development to protect persons, property and the environment from danger that may arise from a bush fire.

The Newcastle Bush Fire Prone Land Map indicates that the site is within the 100m buffer to Category 1 Vegetation.

A bushfire assessment was undertaken in accordance with the requirements of Section 100B of the *Rural Fires Act 1997*, AS3959 (2009), 'Building in Bushfire Prone Areas and Planning for Bushfire Protection' 2006. Various recommendations were made in the conclusions of this report that have been incorporated into the design to ensure a reduced risk to fire damage and safety. The application has been assessed by the NSW Rural Fire Service and confirmed that the development would be acceptable subject to the conclusions of the report being implemented. These matters are detailed in the proposed conditions for any consent that may be issued and include:

- Design and construction
- Building and landscape bushfire management
- Hydrant provision
- evacuation and emergency management

(a)(ii) the provisions of any draft environmental planning instrument

Draft Newcastle Local Environmental Plan 2011 (draft NLEP 2011)

Council has adopted draft NLEP 2011 which aims to repeal NLEP 2003.

The proposed development is to be within SP2 – Infrastructure Zone of the draft NLEP 2011. The site is specifically identified for the purpose as an 'Educational Establishment' on the draft NLEP Map.

Educational Establishment means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

The new building and associated uses are permitted with consent in the SP2 Infrastructure zone as it involves development that would be for 'the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose'.

Draft NLEP 2011 is based on the 'Standard Instrument' which contains certain development standards relating to floor space ratio, building height and the like, none of which are applied to this site and are therefore not relevant to the proposed development.

The draft NLEP 2011 has been exhibited and has been submitted to the Department of Planning and Infrastructure with a request that the Plan be made. There are no provisions within that draft instrument which would affect the proposed development over and above those which currently apply under NLEP 2003.

(a)(iii) any development control plans

Newcastle Development Control Plan 2005 (NDCP 2005)

There are a number of development controls relating to the proposed development contained in NDCP 2005. Following is a discussion of the relevant sections of NDCP 2005.

(a) Element 3.1 - Public Participation

The proposal has been notified to the public in accordance with Element 3.1 of NDCP 2005. No submissions were received.

(b) Element 4.1 - Parking and Access

A traffic review was submitted in support of this application which has been reviewed by Council's Senior Development Officer (engineering). The new building will create additional floor space for existing staff and students currently located within neighbouring buildings. The resultant floor space made available in their move is to be utilised for much sought after research space. Overall, it is reported that the development will not result in any student or staff gain and therefore not generating additional parking requirements. Council's engineering officer found this to be an acceptable argument, however, recommended that the building be conditioned to not result in additional students and staff being enrolled as a result of the construction of this building as this was the basis of the traffic assessment undertaken.

While a reasonable request, adequately and reasonably policing such a condition may prove to be a difficult task and it is considered that the proposed floor space is clearly identified as additional required floor space for existing student numbers. The new building introduces services associated with preparing and storing cadavers for learning purposes – a process that has previously been utilised off site - and is clearly identified as increasing activity associated with learning but not anticipated to provide for additional students. It is further reported that the building is designed with the potential of future extensions and it is recognised at that time additional traffic studies would be required to be undertaken involving student number reviews being taken into consideration. It is on this basis that the imposition of such a condition is not considered necessary.

It is additionally reported that the proposed building will result in a loss of 6 car spaces. Council's senior development officer (engineering) reported that that the 6 car spaces are currently 'restricted parking' and not for general use. It was reported that the 6 spaces equate to 0.1% of the total 5000+ spaces available on the campus and that this loss is very minor and is unlikely to create traffic impacts.

The proposed vehicular entrance gives adequate access for funeral vans and waste collection vehicles and would be satisfactory for the proposed purpose with adequate sight lines.

(c) Element 4.2 - Contaminated Land Management

Refer to above discussion of SEPP 55.

(d) Element 4.4 - Landscaping

The proposed building will occupy the majority of the site. A landscape plan has been submitted with the application to adequately plan for the remaining open land surrounding the building. The plan identifies the use of native grasses and shrubs to the remaining land. The landscaping has been designed to collaborate with the architecture of the development to visually balance the level of cut and fill, pedestrian walkways and the new building. It is recognised that the site is relatively limited in size for anything more substantial, but does conform to the University of Newcastle's 2011 – 2013 'Environmental Sustainability Plan and Policy' where *the Plan's Goal statement is to 'Preserve the bushland character and image of the University through the protection of our native flora and fauna'.*

(e) Element 4.10 Tree Management

There are 19 trees on this section of land with a limited understorey of maintained gardens and lawn areas. The 19 trees have been rated with retention values varying from very low to moderate. The proposed development footprint would require the removal of 18 of these trees. The likely potential to retain the 19th tree is considered achievable but not favourable by the applicant given the amount of land disturbance that may be required in the construction of the development.

The University's Environmental Manager acknowledges in a supporting letter to the application that the siting of the campus is within a bushland setting and states:

'as part of the renewal and adding to our portfolio of teaching spaces to meet student growth, there will be instances where the siting of a new building will require consideration of removal of a patch of mature trees. The launch of our ESP (Environmental Sustainability Plan) and Policy has given rise to consideration of the type of offset that will meet Council's requirement for compensatory plantings whilst advancing our own policy principles for Landscape and Biodiversity. In the longer term, and well past the timeframe for this particular development proposal, the University will present a detailed draft standard for tree management and compensatory offsets to Council and will become embedded in a Landscape Management Plan.'

The applicant undertook further analysis of the site in compliance with Council's Urban Forest Manual and concluded that the removal of the trees could be adequately compensated within the University Campus at a rate of 1 to 1 with local provenance tube stock.

The setting and siting of the application site is a segregated one that would offer the most logical location for the proposed use of this new building from a teaching perspective and access and navigation to students. Given that the site does not offer connectivity for a vegetation corridor or is within a riparian corridor, the likely impacts that may result from the removal of these trees are considered to be minimal and consideration to the relocation of the proposed building to a less desirable location may result in similar impacts. On this basis the proposed compensatory planting would be acceptable subject to the nineteen trees being replaced. An appropriate condition has been recommended in this regard.

(f) Element 4.5 – Water Management

The application proposed two 15,000 litre rainwater tanks be installed to collect roof water runoff from the new building. The stored water will be utilised for internal re-use and overflows will be directed to the street via a retention tank and sand filter. Council's Senior Development Officer (Engineering) reviewed the application and associated details with water management. This is considered acceptable subject to various conditions that are recommended to be imposed to ensure stormwater management is undertaken in accordance with Council's controls.

(g) Element 4.6 – Waste Management

The proposed building will be utilised for the preparation, treatment and storing of cadavers for the benefit of anatomy teaching and therefore likely to generate various streams of waste. Additional information was sought from the applicant with regard to waste management. The applicant advised that the waste streams would be categorised as:

- 'Office waste comprised of paper and general office waste
- Laboratory waste comprising of paper and glassware
- Biological waste: Non-autoclaved
- Biological waste: Autoclaved
- Anatomy Waste'

Council's Senior Environmental Protection Officer has reviewed the information and comments as follows:

'Clinical and related waste is a "special waste" under Occupational Environmental Health waste classification guidelines. Its management therefore has particular requirements under The Protection of the Environment Operations Act 1997 (POEO Act) and POEO (Waste) Regulation. Advice in the application is that the additional waste stream can be accommodated within the existing arrangements at the University of Newcastle Medical Science building. A condition confirming the compliance against legislative requirements will be applied.'

Given the recommended conditions be imposed on any consent granted, it is considered there would be minimal impact associated with waste from the proposed development.

(a)(iia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into

There are no planning agreements which apply to this development.

(a)(iv) any matters prescribed by the regulations

Not applicable.

(a)(v) the provisions of any coastal management plan.

Not applicable.

(b) the likely impacts of the development

- Impact on the Natural Environment

The application site currently supports a small stand of mature trees within a managed understorey of grass and mixed shrubs. A pedestrian footpath and seating options sit within the understorey. Due to the gradient of the site, the proposed development will clear and reform the site to create a building footprint that will take up much of the site.

An ecology report submitted in support of this application concludes that:

'the overall vegetation provided little or no suitable habitat for threatened fauna to occupy or forage through. The conclusion of the 7-part tests was that there would be no impact by the proposed construction of the Anatomy building on any threatened species of flora or fauna or on any endangered ecological communities.'

The site, although within the bushland setting of the University Campus is relatively segregated given its location adjacent to existing buildings and surrounded by the ring road. It is therefore acknowledged that the site does not offer any great ecological potential and the implementation of the proposed landscape plan and compensatory planting elsewhere on the Campus would offer similar if not greater ecological benefits within the University grounds.

There is a reasonably significant amount of cut and fill to be undertaken on the site during construction which offers the potential for impact to the environment during this period. Suitable conditions have been recommended to ensure that appropriate sediment and erosion control measures are implemented such that sediment laden waters do not enter the Council stormwater system.

- Impact on the Built Environment

Impact to the built environment would be limited to visual impact, pedestrian access, parking and access.

Visually, the proposed building is designed to not rise above the canopy of the existing vegetation of the campus. Nevertheless, the building is a tall one and glimpses of the top of the building may be caught from nearby residential properties that look down into the site, namely, properties of Vale Street. However, locating the proposed building below the canopy is not to be underestimated as through the use of good quality materials it is considered that the glimpses obtained of the proposed building would not be expected to be detrimental to the views offered to neighbouring properties. Minimal impact is expected to occur in this regard.

Parking matters has been more closely examined in section a(iii) – Element 4.1 above. In summary, the proposed building is not likely to generate additional student or staff numbers and therefore not result in an increase to the demand for parking to the site. Construction of the new building will necessitate the removal of six existing spaces, however given the 5000+ parking spaces that exist on the campus, this would represent a minor and insignificant reduction.

The site currently offers pedestrian access and thoroughfares through a managed understorey. Additional statements prepared by the applicant states:

'Despite there being an existing footpath across the site and limited seating, the space is not utilised in any significant way. The site does not form a link between buildings or other infrastructure. Students and staff will likely come from the adjoining building or from areas north east of the site. Should any students or staff be required to cross the site, the lower floor of the proposed building provides for such connection. Pedestrians will be able to utilise an entrance on the southern side of the building and exit on the other side connecting to the existing footway. This connection enables pedestrians to essentially cross the site without having to walk on the roadway.'

It is considered that connectivity has been adequately considered in the design of the proposed development.

- Social and Economical

The proposed development offers the potential to generate additional local employment opportunities during construction. The additional services that the proposed building will provide for existing students will further enhance the overall learning experience for existing students to the benefit of their education and therefore future employment. The additional floorspace would create additional research floorspace.

The social and economic impacts are considered to be positive.

(c) the suitability of the site for development

The site is currently vacant and having very little ecological quality or connectivity is underutilised within the Campus. The proposed development and use is permissible, with consent, in the 5(a) Special Uses zone. The use would be conducive to the educational purposes of the rest of the campus and provides for convenient links to the existing buildings adjacent. The proposed building has been cut into the sloping site to reduce the overall visual height of the building. The proposed development, with mitigation measures in place to limit impact to the environment of the site during construction, is considered to be suitable for the proposed facility.

As indicated previously in this report, the subject site forms part of the University Campus which is recognised as being Bush Fire Prone Land. The NSW RFS have issued General Terms of Approval including recommendations to reduce the risk from bushfire. The site is not subject to any other known risk or hazard that would render it unsuitable for the proposed development.

(d) any submissions made in accordance with this Act or the Regulations

No submission were received in respect of this application.

(e) the public interest

The additional floorspace created by the proposed development will offer a greater level of facilities to the benefit of existing students and staff. Resultant floorspace created elsewhere within the campus will provide for additional research space. Both would offer greater benefits to the public in offering a greater and higher level of education and research.

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

7. Conclusion

Subject to various conditions, the proposal is acceptable having regard to the considerations under Section 79C of the *Environmental Planning and Assessment Act 1979*.

8. Recommendation

Grant consent to Development Application 11/0873, subject to the conditions contained in Appendix A.

APPENDIX A - Conditions of Consent

A General Conditions

A1 The development being carried out strictly in accordance with the following details, except as otherwise provided by the conditions of this consent:

a. Survey plan prepared by Monteath and Powys,

Project No	Drawing No	Revision	Date
07/126	1 of 5	A	24/05/2010

b. Development plans prepared by EJE Architecture,

Project No	Drawing No	Revision	Date
8692	A00	A	21/07/2011
8692	A01	C	21/07/2011
8692	A02	C	21/07/2011
8692	A03	C	21/07/2011
8692	A04	C	21/07/2011
8692	A05	C	21/07/2011
8692	A06	C	21/07/2011
8692	A07	C	21/07/2011
8692	A08	D	21/07/2011
8692	A09	D	21/07/2011
8692	A10	D	21/07/2011
8692	A11	D	21/07/2011
8692	A12	D	21/07/2011
8692	A13	D	21/07/2011
8692	A14	D	21/07/2011
8692	A15	D	21/07/2011
8692	A16	D1	09/09/2011

c. Landscape plans prepared by Terras Landscape Architects,

Project No	Drawing No	Revision	Date
8692.5	01	C	May 2011
8692.5	02	C	May 2011
8692.5	03	C	May 2011
8692.5	04	C	May 2011

d. Preliminary Mechanical Service plans prepared by Aecom,

Project No	Drawing No	Revision	Date
60161145	M104	D	20/07/11
60161145	M105	D	20/07/11
60161145	M106	D	20/07/11

e. Flora and Fauna Assessment prepared by Hunter Eco dated June 2011 for the University of Newcastle.

f. Arborist Report prepared by Terrace Landscape Architects reference 8692.5, revision B dated September 2011.

- g. Stormwater Management and Sediment Control Plan prepared by James Taylor and Associates, plan numbers:

Project No	Drawing No	Revision	Date
5211	C01	B	29.06.2011
5211	C02	B	29.06.2011

- h. Planning for Bushfire Protection Assessment prepared by Newcastle Bushfire Consulting for the University, Revision 6 dated 27.09.2011.
- i. Traffic Review prepared by Better Transport Futures dated 19 July 2011 reference P0728D.
- j. Statement of Environmental Effects prepared by De Witt Consulting dated July 2011.
- k. Letter from Brian Jones, Manager of Capital Development for the University of Newcastle dated 14 September 2011.
- l. Letter from Matthew De Witt of De Witt Consulting dated 15 September 2011.
- m. Geotechnical Report prepared by Douglas Partners project number 49652 dated September 2010.
- n. Material Board of external colours and finishes project 8692 by EJE Architecture.

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

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

B Conditions which must be satisfied prior to the demolition of any building or Construction

No conditions

C Conditions which must be satisfied prior to the issue of any Construction Certificate

Flooding, Stormwater and Services

- C1 All stormwater runoff from the proposed development being managed in accordance with the requirements of the 'Water Management' Element 4.5 of the Newcastle Development Control Plan 2005 and the associated Technical Manual as indicated on the Stormwater Concept Plan prepared by James Taylor & Associates (Project No. 5211, Drg. No. C02, Rev. B, dated 29.06.11). Full details to be included in documentation for a Construction Certificate application.

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

- C2 Any alteration to existing surface levels on the site being undertaken in such a manner as to ensure that there is no increase in surface water runoff towards adjoining building sites or that runoff is impounded on adjoining building sites as a result of the development. Full details are to be included in documentation for a Construction Certificate application.

Reason: To ensure that any such proposed works do not disrupt existing stormwater flows with adverse impacts on adjoining buildings and surrounding areas.

- C3 A copy of the stormwater drainage design plans approved with the Construction Certificate with "work as executed" levels indicated, shall be submitted to Newcastle City Council prior to occupation of the building. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

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

- C4 Erosion and sediment control measures being implemented prior to the commencement of works and being 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.

Reason: To ensure that appropriate measures are taken to prevent surface erosion and the emission of sediment from the site as a result of the proposed development.

- C5 The applicant complying with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's Certificate of Compliance is to be included in documentation for a Construction Certificate application.

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

Access for Persons with Disabilities

- C6 The building being provided with adequate means of access for persons with disabilities in order to comply with the Building Code of Australia and the *Disability Discrimination Act 1992*.

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

- Note:** i) Compliance with the Building Code of Australia only can still leave a building professional or building owner in contravention of the *Disability Discrimination Act 1992*.
ii) * A qualified Access Advisor is a current member of -
Association of Consultants in Access Aust Inc

326 Autumn Street, HERNE HILL, VIC. 3218.
Ph (03) 5221 2820
www.access.asn.au

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

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

- C7 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.' Full details are to be included in documentation submitted with the application for a Construction Certificate.

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

Access and Parking

- C8 Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 m in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance in accordance with Australian Standard 2890.1– 2004 'Parking Facilities'. Full details are to be included in documentation for a Construction Certificate application.

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

Landscaping

- C9 All proposed planting and landscape elements indicated on the submitted landscape concept plans or otherwise required under the conditions of this consent being implemented and comprehensive landscape design plans and specifications in respect thereof being prepared by a qualified landscape designer and being submitted with a Construction Certificate application.

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

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

D Conditions which must be satisfied prior to the commencement of any development work

Erosion and Sediment Control

- D1 Erosion and sediment control measures being implemented prior to the commencement of any works and being maintained during the period of bulk earthworks and construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted 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.

Reason: To ensure that appropriate measures are taken to prevent surface erosion and the emission of sediment from the site as a result of the proposed development.

E Conditions which must be satisfied during any development work

General Matters

- E1 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

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

- E2 Construction/demolition work that generates noise that is audible at residential premises being restricted to the following times:

- Monday to Friday, 7:00 am to 6:00 pm;
- Saturday, 8:00 am to 1:00 pm;

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

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

- E3 No construction/demolition work being undertaken on a Public Holiday or on a Saturday or Sunday adjacent to a Public Holiday

Reason: To safeguard the amenity of the neighbourhood.

- E4 Council's "PREVENT POLLUTION" sign being erected and maintained in a conspicuous location on or adjacent to the property boundary so that it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of construction work.

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

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

Earthworks

- E5 Any excavated material to be removed from the site being assessed, classified, transported and disposed of in accordance with the NSW Office of Environment and Heritage Waste Classification Guidelines.

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

Public Utility Installations

- E6 Any necessary alterations to public utility installations being at the Developer/Demolisher's expense and to the requirements of both Council and the appropriate authorities.

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

F Conditions which must be satisfied prior to any occupation or use of the building

Landscaping

- F1 A minimum of 19 replacement native trees consisting of: 10 Spotted Gum, 4 Iron Bark, 5 Grey Gum; being planted within the University of Newcastle Campus, Callaghan in accordance with the letter from Brian Jones – Manager of Capital Development of the University of Newcastle dated 14 September 2011 within 12 months of works commencing on site and maintained to maturity.

Note: For the purpose of this condition, the definition of 'works commencing' applies to the first tree to be removed from the application site.

Reason: To ensure that trees to be removed are replaced with compensatory species and to maintain the treed landscape of the locality.

- F2 A Landscape Practical Completion Report being submitted to the Principal Certifying Authority by the consultant responsible for the landscape design plan prior to the issue of any Occupation Certificate or occupation of the premises. The report is to verify that all landscape works have been carried out in accordance with the approved landscape design plan to a high professional standard and that an effective maintenance program has been commenced.

Reason: To ensure that landscape works are carried out in accordance with the approval.

General

- F3 All building or site works or other written undertaking or obligation indicated in the submitted plans and supporting documentation or otherwise required under the terms of this consent being carried out or implemented prior to occupation of the premises.

Reason: To ensure compliance with the provisions of the *Environmental Planning and Assessment Act 1979*.

- F4 Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected being relocated at no cost to Council by a Surveyor registered under the *Surveyor's Act, 1919*.

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

G Conditions which must be satisfied prior to the issue of any Subdivision Certificate

None

H Conditions which must be satisfied during the ongoing use of the development

General

- H1 The proposed laboratories being designed and operated in accordance with Australian Standard/New Zealand Standard 2982 – 2010 *Laboratory design and construction* –.

Reason: To ensure the proposed laboratory is constructed and operated appropriately to minimise occupational and environmental risk.

Offensive Noise

- H2 There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.

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

Wastes

- H3 Any liquid wastes from the premises, other than stormwater being discharged to the sewers of the Hunter Water Corporation in accordance with that authority's requirements.

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

- H4 All clinical and related waste from the facility being handled and disposed in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and associated regulations

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

Landscaping

- H5 Landscape Establishment Reports for 'The Site' and 'Compensatory Planting' and are to be submitted to the Principal Certifying Authority following completion of a three (3) month maintenance period and at 52 weeks after the date of Practical Completion. This report is to state the actual maintenance carried out on site, including maintenance records such as site work report sheets, diary entries or log books which show frequency of watering, weeding, mulching, personnel and any other remediation or rectification works carried out.

Reason: To ensure that the landscape works are conserved and properly maintained in accordance with approved plans so as to improve the appearance of the premises and the visual quality of the locality.

I Other Agency Conditions

Rural Fire Service

- I1 The development proposal to comply with the recommendations identified within Section 8.0 of the Planning for Bushfire Protection Assessment prepared by Newcastle Bushfire Consulting, Revision 6, dated 27 September 2011.

Reason: In the interests of safety to future occupiers and to advise of the necessity to comply with the requirements of relevant government authorities.

J Advisory Notes

- J1 Prior to commencing any construction works, the following provisions of the *Environmental Planning and Assessment Act 1979* are to be complied with:

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

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

- J2 Prior to the occupation of a new building, or, occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 155 of the Environmental Planning and Assessment Regulations.

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

- J3 A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building. The lists must describe the extent, capability and basis of design of each of the measures.

Reason: To advise of information that must accompany an application for a Construction Certificate for the project.

- J4 A copy of the final Fire Safety Certificate is to be given to the Commissioner of NSW Fire Brigades and a further copy of the Certificate is to be prominently displayed in the building.

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

APPENDIX B – Plans and Elevations

APPENDIX C – Referral Comments

Comments from External Agencies

Agency	Comments
NSW Rural Fire Service	Compliance with the recommendations identified within Section 8.0 of the planning for bushfire protection assessment prepared for the University.
Hunter Water	None

Comments from Internal Referrals

Department	Comments
Council Building Surveyor	No Comments
Council Traffic Officer	<p>The development is not proposing any increase in student or staff numbers. It appears to be proposing facilities for existing staff and students. The parking rate for educational establishments is based on the number of students as the site is not proposing any new staff or students there is no requirement for any additional parking. The development is to be conditioned that the number of students enrolled to use the facility is not to increase.</p> <p>The building it self will result in the lost of 6 car spaces. The university has 5000+ car parking spaces. Losing 6 spaces equates to approx 0.1% of car spaces which is minor in the overall parking scheme for the university. The lost of these carparks is acceptable. The carparks that are lost are sign posted as restricted parking and are not for general use. Other development proposals that council is currently considering include additional carparking which look at car parking issues over the whole campus. Which include for parking for the 17579 Equivalent Full Time Student Load at the Newcastle Callaghan campus and approx 2000 staff.</p> <p>Also noted by site surveys by Councils undergraduate engineer Rory Hails was that these carparks are usually vacant</p>
Council Stormwater and Flooding Engineer	<p>Flood Management</p> <p>This site is not affected by flooding based on available information.</p> <p>Stormwater Management</p> <p>A Stormwater Concept Plan, prepared by James Taylor & Associates (Project No. 5211, Drg. No. C02, Rev. B,</p>

	<p>dated 29.06.11), has been provided for the development which shows two 15000 litre rainwater tanks collecting the roof runoff from the new building with internal reuse and the overflows directed to the street gutter via a retention tank and sand filter.</p> <p>Proposed Consent Conditions Should consent be issued for the proposed development it is recommended that the following consent conditions be imposed:</p> <p><i>Conditions reflected in Appendix A</i></p>
Council Environmental Services Officer	<p>There will be some loss of mature trees with the construction. The flora and fauna assessment conducted by Hunter Eco concludes <i>.."the overall vegetation provided little or no suitable habitat for threatened fauna to occupy or forage through. The conclusion of the 7-part tests was that there would be no impact by the proposed construction of the Anatomy building on any threatened species of flora or fauna or on any endangered ecological communities."</i></p> <p>The geotechnical report (Appendix 1) indicates that excavations of up to 2m will be required for preparation of footings. If this excavated material is to be exported off-site it should be classified and disposed in accordance with the OEH Waste Classification Guidelines.</p> <p>There is a considerable buffer between the site and residential neighbours (including state highway 23), so it is considered unlikely that any will be adversely affected by construction noise, but the standard conditions relating to noise will be applied as a precaution.</p> <p>General requirements to be considered when planning for the construction of a new laboratory are given in <i>AS/NZS 2982 - 2010 Laboratory design and construction</i>. A condition making reference to this standard will be applied.</p> <p>Clinical and related waste is a "special waste" under OEH waste classification guidelines. Its management therefore has particular requirements under the POEO Act and POEO (Waste) Regulation. Advice in the application is that the additional waste stream can be accommodated within the existing arrangements at the UoN Medical Science building. A condition confirming the compliance against legislative requirements will be applied.</p> <p><i>Conditions reflected in Appendix A</i></p>