

Appendix 3 – Draft conditions of consent
DA-170-2011 / JRPP 2011 NTH 028

JRPP No:	2011NTH028
DA No:	Armidale Dumaresq Council DA-170-2011
PROPOSED DEVELOPMENT:	<p style="text-align: center;"><i>Development:</i> New Clinical Education facility, related car parking and two lot subdivision.</p> <p style="text-align: center;"><i>Address:</i> Part of property known as 226A Rusden Street (Armidale Hospital Campus), being Part Lot 6 DP 868803 and also land known as 133 Butler Street being Lot 30 DP 1163154.</p>
APPLICANT:	University of New England.
REPORT BY:	Stephen Gow, FPIA, Director Planning and Environmental Services, Armidale Dumaresq Council.

PRESCRIBED CONDITIONS

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

Compliance with Building Code of Australia

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

ADVISINGS:

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

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

The development will need to comply with the relevant provisions of the Building Code of Australia and Access to Premises Standards under the Commonwealth Disability Discrimination Act 1992, in relation to access to and use of the building by people with disabilities. Council notes that the comments provided by its Access Advisor have been incorporated into revised plans received as part of the assessment process. A sliding door at the principal public entrance to the building is noted as being provided and is supported in terms of facilitating access to the new building by people with disabilities and other mobility constraints.

The applicants/developers should also seek to provide satisfactory access from the additional accessible parking spaces proposed in the West Avenue car park to the principal public entrance of the building. For further advice please contact Council's Development Engineer.

Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

GENERAL CONDITIONS

1. To ensure this development is consistent with Council's consent, the development must take place; in accordance with the approved plans (bearing the Council approval stamp) and all other documents submitted with the application, subject to the consent conditions outlined in this notice. In the event of any inconsistency between the approved plans and the conditions of this consent, the conditions shall prevail. The approved plans prepared by James Cubitt Architects, David Kearney and Associates, Brown & Krippner, GHD and LEGS, which are to be attached to this consent notice, are listed below:

Type of Plan	Number / Date of Plans
Demolition Plan	A1002 -1, 29-7-2011 (<i>note this should show the flammable liquid store as being removed instead of a non-existent structure south east of the boiler house</i>)
Site Plan	A1004-1, 29-7-2011 (as amended by later car park plan)
Floor Plan – Level 1	A1010 – 5, 29-7-2011 (<i>subject to amendment for approved parking layout - see plan A011A</i>)
Floor Plan – Level 2	A1011 – 5, 29-7-2011
Floor Plan – Level 3	A1012 – 5, 29-7-2011
Elevation Streetscapes	A1020 – 2, 29-7-2011
Presentation Elevations	A1021 -4, 1022 -4, 29-7-2011
Sections	A1030-7, 1031 -7, 1032-6 1033 -6, 1034-6, 29-7-2011
Footpath/Crossover Plan & Sections	A1050 -1, A1051 -1, A1052 -1, 29-7-2011
Location Plan and Sections– Works to Ambulance Station Site	A1100- 3, A1101 -3, A1102 -3, 29-7-2011
External (axonometric) views	A1300 -4, A1301 -4, A1302 -4, 29-7-2011
Landscape Intent Plans	10/059-LS2D, LS3B, LS4B, LS5B, 12-10-2011
Proposed Subdivision Plans	1633A0101 1/1A 9-8-2011; and A011A, 12-10-11 (<i>also includes approved ground floor parking arrangement</i>)
Sewer Diversion concept	41-23225-C001 A, undated
Car Park designs (Hospital campus)	IV1906_CPKINT_DA20111011.dwg, B1-B5 inclusive, 11-10-2011
West Avenue Car Park layout	IV1906_WESTDA_CTL.dwg, B1, 11-10-2011
West Avenue Car Park drainage plan	IV1906_WESTDA_CTL.dwg, B2, 11-10-2011
West Avenue Car Park demolition plan	IV1906_WESTDA_CTL.dwg, B3, 11-10-2011

ADVISING

Further application is to be made for any change, enlargement or intensification of the premises or land use, including the display / erection of any new structure such as additional signage to that shown on the submitted plans, partition walls or building fit-out (unless the proposed work is exempt from the need for consent).

2. All Engineering works to be designed by a competent person and carried out in accordance with Council's Engineering Code, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.
3. The developer is to submit relevant designs to Council's Engineering and Works Division for its acceptance of these designs as the local water sewerage and stormwater drainage authority in connection with the development; such designs are to relate to the required reticulated water supply, sewerage and stormwater drainage for the project, before the commencement of such work.

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

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

Construction of stormwater and sewer works, which will become Council assets, must be designed and supervised by qualified engineer/surveyor and constructed by qualified contractor and will be subject to twelve months defects liability period, in accordance with Council's Engineering Code.

Council's sewer main in West Avenue is to be extended to service the proposed Clinical Centre.

The project will also require the installation of a new stormwater pipe in Butler Street to convey stormwater from the proposed Clinical Centre development to the existing public stormwater pipe system at Barney/Butler Streets; as well as the installation of a new stormwater pipe in West Avenue to convey stormwater from proposed car park area at Lot 30/133 Butler Street to the existing public stormwater pipe system at the Markham Street/West Avenue intersection to cater for stormwater in minor storm events (instead of the arrangement shown on the submitted West Avenue car park plan).

From a site meeting held on 10 October 2011 it is understood that the developer will also provide access stubs in pipework for property owners to the south and east of Lot 30 to connect into the new stormwater system serving the proposed car park and thus allow for the alleviation of local stormwater ponding affecting those properties. Details should be included in the design submission for stormwater drainage for the project, together with any request for Council contribution towards the required pipe system in West Avenue.

4. The proposed subdivision of Lot 6 DP 868803 as part of the project, which may be pursued by the Crown using State legislation, should be effected prior to occupation of the building and ensure that the following outcomes are achieved:
 - The relationship between buildings and title/easement boundaries is in accordance with the requirements of the Building Code of Australia; and
 - Provision is made for necessary easements and / or rights of way (eg for proposed clinic deliveries to rear of building) to benefit relevant owners and utility service providers, as advised by those providers and including where

required by Council as the water, sewer and stormwater authority for the land, pursuant to the Local Government Act 1993; and

- Any internal sewer service line(s), drainage lines, water lines and any other utility services through the proposed new lot serving the hospital facilities are to be relocated so that these service lines are situated wholly within the allotment which they serve.

5. The proposed off-street parking area for 65 car spaces to be provided on Lot 30 DP 1163154 off Butler Street and West Avenue is to be owned or tenanted, and so managed for use in conjunction with the proposed Clinical Education Building subject of this consent for the lifetime of the development (unless alternative arrangements are made to the satisfaction of the consent authority), to ensure that adequate off-street parking facilities are available for users of the building.

The total of 67 car parking and 15 bicycle parking spaces to be provided in this location and at the frontage of the new building is sufficient for the existing dwelling at 133 Butler Street approved by Council in DA-358-2009 (two spaces, one of which must be covered), and for the following personnel/student numbers in the proposed Clinical Education Building, having regard to Council's Parking Code in its DCP 2007:

10 medical practitioners, 24 academic staff and 92 students.

This consent is issued on the basis that this is the maximum capacity of the proposed Clinical Education Facility. Further consent would need to be sought for any increase in the above numbers in any category.

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

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

7. Lighting is to be provided to pedestrian ways, entries, walkways, driveways and carparks to ensure a high level of safety and security for site users after dusk. Lighting is also to be designed to minimise light entering adjacent dwellings, to ensure the amenity of adjoining properties is maintained.

Any lighting used in connection with the development is to comply with AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

ADVISING: Consideration should also be given to extinguishing outdoor lighting including signage by timer or other means after the use of the facility ceases each day, to save energy and reduce any light impacts at night time.

The development generally should be undertaken in accordance with the principles of crime prevention through environmental design as outlined in the letter dated 20 September 2011 from the NSW Police (attached to consent notice).

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

ADVISING:

The developer must liaise with Council's Civic and Recreation Services staff in relation to maintenance of cover and pedestrian amenity in relation to works on Council's footpaths. In particular, the likely change in footpath level on the Butler Street site frontage may require adjustment and/or relocation of utility services, to be carried out to the requirement of relevant utility authorities. Details including the driveway crossover profile are to be provided with the application for Roads Act approval.

Any reconstructed footpath in Butler Street frontage will need to comply with Council's minimum standard for footpath, which is 1.2m wide 100mm thick concrete with tool joints at every 1.2m and dowelled joints at every 4.8m.

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

9. The applicant is to apply to Council through Council's Local Traffic (Development) Committee for any change in Regulatory Traffic Signage in development frontage.

BEFORE CONSTRUCTION COMMENCES

10. All existing street trees to be preserved except where removal is separately approved by Council, to ensure the continued amenity of the streetscape and to maintain public assets. These trees and any other trees to be retained in proximity to the proposed development are to be protected in accordance with AS 4970 - Protection of trees on development sites, to ensure their continued health and survival.

The trunks of any new or retained trees must be a minimum of 3 metres from buildings or underground services.

In relation to the proposed new landscaping for the project, the following specific requirements apply in relation to the information shown on the submitted plans:

- (i) replacement shade tree plantings on the Butler Street frontage are to be planted at least 3 metres out from the façade of the new building, to assist in providing some visual softening of the building and replacement of trees to be removed in this location;
- (ii) the inclusion of some landscaping (shrubs/groundcover, but not trees) on the south elevation/drainage easement area, to assist in providing some visual softening of the building in this location, which will not impair the function of the proposed overland flow path;
- (iii) removal of two existing pine trees and appropriate new planting on the eastern side of the West Avenue car park is to be undertaken in conjunction with the owner of the neighbouring property at 8 West Avenue in order to improve solar access to that property.

Details of all these matters are to be submitted for approval by Council's Civic and Recreational Services officer before construction of the project commences.

11. Details of external materials and finishes for the building, including samples and colours, to ensure an acceptable infill development in the existing streetscape, are to be submitted for the approval of the Council's Director Planning and Environmental Services (or alternatively the Certifying Authority for the project), before construction of the building commences.
12. Written advice from telecommunications and electricity providers, confirming that satisfactory arrangements have been made for the provision of telecommunications and electricity services to this development, are to be submitted to the relevant certifying authority before construction commences.

The location of any new pole or ground mounted substation for the building is to be confirmed with and approved by the Council's Director Planning and Environmental Services or nominee, to ensure that this does not unreasonably interfere with the aesthetics or functionality of the development.

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

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

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

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

DURING CONSTRUCTION

14. No storage of building materials, soil or equipment is to occur on Council's property or roads without the written consent of Council's Civic and Recreational Services Manager or nominee. No unfenced, potentially dangerous activity or material to be located in close proximity to the street boundary or pedestrian walkway adjoining the site. No unsupervised transit of plant, equipment or vehicles across public areas or other obstruction of those areas is permitted.
15. All demolition is to be carried out in accordance with AS2601 – Demolition of Structures, to ensure the work is undertaken safely and as required pursuant to the Environmental Planning and Assessment Regulation 2000, allowing for:
 - A competent person to determine the presence of any hazardous substances or conditions in the structure, and all parts of the site, which may be hazardous to the health of the site personnel or the public if disturbed by the stripping or demolition.
 - Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 318 of the Occupational Health and Safety Regulation 2001. The principal certifying authority must be provided with a copy of a signed contract with such a person before any development pursuant to the development consent commences. Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered.
 - The nature and location of each hazard shall be recorded and both the record and proposed method on controlling hazards shall be addressed in a Hazardous Substances Management Plan and included in the contract documentation.
 - The appropriate display of signs containing the words "Danger Asbestos Removal in Progress" will be at a prominent position at the front of the premises.
 - Further information regarding asbestos can be found at the NSW Work Cover website:
http://www.workcover.nsw.gov.au/OHS/ManagingSafetyRisks/asbestos_fibro.htm
16. An all-weather nuisance-free surface for pedestrians and vehicles is to be provided throughout the site, including parking areas and driveways. The surface shall be provided with effective edge support/ drainage control and landscaped areas adjacent to the self-draining to the kerb.

Proposed new and reconfigured internal driveway and parking areas are to be designed and constructed in accordance with Australian Standards 2890.1 and 2890.2.

Installation of a "Left Turn Only" sign at the exit of the proposed West Avenue car park is required to reduce possible traffic congestion in West Avenue adjacent to the nearby Pre School during pick up time and to reduce vehicular noise past the residential dwellings to the east.

Non-slip materials complying with AS 3661 and AS 4586 are to be used for the paving of all public areas within the development, to ensure safe public use of

these areas.

17. Waste pipes, stack work and vents (below the roof line) are to be concealed to prevent their deterioration and improve the aesthetics of the building.
18. A hoarding or fence in accordance with the agreed construction management plan must be erected between the work site and any public place (including car parking accessible to Hospital users and the public) and public road, wherever construction work is likely to cause traffic (pedestrian or vehicular) in a public place to be obstructed or otherwise unsafe or inconvenient. The erected hoarding is to be sufficient to prevent any substance from or in connection with the work falling into the public place or road. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. The hoarding, fence or awning is to be removed once the work has been completed.

19. Effective dust control measures to be maintained during construction to maintain public safety/amenity and construction activities are to be restricted solely to the subject site.

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

20. Materials must not be burned on-site. All waste generated on site must be disposed of at Council's Waste Disposal Depot or Waste Transfer Station, to protect the amenity of the area and avoid the potential of air pollution.
21. Any fill which is placed on the site shall be free of any contaminants and placed in accordance with the requirements of AS 3798-1990 *Guidelines on Earthworks for Commercial and Residential Developments*. The developer's structural engineering consultant shall:
 - identify the source of the fill and certify that it is free from contamination; and
 - classify the area within any building envelope on any such filled lot in accordance with the requirements of "Residential Slabs and Footings" AS 2870.1.
22. The hours of construction work are to be restricted to between 7.00am and 6.00pm on Monday to Friday and 8.00am to 1.00pm on Saturdays, to maintain the amenity of the locality.

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

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

23. Roof and surface stormwater from paved and impervious areas is to be collected and directed to the approved points of discharge for stormwater disposal systems for the project (subject of separate Council approval), to protect the site and adjoining property from effects of flooding. Relevant work to be carried out immediately the roof and guttering of the new building is installed and sealing of the car parking area in West Avenue is completed.
24. Provision of a grated catch drain or inlet pit adjacent to the driveway at the

property boundaries to public roads, with piped water discharged to the approved points of discharge for the stormwater systems for the project, to provide effective stormwater drainage from the development and to protect other property.

25. In relation to the proposed landscaping shown on the approved plans, modular root directors to Council's specifications or linear ribbed root barrier are to be incorporated into all proposed / redesigned car parking facilities to protect the pavement surface from root damage. Any linear root control barrier must provide 360 degree protection of kerbing and be placed immediately behind kerbing.
26. Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the council.
27. Construction of new vehicular footpath crossing(s), including layback, over the full width of the footpath, to provide effective all-weather access to site and a safe and nuisance-free surface over Council's footpath, in accordance with the design approved by Council under the Roads Act 1993 in connection with the project.
28. The proposed car parking facility off West Avenue adjoins a number of residential properties. In order to address the privacy and amenity of those adjoining premises, an appropriate fencing treatment up to 1.8 metres in height (on the parking facility site) shall be provided at the common boundaries, by agreement with the owners of the adjoining properties.

ADVISING:

Statutory arrangements for dividing fences between properties exist under the NSW Dividing Fences Act 1991 and related regulation.

BEFORE OCCUPATION / WHEN WORKS ARE COMPLETED

29. A written notice is to be provided to Council advising of the commenced use of any food premises in the building, in accordance with the Food Act 2003 and to ensure the business is placed on Council's register of food premises.

Notification must also be made to the NSW Food Authority. This is a free online service available at www.foodnotify.nsw.gov.au.

30. The street number for the site, as agreed with Council's Business Systems Analyst in conjunction with the new title arrangements to be finalised, shall be clearly and permanently displayed on or adjacent to the street frontage of the building, to identify the premises to the public and to essential/emergency services. Numbers shall be 100mm high x 50mm wide (minimum) and of a colour contrasting with the surface to which they are affixed.
31. Landscaping is to be completed in accordance with the landscape plans and details approved by Council's Civic and Recreational Services officer, prior to occupation of the new building and use of the proposed new car park for operational purposes by users of the building.

Landscaping is to be effectively maintained on a continual basis to provide shade and environmental benefits in conjunction with the development.

32. Provision of all proposed off-street car and bicycle parking spaces to serve the development, including the proposed 86 relocated spaces within the Hospital site (as shown on the approved plans and in accordance with Council's Parking Code) to be completed before the occupation and use of the new building. Approved parking bays, including spaces allocated for people with disabilities, are to be clearly identified by appropriate pavement markings.

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

33. A Compliance Certificate stating that the kitchen exhaust fan(s) has been designed and installed to the requirements of AS 1668.2 is to be submitted to Council's Environmental Health Officer before occupation of the building.
34. All civil engineering and utility service works undertaken pursuant to this consent are to be inspected and tested upon completion, and details of works which will become public assets provided to Council's Director Engineering and Works or nominee.

OPERATIONAL MATTERS

35. All clinical and other related waste must be disposed of in accordance with clause 43, 'Protection of the Environment Operations (Waste) Regulation' 2005.
36. All routine vehicular loading and unloading in connection with the use of the new building being carried out within the site / Hospital campus, to provide for safe off-street loading and unloading of vehicles servicing the premises and to prevent unnecessary interference with the use of the surrounding public roads by other vehicles and pedestrians.

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

37. The hours of operation of the proposed building (when it is open to the general public) are to be restricted to between 8.00am and 10.00pm on Mondays to Fridays and 8.00am to 6.00pm on weekends and public holidays, to maintain the amenity of the locality.

Allowance is made for 24 hour operation of the facility in exceptional circumstances such as managing medical disaster events.

38. The proposed building and related plant and equipment, as well as the proposed car park in West Avenue, are not to be used or operated in a manner causing offensive noise (defined in the NSW Protection of the Environment Operations Act), in order to maintain the amenity of the locality. Noise levels generated by the proposed uses of the land subject of the application must be restricted to a

maximum of 5dBA above the background noise levels at any time, measured at the boundaries of the site.

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

ADVICE

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

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

- relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and*
- are of State or local heritage significance,*

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

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

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

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

OTHER APPROVALS/CONSENTS

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

N/A

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

N/A

REASONS FOR THE ABOVE CONDITIONS

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

INSERT POLICE LETTER 20 SEPTEMBER 2011 HERE

DRAFT