

SCHEDULE 2

1. Development consent is granted for a health service facility at Lot: 22 DP: 1088281, 4 Jacaranda Ave, Raymond Terrace.
2. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.
3. Failure to comply with the conditions of consent constitutes a breach and on the spot fines may be issued under the Environmental Planning & Assessment Act 1979 and or the Protection of the Environment Operations Act 1997.
4. The development application has not been assessed against the provisions of the Building Code of Australia. A Section 96 application under the Environmental Planning & Assessment Act 1979 will be required if design amendments are necessary to comply with the provisions of the Building Code of Australia.
5. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring and the finished ground around the perimeter of the building is to be graded to prevent ponding of water and ensure the free flow of water away from the building.
6. Landscaping shall be carried out in accordance **with the approved Landscape Plans and Landscape Masterplan Report** prepared by Moir Landscape Architecture.
7. The recommendations contained in the Arborist report prepared by Abacus Tree Services dated 12 December 2011 are to be implemented and include but are not limited to:
 - a) Trees 1-4 are to be retained on site and are to be protected by chain wire interlocking fencing to be installed **prior to commencement of building works** and inspected by Council's Vegetation Management Officer. The fencing is to consist of 1.8m chain wire interlocking fencing as indicated by Figure 16 in the Arborist report. Trees 1- 4 are to have tree protection fencing to the edge of the road reserve on the eastern side and to 3 metres on all other sides.
 - b) Protection fencing is to be in accordance with AS 4687 and AS 4970 2009 and should include as a minimum shade cloth attached to reduce the transport of dust or liquids into the protected area.
 - c) All workmen entering the site are to be inducted and made aware of the no go area and the Tree Protection Zones. All stockpile sites are to be maintained a minimum 4 metres away from retained trees.

- d) No works are to be undertaken within structural root zones of trees 1-4 as shown in Figure 18 of the Arborist report.
 - e) Trees 1-4 are to have minimum setbacks where no works occur, which is known as the Structural Root Zone. Details of these zones are located in Figure 18 of the Arborist Report. Minor encroachment is allowed in the Tree Protection Zone by no more than 20% as indicated in Figure 18 of the Arborist report.
 - f) The tree protection fencing located within the road reserve shall be approved by the Roads Authority (Council) and demonstrate how pedestrians shall be managed by submitting a traffic control plan. Details shall be approved by the Roads Authority as part of a Roads Act approval **prior to the installation of the fencing.**
8. Unless otherwise stated all tree protection measures to be conducted in accordance with AS 4970-2009.
9. Construction vehicles are not to park under the existing Jacaranda trees at any time.
10. Bollards are not to be erected within a 50cm radius of Heritage tree roots. Any roots greater than 50mm diameter within the Tree Protection Zone of trees 1-4 that require severing are to be inspected by Council's Vegetation Management Officer prior to severing.
11. The tree protection fencing as nominated on the landscaping plan must be installed **prior to any construction** and inspected by the Landscape Architect and Council's Vegetation Management Officer. Any excavation within the nominated Tree Protection Zones is to be minimal and supervised by AQF Level 5 Arborist.
12. **All construction access must be from Swan Street** to avoid any damage to the Jacaranda trees.
13. The proposed development shall be provided with access and facilities for the disabled in accordance with Australian Standard 1428.1 and the relevant provisions of the Building Code of Australia and should include but not be limited to the following:
- (a) A continuous and accessible path of travel, designed in accordance with Australian Standard 1428.1 shall be provided to and within any building on the site. This accessway shall provide access to all required facilities.
 - (b) External access to the building required to be accessible must be in accordance with the Building Code of Australia Part D and Australian Standard 1428.1, and must be provided:
 - (i) from the allotment boundary at the main points of entry; and
 - (ii) from any accessible carparking space on the allotment; and
 - (iii) from any adjacent and associated accessible building on the allotment;

and
(iv) through the principal public entrance.

- (c) The minimum number of accessible car parking spaces shall be provided in accordance with the Building Code of Australia Section D Subsection 3.5 and designed in accordance with Australian Standard 2890.1.
14. A separate development application is required for any signage to be installed on site, unless the advertisement does not require approval as defined by exempt development provisions of the Port Stephens Council Local Environmental Plan 2000 or any relevant state environmental planning instrument.
15. A colour scheme providing full details of the colours and character of all external building materials and finishes to be used shall be submitted to Council's Development Services Group **prior to commencement of works**. It must be noted that:
- a) The external low level façade of face masonry is not to contain contrasting banding and is to be of small masonry brick units, preferably a dry pressed brick. Similarly any banding to masonry that addresses the street façades should be in the same material colour etc. This is to enable a transition of the building to occur in context.
 - b) The colour scheme proposed for the project shall draw on a heritage colour palette and be used minimally on the building face, especially on the street frontage. The final scheme is to be submitted to the Heritage Advisor for approval prior to undertaking this work.
16. The external walls of the building are to have graffiti proof treatment to a height of 1.8 metres.
17. External lighting to the car park is to be designed to Australian Standard AS 1158 – *Lighting for roads and public spaces*.
18. The development shall provide 100 on-site car parking spaces, including 10 disabled parking spaces. These spaces shall be separately accessible, clearly line-marked (disabled spaces clearly signposted) and adequately paved and drained in accordance with the Section B3 – Parking, Traffic and Transport, of Port Stephens Development Control Plan 2007. Car parking must be provided **prior to the occupation of the building**.
19. The hours of operation shall be restricted to between 8am and 10pm, seven days a week. The Renal Dialysis Unit may operate from 7am to 11pm, Monday to Saturday.
20. A public art feature shall be designed for the site. This feature shall provide visual interest for pedestrians and interpret or reflect the local setting and/or landscape character and/or the cultural setting of the Raymond Terrace area. The feature shall be designed to ensure long-term durability and be resistant to vandalism. Details shall be approved

by Council **prior to commencement of works**. The applicant is advised to liaise with Council's Social Planning Team during design stages.

21. A Waste Management Plan prepared in accordance with Section B2 – Environmental and Construction Management, of Port Stephens Development Control Plan 2007, shall be submitted to Council's Development Services Group, which covers demolition and building works through to the management of the finished development **prior to the commencement of works**. The applicant shall recycle any material which is able to be salvaged from the demolition of the existing building/structure. Non salvageable material shall be disposed of at an appropriately licensed refuse/land fill site.

The Waste Management Plan for finished development, needs to determine the location and capacity of receptacles, odour and vermin control. Quantities shall be based on industry standards and contractor capability.

22. A Construction Management Plan shall be submitted to Council's Development Services Group, **prior to the commencement of works**. The construction management plan shall specify operational details to minimise any potential impact to adjoining properties. The construction management plan should include but not be limited to the following information:- Construction techniques, noise and vibration management, storage of equipment and building materials, hours of work, primary route for truck movements and other matters seen relevant in terms of construction management.
23. Pursuant to section 80a(1) of the Environmental Planning and Assessment Act 1979 and the Port Stephens Section 94a Development Contributions Plan, a contribution of 1% of the cost of the development, as determined in accordance with clause 25j of the Environmental Planning and Assessment Regulation 2000, shall be paid to Port Stephens Council.

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

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

24. The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2005). The Flood Planning Level for this development is RL 5.1 metres AHD. The following design precautions must be adhered to:-
 - a. The floor level of any habitable room is to be located at a height not less than the Flood Planning Level. A survey certificate verifying compliance with this condition shall be provided to the Principal Certifying Authority as soon as practical on completion of the floor level.

- b. In sewerred areas some plumbing fixtures may be located below the Flood Planning Level. Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge.
 - c. No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods.
 - d. All building materials, equipment, ducting, etc below the Flood Planning Level shall be flood compatible.
 - e. All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level.
 - f. All electrical wiring below the Flood Planning Level shall be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed.
 - g. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply.
 - h. Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for continuous submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level.
 - i. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning.
25. A Flood Management Plan which covers evacuation and the provision of emergency food, medical supplies, power/communication, water and effluent disposal, etc incorporating the State Emergency Services Business Floodsafe Toolkit, shall be submitted to Council **prior to occupation.**
25. The Designated flood is the 0.5% AEP Flood. A structural engineer shall design and provide certification to Council that all building structures and earth mounds are able to withstand the hydrostatic and hydrodynamic flood forces, including debris impact and buoyancy uplift for the 1% AEP Flood **prior to commencement of works.**
27. All work required to be carried out within a public road reserve must be separately approved by Council, under Section 138 of the Roads Act 1993.
- Engineering plans for the required work within a public road must be prepared and designed by a suitably qualified professional, in accordance with Council's

'Infrastructure Design Specification – AUS Spec', and Section B of Development Control Plan 2007.

The required works to be designed are as follows:

- a) Kerb and guttering, subsoil drainage, verge formation, and ancillary road pavement across the full frontage of the site in Swan Street and connecting to Jacaranda Avenue. The kerb shall be offset 3.5m from the property boundary through the Jacaranda/Swan St splay corner. Face to face of kerb shall be 15m wide along Swan Street frontage and terminate 6m short of the downstream RSL culvert. An asphalt table drain shall be constructed from the end of kerb and guttering to direct stormwater into the RSL culvert.
- b) A raised concrete median and associated signage and line marking shall be constructed on the intersection where Swan Street splay corner meets Jacaranda Avenue and located to provide 6m trafficable area between the median and face of the kerb. Remove and repair the silent cop as needed.
- c) 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location across the full frontage of the site in Swan Street and widen to 2m wide against back of kerb around the splay corner joining Jacaranda Avenue and Swan Street and connect to existing footpath as required.
- d) Remove and replace the 900mm footpath with a 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath with dowelled Connelly joints in an approved location across the full frontage of the site in Jacaranda Avenue.
- e) A 1.2m wide footpath and associated pram crossings shall be constructed on either side of Jacaranda Avenue and linked to the existing paths. Location will be determined as part of the construction plans.
- f) All redundant dish crossings, kerb and gutter and footpaths are to be removed and replaced as needed.
- g) Traffic control plans in accordance with the Roads and Traffic Authority – Traffic Control at Worksites Manual
- h) Payment of fees (same Principle Certifying Authority fees, inspection fees)
- i) Contractors public liability insurances to a minimum value of \$10 million dollars.

The engineering plans must be submitted to and approved by Council **prior to commencement of works** within the road reserve.

28. Works associated with the approved plans and specifications located within the existing Road Reserve shall not commence until:
- i) a Roads Act Approval has been issued, and
 - ii) all conditions of the Roads Act Approval have been complied with to Council's satisfaction.

29. Works associated with the Roads Act Approval are subject to:
- inspection by Council,
 - testing by a registered NATA Laboratory and
 - approval by Council at each construction stage as determined by Council.
30. All civil engineering works associated with the Roads Act Approval shall be carried out to the satisfaction of Council (with a letter of practical completion issued) **prior to Occupation of the building**. All works associated with the Roads Act Approval shall be at no cost to Council.
31. **Prior to commencing works within the site** which will affect the existing road pavement, a Traffic Control Plan shall be submitted to and approved by Council. Details shall be in accordance with the RTA Traffic Control at Worksites Manual, including the proposed fencing/barricades details.
32. The stormwater detention system shall be built in accordance with the approved Stormwater Management Plan to detain all critical durations up to the 1% AEP and release at the relevant (AEP) pre development discharge rate.
- The roof drainage guttering, downpipes and associated components shall be designed and constructed to convey the 1% AEP from the roof (located in area 1 as shown on 11-179 C01 issue 6 with additional detail in text) to the stormwater detention system. The design is to be certified by a suitably qualified drainage engineer prior to construction of the drainage system.
33. Advisory signs shall be prominently located adjacent to the stormwater detention area detailing the purpose of the system, the possible depth of inundation and warning of the danger.
34. The stormwater system, including any water quality or quantity components, shall be maintained in perpetuity for the life of the development.
35. Provision of Works-As-Executed plans and report prepared and certified by a suitably qualified drainage engineer confirming all drainage works (volume, discharge, levels, location, etc) are built in accordance with conditions of consent and the approved plan. Minor variations in height can be certified providing they are clearly identified in the report and the engineer certifies that the overland flow paths are not altered, discharge rates are not increased, and no additional negative effects are imparted on any dwellings or property. Minor variations can only be certified where it can be demonstrated that the ease of maintenance and monitoring of the system has not been negatively affected.
- Certification shall be obtained **prior to occupation of the building**.
36. The water quality concept plan shall be checked by a computer modelling (MUSIC modelling or other) to verify that litter, coarse sediment, fine particles and hydrocarbons, oils and grease are treated to the requirements of the Section 8.4 of

Council's Urban Stormwater and Rural Water Quality Management Plan. Where required, adjust the treatment devices to provide the minimal level of treatment prior to construction of the stormwater system.

37. All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
38. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided **from the time of commencement until the building is complete**. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.
39. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-
- * Monday to Friday, 7am to 6pm;
 - * Saturday, 8am to 1pm;
 - * No construction work to take place on Sunday or Public Holidays.
- When the construction site is in operation the L_{10} level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.
40. Separate approval is required to occupy, close or partially close the road reserve adjacent to the property under the Roads Act. The storage of materials, placement of toilets and rubbish skips within the road reserve is not permitted.
41. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. **Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.**
42. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats. Offenders will be issued with an 'on the spot' fine under the Protection of the Environment Operations Act 1997.

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

43. A "KEEP PORT STEPHENS WATERWAYS POLLUTION FREE" sign shall be displayed and be clearly visible from the road frontage for public viewing on the site at the commencement of works and remain in place until completion of the development. Signs are available from Port Stephens Council.
44. A Fire Safety Certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council, If Council is not nominated as the Principal Certifying Authority. A further copy of the certificate must also be prominently displayed in the building.
45. At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:
- a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
 - b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.
46. No construction or demolition work shall obstruct pedestrian or vehicular traffic in a public place, a hoarding or fence must be erected between the construction site and the public place.
47. **Prior to the commencement of work**, provide a 3m wide all weather vehicle access from the kerb and gutter to the building under construction for the delivery of materials & trades to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.
48. All stockpiled materials shall be retained within the property boundaries. Stockpiles of topsoil, sand, aggregate, spoil or other materials shall be stored clear of the all weather vehicle access and drainage lines.

GENERAL ADVICES

- a) Access to an adjoining property for construction & maintenance work requires the owner(s) consent. It is the responsibility of the owner/applicant to ensure that no part of the structure encroaches onto the adjoining property. The adjoining property owner can take legal action to have an encroachment removed.
- b) The Commonwealth Disability Discrimination Act makes it an offence to discriminate against people on the grounds of disability, in the provision of access to premises, accommodation, or services. This applies particularly to new buildings or significant building alterations. It is the owner/applicants responsibility to ensure compliance with the requirements of this Act. Further information can be obtained from Council or the Human Rights and Equal Opportunity Commission on 008 021 199.
- c) Consideration should be given to the following enhanced access and facilities provisions for the proposed development.
 - (i) Australian Standard 1428.3 Design for access and mobility – Requirements for children and adolescents with physical disabilities.
- d) Further information about disabled access obligations can be found at the Human Rights and Equal Opportunities Commission website www.hreoc.gov.au

SCHEDULE 3 – APPROVED PLANS AND DOCUMENTATION

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| Statement of Environmental Effects prepared by de Witt Consulting dated January 2012 |
| Location & Site Analysis Plan prepared by schreiber hamilton architecture numbered DA01 Revision L and undated |
| Site Plan prepared by schreiber hamilton architecture numbered WD1100 Revision H dated 16 April 2012 |
| Basement & Lower Level Car Park Plan prepared by schreiber hamilton architecture numbered DA03 Revision L and undated |
| Ground Floor Plan prepared by schreiber hamilton architecture numbered DA04 Revision L and undated |
| First Floor Plan prepared by schreiber hamilton architecture numbered DA05 Revision L and undated |
| Roof Plan prepared by schreiber hamilton architecture numbered DA06 Revision L and undated |

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| Elevations prepared by schreiber hamilton architecture numbered DA07 and DA08 Revision N and undated |
| Sections prepared by schreiber hamilton architecture numbered DA09 Revision L and undated |
| Entry Perspective prepared by schreiber hamilton architecture numbered DA10 Revision L and undated |
| Northern Jacaranda Avenue Perspective prepared by schreiber hamilton architecture numbered DA11 Revision L and undated |
| Southern Jacaranda Avenue Perspective prepared by schreiber hamilton architecture numbered DA12 Revision L and undated |
| Western Swan Street Perspective prepared by schreiber hamilton architecture numbered DA13 Revision L and undated |
| Shadow diagrams prepared by schreiber hamilton architecture numbered DA14 Revision L and undated |
| Tree Protection Zones prepared by Moir Landscape Architecture numbered LPO3 Issue B dated 20 January 2012 |
| Landscape Masterplan Report prepared by Moir Landscape Architecture dated December 2011 |
| Landscape Plans prepared by Moir Landscape Architecture numbered 1- 6 Revision A dated 18 April 2012 |
| Arborist report prepared by Abacus Tree Service dated 12 December 2011 |
| Disability Access Report prepared by Lindsay Perry Access and Architecture dated 19 December 2011 |
| Heritage Impact Statement prepared by Heritas architecture dated 23 January 2012 |
| Acid Sulfate Soils Management Plan prepared by RCA Australia dated January 2012 |
| Stormwater Management Plan prepared by MPC Consulting Engineers dated April 2012 |
| Stormwater Plan and Details prepared by MPC Consulting Engineers numbered C03 Issue 9 and C04 Issue 8 and dated April 2012. Additional details on stormwater catchment areas 1 and 2 are shown in text on the Sedimentation and Erosion Control Plan prepared by MPC Consulting Engineers numbered C01 Issue 6 dated 14 March 2012. |
| Sedimentation and Erosion Control Plan and Details prepared by MPC Consulting Engineers numbered C01 Issue 8 and C02 Issue 6 and dated April 2012 |
| Traffic Assessment Report prepared by TPK & Associates Pty Ltd dated January 2012 |

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