

Appendix 3 – Draft conditions of consent

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 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.

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 Suters Architects and Northrop Consulting Engineers, which are to be attached to this consent notice, are listed below:

Type of Plan	Number / Date of Plans
Cover Sheet, Location Plan, 3D Views, Site Analysis Plan	202468 DA000 Issue D and DA111 Issue F, dated 17/02/2012.
3D Views – Massing Perspectives	202468 DA031 Issue C and DA032 Issue C, dated 17/02/2012.
Site Plan (Existing and Proposed) and Demolition Plan	202468 DA101 Issue D and DA102 Issue B, dated 17/02/2012.
Level 00 Floor Plan	202468 DA161 Issue F, dated 17/02/2012.
Level 01 Floor Plan	202468 DA162 Issue E, dated 17/02/2012.
Level 02 Floor Plan	202468 DA163 Issue E, dated 17/02/2012.
Plant Level Floor Plan	202468 DA164 Issue D, dated 17/02/2012.
Elevations	202468 DA401 Issue B, dated 17/02/2012.
Sections	202468 DA501 Issue E, dated 17/02/2012.
Shadow Diagrams	202468 DA901 Issue B, dated 17/02/2012.
Landscape Plan	202468 DA103 Issue D, dated 17/02/2012.
Stormwater Management Plan	C00DA Revision A and C02DA Revision A, dated 13/02/2012.
Sediment Erosion Control Plan	C01DA Revision A, dated 13/02/2012.

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

4. To ensure that existing off-street car parking at the site remains adequate to serve the development and existing activities at the Armidale and New England (Public) Hospital, the following maximum staffing and patient accommodation levels are not to be exceeded:
 - 238 average staff during weekday shifts, and
 - 99 beds.

This consent is issued on the basis that the development would not result in any increase in staffing or patient accommodation levels. Further consent would need to be sought for any increase in the above numbers in either category.

5. 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 dark. 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 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 8 March 2012 from the NSW Police (attached to consent notice).

6. For any 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:

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.

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

BEFORE CONSTRUCTION COMMENCES

8. All existing street trees are to be preserved, 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) Existing trees marked EX.r7 and EX.r9 on the submitted plans are to be retained and protected from damage in accordance with AS 4970;
- (ii) Details of the proposed species to be used for new landscaped areas (which must be appropriate for the New England climate), height and spread at maturity, and a specification for soil preparation, drainage, weed control, watering, fertilising and general maintenance during establishment.

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

9. 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 Sustainable Planning and Living (or alternatively the Certifying Authority for the project), before construction of the building commences.
10. 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 Sustainable Planning and Living or nominee, to ensure that this does not unreasonably interfere with the aesthetics or functionality of the development or adjoining public road/s.

ADVISING: Such infrastructure shall be located within the property where feasible and positioned such that it does not impede the movement of pedestrians with vision impairment.

11. Protection of the development by provision of underground drainage pipelines to cater for a stormwater flood frequency of 20% Annual Exceedence Probability (AEP) and fail-safe aboveground floodways to cater as a minimum for a flooding frequency of 1% AEP (except for trapped courtyards which shall be protected by the provision of underground drainage pipelines to cater for stormwater flood frequency of a minimum 1% AEP), to connect to the existing stormwater pit at the intersection of Rusden and Butler Street.

A stormwater detention system is to be designed by a competent hydraulic engineer and installed to ensure the post-development flow from the detention basin is to be no greater than the pre-development flow from the catchment.

Storm events to be considered for are the 1% Annual Exceedence Probability (AEP), 5% AEP and 20% AEP.

ADVISING: The fail-safe aboveground floodway must be designed having regard to the existing piped system has being proposed under the building.

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

DURING CONSTRUCTION

13. 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.
14. 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
15. 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.
16. 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.
17. 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.

18. 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.
19. 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.
20. 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.

21. 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 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.
22. 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.

BEFORE OCCUPATION / WHEN WORKS ARE COMPLETED

23. 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.

24. Provision of four (4) bicycle parking spaces to serve the development, in accordance with Council's Parking Code, are to be completed before the occupation and use of the new building.

ADVISING: Provision of parking spaces and types of bicycle parking facilities are to be in accordance with Council's Parking Code.

25. Line marking of kerb side parking spaces is to be undertaken on the western side of Butler Street between Rusden and Barney Streets, to clearly delineate the sections of roadside where parking is legally permitted, and to improve the efficiency of use of on-street parking associated with the Hospital.

ADVISING: The developer is recommended to arrange with Council to provide the line markings at the developer's cost.

26. To improve use of the off-street car parking within the Hospital campus, and in accordance with the recommendations of the GHD Parking and Access Strategy, the following improvements are to be made:

- Line marking of existing parking spaces,
- Pedestrian ways are to be provided linking the car park with the Hospital building/s, and
- Way-finding signs are to be installed at strategic locations to improve both vehicle and pedestrian circulation within the Hospital complex.

ADVISING: It is recommended that the Hospital also consider upgrading existing parking areas to comply with the relevant provisions of Australian Standards AS/NZS 2890.1 – 2004: Off-street car parking, AS/NZS 2890.2 – 2002: Off-street commercial vehicle facilities and AS/NZS 2890.6 – 2009: Off-street parking for people with disabilities.

27. The Applicant shall register (1) a positive covenant and (2) a restriction on the use of land, under Section 88B and or Section 88E of the Conveyancing Act 1919 (as appropriate) in favour of Council ensuring the ongoing maintenance and operation of the proposed on-site detention system, and to prevent any alteration to the shape of the system following its final approval. The instrument is to make provision for Council to conduct maintenance on the subject detention system at the owner's expense if the basin is not maintained to an appropriate standard.

OPERATIONAL MATTERS

28. All clinical and other related waste must be disposed of in accordance with clause 43, Protection of the Environment Operations (Waste) Regulation 2005.
29. All routine vehicular loading and unloading in connection with the use of the new building being carried out within the 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 Rusden Street during business hours.

30. The proposed building and related plant and equipment, 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 8 MARCH 2012 HERE