

28 February 2013

University of New England
C/- Scot Brown
JBA Planning
35-37 King Street
NEWCASTLE NSW 2300

Dear Scot

DEVELOPMENT APPLICATION NO: DA-219-2012

LOCATION: University Of New England, Part Lot 10 DP 1142199 known as 60 Madgwick Drive ARMIDALE NSW 2351 (Site at cnr Elm Avenue and Meredith Road)

PROPOSAL: New College for residential accommodation of 222 students

After consideration of the Development Application by the Northern Joint Regional Planning Panel yesterday, and having regard to your letter of 26 February 2013 accepting the proposed conditions of consent on behalf of UNE, I am pleased to enclose the notice of determination for the Application.

Please contact Stephen Gow, Council's Director Sustainable Planning & Living on telephone (02) 6770 3841 for further assistance, or email sgow@armidale.nsw.gov.au.

Yours sincerely



PP.
Shane Burns
GENERAL MANAGER

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

issued under the *Environmental Planning and Assessment Act 1979* Section 81(1)(a)

University of New England
C/- Scot Brown
JBA Planning
35-37 King Street
NEWCASTLE NSW 2300

DEVELOPMENT APPLICATION NO: DA-219-2012

LAND TO BE DEVELOPED

PROPERTY ADDRESS:

University of New England,
60 Madgwick Drive
ARMIDALE NSW 2351
(Site at cnr Elm Avenue and Meredith Road)

LEGAL DESCRIPTION:

Part Lot 10 DP 1142199

PROPOSED DEVELOPMENT

(This consent is issued in respect of the following matters)

DEVELOPMENT DESCRIPTION:	New College for residential accommodation of 222 students
DETERMINATION:	Consent with conditions
MADE ON:	28 February 2013
CONSENT TO OPERATE FROM:	28 February 2013
CONSENT TO LAPSE ON:	28 February 2018
(If development is not physically commenced by this date)	

CONDITIONS ATTACHED TO DEVELOPMENT CONSENT NO. DA-219-2012

Please read all conditions carefully. The applicant/developer may arrange to meet with Council to review and clarify, if necessary, the precise requirements of the conditions of this consent.

Note: A copy of all conditions contained in this consent are to be provided to contractors and subcontractors working on the site, to ensure all work is carried out in accordance with this consent.

PRESCRIBED CONDITIONS

For the purposes of section 80A (11) of the Act, the following relevant provisions are a prescribed condition of development consent:

Compliance with Building Code of Australia

- (1) For the purposes of section 80A (11) of the Act, 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.
- (1A) *Not applicable*
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188 [of the regulation to the Act], subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) *Not applicable*.
- (3) *Note – not applicable as no construction certificate is required – see also s.109R of the Act.*

***ADVISING:**

In relation to access by people with disabilities, further consideration of the nexus between the parking facilities for the development, the accessible rooms and the College reception and Common Room areas in Block B1 may be appropriate, although not legally required.

GENERAL CONDITIONS

1. Plans and Documentation

To ensure this development is consistent with this 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 in this notice. In the event of any inconsistency between the approved documents and the conditions of this consent, the conditions shall prevail.

The approved plans and documents are listed below:

Statement of Environmental Effects ref 12687 dated 28 November 2012 by JBA Planning, including the following appendices:

- A. *Architectural Drawings - CS Architects Pty Ltd – see list below*
- A. *Survey Plan - Brown and Krippner*
- B. *Landscape Plans - Dunn Moran*
- C. *Traffic Impact Assessment - Better Transport Futures*
- D. *Site Based Stormwater Management Plan- Wood & Grieve Engineers*
- E. *Heritage Impact Assessment - John Carr*
- F. *Geotechnical Report - Regional Geotechnical Solutions*
- G. *Phase 1 Contamination Report - Regional Geotechnical Solutions*
- H. *Hazardous Materials Survey Report - Noel Arnold and Associates*
- I. *Flora and Fauna Assessment - Ecological Australia (updated 24/1/13)*
- J. *Infrastructure and Servicing - Wood & Grieve*
- K. *Waste Management Plan - University of New England*
- L. *Accessibility Capability Statement - Philip Chun & Associates*
- M. *BCA 2012 Capability Report - Philip Chun & Associates*
- N. *Crime Prevention Through Environmental Design – JBA Planning*

Drawing Numbers (Project No. 0340N, Rev.P5 dated 28.11.12, except where noted*)	Content
DA.00.00	Cover Sheet
	<i>Site Drawings</i>
DD.01.01	Site Analysis (*revision B dated 26.02.13)
DA.01.10	Location Plan
DA.01.11	Demolition Plan
	<i>Overall Floor Plans</i>
DA.01.20	Site Plan Overall
DA.01.21	Level 00 – Overall Carpark
DA.01.22	Level 00 - Overall
DA.01.23	Level 01 - Overall
DA.01.24	Level Roof - Overall
DA.02.00	Level 00 Floor Plan – Proposed Carpark
DA.02.01	Level 00 Floor Plan – Zone 1
DA.02.02	Level 00 Floor Plan – Zone 2
DA.02.03	Level 00 Floor Plan – Zone 3
DA.02.04	Level 00 Floor Plan – Zone 4

Drawing Numbers (Project No. 0340N, Rev.P5 dated 28.11.12)	Content
DA.02.05	Level 01 Floor Plan – Zone 1
DA.02.06	Level 01 Floor Plan – Zone 2
DA.02.07	Level 01 Floor Plan – Zone 3
DA.02.08	Level 01 Floor Plan – Zone 4
DA.02.09	Level Roof Plan – Zone 1
DA.02.10	Level Roof Plan – Zone 2
DA.02.11	Level Roof Plan – Zone 3
DA.02.12	Level Roof Plan – Zone 4
DA.02.21	<i>Typical Bedroom Layout Plans</i>
	<i>Elevations</i>
DA.03.01	Elevations (coloured)
DA.03.02	Elevations (coloured)
DA.03.03	Elevations
DA.03.04	Elevations
DA.03.05	Elevations
	<i>Sections</i>
N.DA.04.01	Sections A & B
	<i>Miscellaneous</i>
N.DA.05.01	Perspective 01
N.DA.05.02	Perspective 02
N.DA.05.03	Perspective 03
N.DA.05.04	3D Montage 01

ADVISING:

Further consent may be required for any change, enlargement or intensification of the premises or land use, including the display / erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent). Please check with Council before commencement.

2. Engineering /Civil Works

All engineering / civil 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. Tree Management and Landscaping

Detailed design and construction arrangements for the project are to ensure the retention of those trees identified for retention in the submitted Demolition and Landscape Plans.

All trees proposed to be removed and retained are to be clearly identified and shown on detailed construction plans to the satisfaction of the certifying authority for the project before works commence.

All trees to be retained are to be appropriately marked and protected during construction works in accordance with AS 4970 (current edition) - Protection of trees on development sites. No buildings shall be constructed or utility service mains installed within 3 metres of the trunks of these trees, so as not to prejudice their future retention.

Any approved tree removal shall be carried out by an appropriately qualified person

(e.g. tree surgeon) to avoid any risk to life or damage to property. This person shall have adequate public liability insurance cover.

All street trees are to be preserved and protected during construction work, except where removal is separately approved by Council, to ensure the continued amenity of the streetscape and to maintain public assets. Particular attention must be paid to the protection of the heritage listed Elm trees on Elm Avenue. Fencing should be erected outside the TPZ (Tree Protection Zones) to prevent vehicles parking beneath them to avoid soil compaction. No soil or building materials is to be placed within the TPZ.

New landscaping for the proposed development is to be undertaken to enhance its appearance and provide shade and environmental benefits, generally in accordance with the submitted Landscape Plans for the project, but with the inclusion of:

- (i) predominantly native species, in particular new yellow box and manna gum plantings, consistent with the recommendations in the Flora and Fauna Study submitted with the application (at p.42); and
- (ii) dense screen plantings to protect users of the car park and courtyard areas of the project from the effects of prevailing westerly and easterly winds.

Details of the revised scheme and of arrangements for soil preparation, drainage, weed control, watering, fertilising and general maintenance during establishment are to be provided for the approval of Council's Civic Recreation Services Officer before works commence.

Approved landscaping is to be effectively maintained at all times by the college management and/or university facilities management providers.

4. Traffic Calming Measures

A local area traffic management scheme is to be developed and implemented in connection with the project, in order to achieve traffic calming in Meredith Road adjacent to the site frontage, for the safety of pedestrians and cyclists associated with the development.

The design and completion of the approved works are to be approved by Council's Director Public Infrastructure or nominee.

5. Crime Prevention

The development should be undertaken having regard to the recommendations of the Applicant's Crime Prevention analysis, as follows:

- provide appropriate forms of way finding signage to promote legibility of the site;
- ensure the proposed detailed landscape design and maintenance strategy for the site does not give rise to opportunities for concealment, with sightlines and passive surveillance opportunities maximised;
- provide adequate lighting around the entire area and ensure that the correct lighting is provided to meet relevant Australian and New Zealand Lighting Standards and enable sufficient surveillance opportunities;
- ensure any proposed CCTV system is effective, well maintained and vandal resistant;
- ensure the site continues to be well maintained;
- utilise high quality materials for construction to increase longevity, lessen the likelihood of damage and help reduce maintenance costs;
- ensure all doors have access control mechanisms attached and all windows are lockable; and
- consider the use of the accommodation throughout the entire year [eg in connection with residential schools during university semester breaks], to ensure the site is regularly used.

Some of the rooms in the complex – notably those on the ground floor on the northern side of blocks C and A (where not elevated by proposed embankments), as well as on the southern side of block B1 adjoining Meredith Road, have the potential for direct views by passers-by which may compromise the privacy of occupants. This is to be addressed through landscaping or other treatments adjoining the site, which are designed carefully to avoid providing places of concealment in accordance with the above principles.

CONDITIONS REQUIRING ACTION BEFORE CONSTRUCTION WORKS COMMENCE AND THEREAFTER

6. Telecommunications and electricity services

Written advice from telecommunications and electricity providers, confirming that satisfactory arrangements (following detailed applications for connection from the developer) have been made for the provision of telecommunications and electricity services to the development, is to be submitted to the relevant certifying authority before works commence.

ADVISING:

The location of a new substation site for the development within the proposed car park and of a high voltage transmission line to the north of the development site have been noted in the assessment of the application. If further changes to these or other infrastructure elements are required following consultation with the electricity supply authority (Essential Energy) or other service providers, these are to be confirmed with and approved by the Council's Director Sustainable Planning and Living or his nominee, to determine whether such changes require any consent modification and would not unreasonably interfere with the aesthetics, functionality or other aspect of the development.

7. Other utility services

Adequate consultation, with a minimum of 21 days' notice, must be undertaken with the Council as the local water supply, sewer and stormwater drainage authority in connection with all relevant public utility services to be affected by the development before works commence.

In relation to these services:

- All sewer and drainage works associated with the approval are to comply with the requirements of AS 3500 (current edition) and be completed only by a licensed plumber and drainer.
- In relation to the stormwater system design, sheet flows from areas such as the car park must be designed for and managed in a nuisance-free manner (particularly across any pedestrian /vehicular ways). Capacity of the existing pipe is to be confirmed and, if required, may need to be upgraded. Further, as part of the detailed design/modelling that will be required, the downstream end of the piped system is to incorporate piping of 750mm diameter or larger. Scour protection measures will also be required at the outlet of head wall to the satisfaction of Council's Director Public Infrastructure or nominee.
- Relevant piped drainage systems to be put in place immediately once roofs and guttering are installed.

ADVISINGS:

Council notes that inter-allotment drainage pipes exist and are required for the new college. UNE should consider whether pipes outside Lot 10 DP 1142199 need to be protected by a suitable easement (minimum 2m wide) to contain the proposed and existing stormwater pipe to benefit Lot 10.

Council recommends that UNE consider the installation of a grease arrestor of sufficient capacity for the intended use (noting the number of kitchen areas included in the development), to protect UNE's and Council's sewerage infrastructure from such waste and avoid the need for any remedial action in future.

8. Erosion and Sediment Control

The preparation of an Erosion and Sediment Control Plan (ESCP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified/experienced person and based on the Landcom manual *"Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004"*, shall be lodged for approval of Council's Director Public Infrastructure or nominee before work commences.

The approved ESCP controls shall be implemented, inspected and approved prior to the commencement of any site works and maintained for the life of the construction period and until revegetation measures have taken hold. The ESCP shall include, but not be limited to:

- Provision for the diversion of runoff around disturbed areas;
- Location and type of proposed erosion and sediment control measures;
- Location of and proposed means of stabilisation of site access;
- Approximate location of site sheds and stockpiles;
- Proposed staging of construction and ESCP measures;
- Clearance of sediment traps on a regular basis and after major storms;
- Proposed site rehabilitation measures, including seeding of all bare un-grassed

- areas and turfing where erosion or scouring is likely to occur;
- Standard construction drawings for proposed erosion and sediment control measures.

The development must be carried out in accordance with the approved plan.

ADVISING:

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

9. Surface of vehicle and pedestrian areas

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 kerbing to be self-draining to the kerb.

The proposed concrete footpath to Meredith Road shall be at least 1.6m wide and 75mm thick, to provide an effective all-weather pedestrian route in connection with the proposed development.

Car parking facilities, including all internal parking and manoeuvring areas, are to be designed and constructed in accordance with Australian Standards AS/NZS 2890.1 (current edition): Off-street car parking and AS/NZS 2890.6 (current edition): Off-street parking for people with disabilities, and Council's Development Control Plan 2007.

Details are to be provided for the approval of Council's Director Public Infrastructure or nominee before works commence.

ADVISING:

Bitumen sealed compacted gravel pavement or reinforced concrete to the standards set out in the Department of Housing Road Manual, 1987, will satisfy the above requirement. Alternatively, segmental paving may be used provided it is installed as part of a pavement design in accordance with the Cement & Concrete Association of Australia's "Guide to Design and Construction" for Interlocking Concrete Road Pavements, July 1986.

Segmental paving may be used on footpath areas provided it is installed as part of a pavement design in accordance with the Cement & Concrete Association of Australia's "Guide to Design and Construction" for Interlocking Concrete Road Pavements, July 1986.

10. Roads Act approvals

For any construction work required on Council road reserves (eg. vehicular footpath crossings utilities and stormwater work, footpath paving, kerb and gutter etc.), the Applicant 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 that work commences, 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 road reserves.

Where under-road conduits are to be provided to cater for electricity, telecommunications, gas supply or other underground utility services, the developer and its agents are responsible for ascertaining the location of existing underground services before commencing work. Any damage to existing services or to the road construction is to be made good at the expense of the developer.

Work on public land 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.

11. Construction Management Plan

The preparation of a detailed Construction Management Plan for the development prior to works commencing, 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:

- Off-street parking for employees/contractors, sub-contractors and visitors to site.
- Public parking during construction.
- Site access for construction vehicles and equipment.
- Storage and removal strategies for construction wastes.
- Construction Traffic Management.
- Provision of sanitary amenities and ablution facilities for employees.
- 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 on any public footpath areas. Contractor should endeavour to minimise disturbance to pedestrian / vehicle traffic in the vicinity of the site and note the separate requirement of this consent regarding the protection of trees to be retained on site and in Elm Avenue.
- 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 roads.

The Plan is to be approved by the certifying authority for the development, and a copy retained in the site office and complied with during all stages of the construction work.

CONDITION REQUIRING ACTION DURING DEMOLITION

12. 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 and Work Health and Safety Regulation 2011 (including provisions for the safe management and removal of asbestos).

ADVISING:

Further information regarding asbestos can be found at the NSW Work Cover website: <http://www.workcover.nsw.gov.au/newlegislation2012/health-and-safety-topics/asbestos/Pages/default.aspx>

CONDITIONS REQUIRING ACTION DURING CONSTRUCTION

13. Environmental Noise

To ensure that the amenity of the proposed residential accommodation is not adversely affected by environmental noise (eg from plant, workshop activity or other externally generated noise), appropriate construction measures shall be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Reference: 'Guidelines for Community Noise', World Health Organisation.

Any air conditioning condenser or heat pump installed as part of this project is to be located, or provided with appropriate noise attenuation measures, such that its operation is not audible inside any habitable room of any adjoining/nearby dwelling, to protect the amenity of the locality.

ADVISING:

This is enforced through the Protection of the Environment Operations Act 1997. Notices and penalties apply. Construction of acoustic barriers to achieve the above noise levels may require further assessment.

Construction Management Issues (see also condition 11)

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. Effective dust control measures are 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.

16. 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.

17. Any fill which is placed on the site shall be free of any contaminants and placed in accordance with the requirements of AS 3798 (current edition) *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 (current edition).
18. Excavations and backfilling must be executed safely and in accordance with appropriate professional standards and be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection of the building or other approved methods for preventing the movement of the soil must be provided, and adequate provision must be made for drainage.

19. 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.
20. The uppermost layer of the soil profile (top soil) is to be retained on site, stockpiled and surrounded at its base with silt fencing to ensure that the topsoil is maintained in a satisfactory and reusable condition. Areas within the development not otherwise built on are to be left with not less than 100mm of topsoil with grass or other landscaping established.
21. A hoarding or fence must be erected between the work site and any public place if the work is likely to cause traffic (pedestrian or vehicular) in a public place to be obstructed or otherwise inconvenienced. The erected hoarding is to comply with AS 4687 (current edition) - Temporary fencing and hoardings and be sufficient to prevent any substance from or in connection with the work falling into the public place. 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.

22. The hours of building 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.

ADVISING:

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

23. **Non slip paving**

Non-slip materials complying with AS 3661 (current edition) Slip resistance of pedestrian surfaces - Guide to the reduction of slip hazards and AS 4586 (current edition) Slip resistance classification of new pedestrian surface materials, are to be used for the paving of public areas and access ways within the development, to ensure safe public use of these areas.

24. **TV Antennae**

Only one common television aerial per block shall be installed, to minimise visual clutter and maintain the amenity of the locality.

25. **Air handling and warm water systems**

Details of the air-handling system and any warm water systems must be supplied for assessment by Council's Environmental Health unit prior to installation and use.

ADVISING:

These may prove to be 'regulated systems' as defined in the Public Health Act 2010, in which case requirements of the Act, Regulation and AS/NZS 3666 will apply.

CONDITIONS REQUIRING ACTION BEFORE OCCUPATION / USE

26. **Site identification**

The college name shall be clearly and permanently displayed on or adjacent to the doorway or on the street frontage to identify the premises to the public and to essential/emergency services. Lettering shall be 100mm high (minimum) and of a colour contrasting with the surface to which it is affixed.

27. **Parking facilities**

All off-street parking spaces to serve the development as shown on the approved plans and in accordance with Council's Parking Code is to be completed to ensure these facilities are available before the use commences. Approved parking bays, including spaces allocated for people with disabilities, are to be clearly identified by appropriate pavement markings. Bicycle parking/storage facilities to serve the proposed development are likewise to be provided as shown on the approved plans before the use commences.

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 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.

28. **Fire safety certificate**

A Fire Safety Certificate covering each of the essential fire and other safety measures must 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 the certificate is to be given to the Commissioner of Fire & Rescue NSW and an additional copy to be displayed in a prominent location within the building, all in accordance with clause 172 of the Environmental Planning and Assessment Regulation 2000.

OPERATIONAL MATTERS

29. **Fire safety statement**

An annual fire safety statement shall be provided to Council at least once every 12 months as required under clause 177 of the Environmental Planning and Assessment Regulation 2000, to ensure that the required fire safety measures for the building are being properly maintained. A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW and an additional copy to be displayed in a prominent location within the building.

30. **Outdoor lighting**

Any lighting used on site in connection with the development is to comply with AS 4282 (current edition) – Control of the Obtrusive Effects of Outdoor Lighting, to protect the amenity of the locality.

31. **Waste Management**

All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

ADVICE

In the event that Aboriginal objects or 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.

A 'Consent to Destroy' Application under section 90 of the National Parks and Wildlife Act 1974 must be submitted and issued by the Director-General of National Parks and Wildlife for any Aboriginal archaeological sites that are to be damaged or destroyed as a result of any development. The Applicant shall consult with the relevant local Aboriginal groups and to the satisfaction of the NPWS prior to any 'Consent to Destroy' Application being submitted.

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

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

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

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and*
- (b) is 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.

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

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).

Shane Burns
GENERAL MANAGER

PP.



Date: 28 February 2013

