

APPENDIX B

Recommended Draft Conditions of Consent.

REASONS FOR CONDITIONS

- 1 The conditions of this consent have been imposed in accordance with Section 80A of the *Environmental Planning and Assessment Act 1979* (NSW). The conditions relate to any matter referred to in Section 79C(1) of relevance to the development the subject of the consent and are imposed to ensure that the development is undertaken in an orderly manner, with acceptable impacts on the natural and built environment.

APPROVED DOCUMENTATION

- 2 The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent:

Plan No./Supporting Document	Reference/Version	Prepared by	Dated
Statement of Environmental Effects	PR129057	RPS Australia East Pty Ltd	5/2/2016
Development Application Plans	2015096 Plan No's DA00 - DA11 (Issue A)	Jackson Teece	December 2015
Smoke & Fire Compartment Plans	2015096 A900 (Issue P2)	Jackson Teece	July 2015
Elevation/Section Plan	Proj No 1017 Dwg No A01 Rev 3 & A05 Rev 3	Empowered Living Support Services Ltd	30/5/14
Landscape Plans	Project No. 1265	Moir Landscape Architecture	28/1/2016
Traffic Impact Statement	BTF201655	Better Futures Transport	31/1/2016
Arborist Report	N/A	Tattersall Lander Pty Ltd	January 2015
Bushfire Assessment	PR129057	RPS	4 May 2016
Noise Assessment	151147-6213	Spectrum Acoustics	December 2015
Mine Subsidence Risk Assessment	81882.00	Douglass Partners	January 2016
Stormwater Management Plan	Concept Stormwater Management	RPS	19/5/2015
Water Cycle management Plan	Report No. 129057-WCMP &	RPS	March 2016

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- 3 On-site parking accommodation is to be provided for a minimum of 49 vehicles and such be set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle DCP 2012. Full details are to be included in documentation for a Construction Certificate application.
- 4 The car park is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities. Full details are to be included in documentation for a Construction Certificate application.
- 5 All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. Full details are to be included in documentation for a Construction Certificate application.
- 7 All new internal roads and associated structures including kerb and gutter, road pavement and drainage are to be designed by an appropriately qualified and experienced civil/structural/hydraulic/geotechnical engineer. The road pavement design, drainage and associated civil works are to be designed for a minimum of 50 year life. Full details including geotechnical investigation for road pavement to be provide to the Principle Certifying Authority prior to issue of any construction certificate.
- 8 Suitable traffic management/calming devices in the form signs and line markings are to be installed within the property in an appropriate location within the proposed driveway, such device to extend for the full length of the driveway and to be constructed in accordance with AS/NZS 2890.1:2004: Parking facilities – Off-street car parking. Full details are to be included in documentation for a Construction Certificate application.
- 9 Kerbing or dwarf walls having a minimum height of 100mm are to be constructed along the edge of all garden or lawn areas adjacent to driveways and parking bays sufficient to discourage the encroachment of vehicles thereon. Full details are to be included in documentation for a Construction Certificate application.
- 10 The proposed lighting including car park lighting of the premises is to be designed, positioned, and installed, including appropriate shielding and orientation of the lighting fixture, as to not give rise to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding properties in accordance with Australian Standard AS 4282: 1997 Control of the obtrusive effects of outdoor lighting. Full details are to be included in the documentation for a Construction Certificate application
- 11 Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2m in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance in accordance with AS/NZS 2890.1:2004: Parking facilities – Off-street car parking. Full details are to be included in documentation for a Construction Certificate application.

- 12 Roof water from the proposed new work is to be directed to the proposed rainwater tank and being reticulated therefrom to any new toilet cisterns and cold water washing machine taps, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be installed in accordance with Australian Standard AS 3500, the relevant plumbing regulations and the requirements of the Hunter Water Corporation. Full details are to be provided with the Construction Certificate application.
- 13 All downpipes discharging to the rainwater tanks are to have pre-storage insect, debris and vermin control (e.g. a rainwater head being leaf screened and vermin and insect proof) to minimise the contamination of captured roof water. A first flush device is to be provided for the inlet to the tank and a backflow prevention device is to be installed in the tank overflow outlet before connecting to the stormwater drainage system. If the roof downpipes are charged to the rainwater tank, all pipes are to be chemically welded and the stormwater system is to be designed such that the system is capable of being flushed in the event of pipe blockage (e.g. capped relief access points at the lowest level of stormwater drainage).
- 14 A structural engineer is to determine the location and depth of the proposed underground tank and On Site Detention and certify that it will not adversely affect any building foundation footings or slabs when the tank is empty. Stormwater Management Plan is to be designed in accordance with current NDCP Section 7.06 Stormwater Management and The City of Newcastle's Stormwater and Water Efficiency Technical Manual. Full details are to be included with documentation for a construction certificate.
- 15 A Maintenance Manual for all water quality devices is to be prepared in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). The Maintenance Manual is to address maintenance issues concerning the water quality devices including routine monitoring and regular maintenance and be kept on site at all times. Establishment and maintenance of the water quality devices in accordance with the Maintenance Manual prepared by the applicant is to be completed prior to occupation of this site for the intended use.
- 16 All onsite stormwater detention, rainwater tanks and water quality treatment devices are to be individually identified and sign posted in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). Full details are to be included in documentation for a Construction Certificate application.
- 17 A Maintenance Manual for all water quality devices is to be prepared in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). The Maintenance Manual is to address maintenance issues concerning the water quality devices including routine monitoring and regular maintenance and be kept on site at all times. Establishment and maintenance of the water quality devices in accordance with the Maintenance Manual prepared by the applicant is to be completed prior to occupation of this site for the intended use.
- 18 All onsite stormwater detention and water quality treatment systems are to be individually identified and sign posted in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). Full details are to be included in documentation for a Construction Certificate application.

- 19 The proposed development is not to increase upstream or downstream flooding for floods over a range of storms from 1:1 to 1:100 year events. This is to be verified by the provision of stormwater control details included in documentation for a Construction Certificate application.
- 20 Overflows from the rainwater tank and any additional discharge controls (if required) are to be directed to Council's drainage system by means of an interallotment drainage line or underground pipe directly to the street gutter. Full details are to be provided with the Construction Certificate application.
- 21 All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls, full details are to be provided with the Construction Certificate application.
- 22 A group type mailbox is to be provided at the street frontage in accordance with the requirements of Australia Post, clearly displaying individual unit numbers and the required house number. Full details are to be included in the documentation for a Construction Certificate application.
- 23 All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required under the conditions of this consent are required to be detailed on a comprehensive landscape design plan and specification. The required comprehensive landscape design plan and specifications is to be in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:
 - a) cross sections through the site where appropriate
 - b) proposed contours or spot levels
 - c) botanical names
 - d) quantities and container size of all proposed trees
 - e) shrubs and ground cover
 - f) details of proposed soil preparation
 - g) mulching and staking
 - h) treatment of external surfaces and retaining walls where proposed
 - i) drainage, location of taps and
 - j) appropriate maintenance periods.

The plan is to be prepared by a qualified landscape designer and be included in documentation for a Construction Certificate application.

- 24 The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's compliance certificate (refer s50 Hunter Water Act 1991) is to be included in documentation for a Construction Certificate application.
- 25 The applicant is to comply with the requirements of the Hunter Water Corporation in respect of any building or structure proposed to be erected over any services or drain under the Corporation's control. Details addressing any requirements of the Hunter Water Corporation are to be included in documentation for a Construction Certificate application.

- 26 The design and construction of the proposed development is to be in accordance with the relevant requirements of the *Australian Standard 4674-2004 Design, Construction and Fit-Out of Food Premises*. Full details are to be included in the documentation for the Construction Certificate application.
- 27 Working drawings and specifications of the proposed building are to be submitted to the NSW Mine Subsidence Board for approval prior to an application for a Construction Certificate and any requirements of the Board are to be included in the documentation for a Construction Certificate application.
- 28 Compliance in full with the General Terms of Approval under the *Rural Fires Act, 1997*, as stipulated by the NSW Rural Service (dated 18 May 2016 Ref No: DA16/0557 - DA 1602200838 JM) and detailed below. Full details are to be submitted to the Accredited Certifier prior to the issue of the Construction Certificate:

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

- a) At the commencement of building works and in perpetuity the property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2001' and the NSW Rural Fires Services 'Standards for asset protection zones'; and
- b) For asset protection zones (APZ) on slopes greater than 18 degrees, the property shall be landscaped or managed (i.e. terracing) with suitable access being provided to the APZ to ensure the ongoing maintenance of the area. Details of landscaping plans are to be submitted for approval to Council/or the principal certifier with the construction certificate. around the building shall be managed as follows:

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- c) The provision of water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

- d) Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'; and
- e) Suitable arrangement shall be put in place to secure access rights over the proposed emergency exit to Cardiff road at the northern end of the site.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- f) Arrangements for emergency and evacuation are to comply with the

following:

- A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with "Development Planning A guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014' and Australian Standard AS 3574 2010 'Planning for Emergencies in Facilities'.

The plan should include specific provisions for emergency management in the event of a bushfire to the south of the site. These should generally be in accordance with the details set out in the letter prepared by RPS Australia East Pty Ltd with reference PR129057 and dated 4 May 2016 and be prepared in accordance with the relevant local emergency service providers.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- g) The southern elevation of the building, eastern and western elevations within 10 metres of the southern elevation, and the entire roof structure of the southern wings of the proposed building shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire prone areas' and section A3.7 of Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.
 - h) The remainder of the building shall comply with Sections 3 and 8 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire prone areas' and section A3.7 of Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
 - i) A minimum 1.8metre high radiant heat shield made of non-combustible materials shall be constructed along the southern boundary of the site adjacent to the hazard. All posts and rails shall be constructed of steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth.
 - j) The building shall be constructed in compliance with the Building Code of Australia and generally in accordance with the proposal set out in the letter prepared by RPS Australian East Pty Ltd with reference PR 129057 and dated 4 May 2016
- 29 Prior to the issue of a Construction Certificate, the proponent preparing and submitting to the PCA and Council an Environmental Management Plan (EMP) for construction/demolition works on the site, such to be kept on site and made available to authorised Council officers upon request. The EMP is to include but not be limited to:
- a) A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
 - b) A water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
 - c) A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions.
 - d) A noise and vibration management program, detailing measures to minimise the

- impact of the development on local amenity. Provision for noise and vibration monitoring during works should be incorporated into the program.
- e) A waste minimisation strategy, which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
 - f) A community relations plan, which aims to inform local residents and other local stakeholders of the proposed nature and timeframes for demolition and construction activities together with contact details for site management.

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE

- 30 A Registered Surveyor's Certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries, is to be submitted to the Principal Certifying Authority before construction is commenced
- 31 Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to Council by a Surveyor registered under the Surveyors Act.
- 32 A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 Roads Act 1993 (NSW), before the commencement of works.
- 33 Any proposed paving works within the public footway are to be in accordance with the requirements of Council's specifications and City Centre Public Domain Manual.

Note: It will be necessary for the Developer to notify water, telecommunications, gas and electricity authorities of the proposed paving works in order to enable the various authorities to carry out and complete any necessary repairs and/or amplification to their respective services before such works are commenced.

- 34 Prior to commencement of site works the developer is to submit to Council for approval a Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase.
- 35 The Construction Traffic Management Plan is to be prepared by a Roads & Traffic Authority accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3 – 2002. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.
- 36 All roof and surface waters are to be conveyed to the street drainage system by way of a sealed pipe system, extending through the footway to Council requirements, in accordance with Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012.
- 37 Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development
- 38 On-site car parking accommodation is to be provided for a minimum of 48 vehicle spaces and 1 emergency vehicle space and such being set out generally in accordance with the details indicated on the submitted plans except as otherwise provided by the conditions of consent.

- 39 The vehicular entrance and exit driveways and the direction of traffic movement within the site are to be clearly indicated by means of reflectorised signs and pavement markings.
- 40 Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
- 41 A commercial vehicular crossing is to be constructed across the public footway at the proposed driveway entrance/exit at no cost to Council, as per the following:
- a) Constructed in accordance with Council's Standard Drawing A1300 (Driveway Crossing Standard Design Details).
 - b) The driveway crossing, within the road reserve, shall be a maximum of 12 metres wide.
 - c) Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2m in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance.
 - d) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve.
 - e) The proposed driveway shall be a minimum of 750mm clear of any pole or obstruction within the public reserve and 1 meter clear of any drainage pit.

Note: A separate approval from Council must be obtained for all works within the public road reserve pursuant to Section 138 of the Roads Act 1993. For further information contact Council's Works Depot on 4974 6000 to request a Road Opening Approval. A fee will be payable in this regard.

- 42 The vehicular access / driveway to the proposed development shall be designed and constructed in accordance with the Austroads *Guide to Road design 2009 (with RTA supplements)* and relevant Australian Standards, to RMS / Council requirements. The following RMS requirements apply to the access / driveway:
- a) Vehicular access to / from the development shall be restricted to left in / left out only.
 - b) An Austroads Type AUL left turn deceleration lane and a left out give-way facility shall be provided on Lake Road.
 - c) The intersection shall be designed and constructed to accommodate the turning paths of the largest design vehicle.
 - d) Provision for on-road cyclists shall be made at the intersection and along the full length of the works.
 - e) Street lighting shall be provided in accordance with Australian Standard AS1158, or as determined by RMS.
 - f) Kerb and gutter shall be provided at the intersection and along the length of works, or as determined by RMS.
 - g) All lanes shall be 3.5 metres in width, or as determined by RMS.
 - h) Adequate sight distance for vehicles entering and exiting the site shall be provided.
 - i) The existing 1.2 metre wide footpath shall be upgraded to a 2.5 metre shared path across the full Lake Road frontage of the site.
 - j) The existing bus zone on the western side of Lake Road shall be relocated to

the satisfaction of RMS and Council.

- k) The existing pedestrian refuge on Lake Road located approximately 25 metres south of the bus shelter shall be relocated, at the time the deceleration lane is constructed, to a location acceptable to RMS and Council. It is to be designed and constructed to current standards.
- l) Any road widening / property acquisition required shall be provided at no cost to RMS. This would include any plans of subdivision and associated survey / legal costs.
- m) Dedication of property as public road reserve shall be at no cost to RMS, in favour of Council.

As these road works are required on a State road RMS will require the developer to enter into a Works Authorisation Deed (WAD) with RMS. RMS will exercise its powers under Section 87 of the *Roads Act 1993* (the Act) and the functions of the roads authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Act, as applicable, for all works under the WAD.

The WAD is to be executed prior to the issue of a Construction Certificate for the development and all road works covered under the WAD shall be completed prior to issuing any Occupation Certificate (interim or final) for the development.

- 43 All parking bays are to be permanently marked out on the pavement surface.
- 44 The vehicular entrance and exit driveways and the direction of traffic movement within the site are to be clearly indicated by means of reflectorised signs and pavement markings.
- 45 Toilet facilities are to be available or provided at the work site before works begin and be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet is to:
 - a) be a standard flushing toilet connected to a public sewer; or
 - b) have an on-site effluent disposal system approved under the *Local Government Act 1993* (NSW); or
 - c) be a temporary chemical closet approved under the *Local Government Act 1993* (NSW).
- 46 Waste management shall be implemented in accordance with the approved Waste Management Plan. At a minimum, the following measures shall be implemented during the construction phase:
 - a) a waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste;
 - b) the waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets;
 - c) appropriate provision is to be made to prevent wind blown rubbish leaving the site; and
 - d) footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

Note: Fines may be issued for pollution/littering offences under the *Protection of the Environment Operations Act 1997* (NSW).

- 47 A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a) showing the name, address and telephone number of the principal certifying authority for the work;
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- 48 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 49 All excavations and backfilling are to be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.
- 50 If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided and adequate provision must be made for drainage.
- 51 All building materials, plant and equipment is to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves including the road reserve is not permitted.
- 52 Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.
- 53 Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
- Monday to Friday, 7:00 am to 6:00 pm and
 - Saturday, 8:00 am to 1:00 pm.

No noise from construction/demolition work is to be generated on Sundays or public holidays.

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

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

- 55 Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the NSW Environment Protection Authority (EPA)'Waste Classification Guidelines Part 1: Classifying Waste'.

- 56 Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Exemption that is permitted to be used as a fill material, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* (NSW) and the *Protection of the Environment (Waste) Regulation 2005* (NSW).
- 57 Any fill material subject to a Resource Recovery Exemption received at the site must be accompanied by documentation demonstrating that material's compliance with the conditions of the exemption, and this documentation must be provided to Council officers or the Principal Certifying Authority on request.
- 58 Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:
- a) Control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins; and
 - b) Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover. Erosion and sediment control measures are to be designed in accordance with the requirements of the *Managing Urban Stormwater: Soils and Construction 4th Edition – Vol. 1* (the 'Blue Book') published by Landcom, 2004.
- 59 All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are limited to:
- a) restricting topsoil removal
 - b) regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion)
 - c) alter or cease construction work during periods of high wind and
 - d) erect green or black shade-cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.
- 60 The removal of any hollow bearing trees is to be undertaken using a soft felling method and under the supervision of a suitably qualified ecologist to ensure the safety of any fauna species which could be potentially be present.
- 61 Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to Council by a Surveyor registered under the *Surveying and Spatial Information Act 2002* (NSW).
- 62 Building demolition is to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures.
- 63 A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with Australian Standard 2601:2001 - The Demolition of Structures. A copy of the Hazardous Substances Management Plan is to be provided to Council (marked to Attention: Compliance Services) and the demolisher prior to commencement of work.

64 The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:

- a) demolition works shall be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan shall be kept on-site for the duration of the proposed development
- b) the removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
- c) a copy of all waste disposal receipts are to be kept on-site for the duration of the proposed development and made available to authorised Council Officers upon request
- d) seven working days' notice in writing is to be given to Council and the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor. Notification to owners/occupiers of neighbouring premises shall also include Council's contact telephone number (49742000) and the Workcover Authority of NSW telephone number (49212900) and
- e) on sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.

65 Prior to the commencement of work, a 3m wide all weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand shall not be stockpiled on the all-weather vehicle access.

66 Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Spectrum Acoustics, dated December 2015. Written final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation Certificate.

Note: The acoustic consultant may need to be involved during the construction process in order to ensure final certification is achieved.

67 The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the Protection of the Environment Operations Act 1997 (NSW).

Should Council consider offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustical consultant recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant confirming the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council prior to the expiration of the nominated period.

- 68 The use and occupation of the premises is not to give rise to the emission of any 'air impurity' as defined under the Protection of the Environment Operations Act 1997 (NSW), that interferes unreasonably with the amenity of neighbouring premises and/or other sensitive receivers.

Should Council consider that unreasonable levels of air impurities have been emitted from the premises, the owner/occupier will be required to engage a suitably qualified consultant to recommend measures to control emissions of air impurities to an acceptable level and such measures being implemented within a nominated time period. Furthermore, written certification from the suitably qualified consultant will be required to be submitted to Council confirming that air impurity emissions from the premises do not interfere unreasonably with the amenity of neighbouring premises and/or other sensitive receptors before the expiration of the nominated period.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE, A SUBDIVISION CERTIFICATE OR A STRATA CERTIFICATE

- 69 All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council's satisfaction prior to the completion of demolition work or prior to the issue of any occupation certificate in respect of development involving building work.
- 70 Any redundant existing vehicular crossing (or section of) is to be removed at no cost to Council and the public footway and kerb being restored to match the existing infrastructure and be completed prior to the issuing of an Occupation Certificate for the proposed development.

Note: A separate approval from Council must be obtained for all works within the public road reserve pursuant to Section 138 of the Roads Act 1993. For further information contact Council's Works Depot on 4974 6000 to request a Road Opening Approval. A fee will be payable in this regard.)

- 71 The common driveway is to be the subject of an appropriate reciprocal right-of-way and the necessary survey plan and accompanying instrument under Section 88B of the Conveyancing Act being registered with NSW Government Land & Property Information prior to the issuing of an Occupation Certificate for the proposed development, it being noted that the instrument is to provide that the right-of-way is unable to be relinquished, varied or modified without the concurrence of the Newcastle City Council.
- 72 A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, shall be submitted to the Principal Certifying Authority and to Newcastle City Council prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
- 73 A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, shall be submitted to the Principal Certifying Authority and to Newcastle City Council prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage

systems.

- 74 The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.
- 75 A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, shall be submitted to the Principal Certifying Authority and to Newcastle City Council prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
- 76 The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.
- 77 A Landscape Practical Completion Report is to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.
- 78 A restriction as to user being registered against the title of the property, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to people as nominated in SEPP (Housing for Seniors or people with a Disability) 2004 and such being lodged with Council for certification by the General Manager and being registered with the Department of Lands, Land and Property Services prior to issue of any Occupation Certificate or occupation of the premises, it being noted that the instrument is to provide that the restriction is unable to be released, varied or modified without the concurrence of the Newcastle City Council.
- 79 The premises are to be identified by the provision of house numbers on the building exterior and mailbox such that they are clearly visible from the road frontage.
 - The minimum numeral height shall be 75mm.
- 80 Prior to issue of an Occupation Certificate, the food business must notify the relevant enforcement agencies, under the *Food Act 2003* and (for licensed food businesses) under the *Food Regulation 2010*. Notification is to be provided to Council and the NSW Food Authority.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

- 81 The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997* (NSW).

Should Council consider offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustical consultant recommending appropriate

acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant confirming the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council prior to the expiration of the nominated period.

- 82 The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.
- 83 Vehicles are to be loaded or unloaded standing wholly within the premises and within loading bays designated on the submitted plans or as otherwise provided in accordance with the conditions of this consent and under no circumstances are vehicles to be loaded or unloaded at the kerbside, across the public footpath or in a manner which obstructs vehicular access to the site.
- 84 Any vehicle or plant owned or operated by the occupants of the premises in connection with the conduct of their business is to be parked within the confines of the site in spaces designated on the submitted plans, or otherwise provided in accordance with the conditions of this consent.
- 85 All vehicular movement to and from the site is to be in a forward direction.
- 86 Proposed parking areas, vehicle bays, driveways and turning areas are to be maintained clear of obstruction and be used exclusively for purposes of car parking, loading and unloading, and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.
- 87 A Maintenance Manual for all water quality devices is to be prepared in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). The Maintenance Manual is to address maintenance issues concerning the water quality devices including periodic monitoring and maintenance to ensure the system functions as designed and meets water quality targets as indicated in the DCP. The manual is to be kept on site at all times.
- 88 The operator of the proposed development shall provide a dedicated private mini-bus to transport residents to shops, services and entertainment venues at least twice a day for the life of the development.
- 89 The largest vehicle to service/utilise the site being a 12.5m medium rigid bus or truck.
- 90 The use of the premises not giving rise to any "offensive noise", as defined under the POEO Act 1997, as amended. In this regard, should Council consider that offensive noise has emanated from the premises; the owner/occupier of the premises will be required to submit an acoustic consultant's report recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a period nominated by Council. Furthermore, written certification will be required from the said consultant confirming that the recommended acoustic treatment has been implemented in accordance with the recommendations given.
- 91 Prior to selection and location of any outdoor mechanical plant, noise emission data for all mechanical plant is to be reviewed by an acoustic consultant as per the recommendations of the Spectrum Acoustics report dated December 2015. Certification of the appropriateness of the equipment and installation location being prepared by an appropriately qualified acoustic consultant and provided to

Council prior to the use of the mechanical plant and prior to the issue of the occupation certificate for the premises.

Waste collection is to be restricted to between 7:00am and 6:00pm daily.

- 92 The landscaped areas are to be kept free of parked vehicles, stored goods, garbage or waste material and being permanently maintained.
- 93 The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.
- 94 All vehicular movement to and from the site is to be in a forward direction.

ADVISORY MATTERS

- 95 It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- 96 Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- 97 Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required of any adjoining owner under the provisions of the *Dividing Fences Act 1991* (NSW).
- 98 Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (NSW) (the 'Act') are to be complied with:
 - a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act
 - b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and
 - c) Council is to be given at least two days' notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
- 99 Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000* (NSW).
- 101 It is an offence under the provisions of the Protection of the Environment Operations Act 1997 (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.

- 101 Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979* (NSW), which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- 102 The applicant should be aware there is the potential for road traffic noise to impact on the development. In this regard, the developer, not RMS is responsible for providing noise attenuation measures in accordance with the Office of Environment and Heritage *NSW Road Noise Policy 2011*, should the applicant seek assistance at a later date.

End of conditions