

## APPENDIX A - 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		PEP Consulting	16 February 2017
Waste Management Plan		PEP Consulting	February 2017
Phase 1 Environmental Assessment		RCA Australia	29 January 2013
Phase 2 Environmental Site Assessment		RCA Australia	October 2016
Ecological Assessment		Umwelt Pty Ltd	October 2015
Flora and Fauna Assessment		RPS	March 2012
Acoustic Assessment		RCA Acoustics	10 April 2013
Bushfire Protection Assessment		Australian Bushfire Protection Planners Pty Ltd	16 February 2017
Traffic Management Plan		Northern Transport Planning and Engineering Pty Ltd	June 2017
Arborist Report		Abacus Tree Services	4 June 2017
Stage 2 Shortland Waters Retirement Village - Landscape	LP-001 to LP-008	Moir Landscape Architects	16 February 2017

DA Documentation	- Version B		
Stormwater Management Masterplan Strategy	NL150017_B01 ( C)	Northrop	21 January 2016
Stormwater Precinct 2 Management Strategy	NL150017_B16	Northrop	03 February 2017
Site Master Plan - Proposed Stage 2 - Unit Layout		Paladinprojects	01/02/2017
Site Plan - Proposed Stage 2 - Building Layout	Rev 1	Paladinprojects	06/02/2017
Site Plan - Proposed Stage 2 Unit Layout	Rev 1	Paladinprojects	09/02/2017
Dwelling Type 1CL - 3D Front -	Revision B	Paladinprojects	01/02/2017
Dwelling Type 1CL - Floor Plan	Revision B	Paladinprojects	01/02/2017
Dwelling Type 1CL - Front & Right Elevations	Revision A	Paladinprojects	20/12/2016
Dwelling Type 1CL - Rear & Left Elevations	Revision A	Paladinprojects	20/12/2016
Dwelling Type 1CL - Section A-A	Revision A	Paladinprojects	20/12/2016
Dwelling Type 1CL - Slab Plan	Revision A	Paladinprojects	20/12/2016
Dwelling Type 1CL -sr - 3D Front	Revision B	Paladinprojects (13)	01/02/2017
Dwelling Type 1CL -sr - Floor Plan	Revision B	Paladinprojects	01/02/2017
Dwelling Type 1CL -sr - Front & Right Elevations	Revision A	Paladinprojects	20/12/2016
Dwelling Type 1CL -sr - Rear & Left Elevations	Revision A	Paladinprojects	20/12/2016
Dwelling Type 1CL -sr - Section A-A	Revision A	Paladinprojects	20/12/2016
Dwelling Type 1CL -sr - Slab Plan	Revision A	Paladinprojects	20/12/2016
Dwelling Type 1CL -sr(b) - 3D Front	Revision B	Paladinprojects (19)	01/02/2017
Dwelling Type 1CL -sr(b) - Floor Plan	Revision B	Paladinprojects	01/02/2017
Dwelling Type 1CL -sr(b) - Front & Right Elevations	Revision A	Paladinprojects	20/12/2016
Dwelling Type 1CL -sr(b) - Rear & Left Elevations	Revision A	Paladinprojects	20/12/2016
Dwelling Type 1CL -sr(b) - Section A-A	Revision A	Paladinprojects	20/12/2016
Dwelling Type 1CL -sr(b) - Slab Plan	Revision A	Paladinprojects	20/12/2016

Dwelling Type 1CR - 3D Front	Revision C	Paladinprojects	07/02/2017
Dwelling Type 1CR - Floor Plan	Revision C	Paladinprojects	07/02/2017
Dwelling Type 1CR - Front & Right Elevations	Revision A	Paladinprojects	20/12/2016
Dwelling Type 1CR - Rear & Left Elevations	Revision A	Paladinprojects	20/12/2016
Dwelling Type 1CR - Section A-A	Revision A	Paladinprojects	20/12/2016
Dwelling Type 1CR - Slab Plan	Revision A	Paladinprojects	20/12/2016
Dwelling Type 1CR -sr - 3D Front	Revision B	Paladinprojects (25)	01/02/2017
Dwelling Type 1CR -sr - Floor Plan	Revision B	Paladinprojects	01/02/2017
Dwelling Type 1CR -sr - Front & left Elevations	Revision A	Paladinprojects	20/12/2016
Dwelling Type 1CR -sr - Rear & Right Elevations	Revision A	Paladinprojects	20/12/2016
Dwelling Type 1CR -sr - Section A-A	Revision A	Paladinprojects	20/12/2016
Dwelling Type 1CR -sr - Slab Plan	Revision A	Paladinprojects	20/12/2016
Dwelling Type - 1LH - 3D Front	Revision A	Paladinprojects (31)	20/12/2016
Dwelling Type - 1LH - Floor Plan	Revision A	Paladinprojects	20/12/2016
Dwelling Type - 1LH - Front & Right Elevations	Revision A	Paladinprojects	20/12/2016
Dwelling Type - 1LH - Rear & Left Elevations	Revision A	Paladinprojects	20/12/2016
Dwelling Type - 1LH - Section A-A	Revision A	Paladinprojects	20/12/2016
Dwelling Type - 1LH - Slab Plan	Revision A	Paladinprojects	20/12/2016
Dwelling Type - 1LHM - 3D Front	Revision A	Paladinprojects (37)	20/12/2016
Dwelling Type - 1LHM - Floor Plan	Revision A	Paladinprojects	20/12/2016
Dwelling Type - 1LHM - Front & left Elevations	Revision A	Paladinprojects	20/12/2016
Dwelling Type - 1LHM - Rear & Right Elevations	Revision A	Paladinprojects	20/12/2016
Dwelling Type - 1LHM - Section A-A	Revision A	Paladinprojects	20/12/2016
Dwelling Type - 1LHM - Slab Plan	Revision A	Paladinprojects	20/12/2016
Dwelling Type - 2RH - 3D Front	Revision A	Paladinprojects	20/12/2016

		(43)	
Dwelling Type - 2RH - Floor Plan	Revision A	Paladinprojects	20/12/2016
Dwelling Type - 2RH - Front & Left Elevations	Revision A	Paladinprojects	20/12/2016
Dwelling Type - 2RH - Rear & Right Elevations	Revision A	Paladinprojects	20/12/2016
Dwelling Type - 2RH - Section A-A	Revision A	Paladinprojects	20/12/2016
Dwelling Type - 2RH - Slab Plan	Revision A	Paladinprojects	20/12/2016
Dwelling Type - 3LH - 3D Front	Revision B	Paladinprojects (49)	01/02/2017
Dwelling Type - 3LH - Floor Plan	Revision B	Paladinprojects	01/02/2017
Dwelling Type - 3LH - Front & Right Elevations	Revision A	Paladinprojects	20/12/2016
Dwelling Type - 3LH - Rear & Left Elevations	Revision B	Paladinprojects	01/02/2017
Dwelling Type - 3LH - Section A-A	Revision A	Paladinprojects	20/12/2016
Dwelling Type - 3LH - Slab Plan	Revision A	Paladinprojects	20/12/2016
Dwelling Type - 3RH - Floor Plan	Revision B	Paladinprojects (55)	01/02/2017
Dwelling Type - 3RH - Front & Left Elevations	Revision A	Paladinprojects	20/12/2016
Dwelling Type - 3RH - Rear & Right Elevations	Revision B	Paladinprojects	01/02/2017
Dwelling Type - 3RH - Section A-A	Revision A	Paladinprojects	20/12/2016
Dwelling Type - 3RH - Slab Plan	Revision A	Paladinprojects	20/12/2016
Unit Type - 4LH - 3D Front	Revision B	Paladinprojects (60)	01/02/2017
Unit Type - 4LH - Floor Plan	Revision B	Paladinprojects	01/02/2017
Unit Type - 4LH - Front & Right Elevations	Revision A	Paladinprojects	20/12/2016
Unit Type - 4LH - Rear & Left Elevations	Revision A	Paladinprojects	20/12/2016
Unit Type - 4LH - Section A-A	Revision A	Paladinprojects	20/12/2016
Unit Type - 4LH - Slab Plan	Revision A	Paladinprojects	20/12/2016
Unit Type - 4RH - 3D Front	Revision B	Paladinprojects (66)	01/02/2017
Unit Type - 4RH - Floor Plan	Revision B	Paladinprojects	01/02/2017
Unit Type - 4RH - Front & Left Elevations	Revision A	Paladinprojects	20/12/2016
Unit Type - 4RH - Rear & Right	Revision A	Paladinprojects	20/12/2016

Elevations			
Unit Type - 4RH - Section A-A	Revision A	Paladinprojects	20/12/2016
Unit Type - 4RH - Slab Plan	Revision A	Paladinprojects	20/12/2016
Building Plan D - 2	Revision A	Paladinprojects	21/12/2016
Building Plan D - 2	Revision A	Paladinprojects	21/12/2016
Building Plan D - 3	Revision A	Paladinprojects	21/12/2016
Building Plan E - 1	Revision A	Paladinprojects	21/12/2016
Building Plan F - 1	Revision A	Paladinprojects	21/12/2016
Building Plan F - 2	Revision A	Paladinprojects	21/12/2016
Building Plan L - 1	Revision A	Paladinprojects	21/12/2016
Building Plan L - 1 - Elevations A,B,C & D	Revision A	Paladinprojects	21/12/2016
Building Plan L - 2	Revision A	Paladinprojects (80)	21/12/2016
Building Plan L - 2 - Elevations A,B,C & D	Revision A	Paladinprojects	21/12/2016
Building Plan M1 - 1	Revision A	Paladinprojects (80)	21/12/2016
Building Plan N - 1	Revision A	Paladinprojects (80)	21/12/2016

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.

3. Stage 2 shall be used in accordance with the following definition:  
*self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.*
4. Stage 2 shall comply with the original concept approval and associated conditions of consent, as detailed in DA2012/00419).

#### **INTEGRATED DEVELOPMENT CONDITIONS - NSW RURAL FIRE SERVICE**

5. The following conditions have been imposed by the relevant approval body (Rural Fire Service) in relation to the development:

##### Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- A. At the commencement of building works, and in perpetuity, land within 70 metres of the proposed buildings shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

#### 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 bushfire, 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:

- B. The provision of water, electricity and gas shall 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 bushfire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

- C. An emergency secondary access road shall be provided to the development as set out in the masterplan approval. This should generally in accordance with the figure in 'Appendix C Route of Emergency Access Link' included in the letter prepared by Australian Bushfire Protection Planners Pty Ltd dated 29 February 2016 and referenced 'B152613. The emergency access road shall comply with the following requirements of section 4.1.3(3) of 'Planning for Bush Fire Protection 2006':

- The road shall have a minimum width of 4 metres with an additional 1 metre wide strip on each side clear of bushes and long grass.
- The road shall have a maximum grade of 15 degrees if sealed and not more than 10 degrees if unsealed.
- A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches shall be provided.
- The cross fall of the road shall not more than 10 degrees.
- The road shall be accessible to firefighters and maintained in a serviceable condition by the owner of the land.
- Appropriate drainage and erosion controls shall be provided.
- The road shall not traverse a wetlands or other land potentially subject to periodic inundation (other than a flood or storm surge).
- The road shall be appropriately signposted.
- Gates to the road shall be locked with a key/ lock system authorised by the local NSW RFS.

- D. The proposed internal access road shall comply with section 4.1.3(2) of 'Planning for Bush Fire Protection 2006'.

#### 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:

- E. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', including the preparation of an emergency/evacuation plan consistent with the NSW Rural Fire Service document titled 'Guidelines for the Preparation of Emergency/Evacuation plan'.

#### Design and Construction

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

- F. The proposed buildings shall comply with Sections 3 and 5 (BAL12.5) Australian Standard AS3959-2009 'Construction of buildings in bushfire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

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

6. A total monetary contribution of \$129,058 is to be paid to Council, pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.

Note:

- a) This condition is imposed in accordance with the provisions of *The City of Newcastle S94A Development Contributions Plan 2009* (updated version operational from 15 March 2011). A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.
- b) The City of Newcastle S94A Development Contributions Plan 2009 permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement. Refer to the s94A Development Contributions Plan 2009.
- c) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

<b>Indexation quarters</b>	<b>Approx release date</b>
September	Late October
December	Late January
March	Late April
June	Late July

Any party intending to act on this consent should contact Council's Customer Enquiry Centre for determination of the indexed amount of contribution on the date of payment.

7. On-site parking accommodation is to be provided in accordance with the approved plans and 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 Development Control Plan 2012. Full details are to be included in documentation for a Construction Certificate application.

8. The car parking areas and internal access roads are 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.
9. 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.
10. Roof water from the proposed new buildings is to be directed to the proposed water tanks (minimum size 2,500L/dwelling) and being reticulated there from to any new toilet cisterns and cold water washing machine taps in the dwellings. 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 included in documentation for a Construction Certificate application.
11. All stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3, as indicated on the Civil/Stormwater plans prepared by Northrop Engineers (Job Number NL150017, Drawing Numbers C20DA to C28DA, Revision A, dated 03/02/17). Full details are to be included in documentation for a Construction Certificate application.
12. 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) minimum 75 compensatory trees with a 100 litre minimum pot size;
  - e) minimum 21 compensatory shrubs with a minimum 25 litre pot size;
  - 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.
13. The trees marked on the approved Landscape Plan Prepared by Moir Landscape Architects plan numbered 1380 dated 16/2/17 shall be retained and protected in accordance with the approved Arborist's Report prepared by Bradley Magus - Abacus Tree Services dated 4 June 2017. Prior to the commencement of any works, the tree protection measures outlined within the report are to be in place. Full details are to be included in any documentation for a Construction Certificate.
14. All existing trees on the site outside the envelope of the proposed building are to be preserved where practicable and all such trees being indicated on the required comprehensive landscape design plan and being adequately protected against damage during the building construction period. Full details are to be included in documentation for a Construction Certificate application.



15. 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.
16. All garbage and recycling waste shall be collected by a private waste contractor and be documented in a waste management plan. Full details are to be included in documentation for a Construction Certificate application.
17. Any garbage storage facility is to be screened from the street. Full details are to be included in the documentation for a Construction Certificate application.
18. Water, electricity and gas installations are to comply with Section 4.1.3 of the NSW Rural Fire Service document 'Planning for Bushfire Protection 2006'. Details are to be included in documentation for a Construction Certificate application.
19. Detailed construction traffic management plans being prepared and implemented prior to commencement of work. The plan needs to be prepared in accordance with the recommendations in the Traffic Management Plan prepared by Northern Transport Planning and Engineering Pty Ltd dated June 2017 and Traffic Study and Management Plan, prepared by SECA Solution, dated October 2015 (submitted as part of the Stage 1 DA 2015/10112) and include suitable liaison and notification with and to the University of Newcastle.
20. Prior to the issue of a Construction Certificate a nest box installation plan being submitted to the Principal Certifying Authority (PCA) and Council. The nest box installation plan shall include the number of nest boxes required for installation, location of nest boxes and monitoring of nest boxes to be undertaken by the proponent. Replacement of hollows shall be undertaken at a rate of 2:1. The installation, on-going maintenance and inspection of nest boxes being at the proponent's expense.
21. Prior to the issue of a Construction Certificate, the proponent preparing and submitting to the Principal Certifying Authority (PCA) and Council a detailed weeds management plan detailing procedures and measures to remove weeds at the site and management of the site during and after construction to prevent growth of weeds.
22. Prior to the issue of a Construction Certificate, the proponent preparing and submitting to the Principal Certifying Authority (PCA) and Council an Environmental Management Plan (EMP) for construction 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.
23. The development is to be designed to generally comply with Schedule 3 'Standards concerning accessibility and useability for hostels and self-contained dwellings' in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Full details to be included in documentation for a Construction Certificate application.

24. Prior to the issue of any Construction Certificate, details demonstrating compliance with the letter received from the NSW Rural Fire Service dated 11 April 2017 shall be submitted and approved by the Principal Certifying Authority.
25. An assessment of the likelihood of the presence of any Aboriginal sites in relation to the proposed development area is to be undertaken to comply with the requirements of the *National Parks and Wildlife Act 1974* (NSW) and the significance and requirements for the protection of any sites being incorporated into the documentation for a Construction Certificate application. Written confirmation that the National Parks and Wildlife Service's requirements have been met shall be submitted to Council prior to engineering works commencing. Any submitted archaeological study shall be accompanied by a letter from the appropriate Local Aboriginal Land Council stating that they are satisfied with the study process and that appropriate arrangements are in place for continued consultation during development of the site.

Note: It is illegal to knowingly damage, deface or destroy a 'relic' or Aboriginal Place without the Director's prior written consent.

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

26. Tree removal shall be undertaken in accordance with Section 6 of the Ecological Assessment prepared by Umwelt Pty Ltd dated October 2015 and the Arborist Report prepared by Bradley Magus - Abacus Tree Services dated 4 June 2017.
27. 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).
28. 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 windblown 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).

29. If construction / demolition work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any

substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

30. A rigid and durable sign is to be erected on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:
- a) showing the name, address and telephone number of the Principal Certifying Authority for building work and subdivision work, and
  - b) showing the name, address and telephone number of the Principal Contractor for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
  - c) stating that unauthorised entry to the work site is prohibited, and
  - d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

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.

31. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
32. In the case of residential building work for which the *Home Building Act 1989* (NSW) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.
33. 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.
34. 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.
35. 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.
36. 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.
37. Proposed street names are to be submitted and approved by Council and the required street signage being provided, at no cost to Council, in accordance with Council's specification.
38. The parking bays are to be permanently marked out on the pavement surface and signposted. Visitor parking bays are also to be clearly delineated.
39. 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.

40. 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.

41. Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.
42. Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Order that is permitted to be used as a fill material under the conditions of the associated Resource Recovery Exemption, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment (Waste) Regulation 2014*.
43. Documentation demonstrating the compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption must be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Exemption. This documentation must be provided to Council officers or the Principal Certifying Authority on request.
44. 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:

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 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 4<sup>th</sup> Edition - Vol. 1* (the 'Blue Book') published by Landcom, 2004.

45. 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.
46. 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.
47. 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).

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

48. Prior to the issue of any Occupation Certificate, details demonstrating compliance with the letter received from the NSW Rural Fire Service dated 11 April 2017 shall be submitted and approved by the Principal Certifying Authority.
49. An Occupation Certificate for the 61st self-contained seniors housing dwelling is not to be issued until the remediation works for the Lorna Street site are fully complete and certification to this effect by the appointed EPA Accredited Site Auditor is submitted to Council and the Principal Certifying Authority.
50. All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to the issue of an Occupation Certificate. Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to Council within fourteen days of receipt.
51. 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.
52. All works within the road reserve required by this consent are to be completed prior to the issue of a Final Occupation Certificate.
53. 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 The City of Newcastle 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.
54. The water management measures as indicated on the submitted plans and Stormwater Management Strategy and/or as modified under the terms of this consent are to be implemented and the nominated controls and appliances are to be installed and operational prior to issue of an Occupation Certificate.
55. 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.
56. Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by RCA Acoustics, dated 10 April 2013. 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.

57. The premises are to be identified by the provision of house and street numbers on the building exterior and mailbox, respectively, such that they are clearly visible from the road frontage.

The minimum numeral heights shall be:

- a) Exterior of the building = 75mm and
  - b) Group mailbox - street number = 150mm  
- house number = 50mm
58. All nest boxes are to be installed prior to the issue of an Occupation Certificate for the proposed development.
59. Appropriate lighting being provided for the carparks and pedestrian pathways in accordance with AS 1158 - Lighting and AS 4282 - Control of the Obtrusive Effects of Outdoor Lighting, such to be installed prior to occupation of the premises.
60. An appropriate notation is to be placed on the plan of subdivision and an instrument under Section 88B of the *Conveyancing Act 1919* (NSW) being submitted to Council setting out the terms of easements as required by this consent. Council in addition to the owner of the land benefited by the easement is to be a party whose consent is needed to release or vary easements.

#### **CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT**

61. The proposed seniors housing is to be occupied exclusively by 'seniors or people who have a disability, people who live within the same household with seniors or people who have a disability or staff employed to assist in the administration of and provision of services' as defined under Clause 18(1) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (NSW). An appropriate notation is to be made on a survey plan and accompanying instrument under Section 88B of the *Conveyancing Act 1919* (NSW).

62. 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.

63. All existing garden and lawn areas on the site are to be kept free of parked vehicles, garbage, trade waste or other extraneous material and being permanently maintained.
64. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.
65. All vehicular movement to and from the site is to be in a forward direction.
66. 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.

## ADVISORY MATTERS

67. Retaining walls not clearly noted on the approved plans or outside of the parameters of 'exempt development' as specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (NSW) are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to the retaining wall taking place.
68. An application is to be submitted to Council for the removal or pruning of any trees located more than three metres from the dwelling, wall measured from the centre of the trunk to the footings of the dwelling, excluding carports and pergolas.
69. 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.
70. 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.
71. 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.
72. 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).
73. 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.
74. 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.
75. The proposed development will require the provision of additional street numbers for the delivery of services and goods. The allocated house numbers are:

Unit Number on plan	Council Allocated Street Address(es)			
	House Number	Street Name	Street Type	Suburb
1	41	Rufous	Crescent	Shortland
2	43	Rufous	Crescent	Shortland
3	45	Rufous	Crescent	Shortland
4	47	Rufous	Crescent	Shortland
5	49	Rufous	Crescent	Shortland
6	51	Rufous	Crescent	Shortland
7	53	Rufous	Crescent	Shortland
8	55	Rufous	Crescent	Shortland
9	57	Rufous	Crescent	Shortland
10	59	Rufous	Crescent	Shortland
11	61	Rufous	Crescent	Shortland
12	63	Rufous	Crescent	Shortland
13	65	Rufous	Crescent	Shortland
14	67	Rufous	Crescent	Shortland
15	69	Rufous	Crescent	Shortland
16	71	Rufous	Crescent	Shortland
17	15	Fairy Wren	Circuit	Shortland
18	13	Fairy Wren	Circuit	Shortland
19	11	Fairy Wren	Circuit	Shortland
20	9	Fairy Wren	Circuit	Shortland
21	7	Fairy Wren	Circuit	Shortland
22	5	Fairy Wren	Circuit	Shortland
23	3	Fairy Wren	Circuit	Shortland
24	1	Fairy Wren	Circuit	Shortland
25	97	Shearwater	Drive	Shortland
26	95	Shearwater	Drive	Shortland
27	93	Shearwater	Drive	Shortland
28	91	Shearwater	Drive	Shortland
29	89	Shearwater	Drive	Shortland
30	87	Shearwater	Drive	Shortland
31	63	Shearwater	Drive	Shortland
32	65	Shearwater	Drive	Shortland
33	67	Shearwater	Drive	Shortland
34	69	Shearwater	Drive	Shortland
35	48	Rufous	Crescent	Shortland
36	50	Rufous	Crescent	Shortland
37	52	Rufous	Crescent	Shortland
38	54	Rufous	Crescent	Shortland
39	56	Rufous	Crescent	Shortland
40	58	Rufous	Crescent	Shortland
41	60	Rufous	Crescent	Shortland
42	62	Rufous	Crescent	Shortland
43	64	Rufous	Crescent	Shortland
44	66	Rufous	Crescent	Shortland
45	68	Rufous	Crescent	Shortland

**END OF CONDITIONS**