

DRAFT SCHEDULE OF CONDITIONS

Application No:	DA2017/01269
Land:	Lot 1 DP 794850 Lot 2 DP 794850 Lot 3 DP 794850
Property Address:	48 Brown Street, The Hill NSW 2300
Proposed Development:	Demolition of existing covered outdoor learning area roof structure, erection of a new 'homebase' building and associated ancillary facilities.

SCHEDULE 1

REASONS FOR CONDITIONS

1. The conditions of this consent have been imposed in accordance with Section 4.17A of the *Environmental Planning and Assessment Act 1979* (NSW). The conditions relate to any matter referred to in Section 4.15 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	Version	Prepared by	Dated
NE01 SITE PLAN	K	EJE ARCHITECTURE	21.09.2017
NE02 LOWER GROUND FLOOR PLAN	K	EJE ARCHITECTURE	21.09.2017
NE03 GROUND FLOOR PLAN	K	EJE ARCHITECTURE	21.09.2017
NE04 3D GROUND FLOOR PLAN	G	EJE ARCHITECTURE	21.09.2017
NE05 FIRST FLOOR PLAN	K	EJE ARCHITECTURE	21.09.2017
NE06 3D FIRST FLOOR PLAN	G	EJE ARCHITECTURE	21.09.2017
NE07 ROOF PLAN	K	EJE ARCHITECTURE	21.09.2017
NE08 SECTION A	K	EJE ARCHITECTURE	21.09.2017
NE09 SECTION B	K	EJE ARCHITECTURE	21.09.2017
NE10 NORTH & EAST ELEVATIONS	K	EJE ARCHITECTURE	21.09.2017

NE11 SOUTH & WEST ELEVATIONS	K	EJE ARCHITECTURE	21.09.2017
NE15 PERSPECTIVES 1	H	EJE ARCHITECTURE	21.09.2017
NE16 PERSPECTIVES 2	H	EJE ARCHITECTURE	21.09.2017
NE17 PERSPECTIVES 3	H	EJE ARCHITECTURE	21.09.2017
NE18 PERSPECTIVES 4	H	EJE ARCHITECTURE	21.09.2017
NE19 PERSPECTIVES 5	H	EJE ARCHITECTURE	21.09.2017
NE20 MATERIAL SELECTION	B	EJE ARCHITECTURE	21.09.2017
LANDSCAPE CONCEPT PLANS	C	TERRAS	SEPTEMBER 2017
BUSHFIRE THREAT ASSESSMENT REPORT		PEAK LAND MANAGEMENT	APRIL 2018
ACOUSTIC REPORT		SPECTRUM ACOUSTICS	05.12.2017
GEOTECHNICAL & PRELIMINARY WASTE CLASSIFICATION REPORT		DOUGLAS PARTNERS	JUNE 2017
STATEMENT OF HERITAGE IMPACT		EJE HERITAGE	SEPTEMBER 2017
ARBORIST REPORT		TERRAS	02.02.2018
CONDITIONS MET LETTER		SUBSIDENCE ADVISORY NSW	29.08.2018

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.

NSW RURAL FIRE SERVICE CONDITIONS

- At the commencement of building works and in perpetuity the entire property 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, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.
- 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'.
- New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

Note: The above recommendations for design and construction have been based upon a performance based solution in the submitted bush fire report prepared by Peak Land Management (Dated April 2018).

SUBSIDENCE ADVISORY NSW

7. The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.

Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new Application will have to be submitted to Subsidence Advisory NSW.

8. The design submitted for approval shall incorporate the design methodology contained in the "*Engineering Impact Statement*", for acceptance by Subsidence Advisory NSW prior to commencement of construction. It shall include certification by a qualified structural engineer to the effect that the improvements will remain "*safe, serviceable and readily repairable*" taking into consideration mine subsidence parameters accepted by Subsidence Advisory NSW.
9. A number of permanent survey marks to AHD will be required so that building movement can be monitored should mine subsidence occur. Details are to be forwarded to *Subsidence Advisory NSW*.
10. Upon completion of construction, work-as-executed certification by a qualified engineer will be required by Subsidence Advisory NSW confirming that construction was in accordance with the plans accepted by Subsidence Advisory NSW.

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

11. The proposed development being carried out in accordance with the details set out in the report "*Geotechnical and Preliminary Waste Classification Assessment*" prepared by Douglas Partners dated 14 June 2017.
12. A full archival photographic record is to be undertaken of all existing elements encompassing the area where the new works are proposed prior to any demolition in accordance with the requirements of:
 - a) The NSW Heritage Office publication "*How to Prepare Archival Records of Heritage items*" (1998); and
 - b) The Department of Planning's "*Recording Places of Cultural Significance*" (1991)

The record in digital form is to be submitted to Council prior to works commencing on site.

13. Two (2) street trees (Brown Street frontage) are required to be planted as compensation for the removal of the existing trees. A fee, to be determined by contacting Council's City Greening Services, is to be paid to Council for the required compensatory planting and evidence of the payment of the required fee is to be included in the documentation for a Construction Certificate application.

NOTE: The tree selection and location of the required compensatory tree will be determined by Council's City Greening Coordinator in accordance with '*The City of Newcastle's Street Tree Master Plan*'. The location of the compensatory tree planting may not be in the immediate proximity of the site.

14. All stormwater runoff from the proposed development being managed in accordance with the requirements of Section 7.06 'Stormwater' of Newcastle Development Control Plan 2012, as indicated on the stormwater management concept plans and stormwater management report prepared by Aurecon Project No. 255202 Dwg No. C-002 Rev A dated 21/09/2017. The internal stormwater pits within the driveway and hardstand areas (if any) are to be fitted with pit infills for stormwater treatment.
15. Kerbing are to be constructed along the edge of all garden or lawn areas and adjacent to driveways and parking bays sufficient to discourage the encroachment of vehicles thereon. The kerb is not to restrict the overland flow path.
16. 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.
17. The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures
18. 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.
19. Any waste containers used in association with the proposed demolition are to be located on the site where possible.

Note: Where this is not feasible, application must be made for Council's approval to position the container on the adjacent public road in accordance with Council's adopted Building Waste Container Policy.

20. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
21. 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.
22. 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.
23. 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.
24. 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.

25. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
26. 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.
27. 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.
28. 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.

Note: Despite the above, in exceptional circumstances, the Council may allow additional construction hours, provided prior approval is sought and subsequently given by Council in writing.

29. 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.

30. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction.
31. 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.
32. 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*.
33. 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.
34. The removal of any asbestos material during the demolition phase of the development is to be in accordance with the requirements of the WorkCover Authority of NSW.

CONDITIONS TO BE SATISFIED PRIOR TO THE USE OF THE BUILDING

35. 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 occupation of the building.
36. All works within the road reserve required by this consent are to be completed prior to occupation of the building.
37. A copy of the stormwater drainage design plans with 'work as executed' levels indicated, shall be submitted to The City of Newcastle prior to the occupation of the building. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
38. Appropriate acoustic treatment is to be implemented in accordance with the recommendations in the Acoustics Advice provided by Spectrum Acoustics dated 5 December 2017 prior to occupation of the building.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

39. 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.

ADVISORY MATTERS

- 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.
- 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.

- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* 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.

END OF CONDITIONS