

## DRAFT SCHEDULE OF CONDITIONS

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<b>Application No:</b>	DA2017/01362
<b>Land:</b>	Lot 3235 DP821124
<b>Property Address:</b>	No.1/330 Turton Road Broadmeadow NSW 2292
<b>Proposed Development:</b>	Demolition of clubhouse and associated structures, erection of club rooms, associated change facilities, viewing areas, car parking and landscaping.

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### SCHEDULE 1

#### 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
Site Plan Drawing A996	Project No: 10699 Rev: B	EJE	13/02/2018
Playing Level Floor Plan Hockey Centre A Drawing A101	Project No: 10699 Rev: J	EJE	13/02/2018
Level 1 Floor Plan Hockey Centre A Drawing A102	Project No: 10699 Rev: J	EJE	13/02/2018
Playing Level Floor Plan Hockey Centre B Drawing A111	Project No: 10699 Rev: K	EJE	13/02/2018
Level 1 Floor Plan Hockey Centre B Drawing A112	Project No: 10699 Rev: K	EJE	13/02/2018
Playing Level Floor Plan Hockey Centre C Drawing A121	Project No: 10699 Rev: G	EJE	13/02/2018
Level 1 Floor Plan Hockey Centre C Drawing A122	Project No: 10699 Rev: G	EJE	13/02/2018
Boulevard Floor Plan Hockey Centre A-C Drawing	Project No: 10699 Rev: J	EJE	13/02/2018

No: A141			
Northern Parking Floor Plan Hockey Centre A & C Drawing No: 151	Project No: 10699 Rev: J	EJE	13/02/2018
Elevations Hockey Centre A Drawing A501	Project No: 10699 Rev: J	EJE	13/02/2018
Sections Hockey Centre A Drawing A502	Project No: 10699 Rev: J	EJE	13/02/2018
Elevations Hockey Centre B Drawing A511	Project No: 10699 Rev: J	EJE	13/02/2018
Sections Hockey Centre B Drawing A512	Project No: 10699 Rev: H	EJE	13/02/2018
Elevations Hockey Centre C Drawing A521	Project No: 10699 Rev: G	EJE	13/02/2018
Sections Hockey Centre C Drawing A522	Project No: 10699 Rev: G	EJE	13/02/2018
Stormwater Management Plan Drawing No. C20	Job No 17-605 Issue 3	MPC Consulting Engineers	22/12/2017
Stormwater Management Plan Drawing C21	Job No 17-605 Issue 3	MPC Consulting Engineers	22/12/2017
Stormwater Management Plan Drawing C22	Job No 17-605 Issue 4	MPC Consulting Engineers	13/02/2018
Stormwater Management Plan Drawing C23	Job No 17-605 Issue 4	MPC Consulting Engineers	13/02/2018
Stormwater Management Plan Drawing C24	Job No 17-605 Issue 4	MPC Consulting Engineers	13/02/2018
Stormwater Management Plan Drawing C25	Job No 17-605 Issue 3	MPC Consulting Engineers	22/12/2017
Landscape Plan 1 to 2	Job Number 10699.5 Revision E	Terras Landscape Architects	14/02/2018
Statement of Environmental Effects	Reference: 4061	Land development Solutions	October 2017
Traffic and Parking Assessment	17/026	Intersect Traffic	14/10/2017
Arborist Report	n/a	Area Tree Vet - Vivanne Bleikar	20/11/2017
Waste Management Plan	n/a	Land Development Solutions	Received 30/10/2017
RMS Letter	CR2017/004304	RMS NSW Government	15/12/2017

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.

### **ROADS AND MARITIME SERVICES CONDITIONS**

- The site entry is to be designed as a driveway (not as a road), maintaining right of way of the shared path at the Turton Road frontage of the site over vehicles entering and leaving the site. Traffic calming measures should be installed on the site to slow vehicles approaching the shared pathway, with plans to be submitted to Council prior to commencement of works.

4. The landscaping along the front boundary adjacent to the site driveway is to be removed to increase sight to and from motorists leaving the site, with plans to be submitted to Council prior to commencement of works.
5. The current driveway at the northern end of the site, proposed to be used for emergency vehicle access only, is to have a lockable gate installed. This access is not to be used for convenient onsite manoeuvrability.

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

6. 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.
7. 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, be sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and be properly maintained.
8. All onsite 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 in the Stormwater Management Plan prepared by MPC Consulting Engineers dated July 2017.
9. The proposed floodlighting 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 4282:1997 - Control of the obtrusive effects of outdoor lighting.
10. A commercial type vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:
  - a) Constructed in accordance with Council's A1300 - Driveway Crossings Standard Design Details.
  - b) The driveway crossing, within the road reserve, is to be a maximum of 11 metres wide.
  - c) Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2 metre, in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance.
  - d) The proposed driveway is to be a minimum of 3 metres clear of the trunk of any tree within the road reserve.
  - e) The proposed driveway is to be a minimum of 750mm clear of the centre of any pole or obstruction within the road reserve and 1 metre clear of any drainage pit.

These works are not approved until consent under Section 138 of the *Roads Act 1993* has been granted by Council/RMS.

11. The existing two *Tristanopsis laurina* (Watergum) street trees (Council ID 67185 and 67186) are approved to be removed, subject to arrangements being made for the removal of the street trees by contacting Council's City Greening Services. All tree

removal works are to be carried out by Council at the owner/developers expense.

12. A site flood management report is to be provided to Council prior to commencement of work, to demonstrate that the proposed development will have no adverse flood impact on neighbouring properties. The proposed Boulevard overland flowpath is to be sized to safely manage large flood events including the 1% Annual Exceedance Probability design flood and a simulation of the June 2007 flood event.
13. 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*, or
  - c) Be a temporary chemical closet approved under the *Local Government Act 1993*.
14. 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: Regulatory Services) and the demolisher prior to commencement of work.
  15. Demolition works are to be planned and carried out 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 (4974 2000) and the Workcover Authority of NSW telephone number (4921 2900) and
    - e) 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.

16. The demolisher is to ensure that all services (ie water, telecommunications, gas, electricity, sewerage etc), are disconnected in accordance with the relevant authority's requirements prior to demolition.
17. 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.

18. All demolition material incapable of being re-used in future redevelopment of the site is to be removed from the site and the site being cleared and levelled.

Note: Where reusable building materials are to be stored on site for use in future building works, such materials are to be neatly stacked at least 150mm above the ground.

19. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
20. Any demolition/waste building materials that are not suitable for recycling are to be disposed of at Council's Summerhill Waste Management Facility or other approved site.
21. Waste management shall be implemented in accordance with the approved Waste Management Plan. At a minimum, the following measures are to be implemented during the construction phase:

- a) A waste container of at least one cubic metre capacity is to 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).

22. 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 is to 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.
23. 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) located 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.

- 24. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 25. 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.
- 26. All building materials, plant and equipment are 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.
- 27. 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.
- 28. All parking bays are to be permanently marked out on the pavement surface.
- 29. The proposed customer/staff parking bays are to be permanently marked out on the pavement surface and be clearly indicated by means of signs and/or pavement markings.
- 30. 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.
- 31. 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.

- 32. 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.

- 33. 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 '*Waste Classification Guidelines Part 1: Classifying Waste*'.

34. 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*.
35. Documentation demonstrating compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption is to be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Exemption.
36. 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 following 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.
37. 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 is not to be stockpiled on the all weather vehicle access.
38. All necessary measures are to be undertaken to control dust pollution from the site. These measures are to include, but not be 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.
39. All public trees that are required to be retained are to be physically protected in accordance with the City of Newcastle Urban Forest Technical Manual 'Section 8.0 Protection Measures'.

The tree protection fencing is to remain in place and maintained until all works have been completed, with no waste materials, washouts, equipment or machinery to be stored within the fenced area.
40. A total monetary contribution of \$82,500 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 commencement of work in respect of the proposed development.

Note:

- i) 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.
- ii) *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.
- iii) 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:

Indexation quarters	Approx release date
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.

#### **CONDITIONS TO BE SATISFIED PRIOR TO THE USE OF THE BUILDING**

41. 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 use of any proposed building.
42. A copy of the stormwater drainage design plans approved as part of the development with 'work as executed' levels indicated, shall be submitted to the Principal Certifying Authority and The City of Newcastle prior to the use of any proposed building. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
43. 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.
44. Any existing Plan of Management for the site is to incorporate high level security measures. High level security measures are to be implemented at all times and updated in response to complaints lodged through consultation with Council and the NSW Police. The plan shall incorporate measures identified within The Australia-New Zealand Counter-Terrorism Committee's document '*Australia's Strategy for Protecting Crowded Places from Terrorism*'. At a minimum the following elements are



to be included:

- Site risk assessment and/or vulnerability analysis,
- Implement the appropriate mitigations and monitor the effectiveness (including through audits),
- Review mitigations measures at appropriate junctures and keep update of any changes,
- Developing and implementing and regularly testing a comprehensive security plan,
- The plan should prioritise saving lives and minimising harm while aiming to protect assets,
- Owners and operators are responsible in monitoring current security and terrorist threats,
- Reporting any security incidents or suspicious activity.

Full details of inclusion can be determined from a *Crowded Places Self-Assessment Tool* found at [www.nationalsecurity.gov.au/CrowdedPlaces](http://www.nationalsecurity.gov.au/CrowdedPlaces). The updated plan of management is to be submitted to Council and any other relevant authorities prior to use of any proposed building.

45. A Maintenance Manual for all water management 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 management devices including routine monitoring and regular maintenance and be kept on site at all times. Establishment and maintenance of the devices in accordance with the Maintenance Manual, prepared by the applicant. Full details to be provided prior to use of any proposed building.

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

46. 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*.

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.

47. 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.

## ADVISORY MATTERS

- Any proposed business identification sign or advertising sign should be designed in accordance with the provisions of Newcastle Development Control Plan 2012 and be the subject of a separate Development Application approved prior to erection or placement in position.
- 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.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979*, which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.

## END OF CONDITIONS