

## SCHEDULE OF CONDITIONS

<b>Application number</b>	DA2023/01044
<b>Land</b>	Lot 371 DP 523535 Lot 1 DP 216528 Lot 15 DP 817507 Lot 1 DP 772130 Lot 2 DP 772130 Lot 8 DP 804087 Lot 9 DP 804087 Lot 10 DP 804087 Lot 11 DP 804087 Lot 12 DP 804087 Lot 3 DP 216528 Lot 102 DP 881682 Lot 10 DP 594296 Lot 381 DP 548603 Lot 382 DP 548603 Lot 870 DP 631751 Lot 1 DP 1188100
<b>Property</b>	130 University Drive Callaghan NSW 2308
<b>Description of development</b>	Educational Establishment - alterations, additions (part change of use from Car Park)

### Reasons for approval

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable State environmental planning instruments and the Newcastle Local Environmental Plan 2012.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.

## Terms and Reasons for Conditions

# GENERAL CONDITIONS

## Condition

### 1. Approved plans and documentation

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.

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
A-010	A	Site Plan	EJE	25/10/2023
A-100	A	Proposed Ground Floor Plan	EJE	25/10/2023
A-101	A	Proposed Level 1 Floor Plan	EJE	25/10/2023
A-102	C	Proposed Level 2 Floor Plan	EJE	20/10/2023
A-110	A	Existing and Demo Ground Floor Plan	EJE	25/10/2023
A-111	A	Existing and Demo Level 1 Floor Plan	EJE	25/10/2023
A-112	A	Existing and Demo Level 2 Floor Plan	EJE	25/10/2023
A-200	A	Proposed Elevations - Sheet 1	EJE	13/10/2023
A-201	C	Proposed Elevations - Sheet 2	EJE	05/04/2024
A-210	A	Existing Elevations - Sheet 1	EJE	25/10/2023
A-211	A	Existing Elevations - Sheet 2	EJE	25/10/2023
L001	B	Site Linkages	Terras Landscape Architect	12/04/2024
L002	B	Site Plan	Terras Landscape Architect	12/04/2024
L003	B	Plant Materials	Terras Landscape Architect	12/04/2024

Approved documents			
Document title	Version number	Prepared by	Date of document
BCA Assessment Report	N2300 Revision 1	bm+g	26 October 2023

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

Condition reason: to ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

## **BUILDING WORK**

### **BEFORE ISSUE OF A CROWN CERTIFICATE**

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Condition

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#### **2. Disabled access details**

Before the issue of the first Crown certificate for the development (i.e., whether for part or whole of a building), details of how the building is to be provided with access for persons with disabilities, to the extent necessary to comply with the Commonwealth's *Disability (Access to Premises - Buildings) Standards 2010* are required, with full details included in the Crown certificate documentation.

Condition reason: to satisfy access standards for the disabled.

#### **3. Bicycle Parking Requirements**

Before the issue of the first Crown certificate for the development (i.e., whether for part or whole of a building), details of additional on-site bicycle parking accommodation are to be provided, demonstrating that a minimum of 20 bicycle hoops (accommodating 40 bicycles) will be installed within 150 metres of the Information, Communication and Technology building at the University of Newcastle Callaghan Campus. Full details shall be included in the Crown certificate documentation.

Condition reason: to meet onsite bicycle parking numbers.

#### **4. Building Upgrade and Building Code of Australia Matters**

All matters identified in the submitted BCA Assessment Report, prepared by bm+g (Reference: N2300 Revision 1 dated 26 October 2023), including building upgrading, are to be addressed in the detailed design of the development before the issue of the first Crown certificate.

Condition reason: To require detailed design to address building upgrade and other matters identified in a submitted professional report.

#### **5. Fire protection and structural capacity**

The detailed design of the development is to include provisions for:

- a. fire protection and structural capacity of the building to be appropriate to its new use;

- and
- b. the building to comply with the Category 1 fire safety measures (as defined by the *Environmental Planning and Assessment Regulation 2021*) that apply to the new use; and
- c. the fire protection and structural capacity of the building to not be reduced.

Condition reason: To require detailed design to address matters that would be required to be addressed via a construction certificate application, in circumstances where the development is not crown building work.

## BEFORE BUILDING WORK COMMENCES

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### Condition

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#### 6. Toilets on site

Before building work commences, toilet facilities are to be available or provided at the work site and 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*.

Condition reason: to require provision of toilet facilities on site.

## DURING BUILDING WORK

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### Condition

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#### 7. Compliance with BCA

Building work must be carried out in accordance with the requirements of the Building Code of Australia.

Condition reason: prescribed condition -EP &A Regulation (Section 69).

#### 8. Site signage - site and building work

During site work and/or building work, a rigid and durable sign is to be erected in a prominent position on the site on which building work, and demolition work is being carried out, before the commencement of the work:

- a) showing the name, address and telephone number of the Principal Certifier for building work, and
- b) showing the name, address and telephone number of the Principal Contractor, if any, for any building work and 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, and demolition work is being carried out and must be removed when the work has been completed.

**Note:** This does not apply in relation to building work, or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or Crown building work certified to comply with the Building Code of Australia under the *EP&A Act* Part 6.

Condition reason: prescribed condition.

#### 9. **Limits on noise**

During building/demolition work, generation of 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.

Condition reason: to protect the residential amenity of neighbours.

#### 10. **Pollution prevention signage**

During site work and/or building work, a Newcastle City Council '*Prevent Pollution*' sign is to be erected and maintained in a conspicuous location on the property, so it is clearly visible to the public, or at other locations on the site as otherwise directed by the Newcastle City Council for the duration of demolition and construction work.

**Note:** The sign can be obtained by presenting your development application receipt at Newcastle City Council's Customer Enquiry Centre, Wallsend Library or the Master Builders Association Newcastle.

Condition reason: to require pollution prevention signage.

#### 11. **Containing waste**

During site work and/or building work, and at a minimum, the following measures are to be implemented:

- 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) Provision is to be made to prevent wind-blown rubbish leaving the site; and
- d) Footpaths and road 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*.

Condition reason: to require waste management on site.

## BEFORE ISSUE OF AN COMPLETION CERTIFICATE

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Condition

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### 12. Public infrastructure - rectification of damage

Before the issue of the first completion certificate for the development (i.e., whether for part or whole of a building), any public infrastructure (including all public footways, foot paving, kerbs, gutters and road pavement) damaged during the works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) are to be immediately fully repaired following the damage, to a condition that provides for safe use by pedestrians and vehicles, to the written satisfaction of Council, and at no cost to Council.

Condition reason: to ensure rectification of any damage to public infrastructure.

## DEMOLITION WORK

### BEFORE DEMOLITION WORK COMMENCES

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Condition

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### 13. Toilets on site

Before site work and/or demolition work commences, toilet facilities are to be available or provided at the work site and 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*.

Condition reason: to require provision of toilet facilities on site.

### 14. Erosion and sediment control measures

Before site work and/or demolition work commences, erosion and sediment control measures are to be implemented 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.

Condition reason: to prevent erosion and control sediment.

## DURING DEMOLITION WORK

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### Condition

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#### 15. Demolition management

During site work and/or demolition work, works are to be undertaken in accordance with *Australian Standard 2601:2001 - The Demolition of Structures* and the following requirements:

- a) prior to commencement of demolition works a competent person shall determine the presence of hazardous substances impacted by the proposed demolition works in accordance with Section 1.6.1 of AS2601:2001 and where required produce a Hazardous Substances Management Plan
- b) demolition works shall be conducted in accordance with any required Hazardous Substances Management Plan. A copy of the Plan shall be kept on-site for the duration of the proposed development and a copy is to be held in the possession of the landowner.
- c) 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
- d) a copy of all waste disposal receipts is to be kept in the possession of the landowner and made available to authorised Council officers upon request.
- e) seven working days' notice in writing is to be given to 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, and
- f) 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.

Condition reason: to comply with Australian standards.

#### 16. Controlling Surface Water

During site work and/or demolition work, 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.

Condition reason: to manage excavation and changes to surface levels.

#### 17. Containing waste

During site work and/or demolition work, and at a minimum, the following measures are to be implemented:

- 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) 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*.

Condition reason: to require waste management on site on site.

#### 18. **Demolition - protecting services**

During demolition work, the demolisher is to ensure that all services (i.e. water, telecommunications, gas, electricity, sewerage etc) are disconnected in accordance with the relevant authority's requirements prior to demolition.

Condition reason: to protect services during demolition.

#### 19. **Demolition - material management**

During demolition work, the demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.

Condition reason: to protect public and private spaces during demolition

#### 20. **Demolition - waste management**

During demolition work, any demolition/waste building materials that are not suitable for recycling are to be disposed of at Newcastle City Council's Summerhill Waste Management Facility or other approved site.

Condition reason: to require waste disposal and maximise reuse on site.

#### 21. **Site signage - site and building work**

During site work and/or demolition work, a rigid and durable sign is to be erected in a prominent position on any site on which building 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 Certifier for building work and subdivision work, and
- b) showing the name, address and telephone number of the Principal Contractor, if any, for any building work and 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, and must be removed when the work has been completed.

**Note:** This does not apply in relation to building work, or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Condition reason: prescribed condition.

**22. Excavation and backfilling safety**

During site work and/or demolition work, all excavations and backfilling are to be executed safely, and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.

Condition reason: to protect the public near worksites.

**23. Limits on noise**

During site work and/or demolition work, generation of 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.

Condition reason: to protect the residential amenity of neighbours.

**24. Pollution prevention signage**

During demolition work, a Newcastle City Council '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 the Newcastle City Council for the duration of demolition and construction work.

Condition reason: to require pollution prevention signage.

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## ON COMPLETION OF DEMOLITION WORK

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### Condition

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**25. Relocation of survey monuments**

On completion of demolition work, where the proposed development involves the destruction or disturbance of any survey monuments, those monuments affected are to be relocated at no cost to Newcastle City Council, by a surveyor registered under the *Surveying and Spatial Information Act 2002*.

Condition reason: to ensure relocation of survey marks.

26. **Public infrastructure - rectification of damage**

On completion of demolition work, any public infrastructure (including all public footways, foot paving, kerbs, gutters and road pavement) damaged during the works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) are to be immediately fully repaired following the damage, to a condition that provides for safe use by pedestrians and vehicles, to the written satisfaction of Council, and at no cost to Council.

Condition reason: to ensure rectification of any damage to public infrastructure.

## SCHEDULE OF CONDITIONS

### Advisory Matters

- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of Newcastle City Council and any other relevant authorities. Newcastle City Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- 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.
- An annual Fire Safety Statement in the form described in Section 88 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (NSW) is to be submitted to Newcastle City Council and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- 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 (ie '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 (ie 'on-the-spot fine') or prosecution.
- A person who is aware or believes that he or she has discovered or located a relic not identified and considered in the supporting documents for this approval, in any circumstances (including where works are carried out in reliance on an exception under section 139(4)), excavation or disturbance must cease in the affected area(s) and the Heritage Council must be notified in accordance with section 146 of the *Heritage Act 1977*. Depending on the nature of the discovery, additional assessment and approval under the *Heritage Act 1977* may be required prior to the recommencement of excavation in the affected area(s).

Note: Heritage NSW can be contacted on 02 9873 8500 or [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au). A 'relic' is any deposit, object or material evidence that relates to the settlement of New South Wales, not being Aboriginal settlement, and is of State or local significance. It is an offence under the provisions of the *Heritage Act 1977 (NSW)* for a person to disturb or excavate any land upon which the person has discovered a relic except in accordance with a gazetted exception or an excavation permit issued by the Heritage Council of NSW.

- If any Aboriginal objects are discovered which are not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be notified in accordance with section 89A of the *National Parks and Wildlife Act 1974* (NPW Act). Depending on the nature of the discovery, additional assessment and approval under the NPW Act may be required prior to works continuing in the affected area(s). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been

provided by Heritage NSW.

Note: Heritage NSW can be contacted on 02 9873 8500 or [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au). An 'Aboriginal object' is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains. It is an offence under the provisions of the *National Parks and Wildlife Act 1974* (NPW Act) for a person to harm or desecrate an Aboriginal object, with defence from prosecution and certain activities exempt as prescribed under the NPW Act.