

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. 166-7-2004

(FILE NO. S04/01539)

ADDITIONAL 2 LEVELS COMPRISING NO MORE THAN 10 DWELLINGS TO A CONSENTED RESIDENTIAL FLAT BUILDING (BUILDING B2) AND OTHER MODIFICATIONS TO THAT BUILDING AND SUBDIVISION

I, the Minister for Infrastructure and Planning, pursuant to Section 80 (1) (a) of the *Environmental Planning & Assessment Act, 1979*, and clause 7 (2) of the *Newcastle Local Environmental Plan 2003* determine the development application referred to in the attached Schedule 1, by granting consent to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To respect, protect and complement the natural and cultural heritage, the identity and image, and the sense of place of the City of Newcastle;
- (2) To conserve and manage the natural and built resources of the City of Newcastle for present and future generations, and to apply the principles of ecologically sustainable development (ESD) in the City of Newcastle;
- (3) To facilitate a diverse and compatible mix of land uses in and adjacent to the urban centres of the City of Newcastle, to support increased patronage of public transport and help reduce travel demand and private motor-vehicle dependency;
- (4) To encourage and achieve a good urban design and a high standard of architecture;
- (5) To ensure appropriate amenity, safety and health for residents and occupants of the development and area;
- (6) To require the provision of developer contributions due to an increase in the demand for public amenities and public services within the area.

Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Sydney,

2004

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Diane Beamer MP
Minister for Juvenile Justice
Minister for Western Sydney
Minister Assisting the Minister for Infrastructure and Planning
(Planning Administration)

Sydney,

2004

SCHEDULE 1

PART A—TABLE

Application made by:	Caverstock Group Level 1, 85 Liverpool Street, Sydney
Application made to:	Minister for Infrastructure and Planning
Development Application:	DA No. 166-7-2004
On land comprising:	Lot 4 DP 883474 and Part Lot 21 DP 1051525 Honeysuckle Drive, Newcastle
For the carrying out of:	Additional 2 Levels comprising no more than 10 dwellings to a consented Residential Flat Building (Building B2) and other Modifications to that Building and Subdivision
Estimated Cost of Works	\$3,818,000
Type of development:	Integrated Development, Advertised Development
S.119 Public inquiry held:	No
Approval Body / Bodies:	Mine Subsidence Board, NSW Maritime Authority
Determination made on:	
Determination:	A development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: ▪ a shorter period of time is specified by the Regulations or ▪ a condition in Schedule 2, or ▪ the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 166-7-2004

Responsibility for other approvals / agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid:

- (1) for a development application, within 12 months after the date on which the applicant received this notice, or

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

Section 94 Conditions

This development consent contains a levy for development imposed under section 94 of the Act. The imposing of levies where imposed in accordance with *Section 94 Contributions Plan No1* and *Section 94 Contributions Plan No2 (Newcastle Section 94 Plans)*. The *Section 94 Contributions Plan No1* and *Section 94 Contributions Plan No2 (Newcastle Section 94 Plans)* may be inspected at the following location from Monday to Friday between 8.30am and 5.00pm:

- Newcastle City Council, 282 King Street, Newcastle

The specific public amenity or service or both are identified in the monetary contributions conditions in Part B of Schedule 2.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means the Caverstock Group or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act,

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means Newcastle City Council.

DA No. 166-7-2004 means the development application and supporting documentation submitted by the applicant on 8 July 2004.

DCP 40 means the *Newcastle Development Control Plan 40 – City West: Unlocking the Potential* prepared by Newcastle City Council in accordance with Section 72 of the Act.

Department means the Department of Infrastructure, Planning and Natural Resources or its successors.

development consent DA No. 230-5-2003 means the development consent granted by the Minister on 20 April 2004 to the development application DA 230-5-2003 lodged on 28 May 2003.

Director means the Director of the Urban Assessments (or its successors) within the Department or their nominees.

Director-General means the Director-General of the Department.

Minister means the Minister for Infrastructure and Planning.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 166-7-2004

PART A—ADMINISTRATIVE CONDITIONS

A1 *Development Description*

Development consent is granted only to carrying out the development described in detail below:

- (1) Amendments to the subdivision of proposed Lots 24 and 25 in the development consent DA 230-5-2003;
- (2) Provide two additional parking spaces in the basement of Buildings B1, B2, and B7 that formed part of the development consent DA 230-5-2003;
- (3) Insertion of structural columns to the through site link off Honeysuckle Drive that formed part of the development consent DA 230-5-2003;
- (4) Amendments to the levels and unit mix on Levels 4 and 5 in Buildings B2 proposed in the development consent DA 230-5-2003;
- (5) Inclusion of Levels 6 and 7 in Building B2 comprising a total of no more than 10 units to a total gross floor area of XX square metres; and
- (6) Amendments to the facade design of Building B2 that formed part of the development consent DA 230-5-2003 to accommodate additional levels to Building B2.

A2 *Development in Accordance with Plans*

The development shall be in accordance with development application number DA 166-7-2004 submitted by the Applicant on 8 July 2004, and in accordance with the following, except as amended elsewhere in this schedule:

Statement of Environmental Effects entitled “Building B2 Additions + Modifications: Lee Wharf Honeysuckle Drive, Newcastle” prepared by <i>Crone Partners</i> , dated July 2004			
Clouded portions only of the Architectural Drawings prepared by <i>Crone Partners Architects</i> of 364 Kent Street, Sydney			
Drawing No.	Revision	Name of Plan	Date
Z-1001	M	Basement Floor Plan	09.11.04
Z-1002	L	Podium Ground Floor Plan	09.11.04
Z-1003	H	Level 1	09.11.04

		Floor Plan	
Z-1006	J	Level 4 Floor Plan	09.11.04
Z-1007	G	Level 5 Floor Plan	09.11.04
Z-1008	J	Level 6 Floor Plan	09.11.04
Z-1009	J	Level 7 Floor Plan	09.11.04
Z-1010	J	Level 8 Floor Plan	09.11.04
Z-2001	K	East & West Elevations	09.11.04
Z-2003	J	North & South Elevations Buildings B1, B2, & B7	09.11.04
Z-2011	J	West & East Elevations Miscellaneous	09.11.04
Z-2012	G	South & North Elevations Miscellaneous	09.11.04
Z-3001	K	North – South Section A & B	09.11.04
Z-3002	H	North – South Section C East – West Section D	09.11.04
Z-1726	D	Level 4 GFA Calculation	09.11.04
Z-1727	C	Level 5 GFA Calculation	09.11.04
Z-1728	C	Level 6 GFA Calculation	09.11.04
Z-1729	D	Level 7 GFA Calculation	09.11.04
Clouded portions only of Landscape Architect Drawings prepared by <i>Oculus</i> of Level 1, 870 Darling Street, Rozelle			
Drawing No.	Revision	Name of Plan	Date
DA-L02	C	Landscape Plan	Nov 2004
DA-L03	C	Landscape Sections 1	Nov 2004
DA-L05	C	Landscape Sections 3	Nov 2004
Survey Drawings prepared by <i>Monteath & Powys P / L</i> of 25 Bolton Street, Newcastle			
Drawing No.	Revision	Name of Plan	Date
02/195 1 of 2	2	Amendment to Boundary of Proposed Right of Way Easement	13/08/04

		for Services	
02/195 2 of 2	3	Lot 24 & Lot 24 BDY Amended Areas changed	13/08/04

A3 Relationship to other documents and consents

- (1) In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail to the extent of the inconsistency.
- (2) This development consent is a separate consent that relates to the development consent DA 230-5-2003. Unless otherwise specified, this development consent must comply with the conditions of the development consent DA 230-5-2003, including all integrated development approvals.

A4 Prescribed Conditions

The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Details and Changes

B1 Additional Details

In order to satisfy residential amenity, the following matters shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate:

- (1) The Applicant shall demonstrate to the PCA by means of a table that the storage volume of each unit complies with DCP 40;
- (2) The Applicant shall submit an access policy from an accredited access consultant demonstrating that the residential components of this development application will comply with the requirements of Australian Standard AS1428 *Access for People with Disabilities Principles*;
- (3) The Applicant shall submit reports from qualified persons demonstrating that lighting and other aspects of the building design (such as, reflective materials including external glazing or cladding) do not represent a hazard to safe navigation within the Port of Newcastle. As part of this report, the Applicant is to consult with the Newcastle Ports Corporation to identify the necessary design measures necessary for appropriate remedial work. (Note: Implementing these remedial works may require a new development application or an application to modify the consent. The Applicant is solely responsible for determining whether these works require further approval or development consent);
- (4) The Applicant shall submit an acoustic report from a qualified and practising acoustic consultant confirming that suitable noise attenuation design and materials are employed to minimise or eliminate noise generated from the activities within the Port of Newcastle including, but not limited to, the Port of Newcastle's fog siren; ship and tug horns; and helicopter movements;
- (5) The Applicant shall submit an acoustic assessment demonstrating that the proposed development will comply with RailCorp's *Interim Guidelines for Applicants* in the consideration of rail noise and vibration from the adjacent rail corridor.
- (6) The Applicant is to submit a report prepared by a qualified and practising electrical professional on the Electrolysis Risk to the development from stray electrical currents (such as from the rail corridor). This report shall include, but not be limited to identifying the measures that will control this risk. The report is to be submitted to RailCorp for review.

B2 Details of Materials, Colours and Finishes

- (1) Before the issuing of a Construction Certificate for any above ground works, the Applicant is to submit to, and have approved by, the Director a final design details of the proposed external materials and finishes, including schedules and a sample board of materials and colours. The sample board of materials and colours is to include, but not be limited to a technical report on the quality and application of any exterior painted finish to the building, its longevity, and the maintenance schedule for painting.

- (2) Final approved materials are to be consistent with the high quality architectural appearance of the development as submitted in the development application documentation and nothing in this condition is to be construed as permitting the replacement of previously submitted materials with inferior or inadequate materials or finishes.

B3 Reflectivity

The visible light reflectivity from building materials used on the facades of the buildings shall be in accordance with the Wind, Reflectivity and Solar Access report by Richard Heggie dated 10 June 2004 and as amended by the requirements of Condition B1 (3). A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B4 Outdoor Lighting

In addition to the requirements of Condition B1 (3), all outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area (Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B5 Design Verification Statement – Residential Flat Buildings

Prior to the issue of a Construction Certificate, the Applicant shall submit to the Certifying Authority a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve or improve the design quality of the development, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development*.

Remediation / Demolition / Earthworks

B6 Acid Sulphate Soil Management Plan

An Acid Sulphate Soil Management Plan shall be prepared by a suitably qualified person in accordance with the *Acid Sulphate Soil Assessment Guidelines* (Acid Sulphate Soil Management Advisory Committee, 1998). The Management Plan shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.

B7 Erosion and Sedimentation Control

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater—Soils & Construction* (NSW Department of Housing, 1998.) Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

B8 Dilapidation Reports

The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the report is to be forwarded to the Director and Council.

Traffic & Parking

B9 Number of Car Spaces

The maximum number of additional car spaces to DA 230-5-2003 arising from the development DA 166-7-2004 shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Car parking allocation	Number
Residential Car parking spaces	2
Residential car parking spaces to be disabled spaces for exclusive use by a residential lot	0
Disabled space exclusive of any residential car parking spaces (NB: The Owners Corporation shall retain these disabled spaces as common property pursuant to Condition E6 of Part E)	0
Visitor spaces	0
Service vehicle spaces	0
Total	2

B10 Number of Bicycle Spaces

Bicycle spaces are the provided at the following minimum rates:

- (1) 1 bicycle space for every 6 residential apartments; and

Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Ecologically Sustainable Development (ESD) – Residential

B11 NatHERS Rating – Multi-Unit Housing

The following NatHERS rating requirements shall be complied with:

- (1) an average rating for all dwellings of 4 stars or better,
- (2) at least 20% of all dwellings shall achieve better than 4.5 stars,
- (3) at least 80% of all dwellings shall achieve better than 3.5 stars, and
- (4) no apartment shall achieve less than 3.5 stars.

Prior to the issue of a Construction Certificate, the Applicant shall submit to the Certifying Authority a NatHERS certificate, prepared by an accredited NatHERS assessor, demonstrating compliance with the requirements of this condition.

B12 Water Conservation

The development shall incorporate all practical measures to minimise the use of reticulated water on site through conservation practices and, where possible, the collection and reuse of rainwater in soft landscaping and car washing areas. Details demonstrating the incorporation of these measures shall be submitted by the Applicant to and approved by the Certifying Authority prior to the issue of a Construction Certificate.

B13 Energy Star Ratings

All classes of appliances that are available with an energy label or the subject of a Minimum Energy Performance Standard are to be installed within the premises are to have an energy star rating of 3 stars or more (excluding clothes dryers which are subject to Condition B14). The Applicant shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

B14 Clotheslines and Clothes Dryers

- (1) The Applicant shall submit to the Certifying Authority a plan and written statement identifying those units to have clothes drying lines installed that are:
 - (a) not visible from the public domain, and
 - (b) preferably on secondary balconies or secondary areas of main balconies.
- (2) Based on the percentages shown in Column 1 for units with clotheslines installed, the Applicant shall install in all units a clothes dryer corresponding with the energy rating in Column 2,

Column 1: Percentage of units in each site with clotheslines installed	Column 2: Minimum energy rating for a clothes dryer in non-clothes line units
0%-49%	3 Star energy rating or more
50%-74%	2.5 Star energy rating or more
75%-100%	2 Star energy rating or more

- (3) Clothes lines are to be installed at a minimum height of 1 metre with a minimum of 3.5 metres combined line length.

B15 Water Ratings

All water fixtures installed within the premises are to have a AAA water rating or more. The Applicant shall submit to the satisfaction of the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

Health

B16 Mechanical Ventilation

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B17 Acoustic Report

The Applicant is to provide written certification from a qualified and practising acoustic consultant to the Certifying Authority prior to the issue of a Construction Certificate. The written certification is to confirm the implementation of the recommended acoustic treatment detailed in the Acoustic Assessment report (dated 1 May 2003) and that forms part of the development consent DA 230-5-2003.

Waste Management**B18 Storage and Handling of Waste**

The design and management of facilities for the storage and handling of waste must comply with the requirements of Council's *Waste Minimisation Development Control Plan* and are to be screened from the street. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Monetary Contributions and Contributions-in-lieu**B19 Monetary Contributions**

In accordance with Division 6 of Part 4 of the Act, the Applicant shall pay the following monetary contributions:

(1) Amount of Contribution

Contribution Category	Amount
Open Space and Recreation	\$4,320.00
Community Facilities and Services	\$3,460.00
Bikeways	\$100.00
Traffic Management	\$1,000.00
Studies	\$600.00
TOTAL	\$9,480.00
Section 94 Management (12% of total)	\$1,137.60

(2) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to the Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council.

Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(3) Indexing

The contribution for land will be adjusted in accordance with the latest annual valuations.

(4) Works-in-Kind

In accordance with Division 6 of Part 4 of the Act, the Applicant may undertake works in kind with the agreement of Council. The provision of works-in-kind must comply with the requirements set out in *Section 94 Contributions Plan No1* and *Section 94 Contributions Plan No2 (Newcastle Section 94 Plans)*.

B20 Monetary Contributions – Hunter Water

The applicant complying with all requirements of the Hunter Water Corporation Ltd 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 Certificate of Compliance is to be included in documentation prior to the issue of a Construction Certificate.

Compliance**B21 Compliance Report**

Prior to the issue of a Construction Certificate, the Applicant shall submit to the Department a report addressing compliance with all relevant conditions of this consent.

PART C—PRIOR TO COMMENCEMENT OF WORKS

Structural Works

C1 Structural Details

Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the Building Code of Australia,
- (2) the relevant development consent,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

Construction Management

C2 Construction Management Plan

Prior to the commencement of any works on the site, a Construction Management Plan shall be submitted to and approved by the PCA. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work,
- (2) contact details of site manager,
- (3) traffic management (see also C6 below),
- (4) noise management (see also C7 below),
- (5) waste management (see also C8 below),
- (6) dust management (see also C9 below),
- (7) erosion and sediment control (see also B7),
- (8) A community relations plan, which aims to inform local residents and other local stakeholders of the proposed nature and timeframes for activities, together with contact details for site management.

The Applicant shall submit a copy of the approved plan to Council prior to the commencement of construction.

C3 Construction Traffic & Pedestrian Management Plan

Prior to the commencement of any works on the site, the Applicant is to prepare a Traffic and Pedestrian Management Plan (the Plan) prepared by a suitably qualified person and shall submit the Plan to for approval by the PCA. The Applicant is to provide written evidence of consultation with Council and Council's response is to accompany the Plan. The required plan is to ensure the provision for safe, continuous movement of traffic and pedestrians

within the road reserve. The plan is to be prepared in accordance with Australian Standard AS 1742.3: 1996 *Manual of uniform traffic control devices – Traffic control devices for works on roads*.

The Plan shall address, but not be limited to, the following matters:

- (1) ingress and egress of vehicles to the site,
- (2) loading and unloading, including construction zones,
- (3) predicted traffic volumes, types and routes,
- (4) pedestrian and traffic management methods, and
- (5) measures undertaken to keep roads and footways clear of mud and sediment.

The Applicant shall submit a copy of the Plan approved by the PCA to the Council prior to the commencement of any construction on site.

C4 Construction Noise and Vibration Management Plan

Prior to the commencement of any works on the site, the Applicant is to prepare a Noise and Vibration Management Plan (the Plan) prepared by a suitably qualified person and shall submit the Plan to for approval by the PCA. The Applicant is to provide written evidence of consultation with Council and Council's response is to accompany the Plan. The Plan shall address, but not be limited to, the following matters:

- (1) anticipated airborne noise for all major noise generating activities and duration of these activities,
- (2) predicted noise levels at sensitive receivers,
- (3) construction noise goals,
- (4) specific physical and managerial measures for controlling noise,
- (5) noise and vibration monitoring and reporting procedures,
- (6) measures for dealing with exceedances,
- (7) arrangements to inform residents of noisy activities likely to affect their amenity, including:
 - (a) provision of a 24 hour contact point for residents,
 - (b) establishment of a system to handle and respond to complaints.

The Applicant shall submit a copy of the Plan approved by the PCA to the Council prior to the commencement of any construction on site.

C5 Construction Waste Management Plan

Prior to the commencement of works, the Applicant shall submit to the satisfaction of the PCA a Waste Management Plan prepared by a suitably qualified person in accordance with Council's Waste Minimisation Development Control Plan. The plan is to maximise opportunities reuse, recycling and reprocessing of waste material.

The Applicant shall submit a copy of the Plan approved by the PCA to the Council prior to the commencement of any construction on site.

C6 Dust Management

Prior to the commencement of works, the Applicant shall submit to the satisfaction of the PCA, a Dust Management Strategy (the Strategy), detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions. The Strategy is to be cross-referenced with the water management strategy required by Condition B12 in Part B of this consent.

The Applicant shall submit a copy of the Strategy approved by the PCA to the Council prior to the commencement of any construction on site.

C7 Contact Telephone Number

Prior to the commencement of the works, the Applicant shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works.

C8 Hoardings

- (1) If the work involved in the erection / demolition of the building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involves the closure of a public space,a hoarding or fence must be erected between the work site and the public place.
- (2) 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.
- (3) Any such hoarding, fence or awning is to be removed when the work has been completed.

Heritage

C9 Excavation

Any subsurface disturbance during site works being kept to a minimum.

C10 Archival Record

No works shall commence until an archival record of existing archaeological material on the site has been prepared and submitted to the Heritage Office. This shall include measured drawings and an archival photographic record before any work commences. This archival record shall be prepared in accordance with the NSW Heritage Council guidelines.

C11 Aboriginal Heritage

An assessment of the likelihood of the presence of any Aboriginal sites in relation to the proposed development area being undertaken to comply with the requirements of the *National Parks and Wildlife Act, 1974* plus the significance and requirements for the protection of any sites. Written confirmation that the requirements of the Department of Environment and Conservation (Parks and Wildlife Division) have been met shall be submitted to PCA prior to the commencement of any engineering works. Any submitted archaeological study shall be accompanied by a letter from the Awabakal 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.

Hazardous Materials**C12 Removal of Hazardous Materials**

All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

C13 Site Audit

Prior to the commencement of building works, a Site Audit conducted by a suitably qualified person shall be undertaken to ascertain that all identified hazardous materials have been removed from the site and shall be submitted to the PCA.

Utilities**C14 Hunter Water**

Compliance with the requirements of the Hunter Water Corporation Ltd in respect of any building or structure proposed to be erected over any services or stormwater drain under the Corporation's control.

C15 Electricity infrastructure utilities

Provision being made on the site for the installation of a 'kiosk' type electricity substation should such be required by Energy Australia and any such 'kiosk' being located in accordance with that authority's requirements.

C16 Railways

No work is permitted in the rail corridor, or its easements, at any time unless prior approval or an Access Deed has been entered into with the relevant railway authority.

C17 Risk Assessment

A Risk Assessment/Management Plan and detailed Work Method Statements (WMS) for the proposed works are to be submitted to the satisfaction of RailCorp prior to the commencement of construction works. Copies of these documents are to be submitted to the PCA together with written documentation confirming the satisfaction of RailCorp.

Compliance***C18 Compliance Report***

Prior to the commencement of works, the Applicant, or any party acting upon this consent, shall submit to the Department a report addressing compliance with all relevant conditions of this consent.

PART D—DURING CONSTRUCTION

Site Maintenance

D1 Erosion and Sediment Control

All erosion and sediment control measures are to be effectively maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

D2 Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

D3 Audit Statement Compliance

The development is to be undertaken in accordance with the conditions specified in:

- (1) Site Audit Statements Nos. WRR 15 (dated 30 October 1998), WRR 15A (dated 27 September 2002), WRR 16A (dated 27 September 2002), WRR 36A (dated 27 September 2002), produced by William R Ryall of Gutteridge Haskins & Davey Pty Ltd;
- (2) Remedial Action Plans that have been prepared by accredited site auditors over Lot 4 DP 887434 and Part Lot 51 DP 1036132;
- (3) The terms of Development Consent No. 450-10-2003;
- (4) The Environmental Management Plan for the Honeysuckle Development Area, prepared by AGC Woodward-Clyde Pty Ltd, dated 14 January 1999; and/or
- (5) Any other Site Audit Statement prepared as a consequence of compliance with *State Environmental Planning Policy No. 55—Remediation of Land*.

D4 Imported Fill

Any imported fill onto the site is to be validated to ensure its suitability for the proposed land use from a contamination perspective. Imported fill is to be certified that it is not contaminated, based upon analysis or the known past history of the site from which it is obtained.

D5 Excavated Material

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 Conservation Guidelines: *Assessment, Classification and Management of Liquid and Non-Liquid Wastes*.

Structural Works

D6 Setting Out of Structures

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved development application and construction certificate.

Construction Management

D7 Traffic Control

The Applicant or contractor is to provide for the safe, continuous movement of traffic and pedestrians in public roads and erecting traffic warning signs conforming to the Roads and Traffic Authority's General Specifications (RTA Spec. Part G10 "*Control of Traffic*" and RTA Spec. 3355). Traffic control is to be carried out only by flagmen with certification that they have been trained in accordance with Australian Standard AS 1742.3: 1996 *Manual of uniform traffic control devices - Traffic control devices for works on roads*.

D8 Vehicle Loads

All material transported to or from the site by vehicle being appropriately secured or restrained in order to meet the performance standards recommended in the *Load Restraint Guide – Guidelines for the Safe Carriage of Loads on Road Vehicles* published by the Australian Government Publishing Service on 12 December 1994.

D9 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

D10 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D11 Hours of Work

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;

- (2) between 7:00 am and 4:00 pm, Saturdays, if inaudible on residential premises, or between 8:00 am and 4:00 pm, Saturdays, if audible on residential premises;
- (3) no work on Sundays and public holidays.
- (4) Mechanical rock breaking or blasting is to be confined to between 9.00am and 3.30pm Monday to Friday excluding any Public Holiday.

Works may be undertaken outside these hours where:

- (1) the delivery of materials is required outside these hours by the Police or other authorities;
- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (3) relevant mitigation and management measures are included in the approved Noise Management Plan;
- (4) approval is obtained by the Team Leader prior to the carrying out of these works; and
- (5) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

D12 Contact Telephone Number

The applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

D13 Noise Control

All work, including demolition, excavation and building work must comply with Chapter 171 of the Department of Environment and Conservation's *Noise Control* and Australian Standard AS2436: 1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

D14 External Lighting

External Lighting shall comply with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

D15 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (2) Covers are to be adequately secured,
- (3) Cleaning of footpaths must be carried out regularly,
- (4) Roadways must be kept clean,

- (5) Gates are closed between vehicle movements,
- (6) Gates are fitted with shade cloth,
- (7) The site is hosed down when necessary, and
- (8) Wheel washes shall be installed for all vehicles exiting the site.

Heritage

D16 Heritage Superintendent

Works on heritage components of the site shall be superintended by a consultant(s) experienced in the conservation of similar heritage buildings.

D17 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Relics

If any archaeological relics are uncovered during the course of the work, then the Applicant must cease all works immediately and the Applicant must contact the NSW Heritage Office. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW *Heritage Act 1977* may be required before work may recommence.

D18 Impact of Below Ground (Sub-surface) Works – Aboriginal Relics

If any Aboriginal archaeological relics are exposed during construction works, the Applicant must cease work immediately and the Applicant must notify the Parks and Wildlife Division of the Department of Environment and Conservation (PWD). The Applicant may need to obtain any necessary approvals from the PWD before work may recommence. The Applicant shall comply with any request made by the PWD to cease work for the purposes of archaeological recording.

D19 Equipment and Machinery

The use of any crane, plant or machinery shall comply with RailCorp electrical safety manual and all relevant RailCorp standards and guidelines. It must be noted that no crane, plant or machinery is to be operated within three (3) metres (horizontally) of any electrified infrastructure, or with the potential to reach over the rail corridor at any time. Construction equipment such as scaffolding shall not impinge over the rail corridor.

No metal ladders, tapes, scaffolding and plant/machinery, or conductive material are to be used within six (6) metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull off-wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor. No metal ladders are to be used in the rail corridor.

Compliance

D20 Compliance Report

The Applicant, or any party acting upon this consent, shall, for the duration of construction period, submit to the Department a six monthly report addressing compliance with all relevant conditions of this consent.

PART E—PRIOR TO SUBDIVISION OR STRATA SUBDIVISION

Easements

E1 Access

Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas, and created pursuant to Section 88B of the *Conveyancing Act 1919*.

E2 Services

Documentary easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919*.

E3 Car parking restrictions

The on-site car parking spaces, exclusive of service spaces, are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

- (1) restrictive covenant placed on title pursuant to Section 88B of the *Conveyancing Act, 1919*,
- (2) sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas.

All costs associated with the above requirements are to be borne solely by the applicant.

E4 Common areas and facilities

No right of exclusive use and enjoyment of the whole or any specified part of the designated common area or similar in the approved plans will be conferred on any person or persons without the prior consent of the relevant Council.

These requirements are to be made, at no cost to Council, and to the satisfaction of Council and a restrictive covenant placed on title pursuant to Section 88E of the *Conveyancing Act, 1919*.

Restrictions

E5 Landscaping Maintenance

A restriction on title prepared in accordance with the *Conveyancing Act, 1919* is to be placed on the strata plan referred to in Condition F2 that:

- (1) Requires the owner's corporation to continually maintain all landscaping within the private domain of the development;
- (2) Requires the body corporate to replace any landscaping, including trees, that is dead or been removed from the private domain with landscaping of the same maturity as that lost within 3 months of the time it was lost; and
- (3) Allows Council to replace landscaping within the private domain that is dead or has been removed and that Council can recoup the cost for such landscaping replacement from the body corporate.

Such restriction is to stipulate that it may only be released, varied or modified by the Council.

E6 Road Easement

The appropriate notation being made on a survey plan and accompanying instrument under Section 88B of the *Conveyancing Act, 1919* dedicating the proposed new road (linking Honeysuckle Drive and Wright Lane) as public road to Council and setting out the terms of easements, rights of carriageway and rights of public access as required in association with the development in respect of the following where applicable:

- (1) interallotment drainage lines in favour of upstream properties utilising the lines;
- (2) rights of carriageway in favour of the property serviced;
- (3) easements for services in favour of the property serviced and /or the appropriate utility provider;
- (4) rights of public access in favour of Council; and
- (5) stormwater mains and overland flow paths in favour of Council.

For the purposes of the instrument prepared to satisfy this condition, Council is to be a party whose consent is needed to release or vary easements.

E7 Parking Easement

Any car parking spaces, as identified in the car parking allocation plan in condition B20, that are to be provided within the basement carparking area of Buildings A1 and A2 for use in association with the proposed serviced apartments within Building B7 and such being the subject of caveat to be registered as a positive covenant against the Title of the land.

(Note: The required positive covenant is to stipulate that it may only be released, varied or modified with the concurrence of Council, is to be ratified by Council's Solicitors and is to be registered with the Land Titles office prior to occupation of the premises. All costs in this regard are to be borne by the Applicant.)

Costs

E8 Costs to be Borne by Applicant

All costs associated with the preparation and registration of any covenant or restriction on title required by this consent, whether directly or indirectly, will be borne solely by the Applicant.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE***Engineering******F1 Fire Safety Certificate***

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the consent authority and Council by the PCA.

F2 Annual Fire Safety Statement

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the consent authority initial Fire Safety Certificate is received.

F3 Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of the Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) The development consent and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

F4 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of an Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact consent authority for specific electronic format) shall be submitted to the Department and the Council after:

- (1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F5 Landscaping

All landscaping works associated with this development are to be completed prior to the issue of the Occupation Certificate.

F6 Flooding

A Flood Emergency and Evacuation Management Plan is to be prepared and submitted to the satisfaction of the PCA prior to the issue of the Occupation Certificate. Such plan is to be prepared by a suitably qualified person and is to ensure residents and occupants are aware of flood hazards and emergency procedures.

F7 Road Dedication

The portion of the site required for road widening to facilitate the installation of the roundabout at the intersection of Honeysuckle Drive and the proposed new road (linking Honeysuckle Drive and Wright Lane), being transferred to Council for dedication as road. A suitable survey plan providing for the dedication shall be submitted to Council for certification prior to lodgement for registration with the Land and Property Information Office and to be registered prior to occupation of the buildings the subject of this development application. All associated survey and legal work to be undertaken at no cost to Council.

In the event that Council does not accept such dedication the said infrastructure is to be dedicated to the Honeysuckle Development Corporation.

Energy Efficiency

F8 Energy Efficiency

Prior to the issue of an Occupation Certificate, the Applicant shall submit to the PCA a statement demonstrating compliance with the requirements of Condition B15, B16, B17, B18, and B19 in Part B of this consent.

Water Conservation

F9 Water Conservation Devices

The development shall include water-saving devices such as low consumption dishwashers and washing machines, dual flush toilets, AAA-rated shower heads and tap aerators. Prior to the issue of an Occupation Certificate, the Applicant shall provide to the PCA evidence demonstrating that such measures have been incorporated.

Remediation

F10 Site Audits

Upon completion of the remediation works on the site, the Applicant shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Director. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Environmental Protection Agency to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.

Second Dilapidation Report

F11 Post-construction Dilapidation Report

- (1) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This

report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.

- (2) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
 - (a) compare the post-construction dilapidation report with the pre-construction dilapidation report required by Condition B9, and
 - (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (3) A copy of this report is to be forwarded to the Director and Council.

Compliance

F12 Storage

Prior to the issue of an occupation certificate, the Applicant shall demonstrate to the PCA by means of a table that the storage volume of each unit complies with DCP 40.

F13 Roadway matters

Prior to the issue of an occupation certificate, the Applicant shall demonstrate to the PCA that all road related matters required by Council and the Roads and Traffic Authority in development consent DA 230-5-2004 have been satisfied.

F14 Clotheslines and Clothes Dryers

- (1) The Applicant shall submit to the PCA a plan demonstrating that units are compliant with the requirements of Condition B14.
- (2) The PCA must not issue an Occupation Certificate for any unit within the development that does not have either a clothes line or clothes dryer installed.

PART G—POST OCCUPATION

Fire Safety

G1 Annual Fire Safety Certification

The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

Traffic and Parking

G2 Unobstructed Driveways and Parking Areas

All driveways, parking areas, manoeuvring areas, service bays, ramps and the like shall be unobstructed at all times. Such areas shall not be used for the manufacture, storage or display of goods, waste materials or any other equipment and shall be used solely for vehicular access, the parking of vehicles or loading and unloading associated with the use of the premises.

G3 Vehicular Access

Signs shall be exhibited in a prominent location on the site advising that all vehicles entering or leaving the site are to be driven in a forward direction at all times.

G4 Noise Control – Music and Entertainment

Any recorded music, live music or other entertainment played or provided within the premises shall be controlled to comply with the requirements of the Environmental Noise Control Manual (1985) and the Protection of the Environment Operations Act, 1997. Noise shall not exceed 5dB(A) above the background noise level when measured at the boundary of the nearest residential property.

G5 Noise Control – Plant and Machinery

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the site.

G6 Lighting

Any proposed floodlighting of the premises is to be positioned, directed and shielded as to not interfere with traffic safety or detract from the amenity of the adjacent premises.

G7 Landscaping

A Landscape Establishment Report is to be submitted to the PCA following the completion of a 3 month maintenance period after the issue of the Occupation Certificate verifying that satisfactory maintenance of the landscape works has been undertaken and any necessary mitigation measures have been undertaken to the necessary professional standards.

G8 *Flooding*

The appropriate recommendations of the Flood Emergency Evacuation and Management Plan are to be implemented such that all residents and occupants are aware of the procedures to take place in flood events.

G9 *Flood Warning Sign*

A flood warning sign (or signs) of suitable material is to be displayed in prominent locations within areas subject to inundation advising that the area may be subject to inundation during flood events.

Hazardous Materials**G10 *Storage of Hazardous or Toxic Material***

Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

G11 *Waste Materials*

Adequate facilities are to be provided in an appropriately screened location within the premises for the separate storage of recyclable and non-recyclable material, and arrangements being made for regular removal and disposal of same.

Public Access**G12 *Public Way to be Unobstructed***

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

PART H—GENERAL TERMS

Heritage Council

Prior to Commencement of Construction

H1 Section 60 Application

An application under section 60 of the Heritage Act is to be submitted to and approved by the Heritage Council prior to the commencement of construction for that part of the site within the boundaries of the State Heritage Register listing.

Mine Subsidence Board

Prior to Commencement of Construction

H2 Certification of improvements

The final drawings being submitted prior to the commencement of construction, which contains a certification by a qualified structural engineer that the improvements constructed meet the specifications of such final drawings and will be safe, serviceable and repairable taking into account the following subsidence design parameters:

- (1) Maximum vertical subsidence – 100mm
- (2) Maximum ground strains – $\pm 1\text{mm/m}$
- (3) Maximum tilt – 2.4mm/m

Prior to Occupation

H3 Permanent survey marks

Permanent survey marks shall be established on each of the buildings following their completion. Surveys shall be undertaken on these points at three (3) monthly intervals during the first 12 months and at six (6) monthly intervals during the second 12 months.

The location of all permanent survey points and the results shall be provided to the Mine Subsidence Board.

ADVISORY NOTES

AN1 Hunter Water Requirements

The Applicant shall obtain from Compliance Certificate from Hunter Water under Section 50 of the *Hunter Water Act 1991*.

The Section 50 Certificate must be submitted to the consent authority prior to the issue of a Subdivision Certificate and/or Occupation Certificates, where relevant, under Part 4A of the *Environmental Planning and Assessment Act 1979*.

AN2 Requirements of Public Authorities for Connection to Services

The applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, Hunter Water, Telstra Australia, AGL, WorkCover etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

AN3 Access to Rail Facilities

Should access to the rail corridor, or its easements prior to entering into an Access Deed with the appropriate rail authority, as referred to in Condition C21, the Applicant is required to enter into a release and Indemnity Agreement, which will cover all rail parties whilst work is carried out within or adjacent to the rail corridor.

AN4 Compliance with Building Code of Australia

All building work must be carried out in accordance with the provisions of the BCA. The applicant is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

AN5 Structural Capability for Existing Structures

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN6 Application for Hoardings and Scaffolding

A separate application shall be made to Council for approval under Section 68 of the *Local Government Act, 1993*, to erect a hoarding or scaffolding in a public place. Such fence or structure is to comply with the *Construction Safety Act 1912* and *Construction Safety Regulation, 1950*. Notice of intention of commencement must be given to Workcover.

AN7 Use of Mobile Cranes

The applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN8 Movement of Trucks Transporting Waste Material

The applicant shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

AN9 Construction Inspections

Compliance certificate/s shall be issued by the PCA and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment—Quality of Construction Act, 2002* for each stage of construction, such as the following:

- (1) Foundations,
- (2) Footings,
- (3) Damp proof courses and waterproofing installation,
- (4) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- (5) Structural beam and column framing,
- (6) Timber wall and roof framing, and
- (7) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of consent.

AN10 Application under Part 4A of the Act

An application under Part 4A of the Act shall be submitted to the consent authority along with a plan of subdivision prepared by a registered surveyor, for certification prior to the issue of the Subdivision Certificate.

AN11 Other Details Required prior to Issue of Subdivision Certificate

Where required, the applicant shall submit to the satisfaction of the consent authority, the following information, prior to the issue of the Subdivision Certificate:

- (1) Documentary evidence of the payment of the open space/ community facility/ transport and access contribution(s), and
- (2) Documentary evidence that the property has been developed in accordance with all relevant development consents applicable to the subdivision and of compliance (or a Compliance Certificate) with the conditions of those consents.

AN12 Application under Section 37 of Strata Titles (Freehold Development) Act, 1973

Section 37 of the *Strata Titles (Freehold Development) Act, 1973* requires an application to be submitted to the consent authority for approval prior to the issue of the certified strata plan of subdivision.

AN13 Remediation and Validation Report

Following the completion of remediation works on the site a Remediation and Validation Report is to be prepared by a suitably qualified environmental consultant. This report, together with a final site audit statement by an environmental consultant accredited with the Department of Environment and Conservation, including Notice of Completion statement, pursuant to clauses 17 (2) and 18 of *State Environmental Planning Policy No.55—Remediation of Land*, is to be submitted to the satisfaction of the consent authority prior to occupation of the building.

AN14 Street Numbering

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council's requirements (listed under), prior to the occupation of the building(s) or commencement of the use.

The minimum numeral heights shall be -

- (1) 75 millimetres for the exterior of the building and individual suites, flats or units.
- (2) 150 millimetres for a Group mailbox,
- (3) 150 millimetres for a house number, and
- (4) 50 millimetres for a 50 millimetres suite number.

If street numbers, or a change to street numbers, are required, a separate application shall be made to Council.

AN15 Place of Public Entertainment

The applicant will be required to obtain approval for the use of the premises as a "Place of Public Entertainment" under the provisions of the *Local Government Act, 1993*. The applicant shall provide evidence of receipt of the approval to the satisfaction of the PCA prior to the occupation of the building(s) or commencement of the use.