

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. 233-05-2003

(FILE NO. S03/01611)

**RECONFIGURATION AND CONSTRUCTION OF HONEYSUCKLE DRIVE AND
HONEYSUCKLE GARDENS – “LEE WHARF DEVELOPMENT”**

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 confirm and clarify the terms of development consent;
- (2) To advise of matters to be resolved prior to the commencement of works;
- (3) To encourage appropriate provision of landscaping to enhance the external appearance of the development and the overall landscape quality of the area.
- (4) To maintain the amenity of the local area;
- (5) To protect the environmental attributes and cultural heritage of the area;
- (6) To ensure compliance with relevant statutory provisions, including the Environmental Planning and Assessment Act and Regulation plus the Building Code of Australia;
- (7) To ensure the requirements of Approval Bodies, other government agencies, service providers and Council are adhered to;
- (8) To ensure the provision of the necessary infrastructure and utility services commensurate with the development without additional demands on public sector resources;
- (9) To ensure the mitigation of traffic impacts and that works within road reserves are suitably authorised.
- (10) To ensure relevant environmental standards are met during the construction and operation of the development;
- (11) To ensure public safety and health is not compromised during construction and operation of the development;
- (12) To indicate other approvals required for the development; and
- (13) To ensure development occurs on the basis on which it was assessed.

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

Sydney,

2004

SCHEDULE 1 –THE DEVELOPMENT**PART A—TABLE**

Application made by:	Caverstock Group Level 1, 185 Liverpool Street, Sydney NSW 2000
Application made to:	Minister for Infrastructure and Planning
Development Application:	233-05-2003
On land comprising:	Lot 7 DP 883747 and Honeysuckle Drive Road Reserve Honeysuckle Drive, Newcastle
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Estimated Cost of Works	\$971,110
Type of development:	Integrated Development Advertised Development
S.119 Public inquiry held:	No
Approval Body / Bodies:	Mine Subsidence Board Waterways Authority NSW Heritage Council Newcastle City Council
Determination made on:	
Determination:	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 accompanying letter.
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 substantially commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 233-05-2003***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
- (2) for a modification to the consent, within 3 months after the date on which the application received this notice.

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 Deputy Director-General.

PART C—DEFINITIONS

In this consent,

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

Applicant means 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. 233-05-2003 means the development application and supporting documentation submitted by the applicant on 28 May 2003 plus additional supporting material submitted during assessment of the application.

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

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

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

Deputy Director-General means the Deputy 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 mean the Environmental Planning and Assessment Regulations, 2000 (as amended).

Senior Planner means the Senior Planner, Urban Assessments branch (or its successors) within the Department.

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

Team Leader means the Team Leader, Urban Assessments branch (or its successors) within the Department.

SCHEDULE 2 –**THE CONDITIONS OF CONSENT (INCLUDING ADVISORY NOTES)****DEVELOPMENT APPLICATION NO. 233-05-2003****PART A—ADMINISTRATIVE CONDITIONS****A1 Development Description**

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

- (1) Reconfiguration of Public Open Space (Honeysuckle Gardens) so that it is not surrounded by road reserve;
- (2) Consequent reconfiguration of Honeysuckle Drive to achieve the reconfiguration of Honeysuckle Gardens;
- (3) Landscaping of Honeysuckle Gardens and Honeysuckle Drive;
- (4) Provision of mid-block pedestrian crossing of Honeysuckle Drive,
- (5) Consequential subdivision of Lot 7 DP 883474 (2783m²) and Road Reserve to create proposed Lot 26 as Public Reserve (1699m²) and proposed Lot 27 as Public Reserve (1138m²); and
- (6) Road Widening (1083m²)

A2 Development in Accordance with Plans

The development shall be generally in accordance with development application number 233-05-2003 submitted by the applicant on 28 May 2003 and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Architectural Drawings prepared by Crone Nation Architects			
Drawing No.	Revision	Name of Plan	Date
ADAZ0001	C	Location Plan	23.05.03
ADAZ0002	C	Site Analysis Plan	23.05.03
ADAZ1002	E	Podium Ground Floor Plan	16.02.04
ADAZ1022	A	Podium Site A Revised Floor Plan	24.10.03
ADAZ3001	E	North – South Section A & B	2.03.04
ADAZ3002	C	North – South Section C East – West Section D	11.02.04
Landscape Drawings prepared by Oculus			
Drawing No.	Revision	Name of Plan	Date
DA-L01	Rev A	Landscape Master Plan	April 2004
DA-L02	Rev B	Landscape Plan	April 2004
DA-L03	-	Landscape Sections 1	May 2003
DA-L04	-	Landscape Sections 2	May 2003

DA-L05	-	Landscape Sections 3	May 2003
DA-L06	-	Landscape Images	May 2003
Survey Drawings prepared by Monteath & Powys			
Drawing No.	Revision	Name of Plan	Date
02195X.DWG	1	Development Application Site Plan Showing Existing Lot Boundaries	5.11.03
02195AB.DWG	1	Proposed Road Closure and Road Widening Plan Over Part of Honeysuckle Drive and Lot 7 DP 883474	5.11.03

And in accordance with the following documents:

Statement of Environmental Effects prepared by Crone Nation Architects dated 27 May 2003.
Urban Landscape and Design Report prepared by Oculus dated 20 May 2003.
Civil and Maritime Works Flood Management report prepared by Patterson Britton Partners dated 22 May 2003.
Lee Wharf, Newcastle Heritage Impact Statement prepared by Godden Mackay Logan dated May 2003.
Lee Wharf Park, Newcastle Heritage Impact Statement prepared by Godden Mackay Logan dated June 2003 .
Traffic and Transportation Assessment prepared by Project Planning Associates dated 31 July 2003.
Additional information pertaining to Flood Management prepared by Patterson Britton and Partners dated 21 November 2003, incorporating Honeysuckle Flood Level Review prepared by Lawson and Treloar Pty Ltd dated 30 October 2003.
Additional information pertaining to Site Remediation submitted by Crone Nation Architects dated 20 January 2004.
Additional information concerning details of DA amendments submitted by Crone Nation Architects dated 16 February 2004.

A3 *Applicant's Responsibilities*

The applicant is to take full responsibility to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this consent.

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**B1 Requirements of Public Authorities for Connection to Services**

The applicant shall comply with the requirements of all relevant 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 Certifying Authority prior to the issue of the Construction Certificate.

B2 Design Criteria

All works being generally designed in accordance with the following publications (as amended or updated), as applicable unless altered by a specific condition of this consent:

- (1) Institution of Engineers *Australian Rainfall and Runoff*, 1987.
- (2) AUSTROADS *Guide to Traffic Engineering Practice*.
- (3) Department of Housing *Road Manual*, 1987.
- (4) Roads and Traffic Authority *Road Design Guide*.
- (5) Roads and Traffic Authority *Interim Guide to Signs and Markings*.
- (6) Environment Protection Authority *Managing Urban Stormwater – Treatment Techniques*.
- (7) Department of Housing's *Managing Urban Stormwater: Soils and Construction*.
- (8) *Pavement Design – A Guide to the Structural Design of Road Pavements*.
- (9) Austroads – 1992.
- (10) NSW Department of Housing "Construction Specification", 1989 Edition, as varied by Newcastle City Council's Schedule A.
- (11) Newcastle City Council Development Control Plan 33 – *Landscape Design Principles & Guidelines*, 1994.
- (12) Newcastle City Council Development Control Plan 50 – *Stormwater Management for Development Sites*, 1999.

Design Details and Changes**B3 Additional Details**

Additional details in regard to the following matters shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate:

- (1) The proposed pedestrian traffic control signals in Honeysuckle Drive being deleted and a suitable pedestrian crossing facility being provided incorporating opposing kerb blisters and a central median cut-through.

B4 Outdoor Lighting

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 Disabled Access

The premises are to be provided with adequate means of access for persons with disabilities in order to comply with Part D3 of the BCA's Access Policy, Australian Standard AS. 1428 and the Disability Discrimination Act (1992).

In this regard, the applicant is to submit a design detail which has been certified by a qualified Access Advisor to the Certifying Authority prior to the issue of a Construction Certificate.

Note: Compliance with the BCA only can still leave a building professional or building owner in contravention of the Disability Discrimination Act 1992. A qualified Access Advisor should carry current and relevant public liability and public indemnity insurances for the practice of their trade.

B6 Drainage

Any alteration to natural surface levels on the site being undertaken in such a manner as to ensure that no surface water is drained onto or impounded on adjoining properties. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

B7 Dilapidation Reports

A Dilapidation Report detailing the current structural condition of the existing and adjoining buildings, infrastructure and roads shall be prepared and endorsed by a qualified structural engineer. Particular emphasis is placed upon nearby identified heritage items. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A second Dilapidation Report shall be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the adjoining buildings, infrastructure and roads. The report shall also be submitted to the satisfaction of the PCA and should be compared with the earlier report to ascertain if any change has occurred.

B8 Remediation of Road Reserve

A preliminary investigation in accordance with the contaminated land planning guidelines is to be conducted over that part of the existing Honeysuckle Drive Road Reserve that is to be altered to Public Reserve to ensure the provisions of State Environmental Planning Policy 55 are satisfied. The investigation is to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Should this investigation identify that the subject land is contaminated the appropriate remedial actions are to be undertaken in accordance with the recommendations of a site auditor accredited by the Environmental Protection Agency to issue Site Audit Statements.

Landscaping

B9 Landscape Plan

A detailed landscape prepared by a qualified Landscape Architect, complying with the provisions of DCP 40 – City West shall be submitted to and approved by the Team Leader prior to the issue of a Construction Certificate. Evidence of consultation with Council's Landscape Architect is to be provided with the landscape plan.

The landscape plan is to incorporate the following:

- (1) existing topography, adjacent development and open space, existing services, public amenities, extent of cut and fill, access points and “links” to existing open space, quantities, locations and species of all proposed new plantings and landscape design principles.
- (2) Street tree planting to be provided within the footpath areas of Honeysuckle Drive, and Wright Lane across the development frontage.
- (3) Street tree planting to be provided within the footpath areas of the reconfigured ‘squareabout’.
- (4) The following species to be utilised in street tree planting for footpath areas – Lilly Pilly (*Syzygium australe*).
- (5) Street trees located within the footpath areas to be protected with suitable tree guards. Tree guards to comply with Council's Treeguard and Planting detail A350.
- (6) Honeysuckle Gardens being provided with appropriate tree planting inclusive of the proposed 400 litre fig tree (*Ficus rubiginosa*),
- (7) Street tree planting in the central island of Honeysuckle Drive to be provided in a straight row.
- (8) The following species to be utilised in street tree planting for the central island of Honeysuckle Drive – Norfolk Island Pines (*Araucaria heterophylla*).
- (9) Trees provided are to be nominated as a minimum 150 litre pot size with the exception of the Fig tree (*Ficus rubiginosa*) to be provided in the ‘Honeysuckle Gardens area which is to be in a 400 litre pot size.
- (10) Street trees to be selected and certified by the supplier to comply with the current NATSPEC guide with respect to root development, height, trunk diameter and branch structure and balance (refer to *Specifying Trees*, Construction Information Systems Australia PL, Clark, R 2003).
- (11) Footpath areas in Honeysuckle Drive across the development frontages and the northern boundary of ‘Harbour Square Park’ to comprise plain Portland grey concrete with banding at maximum 10m intervals in Bowral ‘London Chestnut’ paving bricks; and
- (12) Footpath areas in Wright Lane across the development frontages, the proposed new road (linking Honeysuckle Drive with Wright Lane) and the eastern boundary of ‘Hunter Square Park’ to comprise plain Portland grey concrete with banding at maximum 10m intervals in Rocla concrete pavers to match existing.

- (13) The proposed trellis shade structure in the Honeysuckle Gardens being deleted and replaced with an informal grove of teak trees (*Flindersia australis*).

Engineering Works

B10 Road Works

The developer designing and constructing the following specific road works adjacent to the site, at no cost to Council and to Council's requirements. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

- (1) A roundabout at the intersection of Honeysuckle Drive and the proposed new road (linking Honeysuckle Drive and Wright Lane);
- (2) A roundabout at the intersection of Honeysuckle Drive (at the 'Squareabout') and Workshop Way;
- (3) A raised threshold in Workshop Way at the intersection of Honeysuckle Drive (at the 'Squareabout');
- (4) Removal of the 'Squareabout' and the re-alignment of the road generally in accordance with the submitted 'Roadworks General Arrangement' plan by Patterson Britton & Partners Pty Ltd Job No. A2001 Rev A dated 29 April 2003;
- (5) A suitable pedestrian crossing facility in Honeysuckle Drive incorporating opposing kerb blisters and a concrete central median cut-through;
- (6) An indented bus lay-by in Honeysuckle Drive to accommodate two 14.5m coaches, generally in the location detailed on the submitted 'Roadworks General Arrangement' plan prepared by Patterson Britton & Partners Pty Ltd Job No. A2001 Rev A, dated 29 April 2003. The full extent of the bus lay-by area is to be finished in the approved paving treatment for the public promenade area in the vicinity of the Lee Wharf 'A' building and is to be designed to cater for the anticipated vehicle loadings; and
- (7) The required roundabouts are to incorporate adequate provision for both cyclists and pedestrians.

It will be necessary for the Applicant to obtain the concurrence of the relevant utility authorities for the proposed works and to arrange with the various authorities for the necessary relocation (clear of the road carriageway), repairs and/or amplification of their respective services before such works are commenced.

The applicant is advised to confer with Council's Development & Building Services Section in order to confirm design requirements and construction standards prior to commencement of civil works within the public road.

B11 Road Construction

The required works within the road reserves of Honeysuckle Drive, the re-configured 'squareabout' area and Wright Lane are to be carried out generally as detailed in the submitted plans, at no cost to Council and to Council's requirements and design specifications, and are to include:

- (1) Road pavement;

- (2) Road shoulder pavement;
- (3) Kerb and gutter;
- (4) Footway formation;
- (5) Footpaving;
- (6) Landscaping; and
- (7) Associated drainage works.

B12 *Road Design*

Comprehensive engineering design plans and specifications for the works to be undertaken in the road reserves being submitted to and approved by Council prior to the issue of a Construction Certificate, such to be accompanied by the following documentation and additional details:

- (1) **Land Management Plan:** The required Plan is to nominate existing and proposed surface levels and provide full details of proposed erosion and sediment control measures to be implemented prior to, during and after construction. The Plan is to be prepared in accordance with the Department of Housing's Guidelines – *Managing Urban Stormwater: Soils and Construction*.
- (2) **Detail of Earthworks:** Plans are to indicate the full extent of any earthworks proposed (cut and fill). All topsoil and unsuitable material is to be nominated to be removed prior to placement of fill.

Maximum nominated thickness of fill layer:

- 150 mm in road reserve areas
- 300 mm in other areas

Minimum nominated compaction of fill:

- 98% standard in road reserve areas
- 95% standard in others areas

- (3) **Road Design Plans:** Plans, longitudinal sections, cross sections and incidental detail complying with the following requirements:
- Design speed of 50 kph.
 - Standard design vehicle to be a semi-trailer (19.0m) and coach (14.5m).
 - Plans to be accompanied by a pavement design report prepared and endorsed by a practising geotechnical engineer.
 - The minimum subgrade CBR to be 5%.
 - Roads to be designed generally with a maximum grade of 12%.
 - Proposed road intersection to have at least 10m vertical curves.
 - Provision of kerbside parking in Wright Lane for two 14.5m coaches.
 - Provision of adequate kerbside parking for service vehicles and taxis.

- Kerb and gutter shapes to be constructed in accordance with Council's *Standard Drawing No. NCC A17*, as amended on 23 January 1995.
 - Drainage inlet structures to be constructed in accordance with Council's *Standard Drawing Nos. A199*, dated March 1995 and *A313*, as amended 6 September 1994.
 - Footways to be generally high level and at 2% grade toward the kerb.
 - Kerb ramps to be constructed in accordance with Council's Draft *Standard Drawing No. A90*, dated November 1998.
 - Engineering plans to specify that the road is to be Benkleman Beam tested prior to prime sealing, with a maximum permissible deflection of 0.8mm.
 - Plans to specify that the road is to be primer sealed prior to asphaltting.
 - The wearing surface of the road to comprise a 50mm minimum compacted thickness layer of asphaltic concrete (AC 14).
 - Road name plates to be installed at the intersections of the proposed new road and both Honeysuckle Drive and Wright Lane in accordance with Council's specification.
 - Street lighting to be provided on all roads in accordance with AS 1158 – Road Lighting.
 - A separate linemarking and signposting plan to be included in the design plans.
- (4) **Stormwater Drainage Plan:** The required Plan is to provide for a 1:10 year recurrence interval piped stormwater drainage system, with overland flow up to a 1:100 year recurrence interval event contained within road reserves and/or drainage reserves, and is to comply with the following requirements:
- Sub-soil drainage to be located under kerb and gutter and extend at least 500mm below bottom of pavement.
 - Pits to be located upstream of kerb ramps and kerb returns.
 - All stormwater pipes in the public road to be rubber ring jointed reinforced concrete.
 - The proposed development not to increase upstream or downstream flooding for floods over a range of storms from 1:1 to 1:100 year events.
- (5) **Water Management Plan:** Details showing the control methods proposed to ensure compliance with this consent as well as water quality management details are also to be included indicating management practices to be utilised in construction and completed phases of the proposed development.
- (6) **Utilities Layout Plan:** A utilities layout plan is to indicate the location of existing mains, associated installations and service conduits, together with any proposed utility alterations and installations, in particular, street lighting. Any required electricity substations, pumping stations or similar installations are to be located in public reserves and/or on private land and are not to be located within road reserves.

- (7) **Set-out Layout Plan:** A set-out layout plan is to indicate survey co-ordinates for set out points for kerbs, medians and lane lines.

Note: An additional fee will be required by Council for the assessment of engineering plans submitted for the public road works. In this regard the developer is advised to confer with Council's Development & Building Services Section in order to confirm the fee payable.

B13 *Parking and Cyclist Facilities*

Adequate provision for kerb-side parking and cyclists is to be provided on all roads inclusive of linemarking and regulatory signage in accordance with AUSTROADS - *Guide to Traffic Engineering Practice*. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

B14 *Stormwater and Drainage Works Design*

Final design plans of the stormwater drainage systems within the proposed development, prepared by a suitably qualified, practicing engineer and in accordance with the requirements of Council's DCP 50 "*Stormwater Management for Development Sites*" and any relevant EPA Guidelines shall be submitted to the Certifying Authority prior to issue of a Construction Certificate. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.

The existing stormwater drainage system in Honeysuckle Drive, the 'Squareabout' area and Wright Lane being adjusted and extended as required to suit the proposed new road layout.

The drainage system is to be designed to safely convey the 1 in 10 year Average Recurrence Interval design storm event and is to incorporate pollution control devices designed to remove gross pollutants, nutrients, sediments, oils and grease generated from the road. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for the works in the public road reserves.

B15 *Compliance Report*

Prior to the issue of a Construction Certificate, 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 C—PRIOR TO COMMENCEMENT OF WORKS

C1 “Squareabout” and Honeysuckle Gardens Configuration

The applicant is to construct the reconfigured Squareabout and Honeysuckle Gardens as per the approved plans. This includes making the necessary application(s) to Council for all relevant approvals that are required for the works to proceed, including road closing and road widening under the provisions of the Roads Act 1993.

Should the applicant demonstrate that Council has not approved the relevant applications made to it within 4 months of those applications being submitted to Council and remains unlikely to approve those applications, the applicant is to make application to the Department pursuant to Section 96 of the Act to vary the terms of this condition.

In support of the application under Section 96 of the Act, the applicant shall lodge a cash bond, bank guarantee or other acceptable form of security for the full value of all works associated with the configuration and construction of the Squareabout and Honeysuckle Gardens. The value of the bond or guarantee is to be determined by an experienced, qualified Quantity Surveyor and is to be based upon:

1. The approved landscape plan, that is required by condition B9; and
2. The approved road construction plans, designs and standards that are required by conditions B10, B11 and B12.

The form and total value of the security is to be approved by the Director Urban Assessments.

Should the application under Section 96 of the Act be approved and the existing configuration of the Squareabout and Honeysuckle Gardens is to remain, the Department will require open space embellishment in the locality to the same value as that proposed in the Squareabout and Honeysuckle Gardens. The location and type of open space embellishment will be identified by the Department in consultation with the Honeysuckle Development Corporation. The value of the said embellishment is to be determined by an experienced, qualified Quantity Surveyor and is to be indexed at the time of actual payment or construction in accordance with the “Consumer Price Index” weighted average of eight capital cities published by the Australian Bureau of Statistics each quarter. The total cost of these alternative open space embellishment works will be borne by the applicant, either directly or by recovery against the security lodged with the application under Section 96 of the Act.

Excavation Works

C2 Notice to be Given Prior to Excavation

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

C3 Utility Services

Conduits for the carriage of utility services are to be provided under roads at the time of construction of the roads. Such conduits are to be located clear of the design road pavement and are to be in accordance with the utility services designs for water, electricity, telecommunications and gas as appropriate.

Structural Works

C4 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

C5 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 Team Leader. 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 C5 below),
- (4) noise management (see also C6 below),
- (5) waste management (see also C7 below),
- (6) dust management (see also C8 below),
- (7) erosion and sediment control (see also B13),
- (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.

C6 Construction Traffic & Pedestrian Management Plan

Prior to the commencement of any works on the site, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Council. 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 1742.3 – 1996.

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 approved plan to the consent authority prior to the commencement of construction.

C7 Construction Noise and Vibration Management Plan

Prior to the commencement of any works on the site, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Team Leader. Written evidence of consultation with Council 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 approved plan to Council.

C8 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 DCP 56. The Applicant shall submit a copy of the plan to the Department and Council. The plan is to maximise opportunities reuse, recycling and reprocessing of waste material.

C9 Dust Management

Prior to the commencement of works, the Applicant shall submit to the satisfaction of the PCA, a dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions. This strategy is to be cross-referenced with the water management strategy in condition B12.

C10 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.

C11 Hoardings

If the work involved in the erection / demolition of the building:

- (1) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (2) involves the closure of a public space,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

Heritage**C12 Subsurface Disturbance**

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

C13 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 National Parks and Wildlife Service's requirements have been met shall be submitted to PCA prior to engineering works commencing. 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**C14 Removal of Hazardous Materials**

Any hazardous materials that might be discovered during works 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.

C15 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.

Public Roads**C16 Road Works**

No works are to take place within the public road until Council's separate written approval has been obtained. This includes the storage of building materials or the carrying out of building operations in Council's foot way or road way.

C17 Inspections

The works within the existing and proposed new public road reserves being inspected during construction by Council and documentary evidence of compliance with the terms of this consent being obtained prior to proceeding to the subsequent stages of construction. Inspections and associated documentation to be arranged at not less than the following key stages:

(1) Sediment Control

- Upon initial installation and prior to commencement of all other works;
- Upon installation of subsequent stage controls nominated in the Land Management Plan;
- Upon completion of stormwater drainage; and
- Final inspection.

(2) Earthworks

- Subgrade, prior to laying of fill; and
- Final inspection.

(3) Road Construction

- Subgrade, prior to laying of sub-base;
- Sub-base, prior to laying kerb and/or gutter;
- Kerb and/or gutter, prior to laying base course;
- Base course, prior to Benkleman Beam testing;
- Base course, immediately prior to prime sealing;
- Prime seal, prior to laying AC wearing surface;
- Footpaths, prior to seeding/turfing/landscaping; and
- Final inspection.

(4) Footpaths

- Subgrade, prior to laying of base course;
- Base course, prior to laying of pavers; and
- Final inspection.

(5) Stormwater Drainage

- Trench and bedding prior to laying of pipes;
- Pipes, prior to backfilling;
- Pits, prior to backfilling;
- Backfilling, prior to capping; and
- Final inspection.

(6) Landscaping

- Final inspection.

Utilities**C18 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.

C19 Public Art

A suitable public art feature designed or selected in consultation with Council's Public Art Committee is to be provided at the developer's expense within Honeysuckle Gardens Details

to the. Details are to be submitted to the satisfaction of the Team Leader prior to works commencing.

Compliance

C20 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

A site Audit Statement is to be produced for the area to be used for Honeysuckle Gardens as recommended in the Environmental Management Plan for the Honeysuckle Development Area, prepared by AGC Woodward-Clyde dated 14 January 1999.

The current use of the Squareabout will change under the proposed development to public open space. Any Site Audit Statement will be required to identify the area as suitable for that use.

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 EPA's Guidelines: *Assessment, Classification and Management of Liquid and Non-Liquid Wastes*.

Structural Works

D6 Setting Out of Structures

The works 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 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.

D8 *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.

D9 *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.

D10 *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.

D11 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.

D12 Noise Control

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

D13 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.

D14 Protection of Trees – Street Trees

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

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

If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the NSW Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW *Heritage Act 1977* may be required for further works can be considered in that area.

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

If any Aboriginal archaeological relics are exposed during construction works, the Applicant shall immediately notify the National Parks and Wildlife Service and obtain any necessary

approvals to continue the work. The Applicant shall comply with any request made by the NPWS to cease work for the purposes of archaeological recording.

Compliance

D18 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 ISSUE OF SUBDIVISION OR STRATA SUBDIVISION
CERTIFICATE**

There are no conditions relevant to this part.

PART F—PRIOR TO OCCUPATION CERTIFICATE

F1 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.

F2 Floodways

All of the floodways on the subject property detailed in the Waterfront and Cottage Creek Flood Management Plan being completed as part of the development and prior to occupation of any of the proposed buildings.

F3 Road Dedication

The portion of the site required for road widening to facilitate the installation of the roundabout at the intersection of Honeysuckle Drive is to be transferred to Council for dedication as road. A suitable survey plan providing for the dedication to be submitted to Council for certification prior to lodgement for registration with the Land and Property Information Office. (Note: All associated survey and legal work to be undertaken by the Developer at the Developer's expense).

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

F4 Final Inspection

Satisfactory final inspection of the proposed/required road reserve infrastructure works being undertaken by Council prior to Council's acceptance of maintenance responsibility for such works. In this regard, Council will not accept maintenance responsibility for the road reserve infrastructure, until such time as a twelve (12) month defects liability period has been completed. The required defects liability period will commence from the date of completion of works.

F5 Works as Executed Plans

Certified works-as-executed (WAE) plans for the works within the existing and proposed new public road reserves are to be lodged with Council on completion of works. The WAE plans are to be prepared by a suitably qualified consulting engineer or registered surveyor, and are to show:

- (1) any alterations made to the approved plans;
- (2) service conduits;
- (3) all kerb and gutters, pits and pipelines; and
- (4) certification by a Registered Surveyor that all pipes and services etc. are totally within their proposed easements.

F6 Road Damage

The Applicant is to make good any damage caused to a public road or associated structures, including drains and kerb and gutter, and to private property caused as a result of the works.

The cost of repairing any damage caused to Council's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Applicant prior to the issue of an Occupation Certificate. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works being restored to match existing conditions at the applicant's expense.

F7 Regulatory Signage

The developer being responsible for the provision of additional regulatory signage and all adjustments to and/or relocation of existing regulatory signage and parking meters necessary as part of the development in accordance with the Council.

F8 Survey Monuments

A statement from a registered surveyor being submitted to the Consent Authority and Council on completion of works verifying that:

- (1) no survey control marks were interfered with during site work; or
- (2) that the requirements of the Survey Control Branch of the Department of Infrastructure, Planning & Natural Resources (DIPNR) had been obtained in respect of any survey control marks which were interfered with or destroyed and that such requirements have been complied with.

F9 Street Names

Proposed street names are to be submitted to and approved by Council. The provision of the required street signage is to be in accordance with Council's specification, at no cost to Council.

F10 Public Art

Provision of Public Art feature as required by condition C18 is to be installed prior to the issue of the Occupation Certificate.

F11 Landscaping

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

PART G—POST OCCUPATION**G1 *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.

G2 *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.

G3 *Landscaping*

A Landscape Establishment Report for landscape works within the road reserves and Honeysuckle Gardens being submitted to the Consent Authority and Council following completion of a twelve (12) month maintenance period, such Report to verify that satisfactory maintenance of the landscape works has been undertaken and any necessary rectification measures have been carried out to a satisfactory standard.

Public Access**G4 *Public Way to be Unobstructed***

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

Compliance**G5 *Compliance Report***

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

PART H—GENERAL TERMS

Heritage Council

H1 Section 40 and 160 Applications

Applications under sections 60 and 140 of the Heritage Act are to be submitted to and approved by the Heritage Council prior to the commencement of construction or excavation for those parts of the site within and outside the boundaries of the State Heritage Register listing respectively.

H2 Landscape Plan

A detailed landscape plan for Hunter Square Park is to be submitted to the Heritage Council under section 60 of the Heritage Act which addresses loss of visual connection between the former Boiler House and Machine Shop and Lee Wharf A and Harbour caused by the choice of planting and siting and transparency of the proposed pergola.

H3 Excavation

Excavation which extends below the level of the base of the footings of the adjacent heritage items must protect the items from damage and if necessary support the buildings in a manner approved by the PCA.

H4 Vibration Monitoring

Vibration and structural monitoring is to be undertaken during critical and sensitive phases of the excavation and foundation construction to ensure that site conditions do not lead to vibration levels that could have a detrimental impact on the structural fabric of the heritage items.

H5 Archaeological Research Design

An Archaeological Research Design is to be submitted to the Heritage Council in conjunction with the applications to be lodged under sections 60 and 140 of the Heritage Act which must include a comprehensive mitigation strategy in relation to:

- (1) subsurface disturbance for landscaping, grading and temporary work; and
- (2) the use of heavy machinery so that the proposed works do not directly impact on the areas immediately adjacent to the site boundary, as they are likely to contain significant archaeological remains associated with the Monier Sea Wall and other rare foreshore remains.

H6 Approved Excavation

The approved excavation must be carried out under the direction of a nominated Excavation Director and in accordance with the approved Archaeological Research Design.

H7 Site Access for Archaeological Purposes

The Applicant must ensure that the Excavation Director and team are given sufficient time and access to the site to complete their work to the satisfaction of the Director of the NSW Heritage Office. If necessary, conflicting work schedules shall be adjusted to accommodate the archaeological excavation works.

H8 Excavation Procedures

Throughout the archaeological excavation works and post-excavation analysis, the applicant must ensure that:

- (1) Appropriate signage to explain the history of the site and the archaeological excavation works is placed at the site during any archaeological excavation;
- (2) A local public information program is implemented including press releases to ensure the public is informed about the project and its outcomes;
- (3) The services of a conservator must be utilised for conservation of significant artefacts; and
- (4) The NSW Heritage Office is to be notified, in writing, at least once a month of the progress of work during excavation and during post excavation analysis.

H9 Site Induction

As part of a detailed site specific induction, all personnel involved in any demolition and excavation works are required to attend a comprehensive briefing on the requirements of the NSW Heritage Act, 1977 in relation to archaeological relics and the need for compliance with the proposed archaeological program approved as part of the s.60 application. Location maps of any potential archaeological sites must be distributed to all personnel and a signed record of attendance sheet created.

H10 Additional Relics

The nominated Excavation Director must immediately contact the NSW Heritage Office when relics not identified in 'Lee Wharf Newcastle Heritage Impact Statement' prepared by Godden Mackay Logan (2003) are disturbed by construction work on site.

H11 Interpretation Strategy

At the completion of archaeological works, the results of the archaeological program are to be interpreted within the completed redevelopment of the site. This interpretation strategy must outline how the archaeological results will be publicly interpreted and is required to be submitted to the Director of the NSW Heritage Office for approval and then implemented to the satisfaction of the Director of NSW Heritage Office.

H12 Interpretation Strategy Requirements

The required interpretation strategy must help the public understand the history and significance of the site and must include recommendations regarding the display of selected artefacts and other relevant material to help achieve this and a multimedia strategy. The interpretation strategy should include opportunities to interpret the technology used and adapted on site during the various periods of occupation as well as opportunities to describe the site within a wider State context and its impacts and contributions to associated industries. The alignment of former shorelines and seawalls, pre-railway occupation of the site including Aboriginal occupation, and the former rail usage of the site are to be recognised by the Interpretation Strategy.

H13 Submission of Draft Interpretation Strategy

The draft Interpretation Strategy is to be submitted to the NSW Heritage Office for comment within one month of the completion of excavation works on site.

H14 Interpretation Strategy Implementation

The Interpretation Strategy is to be implemented to the satisfaction of the Director of the NSW Heritage Office prior to the release of any occupation certificate for the development.

H15 Preservation of Rail Lines

The existing rail lines servicing the former wharf structures are to be retained and conserved as far as practical within the proposed park.

H16 Notification

The NSW Heritage Office must be informed of the commencement and completion of the archaeological program at least 5 days prior to the commencement and within 5 days of the completion of work on site.

H17 Relic Safe Keeping

The applicant is responsible for the safe-keeping of all relics recovered from the site.

H18 Artefact Logging

The applicant must ensure that the Excavation Director cleans, stabilises, identifies, labels, catalogues and stores any artefacts uncovered from the site in a way that allows them to be retrieved according to both type and provenance.

H19 Record Inspection

The Heritage Council of NSW and the NSW Heritage Office reserve the right to inspect the site and records at all times and access any relics recovered from the site.

H20 Final Archaeological Report

In accordance with section 146(b) of the NSW Heritage Act, 1977, the Applicant must ensure that a final archaeological report is prepared by the nominated Excavation Director, to publication standard, within one (1) year of the conclusion of the project unless an extension of time is approved by the Director of the NSW Heritage Office. Two copies of this report must be submitted to the NSW Heritage Office. One electronic copy must also be submitted to the NSW Heritage Office. A further copy must be lodged in the local library or another appropriate local repository in the area in which the site is located.

H21 Final Report Contents

The Heritage Council of NSW requires that the final report shall include:

- (1) An executive summary;
- (2) Due credit to the client undertaking the excavation on the title page;
- (3) An accurate site location and site plan;
- (4) Historical research, references, and bibliography;
- (5) An archival photographic recording of the site prior to and during the archaeological investigation;
- (6) Detailed information on the excavation including the aim, the context for the excavation, procedures, post-excavation analysis, treatment of artefacts (such as cleaning, conserving, sorting, cataloguing, labelling, and scale drawings);
- (7) Nominated repository for the artefacts;
- (8) Detailed response to research questions; and
- (9) Details of how this information about the excavation has been publicly disseminated.

H22 Aboriginal Artefacts

If any Aboriginal relics are uncovered, excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Mine Subsidence Board**H23 Survey Marks**

Permanent Survey marks are to 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 survey results shall be provided to the Mine Subsidence Board.

Waterways Authority**H24 Part 3A Permit**

The Waterways Authority has advised that a Part 3A Permit would **not** be required for this proposed development provided that all of the following requirements are met:

- (1) The proposed works are carried out so that:
 - (a) No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of the Hunter River; and
 - (b) No materials are likely to be carried by natural forces to the bed, shore or waters of the Hunter River.
- (2) Any material that does enter the Hunter River must be removed immediately.
- (3) In relation to the above, best practice methods shall be adopted for the on-site control of runoff, sediment and other pollutants during, and post, construction. Methods shall be in accordance with the relevant specifications and standards contained in the manual *Managing Urban Stormwater – Soils & Construction* issued by the NSW Department of Housing in 1998 and any other relevant Council requirements.
- (4) The erosion, sediment and pollution control system is to be effectively maintained at or above design capacity for the duration of the 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.
- (5) The erosion, sediment and pollution controls shall be installed and stabilised before commencement of site works. This does not include the works associated with the construction of the appropriate controls.
- (6) Any material that is to be stockpiled on site is to be stabilised to prevent contamination, erosion or dispersal of the material. Consideration should be given to covering stockpiles when not in use.
- (7) Access for delivery and removal of materials to and from the site is not to make use of the waterway.
- (8) Landscaping should comprise of locally indigenous species, which represent the original plant communities that would have been found along the shoreline in the vicinity of the subject land

ADVISORY NOTES

AN1 Hunter Water Requirements

The Applicant shall obtain from Compliance Certificate from Hunter Water under section 7503 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 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.

AN3 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 Regulation 1950. Notice of intention of commencement must be given to Workcover.

AN4 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.

AN5 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.

AN6 Noise Generation

Any noise generated during the construction of the development shall not exceed the limits specified in the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

AN7 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 Protection Agency accredited environmental consultant, 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.