

Appendix B – Proposed Amendment to Conditions

Below is a list of the conditions of development consent that were originally provided with the SSD 8440 Approval. The conditions that are recommended to be amended have been modified accordingly.

Schedule 2

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

TERMS OF CONSENT

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS and Response to Submissions;
- (d) in accordance with the management and mitigation measures;
- (e) in accordance with the approved plans in the table below.

<i>Architectural (or Design) Drawings prepared by Bates Smart Pty Ltd (Architects)</i>			
<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
AD.01.001	-	Site Plan	12.04.2018
AD.03.101	2	Ground Floor Plan	24.04.2018
AD.03.102	2	Level-01 General Arrangement Plan	24.04.2018
AD.03.103	2	Level-02 General Arrangement Plan	24.04.2018
AD.03.104	2	Level-03 General Arrangement Plan	24.04.2018
AD.03.105	2	Level-04 General Arrangement Plan	24.04.2018
AD.03.106	2	Level-05 Parking General Arrangement Plan	24.04.2018
AD.03.107	2	Level-05 General Arrangement Plan	24.04.2018
AD.03.108	2	Level-06 General Arrangement Plan	24.04.2018
AD.03.109	2	Level-07 General Arrangement Plan	24.04.2018
AD.03.110	2	Level-08 General Arrangement Plan	24.04.2018
AD.03.1111	2	Level-09 Roof General Arrangement Plan	24.04.2018
AD.09.001	2	North Elevation	03.05.2018
AD.09.002	2	West Elevation	03.05.2018
AD.09.003	2	South Elevation	03.05.2018
AD.09.004	2	East Elevation	03.05.2018
AD.09.010	2	Courtyard Elevation – South	03.05.2018
AD.09.011	2	Courtyard Elevation – East	03.05.2018
AD.09.012	2	Courtyard Elevation – West	03.05.2018
A11.001	1	Section East-West	24.04.2018
A11.002	1	Section North-South	24.04.2018
SK.014	1	Core Plans (Ramps) Carpark Ramp 01/02 Section	24.04.2018
<i>Landscape Drawings prepared by Sydney Design Collective</i>			
<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>

SK-01	A	Landscape Design Development Level 5 – Sketch	March 2018
SK-02	A	Landscape Design Development Level 5 – Detail Plan Sketch	March 2018

<i>Architectural (or Design) Drawings prepared by Bates Smart Pty Ltd (Architects)</i>			
<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
AD.01.0001	B	Site Plan	03.05.19
AD.03.1001	B	Ground Floor Plan	03.05.19
AD.03.1002	B	Level 01 General Arrangement Plan	03.05.19
AD.03.1003	B	Level 02 General Arrangement Plan	03.05.19
AD.03.1004	B	Level 03 General Arrangement Plan	03.05.19
AD.03.1005	B	Level 04 General Arrangement Plan	03.05.19
AD.03.1006	B	Level 05 Parking General Arrangement Plan	03.05.19
AD.03.1007	B	Level 05 General Arrangement Plan	03.05.19
AD.03.1008	B	Level 06 General Arrangement Plan	03.05.19
AD.03.1009	B	Level 07 General Arrangement Plan	03.05.19
AD.03.1010	B	Level 08 General Arrangement Plan	03.05.19
AD.03.1011	B	Level 09 Roof General Arrangement Plan	03.05.19
AD.09.0001	B	North Elevation	03.05.19
AD.09.0002	B	West Elevation	03.05.19
AD.09.0003	B	South Elevation	03.05.19
AD.09.0004	B	East Elevation	03.05.19
AD.09.0010	A	Courtyard Elevation – South	03.05.19
AD.09.0011	A	Courtyard Elevation – East	03.05.19
AD.09.0012	A	Courtyard Elevation – West	03.05.19
A10.0001	B	Section East-West	03.05.19
A11.002	A	Section North-South	03.05.19
<i>Landscape Drawings prepared by Sydney Design Collective</i>			
<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
KA-01	B	Landscape General Arrangement L5	13.05.19

A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:

- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
- (b) the implementation of any actions or measures contained in any such document referred to in (a) above.

The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(e) In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition

A2(c) and A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

EVIDENCE OF CONSULTATION

- A4. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STRUCTURAL ADEQUACY

- A5. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the NCC.

Note:

- *Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

APPLICABILITY OF GUIDELINES

- A6. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A7. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A8. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

NON-COMPLIANCE NOTIFICATION

- A9. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

- A10. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

A11. Within three months of:

- (a) the submission of a compliance report under condition C3 and C5;
- (b) the submission of an incident report under condition A8;
- (c) the approval of any modification of the conditions of this consent; or
- (d) the issue of a direction of the Planning Secretary under condition A2 which requires a review, the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

A12. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

LIMITS ON CONSENT

A13. This consent does not approve:

- strata subdivision
- retail fit out
- signage, apart from street numbering, and
- ~~paid car parking.~~

Separate application(s) to be lodged under the EP&A Act &/or Local Government Act 1993 (as applicable); and consent/approval obtained; for the above works and uses (except where exempt and complying development applies).

PRESCRIBED CONDITIONS

A14. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

LONG SERVICE LEVY

A15. For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

LEGAL NOTICES

A16. Any advice or notice to the consent authority shall be served on the Secretary.

COMPLIANCE

A17. The Applicant must ensure that all its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

End of Part A

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE NO WORKS PRIOR TO CONSTRUCTION CERTIFICATE

B1 Work must not commence until a Construction Certificate in respect of the work has been issued.

AMENDED ARCHITECTURAL PLANS

B2 Prior to the issue of a Construction Certificate for above ground works, amended architectural plans, landscape plans and documentation shall be prepared for review and endorsement of the Secretary, providing for:

- (a) an on-site drop-off/pick-up facility in the event that final approval for any drop-off/pick-up zone on Honeysuckle Drive under the Roads Act 1993 cannot be obtained
- ~~(b) details of landscaping/screening or other method(s)/treatment(s) to the eastern edge of the terraces to apartments 05.05, 05.06, 05.07, 05.08, 05.09, 05.10 and 05.11~~
- ~~(c) details of method(s)/treatment(s) to prevent overlooking from the east facing windows of corner apartments 5.04, 6.04, 7.04 and 8.04 toward the neighbouring property at 36 Honeysuckle Drive.~~

COST OF WORKS

B3 An updated costs of works estimate is to be prepared to reflect the amended approved plans and submitted to Certifying Authority and Newcastle City Council prior to the issue of the Construction Certificate.

SECTION 94A DEVELOPMENT CONTRIBUTIONS

B4 A monetary contribution of 32% of the estimated cost of development is to be paid to Newcastle City Council, pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.

Notes:

- a) This condition is imposed in accordance with the provisions of The City of Newcastle S94A Development Contributions Plan 2009 (updated version operational from 25 August 2015). A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.
- b) The City of Newcastle S94A Development Contributions Plan 2009 permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement. Refer to the s94A Development Contributions Plan 2009.
- c) The amount of contribution payable under this condition is calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

Indexation quarters	Approx. release date
September	Late October
December	Late January

March	Late April
June	Late July

EXTERNAL WALLS AND CLADDING

- B5 The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the NCC.
- B6 Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the NCC.
- B7 The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

NATIONAL CONSTRUCTION CODE (NCC) COMPLIANCE

- B8 The proposed works must comply with the applicable performance requirements of the NCC to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- a) complying with the deemed to satisfy provisions; or
 - b) formulating an alternative solution which:
 - i) complies with the performance requirements; or
 - ii) is shown to be at least equivalent to the deemed to satisfy provision; or
 - iii) a combination of a) and b).

COMPLIANCE WITH ACOUSTIC REPORT

- B9 All performance parameters, requirements, engineering assumptions and recommendations contained in the Acoustic Assessment report prepared by, Renzo Tonin & Associates, dated 29 March 2018 **and addendum report prepared by Acoustic Logic dated 15 May 2019**, must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises, and in accordance with the requirements below and to the satisfaction of the Certifying Authority.

Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with the requirements of the aforementioned Report.

MECHANICAL PLANT NOISE MITIGATION

- B10 Details of noise mitigation measures for all mechanical plant are to be detailed on the Construction Certificate drawings. Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the requirements of the NSW Industrial Noise Policy and other guidelines applicable to the development is required to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

PRE-CONSTRUCTION DILAPIDATION REPORT

B11 The Applicant is to engage a qualified structural engineer to prepare a **Pre-Construction Dilapidation Report** detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. The report shall be submitted to the Certifying Authority prior to issue of the relevant Construction Certificate or any works commencing whichever is earlier. A copy of the report must be forwarded to the Council.

BASIX CERTIFICATION

~~B12 The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No 869381M and an updated certificate issued if amendments are made. The BASIX certificate must be submitted to the Certifying Authority with all commitments clearly shown on the Construction Certificate plans.~~

HUNTER WATER NOTICE OF REQUIREMENTS

B13 An application shall be made to Hunter Water for a Certificate under section 50 of the *Hunter Water Corporation Act 1991* prior to the issue of any Construction Certificate. The Applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's certificate of compliance (Refer s50 *Hunter Water Act 1991*) is to be included in documentation for a Construction Certificate application.

SURVEY CERTIFICATE

B14 A Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries, is to be submitted to the Certifying Authority before construction is commenced.

VEHICULAR ACCESS

B15 Access to the driveway of 42 Honeysuckle Drive shall be "left in left out" only and the concrete median strip is to be maintained to prevent right turn movement in and out of the driveway.

B16 A commercial/industrial type vehicular crossing is to be constructed across the road reserve, in accordance with Council's A374 – Driveway Crossings Standard Design Details.

B17 The vehicular access driveways (including, but not limited to, the ramp grades and height clearances) are to be in accordance with the requirements of AS2890.1:2004 and AS2890.2:2002. Plans demonstrating compliance with these requirements must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

B18 Traffic management devices in the form of 'Stop' and 'Give way to pedestrian' signs and line marking are to be installed at the entry of the proposed driveway within the property, such devices are to be constructed in accordance with AS/NZS 2890.1:2004: Parking facilities – Off- street car parking. Full details are to be included in documentation for a Construction Certificate application.

B19 All proposed driveways and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic loading, being sealed with bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. The driveways are to be constructed in accordance with AS2890 – Off street parking and Council's design specifications. Full details are to be included in documentation for any Construction Certificate application.

CAR PARKING

B20 The development shall provide ~~234~~ **237** car parking spaces comprising:

- ~~• 93 residential car spaces~~
- ~~• 11 visitor car spaces~~
- 2 retail car spaces
- ~~128~~ **129** hotel car spaces **as required**
- **94 serviced apartment spaces as required**
- **A minimum of 25 public car parking spaces**

Parking is to be set out generally in accordance with the minimum parking layout standards indicated in Section 7.03 'Traffic, Parking and Access' of the Newcastle Development Control Plan 2012 and the plans submitted with the development application in accordance with the following requirements:

- a) all vehicles should enter and leave the site in a forward direction
- b) Car park entry/exits shall be designed in such a manner as to ensure that the future queuing areas and capacity requirements comply with Appendix D of AS 2890.1-2004
- c) The layout of the proposed car parking areas associated with the subject development (including driveways, ramps, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) shall be accordance with AS 2890.1-2004, AS 2890.6 for accessible spaces and AS2890.2-2002 for heavy vehicles where applicable.

BICYCLE PARKING

B21 The development shall provide 42 bicycle parking spaces. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of *Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities* except that:

- ~~a) all bicycle parking for occupants of residential buildings must be Class 1 bicycle lockers~~
- b) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities
- ~~c) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.~~

DESIGN VERIFICATION

B22 A design verification statement from a qualified designer shall be included in the documentation submitted to the Certifying Authority for the first Construction Certificate. The statement shall confirm the Construction Certificate plans and specifications achieve or improve the design quality of the development for which consent is granted, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*.

Note: 'Qualified Designer' means a person registered as an architect in accordance with the Architects Act 2003. This condition is imposed in accordance with clauses 143A of the Environmental Planning and Assessment Regulation 2000.

ADAPTABLE HOUSING

~~B23 The building is to be designed to accommodate a total of 12 residential units (being 20%) that are able to comply with Livable Housing Australia's *Livable Housing Design Guidelines* for silver standard adaptable dwellings. Details are to be referenced on the relevant Construction Certificate drawings submitted to the Certifying Authority.~~

ACCESS FOR PEOPLE WITH DISABILITIES

B24 The proposed building is to be provided with adequate means of access for persons with disabilities, to the extent necessary to comply with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. Full details are to be included in documentation for a Construction Certificate application.

STORMWATER MANAGEMENT AND WATER QUALITY

B25 All stormwater runoff from the proposed development being managed in accordance with the requirements of Section 7.06 'Stormwater' of the Newcastle Development Control Plan 2012, as indicated on the stormwater management concept plans and stormwater management report and stormwater plans prepared by Northrop Consulting Engineers Job No. NL171278 Dwg Nos CO1DA-CO7DA Rev B dated 24 April 2018. Full details are to be included in documentation for any Construction Certificate application.

B26 All onsite stormwater detention or water quality treatment systems are to be individually identified and sign posted in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). Full details are to be included in documentation for a Construction Certificate application.

FLOOD MANAGEMENT

B27 On site refuge is to be provided for the proposed development. The minimum refuge level is to be the level of the PMF (Local Catchment Flood Level RL3.60m Australian Height Datum). On site refuge is to be designed to cater for the number of people reasonably expected to be on the development site. Openings such as exhaust ducts, car park air intake, vents and the like that could potentially allow for flood waters to enter the basement (except for carpark and access) are to be designed at minimum RL3.60m AHD. Full details are to be included in documentation for a Construction Certificate application.

B28 The whole of the proposed structure below known flood planning level (RL2.90m AHD) is to be constructed in materials and finishes that are resistant to damage from floodwaters. Any new machinery or equipment, electrical circuitry or fitting, storage unit or similar items likely to be damaged by floodwaters being installed above the flood planning level (RL2.90m AHD) or alternatively being of materials and functional capability resistant to the effects of floodwaters. Full details are to be included in documentation for a Construction Certificate application.

FLOOD EMERGENCY RESPONSE PLAN

B29 An appropriate flood emergency response plan is to be prepared by a consulting engineer, who is experienced in flood management, and put in place by the Applicant prior to occupation of this site for the intended use. Such plan is to be effectively updated and maintained by the occupiers, is to include an education and awareness component for the workforce and detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan (where appropriate) and to include provisions for any third parties likely to be involved. A flood emergency response plan is to describe the following components:

- a) Likely flood behaviour
- b) Flood warning systems
- c) Education awareness program
- d) Evacuation and evasion procedures

- e) Evacuation routes and flood refuges
- f) Flood preparedness and awareness procedures for residents and visitors

Considerations should include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. As much as possible, the plan is to be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources. Full details are to be included in documentation for a Construction Certificate application.

INSTALLATION OF DUAL FLUSH OR VACUUM TOILETS

B30 All toilets installed within the development must be of water efficient dual flush capacity or vacuum design with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Certifying Authority, prior to the issue of the relevant Construction Certificate.

INSTALLATION OF WATER EFFICIENT TAPS

B31 All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details are to be submitted for the approval of the Certifying Authority, prior to the issue of the relevant Construction Certificate.

MAIL BOXES

~~B32 A group type mailbox is to be provided at the street frontage near each building entrance in accordance with the requirements of Australia Post, clearly displaying individual unit numbers and the building number. Full details are to be included in the documentation for a Construction Certificate application.~~

LANDSCAPE PLAN

B33 All proposed planting and landscape elements indicated on the submitted landscape concept plans or otherwise required under the conditions of this consent being implemented and comprehensive landscape design plans and specifications in respect thereof being prepared by a qualified landscape designer and being submitted with a Construction Certificate application.

Note: The required comprehensive landscape design plan and specifications is to be generally in accordance with the provisions of the Newcastle Development Control Plan 2012 and is to include cross sections through the site where appropriate, proposed contours or spot levels, botanical names, quantities and container size of all proposed trees, shrubs and ground cover, details of proposed soil preparation, mulching and staking as well as treatment of external surfaces and retaining walls where proposed, drainage, location of taps and the nominated maintenance periods.

PUBLIC DOMAIN

B34 The developer, in consultation with the Hunter Development Corporation, is to design the following works within Honeysuckle Drive frontage of the site in accordance with Council's 'City Centre Public Domain Technical Manual' guidelines, design specifications and relevant Australian Standards:

- i. Provide a new shared footpath and streetscape works. The footpath is to extend along the entire site frontage to the western end of the Cottage Creek bridge.
- ii. Provide kerb and gutter along the Cottage Creek bridge.

- iii. Provide a raised pedestrian crossing generally in the vicinity of the existing refuge. The design of the crossing is to include associated street lighting, drainage, line marking and signage.
- iv. Remove existing and install new kerb and gutter, kerb ramp and repair road along the frontage.
- v. Install new street trees and grass verge areas and adjust service pit levels to match the new footpath level.
- vi. Install new driveway and associated roadworks.
- vii. Install any required parking signs, line markings, mandatory signage and any civil works associated with road and on-street parking infrastructure.
- viii. Install any new street furniture including bicycle racks or rings and new seats and bins.
- ix. Install new drainage and development drainage connections.

Universal Design principles are to be applied to the development to allow for entries to be designed for universal access and levels to be adjusted within the site.

These engineering design plans and specifications for the works being undertaken in the public road reserve are required to be prepared by a suitably qualified practising civil, hydraulic, geotechnical engineers with experience and competence in the related field.

In this regard the separate approval of Newcastle City Council must be obtained for all works within the public road reserve, pursuant to Section 138 of the Roads Act 1993 prior to any construction certificate (excluding bulk excavation and demolition works within the site).

Note: An additional fee will be required by Council for the assessment of engineering plans submitted for the public road works.

LIGHTING

B35 The proposed lighting including the car park lighting and all outdoor lighting within the site shall comply, where relevant, with *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 Certifying Authority prior to the issue of the relevant Construction Certificate.

WORKS ZONE

B36 Any changes associated with provision of the works zone property will need to be consulted with and approval attained from Council prior to the issue of the Construction Certificate.
Any associated changes to the parking layout and road signs are to be approved by the Newcastle City Traffic Committee. Council's Traffic Section can be contacted to discuss the proposal via traffic@ncc.nsw.gov.au

WASTE COLLECTION

B37 Adequate waste bin facilities are to be provided within the site for the storage and collection of garbage, discarded or returnable packaging or other forms of trade wastes. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B38 Any waste collection pick-up services proposed to be undertaken by Newcastle City Council for the development are to be approved by Council's Waste Management Services prior to the issue of the Construction Certificate.

MANAGEMENT (DEMOLITION AND CONSTRUCTION)

B39 Waste management shall be implemented in accordance with the approved Waste Management Plan. At a minimum, the following measures shall be implemented during the construction phase:

- a) A waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste
- b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets
- c) Appropriate provision is to be made to prevent windblown rubbish leaving the site
- d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

Note: Fines may be issued for pollution/littering offences under the Protection of the Environment Operations Act 1997 (NSW).

REFLECTIVITY

B40 The building materials used on the facades of the buildings shall have a maximum normal specular reflectivity of visible light of 20 per cent and shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A report/statement demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground façade works.

COMPLIANCE REPORT

B41 Prior to the issue of each Construction Certificate, the Applicant, or any party acting upon this consent, shall submit to the Certifying Authority a report addressing compliance with all relevant conditions of this Part.

End of Part B

PART C PRIOR TO COMMENCEMENT OF WORKS NOTIFICATION OF COMMENCEMENT

- C1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

COMPLIANCE REPORTING

- C3. A Pre-Construction Compliance Report must be prepared for the development, and submitted to the PCA for approval before the commencement of construction. A copy of the endorsed compliance report must be provided to the Department at compliance@planning.nsw.gov.au before the commencement of construction.
- C4. The Pre-Construction Compliance Report must include:
 - (a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and
 - (b) the expected commencement date for construction.
- C5. Construction Compliance Reports must be submitted to the Department at compliance@planning.nsw.gov.au for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six- month period for the duration of construction of the development, or such other timeframe as required by the Secretary.
- C6. The Construction Compliance Reports must include:
 - (a) a results summary and analysis of environmental monitoring;
 - (b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
 - (c) details of any review of the CEMP and the Environmental Management Strategy and associated sub-plans as a result of construction carried out during the reporting period;
 - (d) a register of any modifications undertaken and their status;
 - (e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;
 - (f) a summary of all incidents notified in accordance with this consent; and
 - (g) any other matter relating to compliance with the terms of this consent or requested by the Secretary.

COMMUNITY COMMUNICATION STRATEGY

- ~~C7. A community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.~~

~~The Community Communication Strategy must:~~

- ~~(a) identify people to be consulted during the design and construction phases;~~

- ~~(b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;~~
- ~~(c) provide for the formation of community based forums, if required, that focus on key environmental management issues for the development;~~
- ~~(d) set out procedures and mechanisms:
 - ~~(i) through which the community can discuss or provide feedback to the Applicant;~~
 - ~~(ii) through which the Applicant will respond to enquiries or feedback from the community; and~~
 - ~~(iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.~~~~

~~The Community Communications Strategy must be submitted to the Planning Secretary for approval no later than one month before the commencement of any work.~~

~~Work for the purposes of the development must not commence until the Community Communication Strategy has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.~~

~~The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.~~

COMPLIANCE

- C8. The Applicant must ensure that all employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

WORKS WITHIN THE ROAD RESERVE AND PUBLIC FOOTWAY

- C9. A separate application must be lodged and consent obtained from Newcastle City Council for any works within the road reserve pursuant to Section 138 Roads Act 1993 (NSW), before the commencement of works within the road reserve and public footway.

CERTIFIED PLANS

- C10. Certification is to be prepared by a Registered Surveyor and submitted to the Certifying Authority at the stages of construction indicated:
- a) the setting out of the ground floor levels prior to the placement of the floor, confirming compliance with this consent
 - b) on completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels
 - c) on completion of each subsequent floor level, confirming that the floor levels are in accordance with the approved levels
 - d) when the roof has been completed, confirming that the building does not exceed the approved levels.

INSURANCE

- C11. In the case of residential building work for which the *Home Building Act 1989* (NSW) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C12. A Construction Environmental Management Plan (CEMP) is to be provided to Certifying Authority and Council for construction works on the site, which is to be kept on site and made available to authorised Council officers upon request. The CEMP is to include but not be limited to:
- a. A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
 - b. A water management strategy, detailing mosquito management, erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater and process water. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
 - c. An air quality and dust management strategy, detailing procedures to minimise dust generation, with reference to control techniques and operational limits under adverse meteorological conditions. This strategy should be cross-referenced with the water management strategy
 - d. A soil management strategy, detailing measures to be implemented to manage the identification and control and disposal of any acid sulphate soils or soil contamination identified during site works.
 - e. A noise and vibration management program detailing measures to minimise the impact of the construction phase on the amenity of the locality in accordance with the Interim Construction Noise Guidelines (DECC 2009), Australian Standard AS 2436. 2010 (*Guide to Noise and Vibration control on Construction, Demolition and Maintenance Sites*).
 - f. A waste minimisation strategy, which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
 - g. A community relations plan, which aims to inform local residents and other local stakeholders of the proposed nature and timeframes for demolition and construction activities together with contact details for site management.

The Applicant shall submit a copy of the CEMP to the Department and to the Council, prior to commencement of work.

COMMUNITY LIAISON OFFICER

- C13. A Community Liaison Officer is to be appointed prior to construction works commencing to act as a point of contact for adjacent occupiers throughout the construction phase of the development. The Community Liaison Officer is to be engaged until construction works are completed. Contact details of the Community Liaison Officer are to be provided to Council and adjoining occupiers via a letterbox drop/community newsletter and signage at the site

CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- C14. A Construction Traffic Management Plan is to be prepared by a Roads & Maritime Services accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3:2009 - *Manual of uniform traffic devices - traffic control for works on roads*. The plan is to ensure the provision for safe, continuous movement of traffic, cyclists and pedestrians along footways and within the road reserve. The plan is to be submitted to the Council for approval prior to the commencement of works and is to be implemented during the construction phase.

ABORIGINAL CULTURAL HERITAGE

- ~~C15. Archaeological testing of the site by a qualified archaeologist is to be carried out to determine the nature and scope of the Aboriginal cultural heritage of the site. The completed Aboriginal cultural heritage assessment report (ACHAR) is to be submitted to the Office of Environment~~

and Heritage to determine if an application is required for an Aboriginal Heritage Impact Permit prior to the commencement of works.

DE-WATERING MANAGEMENT PLAN

~~C16. Prior to construction works commencing the developer is to submit a de-watering management plan to the Department of Industry — Water. The plan is to be prepared by an appropriately qualified environmental consultant and demonstrate that water pollution will not occur because of dewatering activities. Should the use of stormwater infrastructure of Newcastle City Council be proposed for de-watering purposes, de-watering is not to commence until Council is notified and agreement is provided such that Council can confirm it is satisfied with the proposed impacts and reduced capacity upon its stormwater assets during dewatering activities.~~

GROUNDWATER MANAGEMENT AND MONITORING PLAN

~~C17. Prior to construction works commencing the developer is to prepare a groundwater management and monitoring plan. The plan is to be prepared by an appropriately qualified environmental consultant in consultation with the Department of Industry — Water.~~

HOARDINGS

C18. An application is to be made to and approved by Newcastle City Council for the erection of a hoarding or part closure of the footway prior to construction being commenced. Such overhead structure or protective fence shall comply with the Work Health and Safety Act 2011 (NSW), Work Health and Safety Regulation 2011 (NSW) and any relevant approved industry code of practice. Notice of intention of commencement must be given to WorkCover New South Wales.

UTILITY SERVICES

C19. Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.

Prior to the commencement of works written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

END OF PART C

PART D DURING CONSTRUCTION

OPERATION OF PLANT AND EQUIPMENT

- D1. All plant and equipment used on site, or to monitor the performance of the development must be:
- a) maintained in a proper and efficient condition
 - b) operated in a proper and efficient manner.

DISPOSAL OF SEEPAGE AND STORMWATER

- D2. Any seepage or rainwater collected on-site during construction, must be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

HOURS OF CONSTRUCTION

- D3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

- (c) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive; and
- (d) between 8:00 am and 1:00 pm, Saturdays.

No work may be carried out on Sundays or public holidays.

Activities may be undertaken outside of these hours if required:

- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
- (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.

Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

- (a) 9.00 am to 12.00 pm, Monday to Friday
- (b) 2.00 pm to 5.00 pm Monday to Friday, and
- (c) 9.00 am to 12.00 pm, Saturday.

CONSTRUCTION NOISE MANAGEMENT

- D4. All construction activities shall aim to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the CEMP.
- D5. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- D6. Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in the CEMP.

HOARDING REQUIREMENTS

- D7. The following hoarding requirements shall be complied with:
- a) No third-party advertising is permitted to be displayed on the subject hoarding/fencing
 - b) The construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

APPROVED PLANS TO BE ON-SITE

- D8. 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 Certifying Authority.

SITE NOTICE

- D9. A site notice(s) shall be prominently displayed at the boundaries of the Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.
- D10. The notice(s) is to satisfy all but not be limited to, the following requirements:
- a) The notice is to be able to be read by the general public
 - b) The notice is to be durable and weatherproof and is to be displayed throughout the works period
 - c) 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
 - d) 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.

COVERING OF LOADS

- D11. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

VEHICLE CLEANSING

- D12. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

STOCKPILE MANAGEMENT

- D13. The Applicant must ensure that:
- a) stockpiles of excavated material do not exceed 4 metres in height
 - b) stockpiles of excavated material are constructed and maintained to prevent cross contamination
 - c) suitable erosion and sediment controls are in place for stockpiles.

DUST CONTROL MEASURES

- D14. All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are limited to:
- a) restricting topsoil removal
 - b) regularly and lightly wafering dust prone areas (note: prevent excess watering as it can cause damage and erosion
 - c) alter or cease construction work during periods of high wind and erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

ALL BUILDING MATERIALS, PLANT AND EQUIPMENT

- D15. All building materials, plant and equipment is to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves including the road reserve is not permitted.

OBSTRUCTION OF PUBLIC WAY

- D16. If construction work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

EXCAVATION AND BACKFILLING

- D17. If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- a) protect and support the adjoining premises from possible damage from the excavation
 - b) where necessary, underpin the adjoining premises to prevent any such damage.

Note: The above requirements do not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the requirements not applying.

- D18. Any excavated material to be removed from the site being assessed, classified, transported and disposed of in accordance with the NSW Office of Environment and Heritage Waste Classification Guidelines.
- D19. Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Exemption that is permitted to be used as a fill material, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* (NSW) and the *Protection of the Environment (Waste) Regulation 2005* (NSW).
- D20. Any fill material subject to a Resource Recovery Exemption received at the site must be accompanied by documentation demonstrating that material's compliance with the conditions of the exemption, and this documentation must be provided to Department officers or the Principal Certifying Authority on request.

D21. All excavations and backfilling are to be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.

D22. Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development

WORK SITE LIGHTING

D23. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

END OF PART D

PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

OCCUPATION CERTIFICATE

- E1. An Occupation Certificate must be obtained from the Certifying Authority prior to commencement of occupation or use of the whole or any part of the approved building.

PUBLIC DOMAIN WORKS IN THE ROAD RESERVE

- E2. The public domain works in Condition B34 are to be constructed and completed to Council's satisfaction prior to the issue of an Occupation Certificate.

TRAFFIC MANAGEMENT PLAN

- E3. A Traffic Management Plan is to be prepared for access to the site by taxis, Uber vehicles and other transport including shuttle buses for hotel drop-off and pick-up purposes. The traffic management plan is to be prepared by a Roads & Traffic Authority accredited person with a Design and Audit Traffic Control Plans Certificate. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians.

ROAD DAMAGE

- E4. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to the satisfaction of Newcastle City Council prior to the completion of the demolition works or prior to the issue of any Occupation Certificate in respect of the development involving building work

PROTECTION OF PUBLIC INFRASTRUCTURE

- E5. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

Note: This condition does not apply to damage to roads caused as a result of general road usage

SITE VALIDATION REPORT

- ~~E6. The following documentation is to be submitted to Certifying Authority and Council:~~

- ~~i. A validation report (prepared in accordance with the requirements of the RAP as approved by the site auditor) by a suitably qualified consultant in accordance with the relevant NSW Environment Protection Authority Guidelines.~~
- ~~ii. An Environmental Management Plan for the long term management of contamination as approved by the NSW accredited Site Auditor.~~

~~A 'part A' Site Audit Statement with the purpose of reviewing the completed remedial works, validation report and Long Term Environmental Management Plan to determine the suitability of the land for the approved landuse.~~

WAYFINDING

- E7. A wayfinding strategy and travel access guide for the development is to be prepared in consultation with Council prior to occupation of the site.

WATER AUTHORITY COMPLIANCE

E8. A section 50 Compliance Certificate under the Hunter Water Corporation Act 1991 must be obtained from Hunter Water. The Section 50 Certificate must be submitted to the Certifying Authority prior to issue of any occupation certificate.

POST-CONSTRUCTION DILAPIDATION REPORT

E9. A post construction dilapidation report prepared by a suitability qualified person shall be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate, to ascertain if any structural damage has occurred to the adjoining buildings, infrastructure and roads. The reports shall be forwarded to Newcastle City Council and will be made available in any private dispute between neighbours regarding damage arising from construction works.

GREEN TRAVEL PLAN

E10. A Green Travel Plan with Public Transport Routes and Bicycle Network is to be prepared and made available to the ~~residents and~~ commercial premises tenants. The Public Transport and Bicycle Network Plans are to be installed in common areas prior to the issue of the Final Occupation Certificate. Use of alternative modes of transport is to be encouraged.

STRUCTURAL INSPECTION CERTIFICATE

E11. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:

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

COMPLIANCE WITH BASIX CERTIFICATE

~~E12. All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to the issue of an Occupation Certificate. Should there be any changes to the specifications of any dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to the Department within fourteen days of receipt.~~

FIRE SAFETY CERTIFICATION

E13. Prior to the issue of the relevant Occupation Certificate, a Fire Safety Certificate shall be obtained for all the relevant Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council and be prominently displayed in the building.

LANDSCAPE PRACTICAL COMPLETION REPORT

E14. A Landscape Practical Completion Report is to be submitted to the Certifying Authority by the consultant responsible for the landscape design plan prior to the issue of the Final Occupation Certificate. The report is to verify that all landscape works have been carried out in accordance

with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.

STORMWATER DRAINAGE DESIGN PLAN(S)

E15. A copy of the stormwater drainage design plan(s) approved with the Construction Certificate with 'work as executed' levels indicated shall be submitted to the Certifying Authority and Council prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

DESIGN VERIFICATION

E16. A design verification statement from a qualified designer shall be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first. The statement shall confirm the development has been constructed in accordance with the quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

Note: 'Qualified Designer' means a person registered as an architect in accordance with the *Architects Act 2003*. This condition is imposed in accordance with Clauses 154A of the *Environmental Planning and Assessment Regulation 2000*

ACOUSTIC COMPLIANCE

E17. Prior to the issue of any Occupation Certificate, evidence shall be submitted to the Certifying Authority demonstrating compliance with all measures required under Condition B9 and to ensure the development achieves compliance with the requirements of the NSW Industrial Noise Policy and other guidelines applicable to the development.

Written final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation Certificate.

Note: The acoustic consultant may need to be involved during the construction process in order to ensure final certification is achieved.

FLOOD SIGN

E18. A clear warning notice is to be erected and maintained at all points of entry to the site advising that the premises is subject to flooding and that caution should be observed at times of heavy or prolonged rainfall, being installed prior to issue of any Occupation Certificate. Such notice is to also provide advice regarding the availability of further detail in respect of possible flooding, refuge areas and include an appropriate telephone number.

ROAD RESERVE

E19. The construction works in the road reserve are to be implemented and completed to satisfaction of Newcastle City Council prior to the issue of any Occupation Certificate.

MAINTENANCE MANUAL

E20. A Maintenance Manual for all water quality devices is to be prepared in accordance with Newcastle City Council's Stormwater and Water Efficiency for Development Technical Manual. The manual is to address maintenance issues concerning the water quality devices including

routine monitoring and regular maintenance and be kept on site at all times. Establishment and maintenance of the water quality devices in accordance with the manual prepared by the Applicant is to be completed prior to occupation of this site for the intended use.

ACCESS AND PARKING

E21. The entrance and exit driveways and the direction of traffic movement within the site are to be clearly indicated by means of reflectorised signs and pavement markings. All parking and loading bays are to be permanently marked out on the pavement surface, with loading bays and visitor parking facilities being clearly indicated by signs. These actions are to be completed prior to occupation of the building.

SCREENING

E22. All items of air conditioning plant are to be screened or positioned in such a manner as to not detract from the external visual presentation of the building.

COMPLIANCE REPORT

E23. Prior to the issue of any Occupation Certificate, the Applicant, or any party acting upon this approval, shall submit to the Certifying Authority a report addressing compliance with all relevant conditions of this Part.

WASTE COLLECTION

E24. If the collection of waste services cannot be provided by Council, then the Applicant will need to engage a private contractor waste collection service. Full details are to be included in documentation for an Occupation Certificate.

END OF PART E

PART F POST OCCUPATION

~~COMMUNAL AREA ACCESS~~

~~F1. All residents of the development are to have access to all residential communal areas.~~

ANNUAL FIRE SAFETY CERTIFICATE

F2. An annual Fire Safety Statement in the form described in Clause 175 of the Environmental Planning and Assessment Regulation 2000 (NSW) is to be submitted to Council and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire & Rescue New South Wales. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building

A copy of the final Fire Safety Certificate is to be given to the Commissioner of Fire & Rescue New South Wales and a further copy of the Certificate is to be prominently displayed in the building.

UNOBSTRUCTED DRIVEWAYS AND PARKING AREAS

F3. All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

All vehicular movement to and from the site is to be in a forward direction

NOISE CONTROL – PLANT AND MACHINERY

F4. Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:

- a) transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy
- b) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute
- c) notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the background noise level between the hours of 12.00 midnight and 7.00 am.

ANTI-GRAFFITI

F5. All ground level walls and surfaces are to be treated with an anti-graffiti coating where possible. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 48 hours.

CAR PARKING

F6. ~~Up to a maximum of~~ **A minimum of 25** on-site parking spaces are to be managed as a public carpark. All other car spaces are to be available for their intended purpose under this consent and under no circumstances be subdivided, leased or controlled by or on behalf of a third party operator. **The number of spaces allocated to the hotel and serviced apartments is to be managed by the hotel operation management plan.**

~~F7. The 11 residential visitor on-site parking spaces are to be made available for the use of casual visitors to the residential accommodation and such spaces under no circumstances being subdivided, leased or controlled by or on behalf of any dwelling owners or residents.~~

LANDSCAPING

F8. A Landscape Establishment Report is to be submitted to Council following completion of a three and 12 month maintenance period, verifying that satisfactory maintenance of the landscape works has been undertaken and any necessary rectification measures have been carried out to a high professional standard.

A second Landscape Establishment Report is to be submitted to Council following completion of a 12 month maintenance period, verifying that satisfactory maintenance of the landscape works has been undertaken and any necessary rectification measures have been carried out to a high professional standard; copy of report format attached

PUBLIC WAY TO BE UNOBSTRUCTED

F9. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

LIQUID WASTE

F10. Any liquid wastes from the premises, other than stormwater being discharged to the sewers of the Hunter Water Corporation in accordance with that authority's requirements

END OF PART F

ADVISORY NOTES

APPEALS

AN1 The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

OTHER APPROVALS AND PERMITS

AN2 The Applicant shall apply to the council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act, 1993* or *Section 138 of the Roads Act, 1993*.

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

AN3 The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

REQUIREMENTS OF PUBLIC AUTHORITIES

AN4 Public authorities (e.g. AusGrid, Hunter Water, Telstra Australia, AGL, etc.) may have requirements in regard to the connection to, relocation or adjustment of services affected by the construction of the development.

PUBLIC UTILITY INSTALLATIONS

AN5 Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.

DISABILITY DISCRIMINATION ACT

AN6 This application has been assessed in accordance with the EP&A Act. The Applicant is responsible for complying with all applicable anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the NCC which references *AS 1428.1 - Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

SITE CONTAMINATION ISSUES DURING CONSTRUCTION

AN7 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.

BELOW GROUND (SUB-SURFACE) WORKS – NON-ABORIGINAL RELICS

AN8 If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch 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 before further works can continue in that area.

DISCOVERY OF ABORIGINAL HERITAGE

AN9 In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The proponent must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

STREET NUMBERING

AN10 The premises are to be identified by the provision of house and street numbers on the building exterior and mailbox, respectively, such that they are clearly visible from the road frontage prior to occupation of the building, prior to the occupation of the building(s) or commencement of the use.

The minimum numeral heights shall be:

- a) exterior of the building = 75mm and
- b) group mailbox - street number= 150mm house number= 50mm

The Development should be numbered in accordance with Council's advisory requirements as follows:

Council Allocated Street Address(es)				
Primary Access Addresses (Based on lift wells)				
Entrance/ Lobby on plan	House Number	Street Name	Street Type	Suburb
Residential Entrance	40	Honeysuckle	Drive	Newcastle
Hotel Entrance	42	Honeysuckle	Drive	Newcastle
Residential Units (40 Honeysuckle Drive)				
Unit Number on Plan	House Number	Street Name	Street Type	Suburb
Ground Floor Retail	1/40	Honeysuckle	Drive	Newcastle
5.01	501/40	Honeysuckle	Drive	Newcastle
5.02	502/40	Honeysuckle	Drive	Newcastle
5.03	503/40	Honeysuckle	Drive	Newcastle
5.04	504/40	Honeysuckle	Drive	Newcastle
5.05	505/40	Honeysuckle	Drive	Newcastle
5.06	506/40	Honeysuckle	Drive	Newcastle
5.07	507/40	Honeysuckle	Drive	Newcastle
5.08	508/40	Honeysuckle	Drive	Newcastle
5.09	509/40	Honeysuckle	Drive	Newcastle
5.10	510/40	Honeysuckle	Drive	Newcastle
5.11	511/40	Honeysuckle	Drive	Newcastle
6.01	612/40	Honeysuckle	Drive	Newcastle
6.02	613/40	Honeysuckle	Drive	Newcastle
6.03	614/40	Honeysuckle	Drive	Newcastle
6.04	615/40	Honeysuckle	Drive	Newcastle
6.05	601/40	Honeysuckle	Drive	Newcastle
6.06	611/40	Honeysuckle	Drive	Newcastle
6.07	602/40	Honeysuckle	Drive	Newcastle
6.08	603/40	Honeysuckle	Drive	Newcastle

6.09	610/40	Honeysuckle	Drive	Newcastle
6.10	604/40	Honeysuckle	Drive	Newcastle
6.11	605/40	Honeysuckle	Drive	Newcastle
6.12	609/40	Honeysuckle	Drive	Newcastle
6.13	606/40	Honeysuckle	Drive	Newcastle
6.14	607/40	Honeysuckle	Drive	Newcastle
6.15	608/40	Honeysuckle	Drive	Newcastle
7.01	712/40	Honeysuckle	Drive	Newcastle
7.02	713/40	Honeysuckle	Drive	Newcastle
7.03	714/40	Honeysuckle	Drive	Newcastle
7.04	715/40	Honeysuckle	Drive	Newcastle
7.05	716/40	Honeysuckle	Drive	Newcastle
7.06	717/40	Honeysuckle	Drive	Newcastle
7.07	718/40	Honeysuckle	Drive	Newcastle
7.08	719/40	Honeysuckle	Drive	Newcastle
7.09	720/40	Honeysuckle	Drive	Newcastle
7.10	721/40	Honeysuckle	Drive	Newcastle
7.11	722/40	Honeysuckle	Drive	Newcastle
7.12	701/40	Honeysuckle	Drive	Newcastle
7.13	711/40	Honeysuckle	Drive	Newcastle
7.14	702/40	Honeysuckle	Drive	Newcastle
7.15	703/40	Honeysuckle	Drive	Newcastle
7.16	710/40	Honeysuckle	Drive	Newcastle
7.17	704/40	Honeysuckle	Drive	Newcastle
7.18	705/40	Honeysuckle	Drive	Newcastle
7.19	709/40	Honeysuckle	Drive	Newcastle
7.20	706/40	Honeysuckle	Drive	Newcastle
7.21	707/40	Honeysuckle	Drive	Newcastle
7.22	708/40	Honeysuckle	Drive	Newcastle
8.01	801/40	Honeysuckle	Drive	Newcastle
8.02	802/40	Honeysuckle	Drive	Newcastle
8.03	803/40	Honeysuckle	Drive	Newcastle
8.04	804/40	Honeysuckle	Drive	Newcastle
Hotel Units (42 Honeysuckle Drive)				
Unit Number on Plan	House Number	Street Name	Street Type	Suburb
0.01	1/42	Honeysuckle	Drive	Newcastle
0.02	2/42	Honeysuckle	Drive	Newcastle
0.03	3/42	Honeysuckle	Drive	Newcastle
0.04	4/42	Honeysuckle	Drive	Newcastle
0.05	5/42	Honeysuckle	Drive	Newcastle
0.06	6/42	Honeysuckle	Drive	Newcastle
0.07	7/42	Honeysuckle	Drive	Newcastle
1.01	101/42	Honeysuckle	Drive	Newcastle
1.02	102/42	Honeysuckle	Drive	Newcastle
1.03	103/42	Honeysuckle	Drive	Newcastle
1.04	104/42	Honeysuckle	Drive	Newcastle
1.05	105/42	Honeysuckle	Drive	Newcastle
1.06	106/42	Honeysuckle	Drive	Newcastle
1.07	107/42	Honeysuckle	Drive	Newcastle

1.08	108/42	Honeysuckle	Drive	Newcastle
1.09	109/42	Honeysuckle	Drive	Newcastle
1.10	110/42	Honeysuckle	Drive	Newcastle
1.11	111/42	Honeysuckle	Drive	Newcastle
1.12	112/42	Honeysuckle	Drive	Newcastle
1.13	113/42	Honeysuckle	Drive	Newcastle
1.14	114/42	Honeysuckle	Drive	Newcastle
1.15	115/42	Honeysuckle	Drive	Newcastle
1.16	117/42	Honeysuckle	Drive	Newcastle
1.17	118/42	Honeysuckle	Drive	Newcastle
1.18	119/42	Honeysuckle	Drive	Newcastle
1.19	120/42	Honeysuckle	Drive	Newcastle
1.20	121/42	Honeysuckle	Drive	Newcastle
1.21	122/42	Honeysuckle	Drive	Newcastle
1.22	123/42	Honeysuckle	Drive	Newcastle
1.23	124/42	Honeysuckle	Drive	Newcastle
1.24	125/42	Honeysuckle	Drive	Newcastle
1.25	126/42	Honeysuckle	Drive	Newcastle
1.26	127/42	Honeysuckle	Drive	Newcastle
1.27	128/42	Honeysuckle	Drive	Newcastle
1.28	129/42	Honeysuckle	Drive	Newcastle
1.29	130/42	Honeysuckle	Drive	Newcastle
1.30	131/42	Honeysuckle	Drive	Newcastle
1.31	132/42	Honeysuckle	Drive	Newcastle
1.32	133/42	Honeysuckle	Drive	Newcastle
1.33	134/42	Honeysuckle	Drive	Newcastle
1.34	135/42	Honeysuckle	Drive	Newcastle
1.35	136/42	Honeysuckle	Drive	Newcastle
1.36	137/42	Honeysuckle	Drive	Newcastle
1.37	116/42	Honeysuckle	Drive	Newcastle
1.38	138/42	Honeysuckle	Drive	Newcastle
2.01	201/42	Honeysuckle	Drive	Newcastle
2.02	202/42	Honeysuckle	Drive	Newcastle
2.03	203/42	Honeysuckle	Drive	Newcastle
2.04	204/42	Honeysuckle	Drive	Newcastle
2.05	205/42	Honeysuckle	Drive	Newcastle
2.06	206/42	Honeysuckle	Drive	Newcastle
2.07	207/42	Honeysuckle	Drive	Newcastle
2.08	208/42	Honeysuckle	Drive	Newcastle
2.09	209/42	Honeysuckle	Drive	Newcastle
2.10	210/42	Honeysuckle	Drive	Newcastle
2.11	211/42	Honeysuckle	Drive	Newcastle
2.12	212/42	Honeysuckle	Drive	Newcastle
2.13	213/42	Honeysuckle	Drive	Newcastle
2.14	214/42	Honeysuckle	Drive	Newcastle
2.15	215/42	Honeysuckle	Drive	Newcastle
2.16	217/42	Honeysuckle	Drive	Newcastle
2.17	218/42	Honeysuckle	Drive	Newcastle
2.18	219/42	Honeysuckle	Drive	Newcastle
2.19	220/42	Honeysuckle	Drive	Newcastle
2.20	221/42	Honeysuckle	Drive	Newcastle
2.21	222/42	Honeysuckle	Drive	Newcastle
2.22	223/42	Honeysuckle	Drive	Newcastle

2.23	224/42	Honeysuckle	Drive	Newcastle
2.24	225/42	Honeysuckle	Drive	Newcastle
2.25	226/42	Honeysuckle	Drive	Newcastle
2.26	227/42	Honeysuckle	Drive	Newcastle
2.27	228/42	Honeysuckle	Drive	Newcastle
2.28	229/42	Honeysuckle	Drive	Newcastle
2.29	230/42	Honeysuckle	Drive	Newcastle
2.30	231/42	Honeysuckle	Drive	Newcastle
2.31	232/42	Honeysuckle	Drive	Newcastle
2.32	233/42	Honeysuckle	Drive	Newcastle
2.33	234/42	Honeysuckle	Drive	Newcastle
2.34	235/42	Honeysuckle	Drive	Newcastle
2.35	236/42	Honeysuckle	Drive	Newcastle
2.36	237/42	Honeysuckle	Drive	Newcastle
2.37	238/42	Honeysuckle	Drive	Newcastle
3.01	301/42	Honeysuckle	Drive	Newcastle
3.02	302/42	Honeysuckle	Drive	Newcastle
3.03	303/42	Honeysuckle	Drive	Newcastle
3.04	304/42	Honeysuckle	Drive	Newcastle
3.05	305/42	Honeysuckle	Drive	Newcastle
3.06	306/42	Honeysuckle	Drive	Newcastle
3.07	307/42	Honeysuckle	Drive	Newcastle
3.08	308/42	Honeysuckle	Drive	Newcastle
3.09	309/42	Honeysuckle	Drive	Newcastle
3.10	310/42	Honeysuckle	Drive	Newcastle
3.11	311/42	Honeysuckle	Drive	Newcastle
3.12	312/42	Honeysuckle	Drive	Newcastle
3.13	313/42	Honeysuckle	Drive	Newcastle
3.14	314/42	Honeysuckle	Drive	Newcastle
3.15	315/42	Honeysuckle	Drive	Newcastle
3.16	317/42	Honeysuckle	Drive	Newcastle
3.17	318/42	Honeysuckle	Drive	Newcastle
3.18	319/42	Honeysuckle	Drive	Newcastle
3.19	320/42	Honeysuckle	Drive	Newcastle
3.20	321/42	Honeysuckle	Drive	Newcastle
3.21	322/42	Honeysuckle	Drive	Newcastle
3.22	323/42	Honeysuckle	Drive	Newcastle
3.23	324/42	Honeysuckle	Drive	Newcastle
3.24	325/42	Honeysuckle	Drive	Newcastle
3.25	326/42	Honeysuckle	Drive	Newcastle
3.26	327/42	Honeysuckle	Drive	Newcastle
3.27	328/42	Honeysuckle	Drive	Newcastle
3.28	329/42	Honeysuckle	Drive	Newcastle
3.29	330/42	Honeysuckle	Drive	Newcastle
3.30	331/42	Honeysuckle	Drive	Newcastle
3.31	332/42	Honeysuckle	Drive	Newcastle
3.32	333/42	Honeysuckle	Drive	Newcastle
3.33	334/42	Honeysuckle	Drive	Newcastle
3.34	335/42	Honeysuckle	Drive	Newcastle
3.35	336/42	Honeysuckle	Drive	Newcastle
3.36	337/42	Honeysuckle	Drive	Newcastle
3.37	316/42	Honeysuckle	Drive	Newcastle
3.38	338/42	Honeysuckle	Drive	Newcastle
4.01	401/42	Honeysuckle	Drive	Newcastle

4.02	402/42	Honeysuckle	Drive	Newcastle
4.03	403/42	Honeysuckle	Drive	Newcastle
4.04	404/42	Honeysuckle	Drive	Newcastle
4.05	405/42	Honeysuckle	Drive	Newcastle
4.06	406/42	Honeysuckle	Drive	Newcastle
4.07	407/42	Honeysuckle	Drive	Newcastle
4.08	408/42	Honeysuckle	Drive	Newcastle
4.09	409/42	Honeysuckle	Drive	Newcastle
4.10	410/42	Honeysuckle	Drive	Newcastle
4.11	411/42	Honeysuckle	Drive	Newcastle
4.12	412/42	Honeysuckle	Drive	Newcastle
4.13	413/42	Honeysuckle	Drive	Newcastle
4.14	414/42	Honeysuckle	Drive	Newcastle
4.15	415/42	Honeysuckle	Drive	Newcastle
4.16	417/42	Honeysuckle	Drive	Newcastle
4.17	418/42	Honeysuckle	Drive	Newcastle
4.18	419/42	Honeysuckle	Drive	Newcastle
4.19	420/42	Honeysuckle	Drive	Newcastle
4.20	421/42	Honeysuckle	Drive	Newcastle
4.21	422/42	Honeysuckle	Drive	Newcastle
4.22	423/42	Honeysuckle	Drive	Newcastle
4.23	424/42	Honeysuckle	Drive	Newcastle
4.24	425/42	Honeysuckle	Drive	Newcastle
4.25	426/42	Honeysuckle	Drive	Newcastle
4.26	427/42	Honeysuckle	Drive	Newcastle
4.27	428/42	Honeysuckle	Drive	Newcastle
4.28	429/42	Honeysuckle	Drive	Newcastle
4.29	430/42	Honeysuckle	Drive	Newcastle
4.30	431/42	Honeysuckle	Drive	Newcastle
4.31	432/42	Honeysuckle	Drive	Newcastle
4.32	433/42	Honeysuckle	Drive	Newcastle
4.33	434/42	Honeysuckle	Drive	Newcastle
4.34	435/42	Honeysuckle	Drive	Newcastle
4.35	436/42	Honeysuckle	Drive	Newcastle
4.36	437/42	Honeysuckle	Drive	Newcastle
4.37	416/42	Honeysuckle	Drive	Newcastle
4.38	438/42	Honeysuckle	Drive	Newcastle