

# Development consent

## Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Executive Director  
Infrastructure and Industry Assessments  
Department of Planning and Environment

Sydney 18<sup>th</sup> JUNE 2015

### SCHEDULE 1

<b>Application No.:</b>	SSD 6850
<b>Applicant:</b>	Doma Honeysuckle Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	18 Honeysuckle Drive, Newcastle Lot 1 DP1113281.
<b>Approved Development:</b>	<p>Development of 18 Honeysuckle Drive, mixed use commercial and residential development, including:</p> <ul style="list-style-type: none"><li>• construction of a part nine, part 10 storey building comprising:<ul style="list-style-type: none"><li>• part two, part three storey podium;</li><li>• six storey commercial building above podium (nine storeys in total); and</li><li>• part 7, part 8 storey residential building above podium (10 storeys in total).</li></ul></li><li>• 12,380m<sup>2</sup> GFA including:<ul style="list-style-type: none"><li>• 6,237m<sup>2</sup> commercial, 481m<sup>2</sup> business/retail and 116m<sup>2</sup> café floorspace; and</li><li>• 71 residential apartments;</li></ul></li><li>• total of 193 above ground car parking spaces located on ground to second floor levels of the podium;</li><li>• landscaping, vehicular access, loading zone and footpaths.</li></ul>

[note: the above is the development as approved, not as lodged]

## DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
AHD	Australian Height Datum
Applicant	Consent holder or person with the benefit of the development consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this consent.
Council	City of Newcastle Council
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development ) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Department	Department of Planning and Environment
Secretary	Secretary of the Department of Planning and Environment
Secretary's approval, agreement, endorsement or satisfaction	A written approval from the Secretary (or nominee/delegate)
EIS	Environmental Impact Statement prepared by ESS Australia dated 7 November 2014
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning, or nominee
OEH	Office of the Environment and Heritage
PCA	Principal Certifying Authority
RL	Reduced Level
RtS	Response to Submissions report prepared by ESS Australia dated 20 March 2015
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements.
RMS	Roads and Maritime Services Division, Department of Transport
Site	Land referred to in Schedule 1
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
TfNSW	Transport for New South Wales
Zone of Influence	The horizontal distance from the edge of the excavation to twice the maximum excavation depth.

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### Terms of Consent

- A1 Except as amended by the conditions of this consent, development consent is granted only to carry out the development as described in Condition A2.
- A2 The Applicant shall carry out the project generally in accordance with the:
- a) State Significant Development Application SSD 6850;
  - b) Environmental Impact Statement prepared by ESS Australia dated 7 November 2014;
  - c) Response to Submissions reports prepared by ESS Australia dated 20 March 2015;
  - d) The conditions of this consent; and
  - e) The following drawings, except for:
    - i) any modifications which are Exempt' or Complying Development;
    - ii) otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by dwp l suters			
Drawing No.	Issue	Name of Plan	Date
DA022	4	EXISTING/DEMOLITION PLAN	05.03.15
DA202	8	GROUND FLOOR PLAN	05.03.15
DA203	5	PARKING LEVEL 1 PLAN	24.10.15
DA204	5	PARKING LEVEL 2 PLAN	24.10.15
DA205	3	COMMERCIAL LEVEL 01, RESIDENTIAL LEVEL 01	20.10.15
DA206	3	COMMERCIAL LEVEL 02, RESIDENTIAL LEVEL 02	20.10.15
DA207	3	COMMERCIAL LEVEL 03, RESIDENTIAL LEVEL 03	20.10.15
DA208	3	COMMERCIAL LEVEL 03, RESIDENTIAL LEVEL 04	20.10.15
DA209	3	COMMERCIAL LEVEL 04, RESIDENTIAL LEVEL 05	20.10.15
DA210	3	COMMERCIAL LEVEL 05, RESIDENTIAL LEVEL 06	20.10.15
DA211	3	PLANT ROOM LEVEL 06, RESIDENTIAL LEVEL 07	20.10.15
DA212	3	ROOF PLAN	20.10.15
DA220	1	PODIUM EXTERNAL AREA PLAN	18.03.15
DA401	7	BUILDING ELEVATIONS	23.04.14
DA402	5	BUILDING ELEVATIONS	27.04.14
DA501	4	BUILDING SECTIONS	27.04.15
SK500	1	RAIL CORRIDOR DIAGRAM	30.03.2015

<b>Landscape and Public Domain Drawings prepared by Terras Landscape Architects</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
01	D	PLANT SCHEDULE	OCTOBER 2014
02	D	Landscape Plan – Groundfloor	OCTOBER 2014
03	D	Landscape Plan – Groundfloor	OCTOBER 2014
04	D	Landscape Plan – upper podium	OCTOBER 2014
05	D	Landscape Plan – upper podium	OCTOBER 2014
06	D	Landscape Plan – upper podium	OCTOBER 2014
07	D	Suggested Materials Palette	OCTOBER 2014
08	D	Suggested Planting Palette	OCTOBER 2014
<b>Concept Stormwater Drawing prepared by Northrop</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
C02DA	D	CONCEPT STORMWATER MANAGEMENT AND LEVELS PLAN	13.03.15

### **Inconsistency Between Documents**

- A3 If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

### **Limits on Consent**

- A4 This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced.
- A5 This consent does not approve
- strata subdivision;
  - business/retail fit out;
  - commercial fit out;
  - café fit out; or
  - signage.

Separate approval/s for the strata subdivision, signage and business/retail, commercial and café fit out must be obtained for this development, if required by the EP&A Act.

### **Obligation to Minimise Harm to the Environment**

- A6 In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

### **Prescribed Conditions**

- A7 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

### **Legal Notices**

- A8 Any advice or notice to the consent authority shall be served on the Secretary.

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## PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### Modification of Ground Floor Use

- B1. Prior to the issue of a Construction Certificate, drawing DA202 Issue 8, entitled Ground Floor Plan shall be modified to the satisfaction of the PCA to change the use of the ground floor 481m<sup>2</sup> unit from 'commercial/retail' use to 'business/retail' use.

### Section 94A Developer Contributions

- B2. A total monetary contribution of \$797,356 is to be paid to Council, pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.
- This condition is imposed in accordance with the provisions of The City of Newcastle Section 94A Development Contributions Plan 2009 (updated version operational from 13 January, 2014). 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.
  - 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.
  - The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.
  - CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

Indexation quarters	Approx release date
September	Late October
December	Late January
March	Late April
June	Late July

Any party intending to act on this consent should contact Council's Customer Enquiry Centre for determination of the indexed amount of contribution on the date of payment.

### Compliance with the Building Code of Australia (BCA)

- B3. Details shall be provided to the satisfaction of the PCA, with the application for a Construction Certificate, which demonstrates that the proposal complies with the prescribed conditions of consent under Clause 98 of the Environmental Planning and Assessment Regulation in relation to the requirements of the Building Code of Australia (BCA).

### Structural Details

- B4. Prior to the issue of a relevant Construction Certificate, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate compliance with:

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- a) the relevant clauses of the BCA; and
  - b) the development consent.

### **Facilities for Disabled**

- B5. The development must be designed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The PCA must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on the relevant Construction Certificate drawings.

### **Storage and Handling of Waste**

- B6. The building plans and specifications accompanying the relevant Construction Certificate shall demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The waste storage area shall be capable of accommodating the Council's approved wheel type bins or bulk waste containers.

### **Mechanical Ventilation**

- B7. All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

### **Mine Subsidence**

- B8. Prior to the issue of a Construction Certificate and in accordance with Section 15 of the *Mine Subsidence Compensation Act 1961 No.22*, the Applicant shall obtain the necessary approval(s) to alter or erect improvement within a 'Mine Subsidence District' or subdivide land.

Any conditions issued as part of the approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with. The PCA is not to issue the Construction Certificate until it has received written correspondence that this condition has been complied with.

### **Car Parking**

- B9. The development shall provide car parking in accordance with the following requirements:
- a) A total provision of 193 on-site car parking spaces comprising a minimum of:
    - i. 56 residential car parking spaces;
    - ii. 15 residential visitor car parking spaces;
    - iii. 104 commercial car parking spaces;
    - iv. 8 retail car parking spaces; and
    - v. 2 café car parking spaces.
  - 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

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accordance with AS 2890.1-2004, AS 2890.6 for accessible spaces and AS2890.2-2002 for heavy vehicles where applicable.

- d) All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic, being sealed with either 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) design specifications. Full details are to be included in documentation for a Construction Certificate application.

### **Bicycle Parking and End of Trip Facilities**

B10. A total of 120 bicycle parking spaces are to be provided on the site, comprising:

- a) 40 non-residential spaces and associated end of trip facilities;
- b) 71 residential spaces; and
- c) 9 visitor spaces.

Details shall be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate for services and finishes works.

B11. 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, and
- b) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities, and
- c) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

### **Design Verification**

B12. A design verification statement from a qualified designer shall be submitted to the PCA. 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 Flat Development*

### **Noise**

B13. An acoustic assessment is to be submitted to the PCA prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report.

B14. The window glazing and sliding doors of the building shall meet the acoustic requirements standards set out in Table 10 and 11 of the Noise Impact Statement by Reverb Acoustics dated August 2014.

### **Environmental Performance**

B15. Prior to the issuing of the relevant Construction Certificate the Applicant is to provide documentation, prepared by a suitably qualified consultant, indicating that the commercial component of the development has been designed in accordance with the principles of:

- a) a 5 star Green Star 'As built' Office V3 rating; and
- b) a 4.5 star National Australian Built Environment Rating System (NABERS) energy rating.

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## **Pre-Construction Dilapidation Reports**

- B16. 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 (including rail infrastructure) and roads within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate for below ground works. A copy of the report is to be forwarded to the Council and each of the affected property owners.

In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Secretary that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

## **Reflectivity**

- B17. 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 PCA prior to the issue of a Construction Certificate for above ground façade works.

## **Outdoor Lighting**

- B18. All outdoor lighting within the site 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 PCA prior to the issue of a Construction Certificate for above ground works.

## **Internal Lighting System**

- B19. The proposed internal lighting system for the commercial office spaces must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. Details of the internal lighting system must be submitted to and approved by the PCA prior to the issue of the relevant Construction Certificate.

## **Hunter Water**

- B20. 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 compliance certificate is to be included in documentation for a Construction Certificate application.

## **Stormwater Management and Water Quality**

- B21. All stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 - 'Stormwater' of Newcastle Development Control Plan 2012, the associated 'Stormwater and Water Efficiency for Development' Technical Manual and the latest issue of AS 3500.3 as indicated on the Concept Stormwater Management and Levels Plans prepared by Northrop Consulting



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Engineers, Revision D, dated 13 March, 2015. Full details are to be included in documentation for a Construction Certificate application.

- B22. 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.
- B23. A maintenance manual for all water quality devices is to be prepared by a suitably qualified person in accordance with Council's 'Stormwater and Water Efficiency for Development Technical Manual' (Updated 2013). The manual is to address maintenance issues concerning the water quality devices including routine monitoring and regular maintenance. Full details are to be included in documentation form a Construction Certificate application.
- B24. Roof water from the proposed new work is to be directed to the proposed water tank (minimum size 10,000L) and being reticulated there from to any new toilet cisterns for the commercial stratum with a mains water top up being installed. The water tank and plumbing is to be installed in accordance with Australian Standard AS 3500, the relevant plumbing regulations and the requirements of the Hunter Water Corporation. Full details are to be included in documentation for a Construction Certificate application.
- B25. Drainage from the proposed works under this application shall not be discharged direct into the rail corridor.

### **Flood Management**

- B26. The floor level of the proposed building is to be not below RL 2.5m Australian Height Datum (AHD) and being indicated on plans for a Construction Certificate application.
- B27. The whole of the proposed structure below known flood planning level (i.e. RL 2.5m 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 said height 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.

### **Installation of Dual Flush or Vacuum Toilets**

- B28. 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 PCA, prior to the issue of the relevant Construction Certificate.

### **Installation of Water Efficient Urinals**

- B29. New urinal suites, urinals and urinal flushing control mechanisms must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).
- B30. Systems must include "smart controls" to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the PCA, prior to the issue of the relevant Construction Certificate.

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### **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 PCA, prior to the issue of the relevant Construction Certificate.

### **Landscaping**

- B32. All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required under the conditions of this consent are required to be detailed on a comprehensive landscape design plan and specification. The required comprehensive landscape design plan and specifications is to be in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:

- a) cross sections through the site where appropriate;
- b) proposed contours or spot levels;
- c) botanical names;
- d) quantities and container size of all proposed trees;
- e) shrubs and ground cover;
- f) details of proposed soil preparation;
- g) mulching and staking;
- h) treatment of external surfaces and retaining walls where proposed;
- i) drainage, location of taps; and
- j) appropriate maintenance periods.

The plan is to be prepared by a qualified landscape designer and be included in documentation for a Construction Certificate application.

### **Works within the Public Road**

- B33. A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to section 138 of the *Roads Act 1993* (NSW), before the issue of a Construction Certificate.
- B34. The developer must construct/reconstruct, at no cost to Council and to Council's requirements, the following public footway works in Honeysuckle Drive and Worth Place adjacent to the site:
- a) reconstruction of the footway along the full site frontages to provide concrete with brick banding; and
  - b) installation of street trees in accordance with the Council's 'Newcastle Street Tree Master Plan 2011'.

Full documentation to be supplied in association with the required section 138 application and submitted to Council prior to the issue of a Construction Certificate.

- B35. A commercial vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:
- a) Constructed in accordance with Council's A374 – Driveway Crossings Standard Design Details.
  - b) Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 metre, in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance.
  - c) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve.

The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.

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## **Mail Boxes**

- B36. A group type mailbox is to be provided at the street frontage near the building entrance in accordance with the requirements of Australia Post, clearly displaying individual unit numbers and the required house number. Full details are to be included in the documentation for a Construction Certificate application.

## **Relevant Rail Authority conditions**

- B37. Prior to the issuing of a Construction Certificate the Applicant shall submit the following documentation to the Relevant Rail Authority (currently Sydney Trains) for review and endorsement:

- a) final Geotechnical and Structural report/drawings. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor;
- b) final Construction methodology with construction details pertaining to structural support during excavation;
- c) final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor;
- d) details of machinery to be used during excavation/construction;
- e) detailed Survey Plan showing the relationship of the proposed developed with respect to RailCorp's land and infrastructure;
- f) installation of any hoarding or scaffolding facing the common boundary with the rail corridor;
- g) a plan showing all craneage and other aerial operations for the development;
- h) a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works;
- i) if required by the Relevant Rail Authority, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor; and
- j) if required by the Relevant Rail Authority a monitoring plan.

Any conditions issued as part of the Relevant Rail Authority's approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with. The PCA is not to issue the Construction Certificate until it has received written correspondence that this condition has been complied with.

- B38. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the PCA with the application for a Construction Certificate.
- B39. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The PCA is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- B40. Prior to the issuing of a Construction Certificate a risk assessment workshop with the all relevant stakeholders and the designers is to be held to identify the likelihood and risks of possible light rail vehicle derailment and to discuss the options and opportunities for mitigating the impact of a derailed vehicle. The key to this analysis will be an assessment of the consequences and likelihood of a derailment and the measures to be installed. The proposed measures to be installed are to be endorsed by the Asset Standards Authority (ASA) within TfNSW. Should the ASA not endorse the proposed measures then the building shall comply with Australian Standard AS 5100. The PCA

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shall not issue the Construction Certificate until it has confirmed that these measures have been endorsed in writing by the ASA and have been indicated on the Construction Drawings and Specifications.

- B41. Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by the Relevant Rail Authority. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact the Relevant Rail Authority (currently Sydney Trains' Rail Corridor Management Group) to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the PCA must witness written proof of this insurance in conjunction with the Relevant Rail Authority's written advice to the Applicant on the level of insurance required.
- B42. Prior to the issue of a Construction Certificate the Applicant is to contact the Relevant Rail Authority (currently Sydney Trains' Rail Corridor Management Group) to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by the Relevant Rail Authority. Prior to issuing the Construction Certificate the PCA must witness written advice from the Relevant Rail Authority confirming the lodgement of this Bond/Bank Guarantee.
- B43. Prior to the issue of the relevant construction certificate, details of the final landscaping plan shall be submitted to the Relevant Rail Authority for review to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor.

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## **PART C      PRIOR TO COMMENCEMENT OF WORKS**

### **Notice of Commencement of Works**

- C1. The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of building or subdivision works on the Site.

### **Certified Plans**

- C2. Certification is to be prepared by a Registered Surveyor and submitted to the PCA at the stages of construction indicated:
- a) On completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels.
  - b) On completion of each subsequent floor level, confirming that the floor levels are in accordance with the approved levels.
  - c) When the roof has been completed, confirming that the building does not exceed the approved levels.

### **Insurance**

- C3. 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.

### **Traffic Management**

- C4. Prior to commencement of site works the developer is to submit to Council for approval a Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase.
- C5. The 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 and pedestrians within the road reserve

### **Construction Management Plan**

- C6. Prior to the commencement of relevant works on the Site, a Construction Management Plan (CMP) shall be prepared in consultation with Council, and submitted to the PCA. The CMP shall be informed by the Construction Management Plan submitted with the EIS. The Plan shall address, but not be limited to, the following matters where relevant:
- a) evacuation and emergency egress capacity;
  - b) hours of work;
  - c) 24 hour contact details of site manager;
  - d) construction noise and vibration management, prepared by a suitably qualified person;
  - e) management of dust to protect the amenity of the neighbourhood;
  - f) use of hoardings and scaffolding;
  - g) way-finding signage;
  - h) erosion and sediment control;
  - i) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site;
  - j) air quality management including issues associated with odour, minimising dust on site and prevention of dust from leaving the site during construction works; and
  - k) incorporation of all acoustic management and treatments.

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- l) details of specific measures to ensure the arrival of vehicles to the site do not cause additional queuing on Honeysuckle Drive and Worth Place;
  - m) ingress and egress of vehicles to the site;
  - n) loading and unloading, including construction zones;
  - o) the staging of works and simultaneous construction with other projects in the Honeysuckle Precinct; and
  - p) pedestrian management measures.

### **Construction Noise and Vibration**

- C7. Prior to the commencement of construction activities, a detailed Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person shall be submitted to the PCA. The Plan shall include, but not be limited to:
- a) identification of each work area, site compound and access route (both private and public);
  - b) identification of the specific activities that will be carried out and associated noise sources at the premises and access routes;
  - c) identification of all potentially affected sensitive receivers;
  - d) the construction noise objectives identified in accordance with the Interim Construction Noise Guidelines (DECC 2009);
  - e) assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in (d);
  - f) where the objectives are predicted to be exceeded an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts;
  - g) description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of operational noise control barriers;
  - h) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity; and
  - i) measures to monitor noise performance and respond to complaints.

### **Utility Services**

- C8. Prior to the commencement of work the Applicant is to negotiate with the utility authorities in connection with the relocation and/or adjustment of the services affected by the construction of the development. Any costs in the relocation, adjustment or support of the services are to be the responsibility of the developer.
- C9. 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.

### **Erosion and sediment control**

- C10. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of construction in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> Edition* - (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

### **Relevant Rail Authority conditions**

- C11. Prior to the commencement of works appropriate fencing is to be installed along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details

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of the type of fencing and the method of erection are to be to the Relevant Rail Authority's satisfaction prior to the fencing work being undertaken.

- C12. Copies of any certificates, drawings or approvals given to or issued by the Relevant Rail Authority must be submitted to Council for its records.
- C13. Prior to the commencement of works, the Applicant shall peg-out the common boundary with the rail corridor and/or rail easement to ensure that there is no encroachment. This work is to be undertaken by a registered surveyor.

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## **PART D DURING CONSTRUCTION**

### **Building Code of Australia**

- D1. All building work must be carried out in accordance with the provisions of the Building Code of Australia

### **Hours of Work**

- D2. All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out:
- a) between 7:00 am and 6:00 pm Monday to Friday;
  - b) between 8:00 am and 1:00 pm Saturday;
  - c) no audible work is to be undertaken on Sundays and public holidays; and
  - d) works may be undertaken outside these hours where:
    - i. it is required by a works authorisation deed executed with the RMS; or
    - ii. the delivery of materials is required outside these hours by the Police or occasional works are required outside these hours by other authorities; or
    - iii. it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
    - iv. variation is approved in advance in writing by the Department.
- D3. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

### **Utilities**

- D4. The Applicant shall be responsible for all public utility adjustment/relocation works, necessitated by the development and as required by the various public utility authorities and/or their agents.
- D5. The developer is to comply with all requirements of the telecommunications authority regarding the connection of telephone services, including the payment of any required cash contribution towards the provision of underground or aerial reticulation cabling or internal block cabling.

### **Street Trees**

- D6. No street trees are to be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property.
- D7. All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, shall be replaced, to the satisfaction of Council.
- D8. The street trees proposed as part of the development are to comply with the criteria for quality trees as specified in the NATSPEC guide. (Refer to Clark. (2003) 2<sup>nd</sup> edition) The trees must be sampled for compliance with the NATSPEC criteria and a report on the findings must be submitted to Council prior to the delivery to the site. The report is to include an assessment of NATSPEC criteria, including measurements to determine the size index for each tree, investigative sampling and supporting photographs.

### **Construction Noise Management**

- D9. The development shall be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of



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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 CNVMP.

- D10. 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.
- D11. 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 CNVMP.

### **Vibration Criteria**

- D12. Vibration caused by construction at any residence or structure outside the Site must be limited to:
- a) for structural damage vibration, German Standard DIN 4150 Part 3 *Structural Vibration in Buildings. Effects on Structures*; and
  - b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006).

These limits apply unless otherwise outlined in the CNVMP.

### **Hoarding Requirements**

- D13. An application is to be made to and approved by 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.
- D14. 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.
- D15. If construction / demolition work is likely to cause pedestrian or vehicular traffic in 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.

### **Approved Plans to Be On-Site**

- D16. 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.

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## Site Notice

D17. 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, PCA and Structural Engineer.

D18. 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; and
- 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.
- e) stating that unauthorised entry to the work site is prohibited

Any such sign is to be maintained while the building work is being carried out, but must be removed when the work has been completed

## 'No Parking' Zone

D19. The developer is to provide a 'No Parking' zone and required associated regulatory signage in Honeysuckle Drive and Worth Place adjacent to the Honeysuckle Drive frontage of the site and all adjustments to and/or relocation of existing regulatory signage and line marking necessary as part of this development being at no cost to Council and in accordance with Council's requirements. Such works being the subject of a separate approval of the Newcastle City Traffic Committee prior to installation.

## Toilet Facilities

D20. Toilet facilities are to be available or provided at the work site before works begin and be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet is to:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an on-site effluent disposal system approved under the *Local Government Act 1993* (NSW), or
- c) be a temporary chemical closet approved under the *Local Government Act 1993* (NSW).

## Waste Management

D21. Waste management shall be implemented in accordance with the 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 wind blown rubbish leaving the site and

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- 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).

### **All Building Materials, Plant and Equipment**

- D22. 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.

### **Excavation**

- D23. 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, and
  - b) where necessary, underpin the adjoining premises to prevent any such damage.

The above requirements does 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.

- D24. Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.
- D25. 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.
- D26. 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

### **Stormwater Assets**

- D27. The applicant shall undertake site investigations during the excavation works in order to ascertain whether any operational, redundant, abandoned or unmarked stormwater assets (in addition to assets already shown on drawing C02DA revision D entitled 'Concept Stormwater Management and Levels Plan') are located within the site. Should any operational, redundant, abandoned or unmarked stormwater assets be found the applicant shall:
  - a) notify Council; and
  - b) provide Council with a plan for how these assets will be managed and protected (if necessary) during the construction process.

### **Survey Monuments**

- D28. Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to Council by a Surveyor registered under the *Surveying and Spatial Information Act 2002* (NSW).

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## **Acid Sulphate Soil**

D29. The development being carried out in accordance with the details set out in the Acid Sulphate Soil Management Plan prepared by Douglas Partners dated August, 2014.

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.

## **Relevant Rail Authority conditions**

D30. All excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.

D31. No rock anchors/bolts are to be installed into the Relevant Rail Authority's property or easements.

D32. The Relevant Rail Authority and persons authorised by them for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

D33. No work is permitted within the rail corridor, or rail easements, at any time unless prior approval or an Agreement has been entered into with the Relevant Rail Authority.

D34. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

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## **PART E      PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### **Road Damage and Roadway Costs**

- E1. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council's satisfaction prior to the issue of any Occupation Certificate in respect of the development.
- E2. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Site as a result of construction works associated with the approved development, is to be met in full by the Applicant/developer prior to the issue of the final Occupation Certificate for the residential component of the development.
- E3. Any redundant existing vehicular crossing is to be removed at no cost to Council. The road reserve and kerb being restored to, Council's satisfaction, to match the existing infrastructure. Works are to be completed prior to the issuing of a Final Occupation Certificate for the proposed development
- E4. All works within the road reserve required by this consent are to be completed prior to the issue of a Final Occupation Certificate

### **Registration of Easements**

- E5. Prior to the issue of the relevant Occupation Certificate, the Applicant shall provide to the PCA evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

### **Post-Construction Dilapidation Report**

- E6. Prior to the issue of an occupation certificate
  - a) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
  - b) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure (including rail infrastructure) and roads, the PCA must:
    - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions and
    - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - c) A copy of this report is to be forwarded to Council, the Relevant Rail Authority and each of the affected property owners.

### **Environmental Performance**

- E7. Prior to the issue of the final Occupation Certificate for the commercial component of the development, the applicant is to provide to the PCA documentation certifying that the building incorporates the elements of the design, such that it is capable of achieving:
  - a) a minimum 5 star Green Star 'As built' Office V3 rating; and
  - b) a minimum 4.5 star National Australian Built Environment Rating System (NABERS) energy rating.
- E8. All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to the issue of an Occupation Certificate.

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## **Green Travel Plan**

- E9. To encourage travel modes other than private vehicle the Applicant shall, in consultation with TfNSW, prepare and implement a Workplace Travel Plan and Transport Access Guide (Green Travel Plan) for employees, residents and visitors to encourage an increase in walking, cycling and use of public transport green travel plan and transport access guide. Details of the Green Travel Plan are to be submitted to the PCA prior to the issue of the Occupation Certificate of the residential or commercial components of the development (whichever is the latter).

## **Mechanical Ventilation**

- E10. Following completion, installation and testing of all the relevant mechanical ventilation systems and prior to the issue of any Occupation Certificate, the Applicant shall provide evidence to the satisfaction of the PCA that the installation and performance of the relevant mechanical systems complies with:
- a) the BCA;
  - b) Australian Standard AS1668 and other relevant codes;
  - c) the development consent and any relevant modifications; and
  - d) any dispensation granted by the NSW Fire Brigade.

## **Fire Safety Certification**

- E11. 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.

## **Stormwater Drainage Design Plan(s)**

- E12. 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 PCA 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.

## **Water Management**

- E13. The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.
- E14. The establishment and maintenance of the water quality devices in accordance with the Maintenance Manual prepared by the applicant is to be completed prior to the issue of an Occupation Certificate.

## **Landscape Practical Completion Report**

- E15. A Landscape Practical Completion Report is to be submitted to the PCA 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.

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## 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 Flat 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*

## Relevant Rail Authority conditions

- E17. Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to the Relevant Rail Authority and Council. The PCA is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- E18. The Applicant must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to the Relevant Rail Authority prior to the issuing of the Occupancy Certificate. The PCA is not to issue an Occupation Certificate until written confirmation has been received from the Relevant Rail Authority advising that the maintenance plan has been prepared to its satisfaction.
- E19. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to issuing of an Occupation Certificate the Applicant shall liaise with Relevant Rail Authority regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the Relevant Rail Authority's satisfaction prior to the fencing work being undertaken.
- E20. To prevent objects being dropped or thrown onto the rail corridor from the third floor rear (podium level) residential courtyards, fencing and planters shall be installed along the southern edge of the courtyards/podium in accordance with drawing SK500 Issue 1. The fencing and planters shall be installed prior to the issue of an Occupation Certificate for the residential component.

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## **PART F POST OCCUPATION**

### **Loading and Unloading**

- F1. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the Site, or the designated on-street loading zone, at all times.

### **Unobstructed Driveways and Parking Areas**

- F2. 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, waste, 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.

### **External Lighting**

- F3. External Lighting shall comply with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*.

### **Anti-Graffiti**

- F4. The walls facing the rail corridor are to be treated with anti-graffiti coating to minimise the potential for defacement. All other ground level surfaces are also 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.

### **Waste Management**

- F5. Waste management shall be undertaken in accordance with the Waste Minimisation Plan dated 22 October 2014 and submitted with the EIS.

### **Noise**

- F6. The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997* (NSW).

### **Visitors Car Parking Bays**

- F7. A minimum of 15 of the proposed on-site parking bays 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 particular dwelling owners or residents.

### **Landscaping**

- F8. A Landscape Establishment Report is to be submitted to Council following completion of a three 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.

### **Water Quality**

- F9. The maintenance manual for the water quality devices prepared by the applicant is to be kept on site at all times.



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## 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.

### Street Numbering

- AN4 Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with the council's policy, prior to the occupation of the building(s) or commencement of the use. If street numbers or changes to street numbers are required, a separate application shall be made to the Council.

### Temporary Structures

- AN5 An approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained from the council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
- AN6 Structural certification from an appropriately qualified practicing structural engineer must be submitted to the council with the application under *State Environmental Planning Policy (Temporary Structures) 2007* to certify the structural adequacy of the design of the temporary structures.

### Asbestos Removal

- AN7 All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos"

### Site Contamination Issues During Construction

- AN8 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.

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### **Below Ground (Sub-Surface) Works – Non-Aboriginal Relics**

- AN9 If any unexpected non-Aboriginal archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the Heritage Division, OEH shall be contacted. Depending on the level of significance of the relics, further management strategy, including possible retention and/or interpretation of the relics may be required before further works can continue in that area.

### **Discovery of Aboriginal Heritage**

- AN10 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.