

# Development consent

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

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  
Key Sites and Industry Assessments  
**Department of Planning and Environment**

Sydney 23 February 2018

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### SCHEDULE 1

<b>Application No.:</b>	SSD 8019
<b>Applicant:</b>	21 HD – Doma Holdings (NSW) Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	50 Honeysuckle Drive, Newcastle proposed Lot 2 in Lot 2000 in DP1145678
<b>Approved Development:</b>	Construction of a mixed use development comprising three, two to seven storey buildings, two levels of parking, commercial/retail space on the ground floor, 154 residential units including 10 terraces and communal rooftop areas on Buildings A and B.  [note: the above is the development <u>as approved</u> , not as lodged]

## DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	21 HD - Doma Holdings (NSW) Pty Ltd or any other person carrying out any development to which this consent applies
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
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
Conditions of this Consent	The conditions contained in schedule 2 of this document
Construction	All physical work to enable operation including but not limited to the demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	City of Newcastle Council
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department Development	Department of Planning and Environment The development described in the EIS and Response to Submissions, including the works and activities comprising the demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, as modified by the conditions of this consent
EEC	Endangered ecological community
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement, titled EIS for SSD 8019, prepared by SJB Planning dated June 2017, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
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>
Feasible	Feasible relates to engineering considerations and what is practical to build
Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm.
Material harm	Is harm that: (a) involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	Minister for Planning, or nominee
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident.
NOW	NSW Office of Water

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OEH	Office of the Environment and Heritage
Operation	The carrying out of the approved purpose of the development upon completion of construction
RTS	Response to Submissions report titled Response to Submissions prepared by SJB, dated November 2017
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to Submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
RMS	Roads and Maritime Services Division, Department of Transport
Secretary	Secretary of the Department, or nominee
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.
Zone of Influence	The horizontal distance from the edge of the excavation to twice the maximum excavation depth.

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## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### 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 Secretary
  - c) generally in accordance with the EIS and Response to Submissions
  - d) in accordance with the approved plans in the table below:

Architectural (or Design) Drawings prepared by SJB Architects			
Drawing No.	Revision	Name of Plan	Date
DA0103	13	Site Plan/ site analysis	30.11.2017
DA0200	13	Basement Plan	30.11.2017
DA0201	13	Ground floor plan	30.11.2017
DA0202	13	Level 01 floor plan	27.11.2017
DA0203	13	Level 02 floor plan	27.11.2017
DA0204	13	Level 03 – 06 floor plan	27.11.2017
DA0205	13	Roof plan	27.11.2017
DA0220	13	Apartment types – 1 beds	27.11.2017
DA0221	13	Apartment types – 2 beds	27.11.2017
DA0222	13	Apartment types – 3 beds	27.11.2017
DA0250	13	Adaptable apartments	27.11.2017
DA0501	13	Site elevations	27.11.2017
DA0502	13	Internal elevations	27.11.2017
DA0601	13	Site sections	27.11.2017
DA4000	13	External finishes	27.11.2017
DA5000	13	Façade detail	27.11.2017
Landscape Drawings prepared by Sydney Design Collective			
Drawing No.	Revision	Name of Plan	Date
LDA 01	D	Landscape identify and principles	Nov 2017
LDA 02	D	Landscape plan	Nov 2017
LDA 03	D	Landscape elevation B-B and C-C	Nov 2017
LDA 04	D	Landscape elevation D-D and section E-E	Nov 2017
LDA 05	D	Landscape roof plan and Section	Nov 2017

LDA 06	B	Communal rooftop plan	Nov 2017
LDA 07	D	Communal rooftop section and planting	Nov 2017
LDA 08	D	Indicative planting list	Nov 2017

Consistent with the requirements in this consent, the 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 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 Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition [2](c) or [2](d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition [2](c) and [2](d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

## LIMITS ON CONSENT

- A3 This consent does not approve:
- strata subdivision
  - retail fit out
  - commercial fit out
  - café fit out, and
  - signage, apart from street numbering.

Separate development application(s) must be lodged and consent obtained for the above works and uses (except where exempt and complying development applies).

## CONSTRUCTION HOURS

- A4 Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive; and
  - (b) 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.

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## **PRESCRIBED CONDITIONS**

- A5 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

## **LONG SERVICE LEVY**

- A6 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**

- A7 Any advice or notice to the consent authority shall be served on the Director-General.

## **COMPLIANCE**

- A8 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.

## **STRUCTURAL ADEQUACY**

- A9 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 BCA.

*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.*

**End of Part A**

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## **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, the amended architectural plans, landscape plans and documentation shall be prepared for review and endorsement of the Secretary, providing for:
- (a) deletion of the communal rooftop area on Building C, including the lift and stair access, the lobby, WC, pergola, landscaping and all associated elements. The communal rooftop area on Building C is to be replaced with the roof material proposed for the buildings.
  - (b) additional storage areas internally within all one bedroom apartments to provide a combined total storage area (internal and within the basement of at least 6 m<sup>3</sup>)
  - (c) a minimum path width of 3 m in the western through site link, by reducing the width of the northern most triangular shaped landscaped bed, as measured from the eastern wall of Building A to the landscaping bed
  - (d) a waste chute opening on the ground floor of each building for the disposal of general waste from the residential terraces
  - (e) a driveway crossover width of 6 m, for the driveway between Buildings B and C.

### **MATERIALS AND FINISHES SCHEDULE**

- B3    Prior to the issue of a Construction Certificate, detail on the material treatment of the rooftop plant, planters, balustrading, pergola and other elements is to be provided for in a rooftop communal open space materials and finishes schedule, demonstrating the elements are in keeping with the architectural design and materiality of the development, for review and endorsement of the Secretary.

### **COST OF WORKS**

- B4    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.

### **DEVELOPMENT CONTRIBUTIONS**

#### **Section 94A Development Contributions**

- B5    A monetary contribution of 2% of the estimated cost of development is to be paid to Newcastle City 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.

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

## WASTE MANAGEMENT

B6 Prior to the issue of the Construction Certificate, an amended Waste Management Plan is to be prepared to the satisfaction of the Certifying Authority providing for:

- i) a recycling bin located in each of the six basement waste storage rooms for Building A, B and C for use by residents
- ii) all residents to dispose of recycling in basement waste storage rooms, with no access permitted to the communal waste room on the ground floor of Building B
- iii) the building manager/ caretaker to be responsible to transport all recycling bins to the communal waste room on the ground floor of Building B via the bin hoist
- iv) residents of the terraces to dispose of waste and recyclables in the basement bin storage rooms.

## EXTERNAL WALLS AND CLADDING

B7 The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

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 BCA.

The Applicant must provide a copy of the documentation given to the Certifying Authority to the Secretary within seven days after the Certifying Authority accepts it.

## BUILDING CODE OF AUSTRALIA (BCA) COMPLIANCE

B8 The proposed works must comply with the applicable performance requirements of the BCA 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 November 2017, 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.

- a) In order to minimise noise impacts from port operations and traffic along Honeysuckle Drive to residents of the development, the use of the following window glazing is required:

Facade	Apartment	Room description	Required acoustic rating of glazing assembly, Rw
Facing Honeysuckle Drive (south)	All apartments	Bedroom	Rw 32
	Corner units of Building A and C	Living/ dining	Rw 35
	Other apartments	Living/ dining	Rw 32
Facing Hunter River (north)	All apartments	Bedroom	Rw 32
	All apartments	Living/ dining	Rw 35
West elevation of Building A	All apartments	Bedroom	Rw 32
East elevation of Building C	All apartments	Living/ dining	Rw 35

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.

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## 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 792120M\_02 and 798245M\_02 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.

## 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 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.

## CAR PARKING

- B16 The development shall provide car parking in accordance with the following requirements:
- a) a total of 190 on-site car parking spaces comprising:
    - (i) 154 residential car parking spaces
    - (ii) 31 residential visitor car parking spaces
    - (iii) 5 commercial car parking spaces.
  - b) all vehicles should enter and leave the site in a forward direction
  - c) 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
  - d) 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.

## **BICYCLE PARKING**

B17 The development shall provide bicycle parking in accordance with the following:

- a) 222 bicycle spaces, including 154 residential storage cages and 68 lockable spaces on the ground floor
- b) 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:
  - (i) all bicycle parking for occupants of residential buildings must be Class 1 bicycle lockers
  - (ii) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities
  - (iii) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

## **DESIGN VERIFICATION**

B18 A design verification statement from a qualified designer shall be submitted to the Certifying Authority. 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*

## **ADAPTABLE HOUSING**

B19 Prior to issue of the relevant Construction Certificate, the Certifying Authority is to ensure that the building has been designed to accommodate a total of 16 adaptable residential units and that the requirements are referenced on the relevant Construction Certificate drawings. In addition, information shall be provided confirming:

- a) the required number of units are able to be adapted for people with a disability in accordance with the BCA
- b) compliance with *Australian Standard AS4299 – Adaptable Housing*.

## **ACCESS FOR PEOPLE WITH DISABILITIES**

B20 Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the issue of the relevant Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority.

## **STORMWATER MANAGEMENT AND WATER QUALITY**

B21 All stormwater runoff from the proposed development being managed in accordance with the requirements of section 7.06 'Stormwater' of Newcastle Development Control Plan 2012, as indicated on the Stormwater Management report and Stormwater plans prepared by Northrop Consulting Engineers, job no. NL167162. 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.

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## **FLOOD MANAGEMENT**

- B23 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 RL3.65m 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 RL3.65m AHO. Full details are to be included in documentation for a Construction Certificate application.
- B24 The whole of the proposed structure below known probable maximum flood planning level (RL3.65m) 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 PMF level 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**

- B25 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**

- B26 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**

- B27 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

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are to be submitted for the approval of the Certifying Authority, prior to the issue of the relevant Construction Certificate.

## **MAIL BOXES**

- B28 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**

- B29 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 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**

- B30 The Applicant is to design and construct the following works within Honeysuckle Drive and Worth Place frontages of the site at no cost to Newcastle City Council and in accordance with Council's 'City Centre Public Domain Manual' guidelines, design specifications and Australian Standards:

- i. Provide new footpath and streetscape works extending 2-5m either side of the property and from Worth Place to Worth Place Park
- ii. Remove existing and install new kerb and gutter, kerb ramp and repair road along the frontage
- iii. Install new street trees and grass verge areas in accordance with Council's requirements and adjust service pit levels to match new footpath level.  
Note: The footpath is to achieve maximum cross fall of 2.5%
- iv. Remove all redundant driveways, install new kerb and gutter and repair any road works
- v. Install new driveways and associated roadworks. The driveways for the proposed development are to be approximately 6.0m in width
- vi. Install any required parking signs, line markings, mandatory signage and any civil works associated with road and on-street parking infrastructure
- vii. Repair any damages caused during construction and ensure the survey mark is protected at all times
- viii. Installation of any new street furniture including bicycle racks or rings and new seats and bins
- ix. Design and install street lighting along the frontages
- x. Installation of 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.

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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).

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

## **LIGHTING**

- B31 The proposed lighting including the car park lighting and 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 Certifying Authority prior to the issue of the relevant Construction Certificate.

## **WORKS ZONE AND BUS STOP**

- B32 Any changes associated with provision of the works zone and relocation of to the existing bus stop to the east of the Honeysuckle Drive frontage of the property will need to be prepared in consultation with and approval attained from Newcastle City Council prior to the issue of the Construction Certificate.

Council's Traffic Section can be contacted to discuss the proposal ([traffic@ncc.nsw.gov.au](mailto:traffic@ncc.nsw.gov.au)). Changes to the parking layout and road signs will need to be approved by the Newcastle City Traffic Committee (NCTC) and supported by the relevant stakeholders including Newcastle Buses and the services provided by tourist transport companies which use the existing bus stop.

## **WASTE COLLECTION**

- B33 The 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. If the waste services cannot be provided by Council, then the Applicant will need to engage a private contractor garbage collection service. Full details are to be included in documentation for a Construction Certificate application.

## **WASTE MANAGEMENT (DEMOLITION AND CONSTRUCTION)**

- B34 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 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
  - 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
  - Appropriate provision is to be made to prevent windblown rubbish leaving the site

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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).*

## **REFLECTIVITY**

- B35 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**

- B36 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**

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

### **NOTICE OF COMMENCEMENT OF WORKS**

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.

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.

### **DEMOLITION**

C2 Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifying Authority before the commencement of works

### **COMMUNITY COMMUNICATION STRATEGY**

C3 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
  - 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 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 Secretary, or within another timeframe agreed with the Secretary.

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

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## VEHICULAR CROSSINGS

C4 The two proposed commercial/ industrial type vehicular crossings are to be constructed across the road reserve, in accordance with the following criteria:

- i. Constructed in accordance with Newcastle City Council's A37 4 - Driveway Crossings Standard Design Details
- ii. Have a maximum width of 6 metres
- iii. 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
- iv. The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve
- v. 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
- vi. Driveway cross-fall over the footpath is to be maximum of 2.5%.

These works are not approved until consent under Section 138 of the Roads Act 1993 (NSW) has been granted by Newcastle City Council. An application under Section 138 must be applied for and approved before the commencement of works.

## WORKS WITHIN THE ROAD RESERVE

C5 A separate application must be lodged and consent obtained from Newcastle City Council for all works within the road reserve pursuant to Section 138 Roads Act 1993 (NSW), before the commencement of works.

## MINE SUBSIDENCE

C6 Prior to and during works the development is to comply with the approval and all conditions issued under Section 15 of the *Mine Subsidence Compensation Act 1961 No.22*, by Subsidence Advisory NSW.

Any conditions issued as part of the approval/certification by Subsidence Advisory NSW will also form part of the consent conditions that the Applicant is required to comply with.

## CERTIFIED PLANS

C7 Certification is to be prepared by a Registered Surveyor and submitted to the Certifying Authority 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

C8 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

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C9 Prior to the commencement of any works on the Site, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority. The plan shall address, but not be limited to, the following matters where relevant:

- i. hours of work
- ii. 24 hour contact details of site manager
- iii. traffic management
- iv. noise and vibration management, prepared by a suitably qualified person
- v. management of dust to protect the amenity of the neighbourhood
- vi. erosion and sediment control
- vii. measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site
- viii. details of specific measures to ensure the arrival of vehicles to the site do not cause additional queuing on Honeysuckle Drive and Worth Place
- ix. ingress and egress of vehicles to the site
- x. loading and unloading, including construction zones
- xi. the staging of works and simultaneous construction with other projects in the Honeysuckle Precinct
- xii. pedestrian management measures

The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.

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

## **CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN**

C10 A Construction, Pedestrian and 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 17 42.3:2009 - 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.

The Plan is to address the parking of construction vehicles and the transportation of construction personnel to the site. The CPTMP is to detail a common location for the parking of construction vehicles outside of the Newcastle City Centre and utilise shuttle buses for the transportation of construction personnel and their equipment to the site.

The plan is to be submitted to the Newcastle City Council for approval prior to the commencement of works and is to be implemented during the construction phase.

## **CONSTRUCTION NOISE AND VIBRATION**

C11 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 Certifying Authority. 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)

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- f) where the objectives are predicted to exceed 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
  - i) measures to monitor noise performance and respond to complaints.

## **EROSION AND SEDIMENT CONTROL**

C12 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 details set out on an Erosion and Sediment Control Plan that is to be submitted for approval with the Construction Certificate application. The Erosion and Sediment Control Plan shall satisfy the requirements of *Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1* (the "Blue Book") published by Landcom, 2004 and Newcastle City Council's Technical Manual: Stormwater and Water Efficiency for Development 2013. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

## **DE-WATERING MANAGEMENT PLAN**

C13 Prior to construction works commencing the developer is to submit to the Department for approval a de-watering management plan. The plan is to be prepared by an appropriately qualified environmental consultant and demonstrate that water pollution will not occur as a result 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**

C14 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 accordance with the requirements of Department of Industry – Crown Lands and Water Division.

## **HOARDINGS**

C15 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**

C16 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.

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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.

## **COMPLIANCE REPORTING**

C17 A Pre-Construction Compliance Report must be prepared for the development, and submitted to the Certifying Authority 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](mailto:compliance@planning.nsw.gov.au) before the commencement of construction.

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
- (b) the expected commencement date for construction.

Construction Compliance Reports must be submitted to the Department at [compliance@planning.nsw.gov.au](mailto: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.

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
- (g) any other matter relating to compliance with the terms of this consent or requested by the Secretary.

## **END OF PART C**

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## **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.

### **INCIDENT NOTIFICATION, REPORTING AND RESPONSE**

- D2 The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto: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 A.

### **NON-COMPLIANCE NOTIFICATION**

- D3 The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto: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.

### **DISPOSAL OF SEEPAGE AND STORMWATER**

- D4 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.

### **PROTECTION OF TREES**

- D5 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.
- D6 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.

### **CONSTRUCTION NOISE MANAGEMENT**

- D7 The development shall be constructed with the aim of achieving 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.

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- D8 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.
- D9 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**

- D10 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**

- D11 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**

- D12 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.
- D13 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**

- D14 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.

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## **VEHICLE CLEANSING**

- D15 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**

- D16 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**

- D17 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**

- D18 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.

## **NO OBSTRUCTION OF PUBLIC WAY**

- D19 The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Secretary to stop all work on site.

## **EXCAVATION**

- D20 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.

- D21 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'.

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D22 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.

D23 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

#### **ACID SULPHATE SOIL**

D24 The development must be carried out in accordance with the details set out in the Acid Sulphate Soil Management Plan prepared by Douglas Partners dated June 2017.

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.

#### **END OF PART D**

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## **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.

### **EXISTING VEHICULAR CROSSING**

- E2 Any redundant existing vehicular crossing is to be removed at no cost to Newcastle City Council. The road reserve and kerb being restored to the satisfaction of Council to match the existing infrastructure. Works are to be completed prior to the issuing of a Final Occupation Certificate for the proposed development:

### **ROAD DAMAGE**

- E3 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**

- E4 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*

### **WAYFINDING**

- E5 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**

- E6 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**

- E7 A post construction dilapidation report prepared by a suitably 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.

A post construction dilapidation report person shall be submitted for the existing Council drainage pipe located on the western corner of the property, prepared by a suitably qualified person. The dilapidation report is to contain CCTV report and footage and is to be done to Council Specifications and shall document and photograph the post-construction condition of the existing drainage pipe. Any damage done to the Council

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drainage pipe during building and building construction related works is to be repaired at the land owner(s)/Applicants costs. Council should be contacted immediately if there are any major identified issues for an inspection. A copy of the electronic report is to be provided to Council prior to the issue of the Occupation Certificate.

## **GREEN TRAVEL PLAN**

- E8 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**

- E9 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:
- b) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final design drawings
  - c) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

## **COMPLIANCE WITH BASIX CERTIFICATE**

- E10 Prior to the issue of the any Occupation Certificate, the Applicant shall implement the commitments outlined in BASIX Certificate No.792120M\_02 and 798245M\_02.

## **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.

## **LANDSCAPE PRACTICAL COMPLETION REPORT**

- E12 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)**

- E13 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.

## **PEDESTRIAN LINK**

- E14 The pedestrian through link between proposed buildings A & B is to be the subject of an appropriate reciprocal right-of-public access and the necessary survey plan and

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accompanying instrument under Section 888 of the Conveyancing Act 1919 being registered with NSW Government Land & Property Information prior to the issuing of any Occupation Certificate for the proposed development, it being noted that the instrument is to provide that the right-of-way is unable to be relinquished, varied or modified without the concurrence of the Newcastle City Council.

## **DESIGN VERIFICATION**

- E15 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**

- E16 Prior to the issue of any Occupation Certificate, evidence shall be submitted to the Certifying Authority demonstrating compliance with all measures required under Condition **B5** 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**

- E17 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**

- E18 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**

- E19 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.

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## **PARKING**

- E20 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 prior to occupation of the building.

## **SCREENING**

- E21 All external items of air conditioning plant are to be screened or positioned in such a manner as to not detract from the visual presentation of the building.

## **COMPLIANCE REPORT**

- E22 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.

**END OF PART E**

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## **PART F POST OCCUPATION – DURING OPERATION**

### **COMMUNAL AREA ACCESS**

- F1 All residents of the development are to have access to all communal areas, including:
- communal rooftop areas on Building A and B
  - the pool in Building C
  - the resident meeting room in Building C
  - the resident amenity (gym) room in Building A

### **ANNUAL FIRE SAFETY CERTIFICATE**

- F2 The owner of the building shall certify to Council or the relevant authority every year that the essential services installed in the building for the purposes of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

### **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.

### **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.

### **VISITORS CAR PARKING BAYS**

- F6 The proposed 31 visitor 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**

- F7 A Landscape Establishment Report is to be submitted to Council following completion of a three and twelve month maintenance period, verifying that satisfactory maintenance of

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the landscape works has been undertaken and any necessary rectification measures have been carried out to a high professional standard.

**PUBLIC WAY TO BE UNOBSTRUCTED**

- F8 The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

**END OF PART F**

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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.

### **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.

### **DISABILITY DISCRIMINATION ACT**

AN5 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**

AN6 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**

AN7 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**

AN8 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

AN9 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. If street numbers or changes to street numbers are required, a separate application shall be made to the Council.

The minimum numeral heights shall be:

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

The Development shall be numbered as follows:

- Building A – 25 Honeysuckle Drive
- Building B – 23 Honeysuckle Drive
- Building C - 21 Honeysuckle Drive

Unit Number on plan - Revision 10 (29/5/17)	Council Allocated Street Address(es)			
	House Number	Street Name	Street Type	Suburb
Building A	25	Honeysuckle	Drive	Newcastle
Building B	23	Honeysuckle	Drive	Newcastle
Building C	21	Honeysuckle	Drive	Newcastle
Building A				
T01	1/25	Honeysuckle	Drive	Newcastle
T02	2/25	Honeysuckle	Drive	Newcastle
T03	3/25	Honeysuckle	Drive	Newcastle
T04	4/25	Honeysuckle	Drive	Newcastle
A101	101/25	Honeysuckle	Drive	Newcastle
A102	102/25	Honeysuckle	Drive	Newcastle
A103	103/25	Honeysuckle	Drive	Newcastle
A104	104/25	Honeysuckle	Drive	Newcastle
A105	105/25	Honeysuckle	Drive	Newcastle
A106	106/25	Honeysuckle	Drive	Newcastle
A107	107/25	Honeysuckle	Drive	Newcastle
A108	108/25	Honeysuckle	Drive	Newcastle
A201	201/25	Honeysuckle	Drive	Newcastle
A202	202/25	Honeysuckle	Drive	Newcastle
A203	203/25	Honeysuckle	Drive	Newcastle
A204	204/25	Honeysuckle	Drive	Newcastle
A205	205/25	Honeysuckle	Drive	Newcastle
A206	206/25	Honeysuckle	Drive	Newcastle
A207	207/25	Honeysuckle	Drive	Newcastle
A208	208/25	Honeysuckle	Drive	Newcastle
A301	301/25	Honeysuckle	Drive	Newcastle
A302	302/25	Honeysuckle	Drive	Newcastle
A303	303/25	Honeysuckle	Drive	Newcastle
A304	304/25	Honeysuckle	Drive	Newcastle
A305	305/25	Honeysuckle	Drive	Newcastle
A306	306/25	Honeysuckle	Drive	Newcastle
A307	307/25	Honeysuckle	Drive	Newcastle
A308	308/25	Honeysuckle	Drive	Newcastle
A401	401/25	Honeysuckle	Drive	Newcastle

A402	402/25	Honeysuckle	Drive	Newcastle
A403	403/25	Honeysuckle	Drive	Newcastle
A404	404/25	Honeysuckle	Drive	Newcastle
A405	405/25	Honeysuckle	Drive	Newcastle
A406	406/25	Honeysuckle	Drive	Newcastle
A407	407/25	Honeysuckle	Drive	Newcastle
A408	408/25	Honeysuckle	Drive	Newcastle
A501	501/25	Honeysuckle	Drive	Newcastle
A502	502/25	Honeysuckle	Drive	Newcastle
A503	503/25	Honeysuckle	Drive	Newcastle
A504	504/25	Honeysuckle	Drive	Newcastle
A505	505/25	Honeysuckle	Drive	Newcastle
A506	506/25	Honeysuckle	Drive	Newcastle
A507	507/25	Honeysuckle	Drive	Newcastle
A508	508/25	Honeysuckle	Drive	Newcastle
A601	601/25	Honeysuckle	Drive	Newcastle
A602	602/25	Honeysuckle	Drive	Newcastle
A603	603/25	Honeysuckle	Drive	Newcastle
A604	604/25	Honeysuckle	Drive	Newcastle
A605	605/25	Honeysuckle	Drive	Newcastle
A606	606/25	Honeysuckle	Drive	Newcastle
A607	607/25	Honeysuckle	Drive	Newcastle
A608	608/25	Honeysuckle	Drive	Newcastle
Building B				
Commercial (building B)	1/23	Honeysuckle	Drive	Newcastle
T05	2/23	Honeysuckle	Drive	Newcastle
T6	3/23	Honeysuckle	Drive	Newcastle
T07	4/23	Honeysuckle	Drive	Newcastle
B101	101/23	Honeysuckle	Drive	Newcastle
B102	102/23	Honeysuckle	Drive	Newcastle
B103	103/23	Honeysuckle	Drive	Newcastle
B104	104/23	Honeysuckle	Drive	Newcastle
B105	105/23	Honeysuckle	Drive	Newcastle
B106	106/23	Honeysuckle	Drive	Newcastle
B107	107/23	Honeysuckle	Drive	Newcastle
A112	108/23	Honeysuckle	Drive	Newcastle
B201	201/23	Honeysuckle	Drive	Newcastle
B202	202/23	Honeysuckle	Drive	Newcastle
B203	203/23	Honeysuckle	Drive	Newcastle
B204	204/23	Honeysuckle	Drive	Newcastle
B205	205/23	Honeysuckle	Drive	Newcastle
B206	206/23	Honeysuckle	Drive	Newcastle
B207	207/23	Honeysuckle	Drive	Newcastle
B208	208/23	Honeysuckle	Drive	Newcastle
B301	301/23	Honeysuckle	Drive	Newcastle
B302	302/23	Honeysuckle	Drive	Newcastle
B303	303/23	Honeysuckle	Drive	Newcastle
B304	304/23	Honeysuckle	Drive	Newcastle
B305	305/23	Honeysuckle	Drive	Newcastle
B306	306/23	Honeysuckle	Drive	Newcastle
B307	307/23	Honeysuckle	Drive	Newcastle
B308	308/23	Honeysuckle	Drive	Newcastle
B401	401/23	Honeysuckle	Drive	Newcastle
B402	402/23	Honeysuckle	Drive	Newcastle
B403	403/23	Honeysuckle	Drive	Newcastle

B404	404/23	Honeysuckle	Drive	Newcastle
B405	405/23	Honeysuckle	Drive	Newcastle
B406	406/23	Honeysuckle	Drive	Newcastle
B407	407/23	Honeysuckle	Drive	Newcastle
B408	408/23	Honeysuckle	Drive	Newcastle
B501	501/23	Honeysuckle	Drive	Newcastle
B502	502/23	Honeysuckle	Drive	Newcastle
B503	503/23	Honeysuckle	Drive	Newcastle
B504	504/23	Honeysuckle	Drive	Newcastle
B505	505/23	Honeysuckle	Drive	Newcastle
B506	506/23	Honeysuckle	Drive	Newcastle
B507	507/23	Honeysuckle	Drive	Newcastle
B508	508/23	Honeysuckle	Drive	Newcastle
B601	601/23	Honeysuckle	Drive	Newcastle
B602	602/23	Honeysuckle	Drive	Newcastle
B603	603/23	Honeysuckle	Drive	Newcastle
B604	604/23	Honeysuckle	Drive	Newcastle
B605	605/23	Honeysuckle	Drive	Newcastle
B606	606/23	Honeysuckle	Drive	Newcastle
B607	607/23	Honeysuckle	Drive	Newcastle
B608	608/23	Honeysuckle	Drive	Newcastle
Building C				
Commercial (NE corner, building C)	14	Worth	Place	Newcastle
Commercial (SE corner, building C)	1/21	Honeysuckle	Drive	Newcastle
T08	2/21	Honeysuckle	Drive	Newcastle
T09	3/21	Honeysuckle	Drive	Newcastle
T10	4/21	Honeysuckle	Drive	Newcastle
C101	101/21	Honeysuckle	Drive	Newcastle
C102	102/21	Honeysuckle	Drive	Newcastle
C103	103/21	Honeysuckle	Drive	Newcastle
C104	104/21	Honeysuckle	Drive	Newcastle
C105	105/21	Honeysuckle	Drive	Newcastle
C106	106/21	Honeysuckle	Drive	Newcastle
C107	107/21	Honeysuckle	Drive	Newcastle
C108	108/21	Honeysuckle	Drive	Newcastle
C201	201/21	Honeysuckle	Drive	Newcastle
C202	202/21	Honeysuckle	Drive	Newcastle
C203	203/21	Honeysuckle	Drive	Newcastle
C204	204/21	Honeysuckle	Drive	Newcastle
C205	205/21	Honeysuckle	Drive	Newcastle
C206	206/21	Honeysuckle	Drive	Newcastle
C207	207/21	Honeysuckle	Drive	Newcastle
C208	208/21	Honeysuckle	Drive	Newcastle
C301	301/21	Honeysuckle	Drive	Newcastle
C302	302/21	Honeysuckle	Drive	Newcastle
C303	303/21	Honeysuckle	Drive	Newcastle
C304	304/21	Honeysuckle	Drive	Newcastle
C305	305/21	Honeysuckle	Drive	Newcastle
C306	306/21	Honeysuckle	Drive	Newcastle
C307	307/21	Honeysuckle	Drive	Newcastle
A111 (3)	308/21	Honeysuckle	Drive	Newcastle
C401	401/21	Honeysuckle	Drive	Newcastle
C402	402/21	Honeysuckle	Drive	Newcastle
C403	403/21	Honeysuckle	Drive	Newcastle

C404	404/21	Honeysuckle	Drive	Newcastle
C405	405/21	Honeysuckle	Drive	Newcastle
C406	406/21	Honeysuckle	Drive	Newcastle
C407	407/21	Honeysuckle	Drive	Newcastle
A111 (4)	408/21	Honeysuckle	Drive	Newcastle
C501	501/21	Honeysuckle	Drive	Newcastle
C502	502/21	Honeysuckle	Drive	Newcastle
C503	503/21	Honeysuckle	Drive	Newcastle
C504	504/21	Honeysuckle	Drive	Newcastle
C505	505/21	Honeysuckle	Drive	Newcastle
C506	506/21	Honeysuckle	Drive	Newcastle
C507	507/21	Honeysuckle	Drive	Newcastle
A111 (5)	508/21	Honeysuckle	Drive	Newcastle
C601	601/21	Honeysuckle	Drive	Newcastle
C602	602/21	Honeysuckle	Drive	Newcastle
C603	603/21	Honeysuckle	Drive	Newcastle
C604	604/21	Honeysuckle	Drive	Newcastle
C605	605/21	Honeysuckle	Drive	Newcastle
C606	606/21	Honeysuckle	Drive	Newcastle
C607	607/21	Honeysuckle	Drive	Newcastle
A111 (6)	608/21	Honeysuckle	Drive	Newcastle

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## **APPENDIX A WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition **D2** or, having given such notification, subsequently forms the view that an incident has not occurred.

### **WRITTEN INCIDENT NOTIFICATION REQUIREMENTS**

Written notification of an incident must:

- a) identify the development and application number
- b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident)
- c) identify how the incident was detected
- d) identify when the Applicant became aware of the incident
- e) identify any actual or potential non-compliance with conditions of consent
- f) describe what immediate steps were taken in relation to the incident
- g) identify further action that will be taken in relation to the incident
- h) identify a project contact for further communication regarding the incident.

### **INCIDENT REPORT REQUIREMENTS**

Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Applicant must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.

The Incident Report must include:

- a) a summary of the incident
- b) outcomes of an incident investigation, including identification of the cause of the incident
- c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence
- d) details of any communication with other stakeholders regarding the incident.