

Development Consent – Key Sites

Section 4.38 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney

21 June 2019

File: EF17/14557

SCHEDULE 1

Application Number:	SSD 8999
Applicant:	Chris Farrington
Consent Authority:	Minister for Planning
Site:	35 Honeysuckle Drive, Newcastle (Lot 2000, DP 1145678)
Development:	Construction of a mixed-use development, including: • construction of two 8-storey residential buildings comprising: ○ 92 residential units ○ ground floor retail ○ communal open space including an internal courtyard and a roof top terrace ○ two level basement car park with 190 car parking spaces • public domain improvements, public open space and hard and soft landscaping.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Chris Farrington or any 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
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifying Authority	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	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	Newcastle City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising the demolition and removal of building 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
DIP	Design Integrity Panel
EIS	The Environmental Impact Statement titled <i>8-Storey Mixed-Use Development Comprising Retail Premises and Residential Flat Building, 35 Honeysuckle Drive, Newcastle</i> , prepared by KDC Pty Ltd, dated August 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW 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>
EPL	Environment Protection Licence under the POEO Act
Feasible	Means what is possible and practical in the circumstances
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act

Material harm	Is harm that: • involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or • 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	NSW Minister for Planning (or delegate)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEH	NSW Office of Environment and Heritage
Operation	The carrying out and use of the residential development upon completion of construction
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
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
Response to submissions / RtS	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	NSW Roads and Maritime Services
Subject Site	Land referred to in Schedule 1

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

Architectural Drawings prepared by SJB Architects			
Sheet No.	Revision	Name of Drawing	Date
0001	05	Cover	09.11.18
0101	05	Context Plan	09.11.18
0103	05	Site Plan / Site Analysis	09.11.18
0201	05	Floor Plan – Basement 02	09.11.18
0202	05	Floor Plan – Basement 01	09.11.18
0203	05	Floor Plan – Ground Floor	09.11.18
0204	05	Floor Plan – Level 01	09.11.18
0205	05	Floor Plan – Level 02	09.11.18
0206	05	Floor Plan – Level 03	09.11.18
0207	05	Floor Plan – Level 04-06	09.11.18
0210	05	Floor Plan – Level 07	09.11.18
0211	05	Roof Plan	09.11.18
0501	05	Elevations – Sheet 1	09.11.18
0502	05	Elevations – Sheet 2	09.11.18
0601	05	Building Sections – Sheet 1	09.11.18
0602	05	Building Sections – Sheet 2	09.11.18
1401	05	Apartment Plans – Sheet 1	09.11.18
1402	05	Apartment Plans – Sheet 2	09.11.18
1404	05	Apartment Plans - Adaptable	09.11.18
3101	05	GFA analysis	09.11.18
3201	05	SEPP 65 Analysis - Solar	09.11.18
3202	05	SEPP 65 Analysis - Ventilation	09.11.18
3203	05	SEPP 65 Analysis – Deep Soil	09.11.18

3204	05	SEPP 65 Analysis – Communal Space	09.11.18
4001	05	External Finishes	09.11.18
4005	05	Photomontage – Sheet 1	09.11.18
4006	05	Photomontage – Sheet 2	09.11.18
Landscape Drawings prepared by Sydney Design Collective			
Drawing No.	Revision	Name of Drawing	Date
LA -DA01	D	Place + Identity – Overall Site Strategy	July 2018
LA-DA02	D	Place + Identity – The Civic Connector	July 2018
LA-DA03	D	Planting – The Civic Connector	July 2018
LA-DA04	D	Place + Identity – Waterfront Interface + Plaza	July 2018
LA-DA05	D	Planting – Waterfront Interface + Plaza	July 2018
LA-DA06	D	Place + Identity - Colonnade	July 2018
LA-DA07	D	Planting – Colonnade and Rooftop	July 2018
LA-DA08	D	Place + Identity – Honeysuckle Drive Public Domain	July 2018
LA-DA09	D	Landscape Plan – Ground Floor and Public Domain Design	July 2018
LA-DA10	D	Landscape Sections - Ground Floor	July 2018
LA-DA11	D	Landscape Roof Plan	July 2018
LA-DA12	D	Landscape Roof Sections	July 2018

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - the implementation of any actions or measures contained in any such document referred to in **Condition A3(a)** above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in **Condition A2c) or A2d)** In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Condition A2c) and A2d)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Lapsing of Approval

- A5. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

Limits on Consent

- A6. This consent does not approve:
- Strata subdivision
 - Retail premises including food and drink premises' fit-out and hours of operation
 - Business premises' fit-out and hours of operation

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- Office premises' fit-out and hours of operation
 - Outdoor seating areas
 - Signage.

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

Prescribed Conditions

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

Long Service Levy

A8. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

Legal Notices

A9. Any advice or notice to the consent authority shall be served on the Planning Secretary.

Evidence of Consultation

A10. Where conditions of this consent require consultation with an identified party, the Applicant must:

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

Structural Adequacy

A11. All new buildings and structures that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Note:

- *Under Part 6 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.*

Operation of Plant and Equipment

A12. 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; and
- b) operated in a proper and efficient manner.

Applicability of Guidelines

A13. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

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- A14. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Monitoring and Environmental Audits

- A15. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, “monitoring” is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

Incident Notification, Reporting and Response

- A16. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- A17. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

Non-Compliance Notification

- A18. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A19. 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.
- A20. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Revision of Strategies, Plans and Programs

- A21. Within three months of:
- the submission of a compliance report under **Condition C31**;
 - the submission of an incident report under **Condition A16**;
 - the submission of an Independent Audit under **Condition C34**;
 - the approval of any modification of the conditions of this consent; or
 - the issue of a direction of the Planning Secretary under **Condition A2** which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

A22. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

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.

External Walls and Cladding

- B2. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- B3. Before the issue of the relevant Construction 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.
- B4. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

Development Contributions

- B5. A total monetary contribution of 2% of the estimated cost of the development is to be paid to City of Newcastle, pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.

Notes:

- a) This condition is imposed in accordance with the provisions of the City of Newcastle S94A Development Contributions Plan 2009 (updated version operational from 14 August 2017). 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 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 City of Newcastle'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)

- B6. Details shall be provided to the satisfaction of the Certifying Authority, with the application for the relevant Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of consent under Clause 98 of the *Environmental Planning and Assessment Regulation 2000* in relation to the requirements of the Building Code of Australia (BCA).

Structural Details

- B7. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrate compliance with:
- a) the relevant clauses of the BCA; and
 - b) the development consent.

Adaptable Housing

- B8. Prior to the issue of the relevant Construction Certificate, the Certifying Authority is to ensure that the building has been designed to accommodate a total of 9 adaptable residential apartments and that the requirements are referenced on the relevant Construction Certificate drawings. In addition, information shall be provided confirming:
- a) the required number of apartments are able to be adapted for people with a disability in accordance with the BCA; and
 - b) compliance with *Australian Standard AS2499 – Adaptable Housing*.

Access for People with Disabilities

- B9. The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority 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.

Basix Certification

- B10. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No 935588M 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.

Design Verification

- B11. A 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*.

Survey Certificate

- B12. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No 935588M 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.

Compliance with Acoustic Report

B13. The performance parameters, requirements, engineering assumptions and recommendations contained in the Acoustic Assessment report prepared by Muller Acoustic Consulting, 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 further 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 B	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 B	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

B14. 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.

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 car park (including driveways, ramps, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) shall be designed to comply with AS/NZS 2890.1:2004: *Parking facilities – Off-street car parking* and AS/NZS 2890.6:2009: *Parking facilities – Off-street parking for people with disabilities* and AS2920.2-202 for heavy vehicles where applicable. Full details are to be included in documentation for a Construction Certificate application.
- B17. Traffic management devices in the form of *Stop* and *Give way to pedestrian* signs and line marking are to be installed at the entry of the proposed driveways within the property. Such devices are to be constructed in accordance with AS/NZS 2890.1 2004: *Parking facilities – Off-street car parking*. Full details are to be included in documentation for a Construction Certificate application.
- B18. The development shall provide car parking in accordance with the following requirements:
- a) a total of 190 on-site car parking spaces comprising:
 - (i) 147 residential car parking spaces
 - (ii) 21 residential visitor car parking spaces
 - (iii) 22 retail 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

Full details are to be included in documentation for a Construction Certificate application.

Bicycle Parking

- B19. The layout, design and security of bicycle facilities either on-street or off-street must be designed to comply with the minimum requirements of AS/NZS 2890.3:1993: *Parking facilities Part 3: Bicycle Parking Facilities*, except that.
- a) all bicycle parking for occupants of residential buildings must be Class 1 bicycle lockers
 - b) all bicycle parking for staff/employees of any land uses must be Class 2 bicycle facilities
 - c) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.
- B20. The development shall provide a minimum of 150 bicycle parking spaces.

Full details are to be included in documentation for a Construction Certificate application.

Hunter Water Notice of Requirements

- B21. 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.

Flood Management

- B22. 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 RL3.4m 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 PMF level. Full details are to be included in documentation for a Construction Certificate application.

- B23. The whole of the proposed structure below known probable maximum flood planning level (RL3.4m) 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

- B24. 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.

Stormwater Management and Water Quality

- B25. All stormwater runoff from the proposed development must be managed in accordance with the requirements of Section 7.06 'Stormwater' of Newcastle Development Control Plan as indicated on the stormwater management concept plans and stormwater management report and stormwater plans prepared by Northrop Consulting Engineers Job No. NL172990. Full details are to be included in documentation for any Construction Certificate application.
- B26. All stormwater retention/detention and water quality treatment systems are to be individually identified and sign posted in accordance with Newcastle Stormwater and Water Efficiency for Development Technical Manual (Updated July 2017). Full details are to be included in documentation for a Construction Certificate application.
- B27. All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls. Full details are to be provided with the Construction Certificate application.

Pre-Construction Dilapidation Reports

B28. 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, above ground 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 Certifying Authority prior to the issue of the Construction Certificate. A copy of the report is to be forwarded to the Department, Council and each of the affected property owners.

Outdoor Lighting

B29. The proposed lighting of the premises is to be designed, positioned, and installed, including appropriate shielding and orientation of the lighting fixture, as to not give rise to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding properties in accordance with Australian Standard AS 4282: 1997 *Control of the obtrusive effects of outdoor lighting*. Full details are to be included in the documentation for a Construction Certificate. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

Landscape Plan and Deep Soil Zones

B30. Amended landscaping plans, including sections shall be prepared demonstrating deep soil zones with a minimum dimension of 6 m for a minimum of 7 % of the total site area. Details demonstrating compliance with this requirement is to be provided to the Certifying Authority prior to the issue of the relevant Construction Certificate.

B31. The 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

B32. The Applicant is to design (and construct post Newcastle City Council's approval) the following works within Honeysuckle Drive frontage 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 and driveway. The footpath is to be designed as a shared path to allow for use by both cyclists and pedestrians and is to be coordinated with the adjoining developments as 21 Honeysuckle Drive and Lee 5.
- ii. Provide a raised pedestrian crossing on Honeysuckle Drive at the location of the existing refuge adjoining the proposed through-site link (a.k.a HWC Floodway) connecting north and south of Honeysuckle Drive. The design of the raised pedestrian

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- crossing is to be provided with drainage, line marking and signs. The design is to comply with Australian Standards, RMS Guidelines and Council requirements.
- iii. Design and install street lighting for the raised pedestrian crossing and street frontage to the relevant Australian Standards and Ausgrid Standards.
 - iv. Install new street trees and verge areas in accordance with Council's requirements and adjust service pit levels to match new footpath level.
 - v. Install any required parking signs, line markings, mandatory signage and any civil works associated with road and on-street parking infrastructure.
 - vi. Install any new street furniture, including bicycle racks or rings and new seats and bins.
 - vii. Install any new drainage and development drainage connections.
 - viii. Design and install street lighting along the frontage of the site and under awning lighting to the relevant Australian Standards.
 - ix. Remove existing and install new kerb and gutter, kerb ramp and repair road along the frontage

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

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

In this regard, the separate approval of Newcastle City Council must be obtained for all works within the public road reserve, pursuant to Section 138 of the *Roads Act 1993* prior to the issue of 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. NCTC approval will be required for changes to parking signs and raised pedestrian crossing.

Works Zone

- B33. Any parking changes associated with the provision of the works zone will need to be consulted with and approval attained from Newcastle City Council prior to the issue of a Construction Certificate.

Council's Traffic Section can be contacted to discuss the proposal (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).

Mail Boxes

- B34. The 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.

Mechanical Ventilation

- B35. 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 an occupants of the building and to ensure environment protection.

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

Storage and Handling of Waste

- B36. 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 a 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.

Installation of Efficient Taps, Toilets and Urinals

- B37. 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). The details must be submitted for the approval of the Certifying Authority, prior to issue of the relevant Construction Certificate.
- B38. All toilets installed within the development must be of water efficient dual-flush capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for approval by the Certifying Authority, prior to the issue of the relevant Construction Certificate.
- B39. New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).
- B40. 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 Certifying Authority, prior to the issue of the relevant Construction Certificate.

Reflectivity

- B41. 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.

Groundwater and Design

- B42. The design and construction of the building must prevent any take of groundwater after the authorisation from the Natural Resource Access Regulator (NRAR) within the Department of Industry – Lands and Water has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent future inundation. Details demonstrating compliance with these requirements must be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- B43. Sufficient permanent drainage must be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
- i) Any groundwater mounding at the edge of the structure must be at a level not greater than 10% above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure
 - ii) Elevated water table must be more than 1 m below the existing natural ground surface to prevent water penetrating surface areas

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- iii) Where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
- B44. Construction methods and material used in construction must be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater and must not themselves cause pollution of groundwater. Details demonstrating compliance with these requirements must be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

PART C – PRIOR TO COMMENCEMENT OF WORKS

Notification of Commencement

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

Demolition

- C3. 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

- C4. 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 Consultation 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 any 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 completion of construction.

Construction Environmental Management Plan (CEMP)

- C5. Prior to the commencement of any works on site, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority. The CEMP shall address, but not be limited to, the following matters where relevant:
- a) hours of work
 - b) 24 hour contact details of site manager and details of complaint handling
 - c) traffic management
 - d) construction noise and vibration management, prepared by a suitably qualified person
 - e) management of dust to protect the amenity of the neighbourhood
 - f) erosion and sediment control
 - g) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site
 - h) details of specific measures
 - i) works in accordance with any remedial works plan
 - j) air quality management including issues associated with odour, minimising dust on site and prevention of dust from leaving the site during construction works
 - k) incorporation of all acoustic management and treatments.

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 Planning Secretary and Council prior to the commencement of work.

Construction Traffic Management Plan

- C6. A Construction Traffic Management Plan is to be prepared by a Roads & Maritime Services accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3:2009 - *Manual of uniform traffic devices - traffic control for works on roads*. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.

The Plan is to address the parking of construction vehicles and the transportation of construction personnel 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 Newcastle City Council for approval prior to the commencement of works and is to be implemented during the construction phase.

Construction Noise and Vibration Management Plan (CNVMP)

- C7. Prior to the commencement of construction activities, a detailed Construction Noise and Vibration Management Plan (CNVMP) shall be prepared by a suitably qualified person (who is eligible for membership of the Australian Acoustic Society, Institute of Engineers Australia or the Australian Association of Acoustic Consultants) and submitted to the Certifying Authority. The CNVMP 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) and Council's Construction Hours / Noise Code of Practice 1992

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- 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
 - i) measures to monitor noise performance and respond to complaints.

Construction Waste Management Plan (CWMP)

- C8. Prior to the commencement of any works on site, a detailed Construction Waste Management Plan (CWMP) prepared by a suitably qualified person, in consultation with Council, shall be submitted to the Certifying Authority. The CWMP shall address, but not be limited to, the following matters:
 - a) recycling of demolition materials including concrete
 - b) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- C9. The Applicant shall submit a copy of the CWMP to the Planning Secretary and Council prior to commencement of work.
- C10. Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.

Vehicular Crossings

- C11. A commercial/industrial type vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:
 - a) Constructed in accordance with Newcastle City Council's A37 4 – 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 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.
 - d) The proposed driveway shall be a minimum of 750 mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.
 - e) Driveway cross-fall over the footpath is to be a maximum of 2.5%.

These works are not approved until consent under section 138 of the *Roads Act 1993* has been granted by Newcastle City Council. An application under section 138 of the *Roads Act 1993* must be applied for and approved before the commencement of works. The application for the driveway can be done with the Public Domain Works Roads Act 1993 Section 138 Type 2 application with Council.

Works Within The Road Corridor

- C12. A separate application must be lodged and consent obtained from Newcastle City Council for all works within the road reserve pursuant to section 138 of the *Roads Act 1993*, before the commencement of works.

Mine Subsidence

- C13. 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

- C14. Certification is to be prepared by a Registered Surveyor and submitted to the Certifying Authority at the stages of the 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

- C15. 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 as contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.

Erosion and Sediment Control

- C16. 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

- C17. Prior to construction works commencing the developer is to submit to Council 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 Extraction Licence

- C18. Prior to construction works commencing, a temporary groundwater extraction licence must be obtained from the Natural Resource Access Regulator (NRAR), within the Department of Industry – Lands and Water.
- C19. An authorisation must be obtained for the take of groundwater as part of the activity. Groundwater must not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the Development Application.

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- C20. Groundwater testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, must be conducted on a suitable number of samples and tested at a certified laboratory.
- C21. Details of sampling locations and the protocol used, together with the test results must be accompanied by laboratory test certificates. As assessment of the results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, a plan must be developed to mitigate the impacts of the hydrochemistry on the dewatered groundwater.
- C22. The method of disposal of pumped water must be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority must be provided in a report to be provided to the Natural Resource Access Regulator with the application for the authorisation. The disposal of any contaminated pumped groundwater (sometimes called tailwater) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
- C23. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) must not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants, if proposed, must be nominated and included in a report to be provided to the Natural Resource Access Regulator with the application for authorisation. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the site.

Groundwater Management and Monitoring Plan

- C24. 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 – Lands and Water.

Contact Telephone Number

- C25. Prior to the commencement of the works, the Applicant shall forward to the Certifying Authority a 24 hour telephone number to be operated for the duration of the construction works.

Utility Services

- C26. Prior to the commencement of work the Applicant is to obtain written approval from the utility authorities (electricity supply authority, an approved telecommunications carrier and an approved gas carrier, where relevant) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the Applicant.
- C27. Prior to the commencement of work the Applicant is to obtain written advice from an electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) that satisfactory arrangements are in place to ensure provision of adequate services.

Barricade Permit

- C28. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained prior to the commencement of work. Details of the barricade construction, area of

enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.

Hoarding

C29. 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.

Access to Information

C30. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:

- (e) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in **Condition A2** of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
- (f) keep such information up to date, to the satisfaction of the Planning Secretary.

Compliance Reporting

C31. No later than 6 weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.

C32. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).

C33. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.

Independent Audit

- C34. No later than 4 weeks before the date notified for the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department.
- C35. Independent Audits of the development must be carried out in accordance with:
- (g) the Independent Audit Program submitted to the Department under **Condition C34** of this consent; and
 - (h) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- C36. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- (i) review and respond to each Independent Audit Report prepared under **Condition C34** of this consent;
 - (j) submit the response to the Department; and
 - (k) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done.

Remedial Action Plan Addendum and Site Audit Statement

- C37. Prior to the commencement of works a Remedial Action Plan Addendum must be prepared by an appropriately qualified person which shall include the results of recent testing and details of the proposed development.
- C38. A Site Audit Statement must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the EPA to issue site audit statements. The site audit must determine the nature and extent of contamination, and the appropriateness of the Remedial Action Plan Addendum, and determine if the land can be made suitable for retail and residential uses by implementation of the Remedial Action Plan Addendum.

PART D - DURING CONSTRUCTION

Demolition

- D1. 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.

Works in Accordance with Plans

- D2. The Applicant must carry out all works on the site which form part of this development in accordance with the:
- a) CEMP approved under **Condition C5**. The CEMP must document and incorporate all of the following Plans required under this consent
 - b) CTMP approved under **Condition C6**
 - c) CNVMP approved under **Condition C7**
 - d) CWMP approved under **Condition C8**
 - e) De-Watering Plan under **Condition C17**
 - f) Groundwater Management and Monitoring Plan under **Condition C24**
 - g) Groundwater Extraction Licence under **Condition C18**.

Hours of Construction

- D3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (l) between 7 am and 6 pm, Mondays to Fridays inclusive
 - (m) between 7 am and 3:30 pm, Saturdays.
- D4. No work may be carried out on Sundays or public holidays.
- D5. Activities may be undertaken outside of these hours if required:
- (n) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (o) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities (if permitted by this consent) may only be carried out between the following hours:
- (p) 9 am to 12 pm, Monday to Friday;
 - (q) 2 pm to 5 pm Monday to Friday; and
 - (r) 9 am to 12 pm, Saturday.

Construction Noise and Vibration Management

- D8. 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.
- D9. 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.

- D10. 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.
- D11. Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- a) for structural damage vibration to heritage buildings, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure*
 - b) for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment
 - c) vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above
 - d) these limits apply unless otherwise outlined in the CNVMP required under **Condition C7** and submitted to the satisfaction of the Certifying Authority.

Erosion and Sediment Control

- D12. 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 approval is given in writing by Council.

Survey Certificate

- D13. A Survey Certificate prepared by a Registered Surveyor must be submitted at the completion of the building works certifying the location of the building in relation to the boundaries of the allotment.

Utilities

- D14. 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.

Work Cover Requirements

- D15. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

Covering of Loads

- D16. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Vehicle Cleansing

- D17. 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.

Dust Control Measures

- D18. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. These measures must include, but are not limited to:
- a) restricting topsoil removal
 - b) regularly and lightly watering 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 1.8 m high around the perimeter of the site and around every level of the building under construction.

All Building Materials, Plant and Equipment

- D19. 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

- D20. 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 Planning Secretary to stop all work on site.

Hoarding

- D21. 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.

Protection of Street Trees

- D22. No street trees are to be trimmed or removed unless it forms 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.
- D23. 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.

Bunding

- D24. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

Site Notice

- D25. 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. 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 from a public road or other public place adjacent to the site
 - b) The notice is to be rigid, durable and weatherproof and is to be displayed throughout the works period

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- 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.

Contact Telephone Number

D26. The Applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

Approved Plans to be On-Site

D27. 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 Council, Heritage Council, the Department or the Certifying Authority.

Stockpile Management

- D28. The Applicant must ensure that:
- a) stockpiles of excavated materials 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.

Excavation

- D29. 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.

- D30. 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'.
- D31. 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.
- D32. 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

D33. 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 2018.

Groundwater Monitoring

D34. Daily measurements of water levels from monitoring bores outside basement support walls, weekly measurements of groundwater and discharge water quality, and weekly

measurements of pumped volumes must be recorded by the Applicant throughout the construction phase of the development and provided to the Natural Resource Access Regulator in raw data form.

Impacts of Below Ground (Sub Surface) Works – Non Aboriginal Objects

D35. If during the course of construction the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) must cease immediately and the OEH Heritage Division must be notified immediately and consulted with regard to the recommencement of works. This protocol must be included in the induction for all construction workers on site.

Impacts of Below Ground (Sub Surface) Works – Aboriginal Objects

D36. If during the course of construction the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and the OEH Heritage Division informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Relevant works must not recommence until written authorisation from the OEH Heritage Division is received by the Applicant. This protocol must be included in the induction for all construction workers on the site.

Remedial Action Plans

D37. All remediation works must be carried out in accordance with the following documents:

- a) JBS Remedial Action Plan 2007
- b) Environ Site Audit Report 2007
- c) Site Audit Statement 2007
- d) Contamination Assessment – Summary 2018
- e) Remedial Action Plan Addendum (Condition C37)
- f) Site Audit Statement (Condition C38).

PART E - PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Occupation Certificate

- E1. An Occupation Certificate must be obtained from the Certifying Authority and a copy submitted to the Department prior to commencement of occupation or use of the whole or any part of the approved new buildings.

Site Validation

- E2. Within 6 months of the completion of remediation works on site (including validation of remediation-related construction works), and prior to the issue of any Occupation Certificate, the Applicant shall submit a detailed Site Audit Summary report and Site Audit Statement and Validation Report to the Planning Secretary, PCA and Council.
- E3. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the EPA to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.
- E4. The site auditor must also verify that any excavated material re-used or disposed off-site has been appropriately classified, validated, managed and the relevant approvals obtained in accordance with the relevant legislation and any relevant approved materials/management plans.
- E5. On completion of remediation works, the relevant requirements of Clauses 17 and 18 of State Environmental Planning Policy – Remediation of Land, being notification to the Council, shall be complied with.

Public Domain, Vehicular Crossing and Road Reserve Works

- E6. Prior to the issue of any Occupation Certificate, the construction works in the road reserve are to be implemented and completed to the satisfaction of Newcastle City Council.
- E7. 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.
- E8. Any redundant existing vehicular crossing (or section of) is to be removed at no cost to Council and the public footway and kerb being restored to match the existing infrastructure and be completed prior to the issue of any Occupation Certificate for the proposed development.

Landscape Practical Completion Report

- E9. A Landscape Practical Completion Report is to be submitted to the PCA 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.

Vehicle Entrances, Parking and Loading

- E10. The vehicular entrance and exit driveways and the direction of traffic movement within the site are to be clearly indicated by means of reflectorized signs and pavement signs. The traffic and

parking signs, line markings and required traffic and safety devices as indicated in the approved architectural plans and traffic report is to be completed prior to occupation of the buildings.

- E11. 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 buildings.

Stormwater

- E12. A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, shall be submitted to the PCA prior to the issue of any Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

Water Authority Compliance

- E13. 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.

Environmental Sustainable Development

- E14. Environmental Sustainable Development measures are to be completed/installed in accordance with **Condition B37, Condition B38, Condition B39 and Condition B40**. Evidence shall be submitted to the Certifying Authority demonstrating compliance with these conditions prior to the issue of an Occupation Certificate.

Green Travel Plan

- E15. 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 alternate modes of transport is to be encouraged.

Mechanical Ventilation

- E16. Prior to the issue of an Occupation Certificate and following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the Certifying Authority that the installation and performance of the mechanical systems complies with:
- a) the Building Code of Australia
 - b) Australian Standard AS1668 and other relevant codes
 - c) the development consent and any relevant modifications
 - d) any dispensation granted by the New South Wales Fire Brigade.
- E17. Prior to issue of an Occupation Certificate and following completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia must be submitted to and approved by the Certifying Authority.

Waste and Recycling Management

- E18. Prior to an Occupation Certificate being issued or commencement of the use, whichever is earlier, the Certifying Authority must be satisfied that waste handling works have been completed in accordance with the Waste Management Plan (**Condition B25**), other relevant conditions and Council's Policy for *Waste Minimisation in New Developments 2005*.

Installation of Water Efficient Taps

E19. All taps and shower heads installed must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. Certification is to be submitted for the consent of the Certifying Authority, prior to a relevant Occupation Certificate being issued.

Protection of Public Infrastructure

E20. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (s) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
- (t) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

Post-Construction Dilapidation Report

E21. A post construction dilapidation report prepared by a suitably qualified persons shall be submitted to the PCA 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.

Fire Safety Certificate to be Submitted

E22. Prior to the issue of an Occupation Certificate, a Fire Safety Certificate must be submitted to the PCA for all of the items listed in the Fire Safety Schedule and a copy of the Fire Safety Certificate must be submitted to the Department.

Street Numbering

E23. The premises are to be identified by the provision of house and street numbers on the building exterior and mailbox, such that they are clearly visible from the road frontage prior to occupation of the buildings (refer to AN13).

The minimum numeral heights shall be:

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

Wayfinding

E24. A Wayfinding Strategy and Travel Access Guide for the development is to be prepared in consultation with Council prior to occupation of the site.

Screening

E25. All external items of air conditioning plant are to be screened or positioned in such as manner as to not detract from the visual presentation of the building.

External Walls and Cladding

E26. Before the issue of 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, in accordance with **Condition B6**.

Structural Inspection Certificate

E27. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:

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

Compliance with BASIX Certificate

E28. Prior to the issue of any Occupation Certificate, the Applicant shall implement the commitments outlined in BASIX Certificate No.935588M.

Pedestrian Link

E29. 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 accompanying instrument under Section 88B 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

E30. 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

E31. Prior to the issue of any Occupation Certificate, evidence shall be submitted to the Certifying Authority demonstrating compliance with all measures required under **Condition B13** and to ensure the development achieves compliance with the requirements of the NSW Industrial Noise Policy and other guidelines applicable to the development.

E32. 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

E33. 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.

Groundwater Monitoring Completion Report

E34. Prior to the issue of an Occupation Certificate, a completion report shall be provided to the Natural Resource Access Regulator consistent with the requirements of **Condition D34**.

PART F – POST OCCUPATION

Communal Area Access

- F1. All residents of the development are to have access to all communal areas, including:
- a) communal rooftop area on Building B
 - b) the outdoor podium
 - c) the outdoor through site connector
 - d) resident gym room in Building A.

Noise Control – Mechanical Plant and Equipment

- F2. 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 a) and b) 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 midnight and 7 am.

Loading and Unloading

- F3. All vehicular movement to and from the site is to be in a forward direction.
- F4. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out in accordance with Newcastle Traffic Committee conditions.
- F5. Unless otherwise agreed to, or altered by, the Newcastle Traffic Committee, the use of the Loading Zone on Honeysuckle Drive is restricted to 6 am – 9 am Monday to Friday and 2P ticket 9 am – 5 pm Monday to Friday, and 4P ticket 9 am to 5 pm Saturday and Sunday.
- F6. The location of the Loading Zone may be subject to future review and relocation at Council's discretion to meet the servicing needs of Newcastle.
- F7. Proposed parking areas, vehicle bays, driveways and turning areas are to be maintained clear of obstruction and be used exclusively for purposes of car parking, loading and unloading, and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.

Visitor Car Parking

- F8. The proposed 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.

Ant-Graffiti

- F9. 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.

Annual Fire Safety Certification

- F10. 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.

External Lighting

- F11. External Lighting must comply with AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant must submit to the Certifying Authority evidence from a qualified practitioner demonstrating compliance in accordance with this condition.

Landscape Establishment Report

- F12. 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.
- F13. A Landscape Establishment Report is to be submitted to Council following completion of a 12-month maintenance period, verifying that satisfactory maintenance of the landscape works has been undertaken and any necessary rectification measures have been carried out to a high professional standard; copy of report format attached

Liquid Wastes

- F14. Any liquid wastes from the premises, other than stormwater being discharged to the sewers of the Hunter Water Corporation, is to be in accordance with that authority's requirements.

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 Other permits and approvals may be required including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, barricade 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.

Temporary Structures

AN4 If required, an approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained from the relevant authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the NCC.

AN5 If required, structural certification from an appropriately qualified practicing structural engineer must be submitted to the Certifying Authority with the application under *State Environmental Planning Policy (Temporary Structures) 2007* to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

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

Commonwealth Environment Protection And Biodiversity Conservation Act 1999

AN7 The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter, or Commonwealth land, without an approval from the Commonwealth Environment Minister.

AN8 This application has been assessed in accordance with the New South Wales EP&A Act. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Asbestos Removal

AN9 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

AN10 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 Planning Secretary.

Street Numbering

AN11 House numbering for the proposed development is to be in accordance with the following schedule:

Unit/ Dwelling/ Lot Number on plan	Council Allocated Street Addresses			
	House Number	Street Name	Street Type	Suburb
GROUND FLOOR				
Proposed Retail (CG01)	27	Honeysuckle	Drive	Newcastle
Proposed Retail (BG04)	1/29	Honeysuckle	Drive	Newcastle
Proposed Retail (BG03)	2/29	Honeysuckle	Drive	Newcastle
Proposed Retail (BG02)	3/31	Honeysuckle	Drive	Newcastle
Proposed Retail (BG01)	4/31	Honeysuckle	Drive	Newcastle
Proposed Retail (AG04)	5/33	Honeysuckle	Drive	Newcastle
Proposed Retail (AG03)	6/33	Honeysuckle	Drive	Newcastle
Proposed Retail (AG02)	7/35	Honeysuckle	Drive	Newcastle
Proposed Retail (AG01)	8/35	Honeysuckle	Drive	Newcastle
LEVEL 01				
Proposed Residential (B107)	101/29	Honeysuckle	Drive	Newcastle
Proposed Residential (B106)	102/29	Honeysuckle	Drive	Newcastle
Proposed Residential (B105)	103/29	Honeysuckle	Drive	Newcastle
Proposed Residential (B104)	104/31	Honeysuckle	Drive	Newcastle
Proposed Residential (B103)	105/31	Honeysuckle	Drive	Newcastle
Proposed Residential (B102)	106/31	Honeysuckle	Drive	Newcastle

Proposed Residential (B101)	107/31	Honeysuckle	Drive	Newcastle
Proposed Residential (A106)	108/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A105)	109/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A104)	110/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A103)	111/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A102)	112/35	Honeysuckle	Drive	Newcastle
Proposed Residential (A101)	113/35	Honeysuckle	Drive	Newcastle
LEVEL 02				
Proposed Residential (B208)	201/29	Honeysuckle	Drive	Newcastle
Proposed Residential (B207)	202/29	Honeysuckle	Drive	Newcastle
Proposed Residential (B206)	203/29	Honeysuckle	Drive	Newcastle
Proposed Residential (B205)	204/29	Honeysuckle	Drive	Newcastle
Proposed Residential (B204)	205/31	Honeysuckle	Drive	Newcastle
Proposed Residential (B203)	206/31	Honeysuckle	Drive	Newcastle
Proposed Residential (B202)	207/31	Honeysuckle	Drive	Newcastle
Proposed Residential (B201)	208/31	Honeysuckle	Drive	Newcastle
Proposed Residential (A207)	209/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A206)	210/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A205)	211/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A204)	212/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A203)	213/35	Honeysuckle	Drive	Newcastle

Proposed Residential (A202)	214/35	Honeysuckle	Drive	Newcastle
Proposed Residential (A201)	215/35	Honeysuckle	Drive	Newcastle
LEVEL 03				
Proposed Residential (B308)	301/29	Honeysuckle	Drive	Newcastle
Proposed Residential (B307)	302/29	Honeysuckle	Drive	Newcastle
Proposed Residential (B306)	303/29	Honeysuckle	Drive	Newcastle
Proposed Residential (B305)	304/29	Honeysuckle	Drive	Newcastle
Proposed Residential (B304)	305/31	Honeysuckle	Drive	Newcastle
Proposed Residential (B303)	306/31	Honeysuckle	Drive	Newcastle
Proposed Residential (B302)	307/31	Honeysuckle	Drive	Newcastle
Proposed Residential (B301)	308/31	Honeysuckle	Drive	Newcastle
Proposed Residential (A307)	309/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A306)	310/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A305)	311/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A304)	312/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A303)	313/35	Honeysuckle	Drive	Newcastle
Proposed Residential (A302)	314/35	Honeysuckle	Drive	Newcastle
Proposed Residential (A301)	315/35	Honeysuckle	Drive	Newcastle
LEVEL 04				
Proposed Residential (B408)	401/29	Honeysuckle	Drive	Newcastle
Proposed Residential (B407)	402/29	Honeysuckle	Drive	Newcastle
Proposed Residential	403/29	Honeysuckle	Drive	Newcastle

(B406)				
Proposed Residential (B405)	404/29	Honeysuckle	Drive	Newcastle
Proposed Residential (B404)	405/31	Honeysuckle	Drive	Newcastle
Proposed Residential (B403)	406/31	Honeysuckle	Drive	Newcastle
Proposed Residential (B402)	407/31	Honeysuckle	Drive	Newcastle
Proposed Residential (B401)	408/31	Honeysuckle	Drive	Newcastle
Proposed Residential (A407)	409/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A406)	410/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A405)	411/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A404)	412/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A403)	413/35	Honeysuckle	Drive	Newcastle
Proposed Residential (A402)	414/35	Honeysuckle	Drive	Newcastle
Proposed Residential (A401)	415/35	Honeysuckle	Drive	Newcastle
LEVEL 05				
Proposed Residential (B508)	501/29	Honeysuckle	Drive	Newcastle
Proposed Residential (B507)	502/29	Honeysuckle	Drive	Newcastle
Proposed Residential (B506)	503/29	Honeysuckle	Drive	Newcastle
Proposed Residential (B505)	504/29	Honeysuckle	Drive	Newcastle
Proposed Residential (B504)	505/31	Honeysuckle	Drive	Newcastle
Proposed Residential (B503)	506/31	Honeysuckle	Drive	Newcastle
Proposed Residential (B502)	507/31	Honeysuckle	Drive	Newcastle
Proposed Residential	508/31	Honeysuckle	Drive	Newcastle

(B501)				
Proposed Residential (A507)	509/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A506)	510/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A505)	511/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A504)	512/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A503)	513/35	Honeysuckle	Drive	Newcastle
Proposed Residential (A502)	514/35	Honeysuckle	Drive	Newcastle
Proposed Residential (A501)	515/35	Honeysuckle	Drive	Newcastle
LEVEL 06				
Proposed Residential (B608)	601/29	Honeysuckle	Drive	Newcastle
Proposed Residential (B607)	602/29	Honeysuckle	Drive	Newcastle
Proposed Residential (B606)	603/29	Honeysuckle	Drive	Newcastle
Proposed Residential (B605)	604/29	Honeysuckle	Drive	Newcastle
Proposed Residential (B604)	605/31	Honeysuckle	Drive	Newcastle
Proposed Residential (B603)	606/31	Honeysuckle	Drive	Newcastle
Proposed Residential (B602)	607/31	Honeysuckle	Drive	Newcastle
Proposed Residential (B601)	608/31	Honeysuckle	Drive	Newcastle
Proposed Residential (A607)	609/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A606)	610/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A605)	611/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A604)	612/33	Honeysuckle	Drive	Newcastle
Proposed Residential	613/35	Honeysuckle	Drive	Newcastle

(A603)				
Proposed Residential (A602)	614/35	Honeysuckle	Drive	Newcastle
Proposed Residential (A601)	615/35	Honeysuckle	Drive	Newcastle
LEVEL 07				
Proposed Residential (B701)	701/29	Honeysuckle	Drive	Newcastle
Proposed Residential (A703)	702/33	Honeysuckle	Drive	Newcastle
Proposed Residential (A702)	703/35	Honeysuckle	Drive	Newcastle
Proposed Residential (A701)	704/35	Honeysuckle	Drive	Newcastle

APPENDIX 1 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 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 A26** 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(s) that will be taken in relation to the incident; and
- 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 Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning 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; and
- d. details of any communication with other stakeholders regarding the incident.