

Planning and Regulatory. G.Mansfield
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Ms Amy Watson
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Key Sites Assessments
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Response by email: Emily.Dickson@planning.nsw.gov.au

Dear Ms Watson

MIXED USE COMMERCIAL AND RESIDENTIAL DEVELOPMENT DOMA HOLDINGS 50 HONEYSUCKLE DRIVE NEWCASTLE (SSD 8019)

I refer to the Department's letter of 1 December 2017 advising Council that the applicants Doma Holdings (NSW) Pty Ltd has submitted a Response to Submissions (RtS) for the above development, as well as amended plans incorporating rooftop communal areas, increases in building height and floor space ratio, and changes to the design of some dwellings.

Council officers have reviewed the RtS and the amended plans and the following supplementary comments are offered for your consideration:

1. Built form and Urban Design

Activation of the foreshore

While it is pleasing to note that a development proposed on the adjoining site to the west will include a sizeable commercial /retail component on the ground floor; it is questionable how much weight can be given to this development in the Department's assessment of this issue given that at this stage it is not even the subject of a development application.

The presentation of the ground floor dwellings to Worth Place remains the same as depicted on the exhibited plans. Further design effort is required to address this issue, for example providing clear balustrades or similar to the front walls of the northern courtyards.

Aesthetic expressions of the elevations

This issue has been satisfactorily addressed by the proposed amendments to the design and appearance of the balustrades.

Quality of pedestrian through-links

This issue has been generally been satisfactorily addressed, however no details have been provided of any proposed lighting in the pedestrian through-link - an important CPTED consideration.

An appropriate condition has been provided to ensure the general public have unimpeded access via the through-link from Worth Place Park to Honeysuckle Drive.

Landscaping

Given the landscape principle of SEPP 65 it considered that the applicant and the Hunter Development Corporation (HDC) are requested to provide a concept public domain plan for Worth Park, ideally prior to the determination of the application. Furthermore, it is recommended the improvements to Worth Place Park are expedited by the Corporation to coincide with construction of the development.

It is noted that in the HDC document 'Request for Detailed Proposals' for the adjoining property 35 Honeysuckle Drive it is stated:

'The public domain works to be designed by HDC will interface with publicly accessible landscaped areas to be delivered by the Proponent as part of its development.'

'In addition to providing accessible landscaped areas within the site, Proponents are to nominate a monetary contribution that will go towards HDC's delivery of public domain ...'

It is presumed the same prerequisites apply to this development and funds are or will be available to undertake the improvements to Worth Place Park.

2. Newcastle Development Control Plan 2012

The RtS has not satisfactorily addressed all of the relevant sections of the Newcastle Development Control Plan (DCP) 2012 as identified in Council's submission dated 22 August 2107. Notably, Section 3.03 - Residential Development.

In regard to the Section 4.04 -Safety and Security, while it is acknowledged that the EIS submitted in support of the application included an assessment of crime and safety prevention, it has not been undertaken to the level of detail as required by the DCP.

Consideration of the appropriate sections of the DCP is relevant to the assessment of the development given the applicant's formal requests to vary both the floor space ratio and height development standard are in part being justified by claims that the proposed development *'is generally compliant with the controls, or the intent of the controls'* contained in the DCP.

3. Section 94A Development Contributions Plan 2009

The response is noted. While it is acknowledged Section 94B of the *Environmental Planning and Assessment Act 1979* provides that the Minister for Planning is not bound by the requirements of Council's Plan and may determine a contribution other than that required, it is requested that the full development levy is applied. An

appropriate condition has been provided in the attached schedule of recommended conditions of consent (Refer to Appendix A).

4. Flood Management

Appropriate conditions are provided ensure that the flood risks to the development are mitigated, including the provision of a flood refuge, flood management and keeping the basement safe at probable maximum flood levels for the site.

5. Stormwater and Ground Management

Having regard to the additional information provided by Northrop Consulting Engineers the proposed drainage connection to Council's drainage infrastructure is acceptable.

Appropriate conditions which address this aspect of the development have been provided in the attached schedule.

6. Pedestrian Network

The RtS requests the issues concerning the pedestrian pathway to the ground floor gym be addressed by way of condition. Accordingly, an appropriate condition is provided to ensure this issue is resolved as part of the final design for the ground level works.

7. Traffic and Parking

The RtS requests the issues concerning public domain works including a reduction of the driveway width for the eastern driveway on Honeysuckle Drive be addressed by the imposition of conditions of consent. Accordingly, appropriate conditions have been provided in the attached schedule.

Issues such as the relocation of the bus stop, parking sign changes and the like will need to be endorsed by the Newcastle City Traffic Committee. It is noted that these issues will need to be resolved as soon as possible as the Works Zone may not be approved until the parking matters are resolved.

8. Waste Management

The RtS requests the issues concerning on-site waste collection be addressed by way of condition. An appropriate condition has been provided in the attached schedule.

9. Contamination

The response addresses the issue raised in Council's original submission.

10. Noise

In response to Council's concern regarding the likely noise impact from the ground floor commercial areas on residents of the dwellings above, the amended acoustic report argues that these acoustic impacts will be assessed at the future development application (DA) stage.

This approach is not supported for the following reasons:

- Council is aware of a number of similar buildings with commercial ground floor land uses and residential apartments above, where the commercial use of the ground floor has been restricted as a result of adverse noise impacts on the amenity of residents because of inadequate acoustic attenuation measures provided in the design of the building.
- After the proposed building is constructed it may be impractical to /install significant acoustic attenuation measures into the building design. Some consideration of likely use and impacts is still considered to be appropriate, for example it may be warranted to install acoustic insulation in walls/ceiling as part of construction to avoid future acoustic restrictions which will be costly/difficult to address retrospectively.
- A future DA will not be required to occupy the approved/constructed commercial areas. The complying development provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 will apply.

If no further consideration of acoustic impacts is proposed, it is recommended that appropriately conditions of consent which address this issue be imposed should approval be granted.

11. Acid Sulfate Soil/dewatering

The development is located on contaminated land and in very close proximity to the harbour. Council's Environmental Services Unit has observed several large scale developments which have not adequately considered and managed dewatering activities which has resulted in water pollution occurring in some cases. Potentially contaminated water also complicates the issue of dewatering and increases environmental risks. Also, when Council's stormwater system is used for dewatering, this may result in reduced capacity of the system to manage rain events. As such, a condition should be imposed to ensure that the proponent has effective systems in place to manage potentially contaminated water during construction works. An appropriate condition is provided in the attached schedule.

If you have any questions in relation any of the matters raised in this submission, please contact me by email at gmansfield@ncc.nsw.gov.au or telephone on 02 4974 2767.

Yours faithfully



Geof Mansfield
PRINCIPAL PLANNER (DEVELOPMENT)

APPENDIX A - RECOMMENDED CONDITIONS

B CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION WORK

- B1. Toilet facilities are to be available or provided at the work site before works begin and be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet is to:

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

- B2. The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - *The Demolition of Structures* and the following requirements:

- a) Demolition works shall be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan shall be kept on-site for the duration of the proposed development
- b) The removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW.
- c) A copy of all waste disposal receipts are to be kept on-site for the duration of the proposed development and made available to authorised Department officers upon request.
- d) Seven working days' notice in writing is to be given to the Department, Newcastle City Council and the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor. Notification to owners/occupiers of neighbouring premises shall also include Departments' contact telephone number (<<>>) and the Workcover Authority of NSW telephone number (49212900) and
- e) On sites where asbestos materials are to be removed, a standard

commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.

- B3. The demolisher is to ensure that all services (i.e. water, telecommunications, gas, electricity, sewerage etc.), are disconnected in accordance with the relevant authority's requirements prior to demolition.
- B4. Waste management shall be implemented in accordance with the approved Waste Management Plan. At a minimum, the following measures shall be implemented during the construction phase:
- a) A waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste
 - b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets
 - c) Appropriate provision is to be made to prevent windblown rubbish leaving the site and
 - d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

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

- B5. A rigid and durable sign is to be erected on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:
- a) showing the name, address and telephone number of the Principal Certifying Authority for building work and subdivision work, and
 - b) showing the name, address and telephone number of the Principal Contractor for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
 - c) stating that unauthorised entry to the work site is prohibited, and
 - d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

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

been completed.

- B6. A Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries, is to be submitted to the Principal Certifying Authority before construction is commenced.
- B7. 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 be submitted to the Newcastle City Council for approval prior to the commencement of works and is to be implemented during the construction phase.
- B8. Following the completion of demolition work and prior to any excavation works a contamination validation report is to be undertaken to demonstrate the site's suitability for the proposed development. Should any contaminated soil be present in the material that is to be excavated from the site it must be disposed of in accordance with the requirements of the NSW Environmental Protection Authority.

C CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

- C1 A total monetary contribution of << >> is to be paid to Newcastle City Council, pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.

Notes:

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

release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

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

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

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

- C2. On-site parking accommodation is to be provided for a minimum of << >> car spaces (including << >> disabled parking spaces) and << >> motorbike spaces and << >> secured bicycle spaces (Class 2). A minimum of << >> car spaces are to be allocated for the commercial premises. A minimum of << >> spaces are to be allocated and delineated as visitor car parking. This parking is to be set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012 and the plans submitted with the development application. Full details are to be included in documentation for a Construction Certificate application.
- C3. The width of the crossover of the driveway to the parking facilities for proposed buildings B & C is to be reduced to an approximate width of 6.0m. Full details are to be included in documentation for a Construction Certificate application.
- C4. The car park is to 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*. Full details are to be included in documentation for a Construction Certificate application.
- C5. All proposed driveways and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic loading, being sealed with bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. The driveways are to be constructed in accordance with AS2890 – *Off street parking* and Council's design specifications. Full details are to be included in documentation for any Construction Certificate application.
- C6. 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 is 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.
- C7. A group type mailbox is to be provided at the street frontage in accordance with the requirements of Australia Post, clearly displaying individual unit numbers and the required house number. Full details are to be included in the documentation for a Construction Certificate application.
- C8. Any alteration to existing 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 towards adjoining building sites or that runoff is impounded on adjoining building sites as a result of the development. Full details are to be included in documentation for a Construction Certificate application.
- C9. The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply, sewerage services and any drainage connections, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's certificate of compliance (Refer s50 *Hunter Water Act 1991*) is to be included in documentation for a Construction Certificate application.
- C10. All onsite stormwater retention/detention and water quality treatment systems are to be individually identified and sign posted in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). Full details are to be included in documentation for a Construction Certificate application.
- C11. All stormwater runoff from the proposed development being managed in accordance with the requirements of Section 7.06 'Stormwater' of Newcastle Development Control Plan 2012, as indicated on the stormwater management concept plans and stormwater management report and stormwater plans prepared by Northrop Consulting Engineers Job No. NL167162. Full details are to be included in documentation for any Construction Certificate application.
- C12. On site refuge is to be provided for the proposed development. The minimum refuge level is to be the level of the PMF (Local Catchment Flood Level RL3.65m Australian Height Datum). On site refuge is to be designed to cater for the number of people reasonably expected to be on the development site. Openings such as exhaust ducts, car park air intake, vents and the like that could potentially allow for flood waters to enter the basement (except for carpark and access) are to be designed at minimum RL3.65m AHD. Full details are to be included in documentation for a Construction Certificate application.
- C13. 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.

- C14. 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 behavior
- 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.

- C15. The proposed lighting including car park 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 application.
- C16. The building is to be provided with adequate means of access for persons with disabilities, to the extent necessary to comply with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. Full details are to be included in documentation for a Construction Certificate application.
- C17. All proposed planting and landscape elements indicated on the submitted landscape concept plans or otherwise required under the conditions of this consent being implemented and comprehensive landscape design plans and specifications in respect thereof being prepared by a qualified landscape designer and being submitted with a Construction Certificate application.

Note: The required comprehensive landscape design plan and specifications is to be in accordance with the provisions of the Newcastle Development Control Plan, 2012 and is to include cross sections through the site where appropriate, proposed contours or spot levels, botanical names, quantities and container size of all proposed trees, shrubs and ground cover,

details of proposed soil preparation, mulching and staking as well as treatment of external surfaces and retaining walls where proposed, drainage, location of taps and the nominated maintenance periods.

- C18. A dilapidation report prepared by a suitably qualified person shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The dilapidation report shall document and photograph the current structural condition of the adjoining buildings, infrastructure and roads. An electronic copy of the dilapidation report is to be provided to Newcastle City Council.
- C19 The developer is to design and construct the following works within Honeysuckle Drive and Worth Place frontages of the site at no cost to Newcastle City Council and in accordance with Council's 'City Centre Public Domain Manual' guidelines, design specifications and Australian Standards:
- i. Provide new footpath and streetscape works extending 2-5m either side of the property and from Worth Place to Worth Place Park.
 - ii. Remove existing and install new kerb and gutter, kerb ramp and repair road along the frontage.
 - iii. Install new street trees and grass verge areas in accordance with Council's requirements and adjust service pit levels to match new footpath level.
Note: The footpath is to achieve maximum cross fall of 2.5%.
 - iv. Remove all redundant driveways, install new kerb and gutter and repair any road works.
 - v. Install new driveways and associated roadworks. The driveways for the proposed development are to be approximately 6.0m in width.
 - vi. Install any required parking signs, line markings, mandatory signage and any civil works associated with road and on-street parking infrastructure.
 - vii. Repair any damages caused during construction and ensure the survey mark is protected at all times.
 - viii. Installation of any new street furniture including bicycle racks or rings and new seats and bins.
 - ix. Design and install street lighting along the frontages.
 - x. Installation of new drainage and development drainage connections.

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

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

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

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

developer is advised to confer with Council's Development & Building Services Section in order to confirm this.

- C20 Any changes associated with provision of the works zone and relocation of to the existing bus stop to the east of the Honeysuckle Dr frontage of the property will need to be consulted with and approval attained from Newcastle City Council prior to the issue of the Construction Certificate.

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

- C21. Adequate facilities are to be provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements being made for regular removal and disposal of same. The required garbage facility is to be suitable for the accommodation of Council approved wheel type bins or bulk waste containers. Full details are to be included in documentation for a Construction Certificate application.
- C22 The waste collection pick-up services proposed to be undertaken by Newcastle City Council for the development are to be approved by Council's Waste Management Services prior to the issue of the Construction Certificate. If the waste services cannot be provided by Council, then the applicants will need to engage a private contractor garbage collection service. Full details are to be included in documentation for a Construction Certificate application.
- C23. A design verification statement from a qualified designer shall be submitted to the Certifying Authority. The statement shall confirm the Construction Certificate plans and specifications achieve or improve the design quality of the development for which consent is granted, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development*.

Full details are to be included in the documentation for the first Construction Certificate for the residential flat development.

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

- C24 The design and construction of any proposed food premises is to be in accordance with the relevant requirements of Australian Standard 4674:2004 - *Design, Construction and Fit-Out of Food Premises*. Full details are to be included in the documentation for the Construction Certificate application.

D CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT WORK

- D1. The two proposed commercial/industrial type vehicular crossings are to be constructed across the road reserve, in accordance with the following criteria:
- a) Constructed in accordance with Newcastle City Council's A374 – Driveway Crossings Standard Design Details.
 - b) Have a maximum width of 6 metres.
 - c) Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 metre, in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance.
 - d) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve.
 - e) The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.
 - f) Driveway cross-fall over the footpath is to be maximum of 2.5%.

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

- D2. A separate application must be lodged and consent obtained from Newcastle City Council for all works within the road reserve pursuant to Section 138 *Roads Act 1993 (NSW)*, before the commencement of works.
- D3. Prior to commencement of site works the developer is to submit to the Department for approval a Construction Parking Management Plan (CPMP) addressing the parking of construction vehicles and the transportation of construction personnel to the site. The CPMP is to detail a common location for the parking of construction vehicles outside of the Newcastle City Centre and utilise shuttle buses and for the transportation of construction personnel and their equipment to the site.
- D4. 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.
- D5. Prior to construction works commencing the developer is to submit to the Department for approval a de-watering management plan, the plan is to be prepared by an appropriately qualified environmental consultant and demonstrate that water pollution will not occur as a result of dewatering activities. Should the use of stormwater infrastructure of Newcastle City Council be proposed for de-watering purposes, de-watering is not to commence until Council is notified and agreement is provided such that Council can confirm it is

satisfied with the proposed impacts and reduced capacity upon its stormwater assets during dewatering activities.

- D6. 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.

E CONDITIONS WHICH MUST BE SATISFIED DURING ANY DEVELOPMENT WORKS

- E1. The setting out of ground floor levels are to be certified by a registered Surveyor prior to the placement of the floor, confirming compliance with this consent, and a copy of the Surveyor's Certificate is to be forwarded to the Principal Certifying Authority.
- E2. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- E3. Any excavated material to be removed from the site being assessed, classified, transported and disposed of in accordance with the NSW Office of Environment and Heritage Waste Classification Guidelines.
- E4. 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.
- E5. If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- 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.
- E6. Any proposed paving works within the public footway are to be in accordance with the requirements of Newcastle City Council's specifications and City Centre Public Domain Manual.

Note: It will be necessary for the Developer to notify water,

telecommunications, gas and electricity authorities of the proposed paving works in order to enable the various authorities to carry out and complete any necessary repairs and/or amplification to their respective services before such works are commenced.

- E7. 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.
- E8. Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to Council by a surveyor registered under the *Surveying and Spatial Information Act 2002* (NSW).
- E9. If construction / demolition work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
- E10. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
- Monday to Friday, 7:00 am to 6:00 pm and
 - Saturday, 8:00 am to 1:00 pm.
- No noise from construction/demolition work is to be generated on Sundays or public holidays or Sunday adjacent to a Public Holiday
- E11. 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.
- E12. Newcastle City Council's 'PREVENT POLLUTION' sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary so it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of demolition and construction work. Note: Council's 'PREVENT POLLUTION' sign can be obtained by presenting your development application receipt at Council's Customer Enquiry Counter at 282 King Street Newcastle.
- E13. Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Exemption that is permitted to be used as a fill material, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* (NSW) and the *Protection of the Environment (Waste) Regulation 2005* (NSW).

- E14. Any fill material subject to a Resource Recovery Exemption received at the site must be accompanied by documentation demonstrating that material's compliance with the conditions of the exemption, and this documentation must be provided to Department officers or the Principal Certifying Authority on request.
- E15. All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are limited to:
- a) restricting topsoil removal
 - b) regularly and lightly 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 1.8m high around the perimeter of the site and around every level of the building under construction.
- E16. All external items of air conditioning plant are to be screened or positioned in such a manner as to not detract from the visual presentation of the building.
- E17. Any necessary alterations to public utility installations being at the Developer/Demolisher's expense and to the requirements of both Newcastle City Council and the appropriate authorities.
- E18. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

G CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY OCCUPATION CERTIFICATE SUBDIVISION CERTIFICATE OR A STRATA CERTIFICATE

- G1. Any redundant existing vehicular crossing is to be removed at no cost to Newcastle City Council. The road reserve and kerb being restored to the satisfaction of Council to match the existing infrastructure. Works are to be completed prior to the issuing of a Final Occupation Certificate for the proposed development.
- G2 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.
- G3. A post construction dilapidation report prepared by a suitability qualified person shall be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate, to ascertain if any structural damage has occurred to the adjoining buildings, infrastructure and roads. The reports shall be forwarded

to Newcastle City Council and will be made available in any private dispute between neighbours regarding damage arising from construction works.

- G4. A Green Travel Plan with Public Transport Routes and Bicycle Network is to be prepared and made available to the residents and commercial premises tenants. The Public Transport and Bicycle Network Plans are to be installed in common areas prior to the issue of the Final Occupation Certificate. Use of alternative modes of transport is to be encouraged.
- G5. All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to the issue of an Occupation Certificate. Should there be any changes to the specifications of any dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to the Department within fourteen days of receipt.
- G6. Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by << >>. 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.
- G7. A Landscape Practical Completion Report being submitted to the Principal Certifying Authority by the consultant responsible for the landscape design plan prior to the issue of any Occupation Certificate or occupation of the premises. The report is to verify that all landscape works have been carried out in accordance with the approved landscape design plan to a high professional standard and that an effective maintenance program has been commenced.
- G8. 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 issuing of an Occupation Certificate for the proposed development.
- G9. A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, shall be submitted to the Principal Certifying Authority 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.
- G10. The pedestrian through link between proposed buildings B & C 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.

- G11. Following excavation works, a validation report being prepared by a suitably qualified consultant in accordance with the relevant Environment Protection Authority Guidelines and submitted to Council and the Principal Certifying Authority prior to the issuing of an Occupation Certificate.
- G12. A post construction dilapidation report prepared by a suitability qualified person shall be submitted to the Certifying Authority and Newcastle City Council prior to the issue of any Occupation Certificate for the existing Council drainage pipe located on the western corner of the property. The dilapidation report is to contain CCTV report and footage and is to be done to Council Specifications and shall document and photograph the post-construction condition of the existing drainage pipe. Any damage done to the Council drainage pipe during building and building construction related works is to be repaired at the land owner(s) / applicants costs. Council should be contacted immediately if there are any major identified issues for an inspection. A copy of the electronic report is to be provided to Council.
- G13. A design verification statement from a qualified designer shall be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first. The statement shall confirm the development has been constructed in accordance with the quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development*.
- Note: 'Qualified Designer' means a person registered as an architect in accordance with the *Architects Act 2003*. This condition is imposed in accordance with Clause 154A of the *Environmental Planning and Assessment Regulation 2000*.
- G14. 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.
- G15. The construction works in the road reserve are to be implemented and completed to satisfaction of Newcastle City Council prior to the issue of any Occupation Certificate.

F CONDITIONS WHICH MUST BE SATISFIED PRIOR TO ANY OCCUPATIONS OR USE OF THE BUILDING

- F1. A Maintenance Manual for all water quality devices is to be prepared in accordance with Newcastle City Council's *Stormwater and Water Efficiency for Development Technical Manual*. The manual is to address maintenance issues concerning the water quality devices including routine monitoring and regular maintenance and be kept on site at all times. Establishment and maintenance of the water quality devices in accordance with the manual prepared by the applicant is to be completed prior to occupation of this site for the intended use.

under the terms of this consent being carried out or implemented prior to occupation of the premises.

- F4. The premises are to be identified by the provision of house and street numbers on the building exterior and mailbox, respectively, such that they are clearly visible from the road frontage prior to occupation of the building. The minimum numeral heights shall be:
- a) exterior of the building = 75mm and
 - b) group mailbox - street number = 150mm house number = 50mm
- F5. A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, shall be submitted to the Department prior to occupation of the building. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
- F6. All parking and loading bays are to be permanently marked out on the pavement surface, with loading bays and visitor parking facilities being clearly indicated by signs prior to occupation of the building.

H CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT

- H1. The hours of operation or trading of the ground floor '*Retail Premises*' or '*Business Premises*' are to be not more than from 8am to 6pm Monday to Sunday unless a separate application to vary the hours of operation or trading has been submitted to and approved by Newcastle City Council.
- H2. A Landscape Establishment Report is to be submitted to Newcastle City 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.
- H3. A Landscape Establishment Report is to be submitted to Newcastle City Council following completion of a twelve 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.
- H4. All vehicular movement to and from the site is to be in a forward direction.
- H5. 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.
- H6. Any liquid wastes from the premises, other than stormwater being discharged to the sewers of the Hunter Water Corporation in accordance with that authority's requirements.

- H7. Any liquid wastes from the premises, other than stormwater being discharged to the sewers of the Hunter Water Corporation in accordance with that authority's requirements.

I ADVISORY NOTES

- Prior to commencing any construction works, the following provisions of the *Environmental Planning and Assessment Act 1979* are to be complied with:
 - a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and form 7 of schedule 1 to the Regulations.
 - c) Council is to be given at least two days' notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.
- A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building. The lists must describe the extent, capability and basis of design of each of the measures.
- Prior to the occupation of a new building, or, occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 155 of the *Environmental Planning and Assessment Regulations 2000*.
- A copy of the final Fire Safety Certificate is to be given to the Commissioner of Fire & Rescue New South Wales and a further copy of the Certificate is to be prominently displayed in the building.
- An annual Fire Safety Statement in the form described in Clause 175 of the *Environmental Planning and Assessment Regulation 2000 (NSW)* is to be submitted to Council and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire & Rescue New South Wales. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997 (NSW)* to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979 (NSW)*, which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- It is recommended that, prior to commencement of work, the free national

community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.

- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- House numbering for the proposed development is to be in accordance with the following schedule.