

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

APPROVAL OF MAJOR PROJECT NO. 08_0043

(FILE NO. S0800440)

**CONSTRUCTION OF 3 BUILDINGS, SUBDIVISION AND CARPARKING
LOT 25 HONEYSUCKLE DRIVE NEWCASTLE**

I, the Minister for Planning, under section 75J of the *Environmental Planning & Assessment Act, 1979*, approve the project referred to in Schedule 1 subject to the conditions in Schedule 2 and proponent's Statement of Commitments in Schedule 3.



The Hon Kristina Keneally MP
Minister for Planning

Sydney,

28/9

2009

SCHEDULE 1

MAJOR PROJECT NO. 08_0043

PART A—TABLE

| | |
|--|---|
| Application made by: | Eureka / Buildev Joint Venture |
| Application made to: | Minister for Planning |
| Major Project Application: | MP 08_0043 |
| On land comprising: | Lot 25 DP 1096520, known as Honeysuckle Central, Honeysuckle Drive |
| Local Government Area | City of Newcastle |
| For the carrying out of: | Subdivision, bulk excavation, basement structure and construction of 3x8 storey buildings comprising: <ul style="list-style-type: none"> • subdivision, basement structure and construction of 3x8 storey buildings • 4 levels of carparking (1 level of basement and 3 levels of above ground parking) representing 356 car parking to serve the commercial buildings • associated bulk excavation and landscaping of the site. |
| Estimated Cost of Works | \$54,535,123 |
| Type of development: | Major Project |
| Determination made on: | |
| Date approval is liable to lapse: | 5 years from the date of determination unless specified action has been taken in accordance with section 75Y of the Act. |

PART B—NOTES RELATING TO THE DETERMINATION OF MP No. 08_0043

Responsibility for other consents / agreements

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

Legal notices

Any advice or notice to the approval authority shall be served on the Director General.

Inconsistencies between documents

In the event of any inconsistency between the conditions to this major project approval and the approved plans and documentation described in Schedule 2 and the Statement of Commitments in Schedule 3, the conditions to this major project approval prevail.

PART C—DEFINITIONS

In this approval:

EP&A Act means the *Environmental Planning and Assessment Act, 1979*.

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

BCA means the building code of Australia.

Certifying Authority has the same meaning as Part 4A of the EP& A Act.

Council means The City of Newcastle Council.

Department means the Department of Planning or its successors.

Director General means the Director General of the Department.

Environmental Assessment means the Environmental Assessment dated 23 January 2009 prepared by Urbis including all Appendices.

GFA means gross floor area.

Minister means the Minister for Planning.

MP No. 08_0043 means the Major Project described in the Proponent's Environmental Assessment Report.

Proponent means Eureka / Buildev Joint Venture or any party acting upon this approval.

Regulation means the *Environmental Planning and Assessment Regulation, 2000*.

RTA means the Roads and Traffic Authority, NSW.

HDC means the *Hunter Development Corporation*.

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2 CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 08_0043

PART A—ADMINISTRATIVE CONDITIONS

A1 *Development Description*

Except as amended by the conditions of this approval, approval is granted only to carrying out the development as described in Schedule 1, and development must be carried out consistently with the Statement of Commitments (attached as Schedule 3).

These conditions of approval do not relieve the Proponent of its obligations under the EP&A Act any other Act.

A2 *Additional Approvals Required*

No approval is granted or implied for any of the following:

- The fitouts of the retail, commercial service, and commercial floorspace, including hours of operation do not form part of this approval and shall be subject to separate applications to be lodged with the appropriate consent authority.
- Building identification signage does not form part of this approval. Any signage for the building will be subject to separate applications to be lodged with the appropriate consent authority.

A separate application shall be submitted to the consent authority for consideration for any of the above-mentioned works and uses.

A3 *Development in accordance with plans*

The development will be undertaken in accordance with the Environmental Assessment dated 23 January 2009 prepared by Urbis Planning Consultants including all appendices, and the following drawings prepared by Suters Architects:

| Architectural (or Design) Drawings prepared by Suters Architects | | | |
|--|----------|-------------------------------|----------|
| Drawing No. | Revision | Name of Plan | Date |
| DA04 | G | Ground Floor Plan / Site Plan | 01/10/08 |
| DA05 | G | Basement Floor Plan | 01/10/08 |
| DA06 | G | Level 1 Floor Plan | 01/10/08 |
| DA07 | G | Level 2 Floor Plan | 01/10/08 |
| DA08 | G | Level 3 Floor Plan | 01/10/08 |
| DA09 | G | Level 4 Floor Plan | 01/10/08 |
| DA10 | G | Level 5 Floor Plan | 01/10/08 |
| DA11 | G | Level 6 Floor Plan | 01/10/08 |
| DA12 | G | Level 7 Floor Plan | 01/10/08 |
| DA13 | G | Roof Plan | 01/10/08 |

A4 *Inconsistency between documents*

In the event of any inconsistency between conditions of this approval and the drawings/ documents referred to above, including the Proponent's Statement of Commitments, the conditions of this approval prevail.

A5 *Compliance with the Building Code of Australia*

Work must be carried out in accordance with the requirements of the *Building Code of Australia*.

A6 *Erection of signs*

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- showing the name, address and telephone number of the principal certifying authority for the work, and
- showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- stating that unauthorised entry to the work site is prohibited.

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.

A7 *Development Expenses*

It being the responsibility of the developer to meet all expenses incurred in undertaking the development including expenses incurred in complying with conditions imposed under this approval.

A8 *Design of Works*

All works being generally designed in accordance with the following publications (as amended or updated), as applicable:

- Institution of Engineers Australian Rainfall and Runoff 1987
- AUSTRROADS Guide to Traffic Engineering Practice.
- Department of Housing Road Manual 1987
- Roads and Traffic Authority Road Design Guide
- Roads and Traffic Authority Interim Guide to Signs and Markings.
- Environment Protection Authority Managing Urban Stormwater – Treatment Techniques
- Department of Housing's Managing Urban Stormwater: Soils and Construction
- Pavement Design – A Guide to the Structural Design of Road Pavements; (Austroads – 1992)
- NSW Department of Housing "Construction Specification", 1989 Edition, as varied by Newcastle City Council's Schedule A
- Newcastle City Council Development Control Plan No. 33 – Landscape Design Principles & Guidelines – 1994
- Newcastle City Council Development Control Plan No. 50 – Stormwater Management for Development Sites – 1999.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**B1 *Developer Contributions***

A total monetary contribution of \$1,799,659.00 being paid to Council, pursuant to section 94A of the Environmental Planning and Assessment Act 1979, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.

- This condition is imposed in accordance with the provisions of the Newcastle City Council S94A Development Contributions Plan 2006 operational from 15 January 2007. A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.
- The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of approval 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 approval should contact Newcastle Council's Customer Enquiry Centre for determination of the indexed amount of contribution on the date of payment.

B2 *Construction Certificate*

The stamped drawings must be lodged with the Certifying Authority (Minister for Planning via the Department of Planning, Newcastle City Council, or a private certifier) for a Construction Certificate. The Proponent must supply the Department of Planning with a copy of the Construction Certificate within two days from the date of its issue.

B3 *Structural Details*

Prior to the issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that complies with:

- the relevant clauses of the BCA
- drawings and specifications comprising the Construction Certificate
- the relevant Australian standards listed in the BCA (Specification A1.3).

B4 *Mechanical Ventilation*

All mechanical ventilation systems shall be designed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems* of Building, to ensure

adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

B5 *Flooding*

The building meeting the specific requirements of the Waterfront and Cottage Creek Flood Management Plan (FMP) including satisfying the minimum floor level, carpark entry level and bunding requirements, and suitable flood refuge arrangements.

Full details being provided with the Construction Certificate application addressing the flood management issues identified in the FMP.

B6 *Further Building and Landscaping Re-Design*

Prior to the issue of a Construction Certificate, the Proponent shall submit to the Department of Planning for approval revised architectural plans and a revised landscaped master plan developed in consultation with Council to address the following:

- Design of the northern façades including any individual building identity features.
- Details of treatment of the southern façade to reduce visual bulk and dominance.
- Details of increased deep soil planting, any reduction in paving or hard surfaces and location of shade trees to be planted along Honeysuckle Drive subject to accessibility requirements still being satisfied.

Should, after a reasonable period of time, no agreement be reached between the Proponent and Council on the revisions outlined above, the revised architectural plans and revised landscaped master plan are to be submitted for the determination of the Director-General.

B7 *Disabled Access*

- Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of the Construction Certificate for the new building a certification of compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.
- An Access Management Plan is to be prepared and submitted to Council.

B8 *Construction Management Plan*

Prior to the issue of a Construction Certificate, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. The Plan shall include, but not be limited to, the following matters which are to be addressed by suitably qualified person(s):

- (1) **Hours of work**, which must be in accordance with the conditions of this approval;
- (2) **Contact details** of the site manager and all principle contractors;
- (3) **Traffic management**, which is to be developed in consultation with Council and HDC, and is to include:
 - ingress and egress of vehicles to the site;
 - management of loading and unloading of materials;
 - number and frequency of vehicles accessing the site;
 - the times vehicles are likely to be accessing the site;
 - management of existing vehicular and pedestrian movements / routes around the site throughout the various stages of construction;
- (4) **Acid Sulphate Soil Management**, addressing the requirements of the document *Acid Sulphate Soil Assessment Guidelines* (by the Acid Sulphate Soil Management Advisory Committee 1998);

- (5) **Erosion and sediment control**, identifying appropriate measures to be installed during construction which shall be designed in accordance with in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004)* by Landcom; and must include:
 - The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device.
 - The procedures to be adopted for the prevention of run-off loose material and litter from the site onto the public way.
 - The recommendations of the Stormwater Management Plan, prepared by mpc consulting engineers, dated December 2008.
- (6) **Noise and vibration management**, identifying specific activities that will be carried out and associated noise sources, identify all potentially affected sensitive receivers, noise and vibration monitoring reporting and response procedures, description of specific mitigation treatments management measures and procedures to be implements, and address any other relevant provisions of Australian Standard 2436-1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*;
- (7) **Waste management**, identifying options for minimising waste in construction; reuse and recycling of materials; the storage, control and removal of construction waste.
- (8) **Dust control** measures to be implemented to prevent the movement of airborne particles from the site throughout the construction process, and the tracking of material from the site by trucks and other vehicles. This is to include the appropriate use of physically barriers and the dampening of exposed excavated surfaces. The storage and stockpiling areas for material is also to be detailed.

B9 Traffic, Carparking and Access Arrangements

Prior to the issue of the Construction Certificate, plans are to be submitted for the approval of the Certifying Authority identifying the following traffic and parking details:

- Opposing traffic flows on the car park ramps are to be separated by the provision of an appropriate kerb and/or safety barrier.
- Separated access for bicycles via the carpark entry ramps are to be provided (by bollards or similar safety barrier) whilst also avoiding the requirement for bicycles to enter via the boom gates. To minimise any chance of conflict between cyclists and vehicles on the access ramps.
- On-site parking accommodation being provided for a minimum of 356 vehicles, inclusive of 6 disabled parking spaces, in accordance with the parking layout standards indicated in Council's adopted Newcastle DCP 2005 "Car Parking Code" and AS 2890.1 – 2004 Parking Facilities – off street parking.
- 107 Bicycle storage spaces to be provided in accordance with the requirements of Council's adopted Newcastle DCP 2005 (1 space per 200m² GFA), with the provision of male/female shower facilities and lockers.
- The minimum clearance for carparks being in accordance with AS 2890.1.
- The minimum height between the car park floor surface and the lowest overhead obstruction being 2.3m.
- All proposed driveways, parking bays and vehicular turning areas being constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained.
- All parking bays being permanently marked out on the pavement surface.
- The development proposal as detailed on the submitted plans being modified in the following respects:

- Minimum clear sight lines for vehicles to pedestrians being provided within the site at the driveway entry/exit ramps to the carparks in accordance with AS 2890.2 – Parking Facilities.
- Minimum 6.0m level landing being provided within the site at the property boundary at the vehicular entry/exit ramps to the carparks.
- Roller doors located at the entry/exit ramps to the carparks being setback a minimum 6.0m from the property frontage.
- A commercial type vehicular crossing 7.0m wide with appropriate splays being constructed across the footway at the proposed driveway entrance/exit to the carpark in accordance with Council's Driveway Standard A17/6B (Concrete Vehicular Crossings) design specifications and such crossing being properly maintained.

The driveway crossing is to incorporate a concrete median separation within the site to define ingress and egress and appropriate signposting.
- The proposed commercial, disabled, small car, bicycle and motorcycle parking bays being clearly indicated by means of signs and/or pavement markings.
- The provision of a suitable sight triangle conforming to section 3.2.4 of AS 2890.1-2004 and appropriate pedestrian advisory signs are to be provided at the egress from the car park.

B10 *ESD*

The development will achieve the following green building rating targets:

- 4.5 Star NABERS Energy
- 5 Star Green Star rating

B11 *Works within the Public Road*

- No work within the public road being commenced, including pipe or vehicular crossings, until Council's separate written approval has been obtained pursuant to Part 9 Division 3 Section 138 of the Roads Act 1993.
- A separate application is required for the works to be undertaken in the public road.
- Engineering design plans and specifications for the works being undertaken in the public road reserve are required to be submitted to Council for approval with the application.
- 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 fee.

B12 *Stormwater Drainage Plan*

Stormwater drainage works shall be submitted to the certifying authority for approval, and is to be accompanied by the following documentation and additional details:

Stormwater Drainage Plan

- All stormwater runoff from the proposed development being collected into a stormwater management system designed in accordance with the requirements of Element 4.5 of the Newcastle Development Control Plan 2005.
- The stormwater drainage design is to incorporate a 1:10 year recurrence interval piped stormwater drainage system, with overland flow up to a 1:100 year recurrence interval event contained within road reserves and/or drainage reserves, and is to comply with the following requirements:

- Sub-soil drainage to be located under kerb and gutter and extend at least 500mm below bottom of pavement.
- Pits to be located upstream of kerb ramps and kerb returns.
- All stormwater pipes in the public road to be rubber ring jointed reinforced concrete.
- The proposed development not to increase upstream or downstream flooding for floods over a range of storms from 1:1 to 1:100 year events.

B13 *Hunter Water Corporation Limited*

The applicant shall comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's certificate of compliance is to be included in documentation for a Construction Certificate application.

B14 *Protection Of Trees During Construction*

All trees to be retained on and adjacent to the site must be protected at all times during excavation and construction. Details of the methods of protection must be submitted to and approved by the Certifying Authority prior to the issue of the first Construction Certificate. All approved protection measures must be maintained for the duration of works and any tree on the footpath which is damaged or removed during excavation or construction must be replaced.

B15 *Reflectivity*

The light reflectivity from any building materials used on the facades of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B16 *Outdoor Lighting*

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area (Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B17 *Excavation/Site Rectification*

The following conditions apply to the development:

- (1) Prior to the Construction Certificate being issued, documentary evidence must be provided to the Certifying Authority that the owner of the site has entered into a Deed with the Director General, the cost of preparation and execution of such Deed (including stamp duty and registration fees) is to be borne by the Proponent, which contains such conditions as the Director General reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (2) Without limiting the generality of the paragraph (2), the Deed must provide for:
 - i) An unconditional bank guarantee to be provided on or before the date of the Deed in the sum of \$500,000.00 as security for the costs of such works.

- ii) Sufficient contractual rights to be given to the Director General to be able to ensure that in any of the following events namely:

- Demolition of the existing building has commenced but not been completed;
- The existing building has been demolished;
- The site has been excavated; or
- The structure has commenced to be erected.

that the Director General, or any person authorised by them, may enter the site and carry out such works at the cost of the Proponent (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:

- a) Make the building safe and attractive at ground level.
- b) Allow the ground level to be landscaped and made attractive from any public vantage point
- c) For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point
- d) In the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenatable stage.

AND to call on such bank guarantee to cover the cost thereof.

- iii) A dispute resolution clause.

- (3) If the development on the site has commenced and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance in the reasonable opinion of the Director General, then the Director General will have the readily enforceable rights to:

- Require the Proponent to carry out certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (b)(ii)a-d to take place on the site; and
- In the event of default, must have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

B18 *Utility Services*

To ensure that utility authorities are advised of the development:

- A survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services
- Written evidence of arrangements being made with the Hunter Water Corporation Limited for the provision of water supply and sewerage and with Energy Australia for the provision of underground electricity supply and street lighting being included in the documentation for a Construction Certificate application.
- Written evidence of arrangements being made with Telstra for the provision of underground telephone services being included in the documentation for a Construction Certificate application.

B19 *Honeysuckle Drive*

Honeysuckle Drive is to be activated by ground floor retail or commercial service uses. Full details including the provision of shopfronts and commercial tenancy entries are to be

included on the Architectural drawings and submitted to the Department of Planning for approval prior to the Construction Certificate application.

PART C— PRIOR TO COMMENCEMENT OF WORKS

C1 *Mine Subsidence*

- The removal of any risk of mine subsidence by a suitable means (such as grouting) is to be undertaken, and remedial works are to be validated on completion of these works. Alternatively, the Mine Subsidence Board must be satisfied by confirming through geotechnical investigations that the workings are long term stable and there is no risk of mine subsidence affecting the site.
- The geotechnical investigation must include a sufficient number of boreholes to the floor of the seam and numerical modelling/sensitivity analysis to demonstrate the appropriateness of the strata to support the development given the mine workings. The investigation is to contain confirmation of the depth of coal seam, height of workings, floor conditions and thickness of competent rock, as well as providing details of the pillar dimensions used in any analysis. ISG co-ordinates and the measured deviation from vertical are required for any boreholes. The report must be to the satisfaction of the Mine Subsidence Board and furnished to the Department.
- The final drawings are to be submitted to the Department and Mine Subsidence Board prior to commencement of construction, contain a certification by a qualified structural engineer to the effect that any improvement constructed to meet the specifications of such final drawings will be safe, serviceable and repairable taking into account the geotechnical conditions of the site.

C2 *Vehicle Cleansing*

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.

C3 *Utility Services*

- Prior to the commencement of work the Proponent is to negotiate with the utility authorities (e.g. Energy Australia, Hunter Water Corporation Limited and Telecommunications Carriers) 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 developer.
- Any necessary alterations to public utility installations being at the Developer/Demolisher's expense and to the requirements of both Council and the appropriate authorities.

C4 *Contact Telephone Number*

The Proponent 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.

C5 *Protective Crossing*

A temporary protective crossing being provided over the footway for vehicular traffic before building operations are commenced. This approval does not permit access to the property over any adjacent private or public land.

C6 *Haulage Routes*

The routes for import of any fill materials or export of any spoil being submitted to and agreed to by the relevant road authorities prior to the commencement of haulage. Unacceptable deterioration or failures within public roads attributable to these operations is to be restored to the requirements of, and at no cost to the road authorities.

PART D – DURING CONSTRUCTION**D1 *Hours of work***

The hours of excavation and work on the development must be as follows:

- All excavation and construction work and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc) in connection with the approved development must only be carried out between the hours of:
 - 7.00am and 6.00pm on Mondays to Fridays
 - 8.00am and 1.00pm on Saturdays
 - No work must be carried out on Sundays or public holidays.
- Works may be undertaken outside these hours where:
 - the delivery of materials is required outside these hours by the Police or other authorities
 - It is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm
 - the work is approved by the Director General or his nominee.

D2 *Noise Control*

- All work, including excavation and construction work must comply with the Australian Standard 2436-1981 '*Guide to Noise Control on Construction, Maintenance and Demolition Sites*'.
- Noise and vibration emissions from equipment and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents or businesses and the relevant provisions of the *Protection of the Environment Operations Act 1997* must be satisfied at all times.

D3 *Standards and Codes*

All building works shall be constructed in accordance with safe work practices and complying with the relevant Australian Standards, Codes of Practice and the Building Code of Australia.

D4 *Work Cover Requirements*

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.

D5 *Hoarding Requirements*

- To ensure an appropriate presentation of the site to the public domain during the construction period, temporary artwork shall be provided along any hoarding/fencing proposed to be erected around the subject site.
- The temporary artworks shall inform the general public about the proposed works being undertaken by the Proponent, the site's history and heritage significance.
- No third party advertising is permitted to be displayed on the subject hoarding/fencing.
- 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.

D6 *Loading and Unloading During Construction*

A Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council prior to commencement of the work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the day to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

D7 *Notification of Excavation Works*

The Certifying Authority and Council must be given a minimum of 48 hours notice that excavation, shoring or underpinning works are about to commence.

D8 *No obstruction of public way*

The public way (outside of the work area) 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 relevant Authority to stop all work on site.

D9 *Lighting Of Site Outside Of Approved Construction Hours*

Lighting of the site while any work is undertaken outside of the approved construction hours must ensure that at no time must the intensity, hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood. If injury is resulting from the illumination, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

D10 *Disposal of seepage and stormwater*

Any seepage or rainwater collected on-site during excavation shall not be pumped to the street stormwater system unless separate prior approval is given in writing by the relevant Authority.

D11 *Stormwater pits*

Any existing stormwater pits within the site that do not comply with AS 3500 will be upgraded as part of the development.

D12 *Erosion and sediment control*

Sediment controls are to be in place for the duration of the works to ensure that no sediment, fines, and like material can enter the waterway or drainage system. The Proponent is to

carry out works generally in accordance with the Construction Management Plan and controls are to be maintained at design level throughout the duration of the works and are to be inspected for this purpose at frequent intervals. Any deficiencies are to be immediately made good.

D13 *Dust Control Measures*

Dust control measures are to be in place or are to be undertaken for the duration of the works to prevent dust from affecting the amenity of the immediate area during construction. The Proponent is to carry out works generally in accordance with the Construction Management Plan, and controls are to be maintained at design level throughout the duration of the works and are to be inspected for this purpose at frequent intervals. Any deficiencies are to be immediately made good.

D14 *Pedestrian Access During Construction*

Pedestrian access along Honeysuckle Drive and Wright Lane is to be maintained throughout construction. Alternative routes, including those for persons with disabilities, shall be clearly identified and signposted for the duration of the works, and until such time as the permanent accessible paths are provided.

D15 *Setting Out of Structures*

The new buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels.

D16 *Directional Signage*

- Directional signage shall be modified as required to accommodate any altered pedestrian and vehicular movements within the area.
- Particular attention is to be paid to:
 - wheelchair accessible paths of travel
 - safe road crossing areas including signalised and other designated crossings
 - key landmarks
 - access to transport nodes including public transport
 - the vehicular entrance and exit driveways and the direction of traffic movement within the site being clearly indicated by means of reflectorised signs and pavement markings.

D17 *Traffic Movement*

- All loading and unloading associated with works must occur on site.
- All vehicles must enter and leave the site in a forward direction.
- The cost of all traffic management works shall be borne by the Proponent.
- No trucks associated with the approved works are permitted to park or stand on public roadways.
- Gates shall be closed between vehicle movements.
- Movement of trucks to and from the site shall be staggered so as to limit access and egress during peak traffic periods.
- The Contractor shall make provision for safe, continuous movement of traffic and pedestrians in public roads and private roads accessible to the public and erecting traffic

warning signs conforming to the Roads and Traffic Authority's General Specifications (RTA Spec. Part G10 "Control of Traffic" and RTA Spec. 3355). Traffic control is to be carried out only by flagmen with certification that they have been trained in accordance with Australian Standard 1742.3 – 2002.

D18 *Approved plans to be on-site*

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, HDC or Council.

D19 *Work on site to cease*

- If any unidentified historical archaeological remains or deposits are exposed during the works excavation is to cease immediately in the affected areas and the archaeologist is to undertake an evaluation of the potential extent and significance of such relics. The Heritage Council is to be notified in accordance with section 146 of the NSW Heritage Act, 1977.
- Should any Aboriginal relics or artefacts be discovered during the course of any works on-site, then work is to cease immediately. Work may only be resumed following written consent being obtained from the National Parks and Wildlife Service.

D20 *Prevent Pollution Sign*

- Council's "PREVENT POLLUTION" sign shall be erected and maintained in a conspicuous location on or adjacent to the property boundary so that it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of construction work.

Note: Council's "PREVENT POLLUTION" sign can be obtained by presenting your project application receipt at Council's Customer Enquiry Counter at 282 King Street Newcastle or at the Master Builders Association office.

D21 *Proposed Paving Works*

- Any proposed paving works within the public footway areas of Honeysuckle Drive, Wright Lane, Worth Place and future public road shall be in accordance with the requirements of Council's specification (Form PLE/SO09).
- 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.

D22 *Survey Marks*

Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected being relocated at no cost to Council by a surveyor registered under the Surveyor's Act.

D23 *Excavated Material*

Any excavated material to be removed from the site being assessed, classified, transported and disposed of in accordance with the EPA's *Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes*.

D24 Imported Fill

Any imported fill onto the site being validated to ensure its suitability for the proposed land use from a contamination perspective. Imported fill is to be certified that it is not contaminated, based upon analysis or the known past history of the site from which it is obtained.

D25 Vehicular Crossing

All new vehicular crossings are to be constructed in accordance with Council's specifications.

PART E - PRIOR TO SUBDIVISION OR STRATA SUBDIVISION**E1 Access**

Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas pursuant to section 88B of the *Conveyancing Act 1919* and submitted to Council for certification and registered with the Land & Property Information Office.

E2 Services

Documentary easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to section 88B of the *Conveyancing Act 1919* and submitted to Council for certification and registered with the Land & Property Information Office.

E3 Car parking restrictions

The on-site car parking spaces, exclusive of service spaces, are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

- (1) restrictive covenant placed on title pursuant to section 88B of the *Conveyancing Act, 1919*,
- (2) restriction on use under section 68 of the *Strata Schemes (Leasehold Development) Act, 1986* to all lots comprising in part or whole car parking spaces, and
- (3) sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas.

These requirements are to be made to the satisfaction of Council. All costs associated with the above requirements are to be borne solely by the Proponent.

E4 Common areas and facilities

No right of exclusive use and enjoyment of the whole or any specified part of the designated common area or similar in the approved plans will be conferred on any person or persons without the prior consent of the relevant Council.

These requirements are to be made, at no cost to Council, and to the satisfaction of Council and a restrictive covenant placed on title pursuant to section 88E of the *Conveyancing Act, 1919*.

E5 *Part 4A Certificate*

Prior to the registration of final subdivision plan in the Office of the Registrar-General, a Part 4A certificate shall be obtained under section 109D(1)(d) of the *Environmental Planning and Assessment Act 1979*.

PART F – PRIOR TO OCCUPATION AND COMMENCEMENT OF USE

F1 *Noise Control – Plant and Machinery*

Prior to the issue of an Occupation Certificate for the building a report is to be prepared by a qualified acoustic engineer and submitted to the Certifying Authority confirming that the installation and performance of the mechanical systems complies with:

- the Acoustic Assessment Report (Hunter Acoustics 11 December 2008)
- the Building Code of Australia
- Australian Standard AS1668 and other relevant codes
- the development approval and any relevant modifications
- any dispensation granted by the New South Wales Fire Brigade.

F2 *Fire Safety Certificate*

A Fire Safety Certificate shall be furnished to the Certifying Authority for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of the Occupation Certificate for the building. A copy of the Fire Safety certificate must be submitted to the relevant authority and Council.

F3 *Structural Inspection Certificate*

A Structural Inspection Certificate or a Compliance Certificate for any structural work is to be submitted to the satisfaction of the Certifying Authority prior to issue of each Occupation Certificate

F4 *Road Damage*

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Proponent/developer prior to the issue of the final Occupation Certificate for the building.

F5 *Waste Management*

Prior to each Occupation Certificate being issued, the Certifying Authority must ensure that waste handling works have been completed in accordance with the Waste Management Plan; other relevant approval conditions; and any relevant Council policy.

F6 *Vehicular Crossings*

Any redundant existing vehicular crossings being removed at no cost to Council and the public footway and kerb being restored to match the existing infrastructure.

F7 *Additional Regulatory Signage*

- The developer being responsible for the provision of additional regulatory signage and parking meters and all adjustments to and/or relocation of existing regulatory signage and parking meters necessary as part of this development in accordance with the Newcastle City Traffic Committee requirements, such works to be completed prior to the issue of the final Occupation Certificate for the building.
- Alterations to regulatory signage and kerbside parking will need to be referred to the Newcastle City Traffic Committee for approval.

F8 *Work As Executed Plans*

Certified works-as-executed (WAE) plans for the works within the existing public road reserves being lodged with Council on completion of works. The WAE plans are to be prepared by a suitably qualified consulting engineer or registered surveyor, and are to show:

- any alterations made to the approved plans
- service conduits
- all kerb and gutters, pits and pipelines
- certification by a Registered Surveyor that all pipes and services etc. are totally within their proposed easements.

F9 *Survey Requirements*

A statement from a registered surveyor being submitted to Council on completion of works verifying that:

- No survey control marks were interfered with during site work.
- That the requirements of the Survey Control Branch of the Department of Lands had been obtained in respect of any survey control marks which were interfered with or destroyed and that such requirements have been complied with.

F10 *Stormwater Drainage Design Plans*

A copy of the stormwater drainage design plans approved with the Construction Certificate with "work as executed" levels indicated, shall be submitted to Newcastle City Council 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.

PART G – POST OCCUPATION & ON GOING OPERATIONAL CONDITIONS**G1 *Annual Fire Safety Certificate***

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

G2 *Honeysuckle Drive*

In order to ensure activation of the street frontage, the tenancies fronting Honeysuckle Drive are only approved for use as retail or commercial service uses.

G3 *Noise Control – Plant and Machinery*

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:

- Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
- 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.
- Notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.

G4 *Loading and Unloading*

All loading and unloading, including deliveries to and from the site in connection with the use must be carried out in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

G5 *Unobstructed Driveways and Parking Areas*

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

G6 *Landscaping*

A Landscape Establishment Report is to be submitted to the Principal Certifying Authority following completion of a three (3) 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.

G7 *Road Maintenance*

- Council will not accept maintenance responsibility for the road reserve infrastructure to be handed over to Council, until such time as a twelve (12) month defects liability period has been satisfactorily completed. Such defects liability period will commence from the date of completion of works.
- Satisfactory final inspection of the works by Council will be required prior to Council's acceptance of maintenance responsibility for the works.

ADVISORY NOTES**AN1 *Use of Mobile Cranes***

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the Proponent shall ensure the following matters are complied with:

- For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:

- at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions
- at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN2 *Movement of Trucks Transporting Waste Material*

The Proponent shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

AN3 *Disability Discrimination Act*

This application is to comply with the Disability Discrimination Act 1992. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia 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.

AN4 *Temporary Structures*

A Barricade/Hoarding Permit must be obtained prior to the commencement of construction works from the relevant Authority. The permit application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must also be submitted to the relevant Authority to certify the structural adequacy of the design of the temporary Barricades/Hoarding.

AN5 *Cost of Signposting*

All cost of signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the Proponent.

AN6 *Kerbside Parking*

Alterations to regulatory signage and kerbside parking will be required to be referred to the Newcastle City Traffic Committee for separate approval.

SCHEDULE 3

MP08_0043
Lot 25 HONEYSUCKLE DRIVE
NEWCASTLE

PROPONENT'S STATEMENT OF COMMITMENTS

Subdivision

The following outlines the Statement of Commitments proposed by the Joint Venture to facilitate the subdivision component of the Project Application. The Statement of Commitments identifies the following:

- General terms that the project will adhere to.
- Measures to mitigate for any environmental impacts.
- Achieving minimal impact in the environment and a positive environmentally sustainable outcome.

General

- The proposed development will be carried out generally in accordance with the plans provided with the Environmental Assessment Report and accompanying Appendices, except as otherwise provided by this Statement of Commitments.
- Prior to the endorsement of a Subdivision Certificate, all specific commitments addressing infrastructure and services (below) will be complied with.
- A copy of the Minister's approval in accordance with section 75J(1) of the Act, a copy of the Statement of Commitments, and relevant Construction Certificates, including associated approved plans, will be kept onsite at all times during construction.

Infrastructure and Services

- The Proponent will provide reticulated potable water and sewage services to each lot in the subdivision in accordance with Hunter Water.
- The Proponent will conserve, protect or relocate (as appropriate) the existing services passing through the site, including stormwater, sewer, water, telecommunications and electricity.
- The Proponent will provide underground power to each lot in accordance with Energy Australia's standards and requirements.
- The Proponent will provide underground telecommunications infrastructure to each lot in the subdivision in accordance with Telstra requirements.
- A gas connection to the street mains shall be provided to each site.

Construction

The following outlines the Statement of Commitments proposed by the Joint Venture to facilitate the building construction component of the Project Application. The Statement of Commitments identifies the following:

- General terms that the project will adhere to.
- Contributions made by the proponent in accordance with Newcastle City Council's Section 94A Development Contributions Plan 2006.
- Measures to mitigate for any environmental impacts.
- Measures to monitor the environmental performance of the project.

- Achieving minimal impact in the environment and a positive environmentally sustainable outcome.

General/

- The proposed development will be carried out generally in accordance with the plans provided with the Environmental Assessment Report and accompanying Appendices, except as otherwise provided by this Statement of Commitments.
- Prior to the issue of a Construction Certificate, all general commitments, and all specific commitments relating to the Construction Certificate will be complied with.
- A copy of the Minister's approval in accordance with section 75J(1) of the Act, a copy of the Statement of Commitments, and relevant Construction Certificates, including associated approved plans, will be kept onsite at all times during construction.

Public Domain Improvements

- Public domain improvements shall be undertaken in accordance with the Landscape Master Plan prepared by Site Image.
- Improvements along the street frontages of the site shall have regard to Council's City West Streetscape Design Specifications and the Honeysuckle External Works Manual.

Open Space

- A minimum of 15% of the total site area will be provided as open space accessible to the public.

Public Art

- The proponent shall commit to a process to investigate and evaluate the opportunity to incorporate public art elements into the external screens to the ramp and car park. The process shall be undertaken generally in accordance with the Artist Brief prepared by Sutera Architects and shall include consultation with Newcastle City Council's Public Art Committee.
- The inclusion of the art element shall be subject to the preferred option's design outcome being consistent with the current architectural designs, form and function of the car park.

Accessibility

- Non-discriminatory access shall be provided within the proposed development in accordance with AS 1428.1.

Mine Subsidence

- The proponent shall undertake Mine Subsidence remediation work in accordance with the Statement prepared by Coffey Geotechnics.
- This site remains subject to an "in principle" approval issued by the Mines Subsidence Board with respect to a program to remediate the former mine workings and facilitate the future development of the site.

Geotechnical

- Following approval of the project application, more detailed investigations shall be carried out to allow final detailed design of the approved development.

- The field investigation program for the Geotechnical component will be designed to address the requirements of the structural engineers including support of foundations and retaining walls.

Stormwater Management

- All stormwater runoff from the proposed development shall be collected into suitable retention facility and disposed of by appropriate means into the local drainage system as shown on the Stormwater Plans prepared by MPC Consulting Engineers and in accordance with the requirements of Council's DCP.
- The development shall incorporate the provision of rainwater tanks, with captured rainwater to be used for irrigation of landscaping within the site.
- The site drainage system is to incorporate pollution control measures designed to remove any site generated pollutants.
- Institute appropriate erosion protection and soil stabilisation measures in association with the proposed works in accordance with the Site Sedimentation and Erosion Control Plan prepared by MPC Consulting Engineers. Such measures are to be designed in accordance with the requirements of Council's DCP 2005.
- The Proponent will apply the principles of Water Sensitive Urban Design (WSUD) to the stormwater flows that enter and leave the site, as well as those that are generated through impervious surfaces on the site.
- The Proponent will ensure that all proposed measures related to treatment or filtration of all stormwater will be designed and constructed in accordance to DECC guidelines. The proposed measures should include:
 - Details as to treatment measures of stormwater to water quality specifications as required by Council and DECC guidelines.
 - Details on how the stormwater quantity shall be ensured in regards to the satisfaction of pre or post conditions (i.e. downstream properties are not affected by any increased flows from the site).

Flood Levels

- The minimum floor level adopted for the site shall be 2.58m AHD.
- The entry / exit ramp level to the car park shall be 2.28m AHD.

Waste Management

A Waste Management Plan for the ongoing operation of the development shall be prepared prior to the issue of occupation certificate. In particular the following shall occur:

- Commercial waste storage bins and recycle sorting areas are to be provided in the basement of each building.
- Major tenancies to implement and manage their own waste management systems, equipment and collections.
- Tenants may nominate an appropriate size of mobile garbage bins for their particular use.
- Daily collection cycle is recommended for putrescibles waste generated but can be modified to suit the tenant's particular needs.
- A building caretaker to be employed to manage the waste management system for the development.

Vehicle Access

- Vehicular access to the site shall be provided via three separate driveways off Wright Lane.
- No vehicular access is to be provided via Honeysuckle Drive.

Car Parking

- Car parking for a minimum of 356 vehicles shall be provided within the buildings on site.
- Car parking layout and access shall be designed to comply with the relevant Australia Standards including AS2890.1 and AS2890.2.

Safety and Security

- The exterior spaces between the buildings at ground level shall be provided with suitable external lighting to provide a high level of security for tenants and the public.
- CCTV cameras shall be located at the building and car park entries to provide a high level of security and shall be connected to a 24 hour monitoring and recording regime.
- In order to prevent un-authorised access into the buildings, access to the car park shall be controlled by boom gate across entry / exits and access to the lifts shall be controlled by security swipe cards or the like.

ESD

- The development will commit to achieving the following green building rating targets:
 - 4.5 Star NABERS Energy
 - 5 Star Green Star.

Environmental and Construction Management

- Prior to any works commencing, a Construction Environmental Management Plan (CEMP) will be prepared and implemented to manage all environmental aspects associated with the construction. The CEMP will identify construction measures and practices to be established for the purposes of minimising potential construction impacts such as erosion and sediment transfer, construction traffic, noise and worker safety.

Acoustic and Vibration**Construction**

- Construction noise and vibration will be managed and controlled in accordance with the NSW DECC Draft Construction Noise Guideline August 2008.
- High level construction vibration activities such as, piling, heavy excavation, high compression compaction, or the like shall not be carried out within 20 metres of a sensitive receiver as defined in section 3.1.2 of the Industrial Noise Policy unless monitoring and control of the vibration levels is undertaken by an appropriately qualified consultant.

Façade Treatment

- To ensure that rail traffic noise levels will meet the internal noise level requirements of AS 2107, the façade of the building shall be appropriately designed and constructed so as to achieve the minimum façade sound attenuation of:
 - external walls $R_w + C_{tr} = 50$
 - windows $R_w + C_{tr} = 27$

Mechanical Services

- To avoid impacting on the amenity of the neighbouring residents once the project is completed, the maximum effective Sound Power Level of the total mechanical plant for each building, after the application of any necessary acoustic treatment, is not to be more than:
 - daytime Sound Power Level of mechanical plant not to exceed 82 dB(A) overall and not to exceed 80 dB in any Octave Band 125 to 4000 Hz.
 - evening Sound Power Level of mechanical plant not to exceed 79 dB(A) overall and not to exceed 75 dB in any Octave Band 125 to 4000 Hz.
 - daytime Sound Power Level of mechanical plant not to exceed 75 dB(A) overall and not to exceed 70 dB in any Octave Band 125 to 4000 Hz.

Utilities***Sewer***

- A sewer mains connection shall be provided to the development with sufficient capacity in accordance with Hunter Water requirements.

Gas

- A gas connection to the street mains shall be provided with sufficient capacity for potential backup of hot water systems and café / restaurant tenancies within the development.

Water

- A section 50 certificate shall be obtained from Hunter Water and a water mains connection provided to the development with sufficient capacity.

Electricity

- A connection to the existing high voltage cabling in the vicinity of the site shall be provided to the development in accordance with Energy Australia guidelines.
- Individual kiosk type substations shall be provided for each individual building to facilitate separate titles to be maintained within the site boundary.

Telecommunications

- The development shall be provided with connections from each building to the existing underground conduit and pit communications system provided as part of the original development of the Honeysuckle area.

Electrolysis

- Investigations shall be undertaken, and appropriate mitigative measures employed, to ensure that the effects of stray currents (electrolysis) on the development are eliminated, particularly in the locations where the basement car park is proposed to be constructed below the water table.

Provision of Public Services and Infrastructure

- A contribution shall be provided to Council as a contribution for infrastructure services under section 94A of the Environmental Planning and Assessment Act 1979 (as amended). This contribution is to be paid in stages throughout the development and construction process.

- The proponent shall fund the cost of any augmentation of any utility works required to service the site and that the proponent enter into further consultation with each provider.
- The proponent shall enter into a Voluntary Planning Agreement in relation to the provision of additional facilities and services required by various government agencies, where appropriate.

Heritage

The proponent undertakes to observe the following methodology during ground disturbance on the site:

- Prior to works commencing, a brief 'heritage induction' shall be undertaken in which an archaeologist informs all relevant contractors of the heritage values of the site, the proposed excavation methodology, and obligations under relevant legislation and consents.
- Ground disturbance shall be monitored by at least two qualified archaeologists (this number may be reduced to one as works proceed if the likelihood for relics to survive proves to be very low). The archaeologists will have authority to direct site works, as required, in order to undertake all necessary recording.
- If Aboriginal archaeological objects are exposed, works shall cease immediately and the local Aboriginal land council will be contacted. Aboriginal community consultation would be undertaken observing Department of Environment and Climate Change guidelines. Works would proceed in consultation with the local Aboriginal Land Council.
- If non-Aboriginal archaeological relics are exposed, they shall be investigated using a combination of machine excavation and manual excavation (pick, shovel, trowel etc)—the method to be determined by the archaeologists.
- The archaeologists shall monitor any machine work carefully and will make recommendations for tracks used, access and egress points etc, as appropriate.
- The depth of excavation (so far as archaeology is concerned) required across the site shall be determined by the excavation director, based on the nature of the subsurface profile.
- The need for detailed investigation and recording of specific deposits or features shall be determined by the excavation director throughout the course of the investigation to ensure that the important parts of the site are adequately investigated and recorded.
- The investigation shall continue until the archaeologists are satisfied that the research potential of the subsurface deposits has been realised and that the site has been adequately investigated and recorded, or that culturally sterile deposits have been encountered across the site.
- The entire investigation process shall be recorded photographically. Additional detailed site recording would be undertaken (measured drawings, context sheets etc) if and when archaeological deposits and features are encountered. Measured drawings of physical remains shall be made. The location of exposed structural relics shall be recorded by survey.
- Any artefacts that are recovered shall be provenanced according to their contexts. Artefacts shall be conserved (washed and bagged) and stored in an appropriate repository, observing specialist conservation requirements where appropriate (for

example, for leather or metal artefacts). Artefacts shall be logged in a database that reflects current best-practice archaeological data recording.

- A succinct report presenting the outcomes of the excavation shall be prepared within 12 months of the completion of the archaeological investigation. This report will include a description of the results of the investigation and the excavation methodology used, and will include a response to the research questions in Section 4.5 of the Honeysuckle Central—Heritage Impact Statement, December 2008.
- Works shall proceed in the vicinity of the rail turntable under the direction of the archaeologists. If the turntable proves to extend into the site, it would be appropriate to expose its extent by archaeological excavation. It would be comprehensively recorded observing archaeological best practice. An assessment of its heritage significance, based on the nature and extent of the surviving relics, would then be prepared, including recommendations with respect to its management (in-situ retention or removal, interpretation recommendations etc). Opportunities would be explored for its in-situ retention, guided by the results of the excavation. The assessment shall be prepared in consultation with the NSW Heritage Branch.

Staging

- Should an individual building be constructed on the site, landscaping of the overall development site shall be carried out to ensure disabled access is maintained throughout the developed site. Any remaining undeveloped lots shall be grass seeded to ensure visual amenity of the precinct is maintained.