

## SCHEDULE 1

### REASONS FOR CONDITIONS

- 1 The conditions of this consent have been imposed in accordance with Section 80A of the *Environmental Planning and Assessment Act 1979* (NSW). The conditions relate to any matter referred to in Section 79C(1) of relevance to the development the subject of the consent and are imposed to ensure that the development is undertaken in an orderly manner, with acceptable impacts on the natural and built environment.

### APPROVED DOCUMENTATION

- 2 The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

- a. Development plans prepared by Architectus,

Drawing No	Plan Title	Revision	Date
DA0001	Site Plan - Existing Survey (Car Park)	D	31.08.2011
DA0002	Site Plan - Existing Survey (Accommodation)	B	31.08.2011
DA0003	Site Plan - Site Analysis (Car Park)	E	31.08.2011
DA0005	Site Plan - Site Analysis (Accommodation)	D	31.08.2011
DA0015	Key Plan - (Car Park and Accommodation)	E	31.08.2011
DA0020	Site Plan - Ground Floor (Car Park)	G	31.08.2011
DA0022	Site Plan - Ground Floor (Accommodation)	L	09.02.2012
DA0023	Site Plan - Proposed First Floor (Accommodation)	D	31.08.2011
DA0024	Site Plan - Proposed Typical Floor (Accommodation)	D	31.08.2011
DA0025	Site Plan - Proposed Roof Plan (Accommodation)	C	31.08.2011
DA0030	Site Plan - Shadow Analysis (Car Park)	E	31.08.2011
DA0031	Site Plan - Shadow Analysis (Accommodation)	C	31.08.2011
DA0032	Site Plan - Shadow Analysis (Accommodation)	C	31.08.2011
DA1000	Floor Plans - Car Park Levels 1,	H	31.08.2011

	2, 3 and 4		
DA1001	Floor Plans - Car Park Levels 5, 6, 7 and 8	J	09.02.2012
DA1002	Floor Plans - Car Park Levels 9, 10 and Roof	H	31.08.2011
DA1020	Floor Plans - Accommodation Ground A, B, C & D	D	31.08.2011
DA1030	Floor Plans - Accommodation Typical T1, T2, T3 & T4	D	31.08.2011
DA1040	Floor Plans - Accommodation Roof Plans A, B, C & D	D	31.08.2011
DA1050	Floor Plan - Unit Types - Sheet 1	C	31.08.2011
DA1051	Floor Plan - Unit Types - Sheet 2	C	31.08.2011
DA2000	Elevations - Car Park	F	31.08.2011
DA2010	Elevations - Accommodation Sheet 01	D	31.08.2011
DA2011	Elevations - Accommodation Sheet 02	D	31.08.2011
DA3000	Sections - Car Park	E	31.08.2011
DA3010	Sections - Accommodation	H	31.08.2011
DA4000	Detailed Elevation and Section - Carpark	D	31.08.2011
DA4010	Detailed Elevations - Accommodation Type 1	C	31.08.2011
DA4011	Detailed Elevations - Accommodation Type 2-1	C	31.08.2011
DA4012	Detailed Elevations - Accommodation Type 2-2	C	31.08.2011
DA4013	Detailed Elevations - Accommodation Type 2-3	C	31.08.2011
DA4014	Detailed Elevations - Accommodation Type 3	C	31.08.2011
DA5000	Perspective Views (Car Park)	E	31.08.2011
DA5010	Perspective Views (Accommodation)	C	31.08.2011
DA5020	Visual Impact View 1 (Accommodation)	-	31.08.2011
DA5021	Visual Impact View 2 (Accommodation)	-	31.08.2011
DA5022	Visual Impact View 3 (Accommodation)	-	31.08.2011

DA6000	Area Plans and Schedule (Car Park)	F	31.08.2011
DA6001	Area Plans and Schedule - Building A (Accommodation)	B	31.08.2011
DA6002	Area Plans and Schedule - Building B (Accommodation)	B	31.08.2011
DA6003	Area Plans and Schedule - Building C (Accommodation)	B	31.08.2011
DA6004	Area Plans and Schedule - Building D (Accommodation)	B	31.08.2011
DA6005	Apartment Schedule	B	31.08.2011

b. Engineering plans prepared by GHD

<b>Drawing Title</b>	<b>Drawing No</b>	<b>Revision</b>	<b>Date</b>
Erosion and Sediment Control Plan sheet 1 of 2	22-15837-C001	B	31.08.2011
Erosion and Sediment Control Plan sheet 2 of 2	22-15837-C002	B	31.08.2011
Stormwater Layout sheet 1 of 2	22-15837-C003	C	23.02.2012
Stormwater Layout sheet 2 of 2	22-15837-C004	B	31.08.2011
Stormwater Layout sheet - (additional)	22-15837-C100	B	12.12.2011
Stormwater Layout (additional) Sheet 1 of 4	22-15837-C125	D	23.12.2011
Stormwater Layout (additional) Sheet 2 of 4	22-15837-C126	D	23.12.2011
Stormwater Layout (additional) Sheet 3 of 4	22-15837-C127	C	12.12.2011
Stormwater Layout (additional) Sheet 4 of 4	22-15837-C128	B	12.12.2011

Electrical and Communications sheer 1 of 2	22-15837-E001	B	31.08.2011
Electrical and Communications sheer 2 of 2	22-15837-E002	B	31.08.2011
Hydraulic, Sanitary, Gas sheet 1 of 3	22-15837-H001	C	31.08.2011
Hydraulic, Sanitary, Gas sheet 2 of 3	22-15837-H002	C	31.08.2011
Hydraulic, Sanitary, Gas sheet 3 of 3	22-15837-H003	C	31.08.2011
Hydraulic Fire and Water Supply sheet 1 of 3	22-15837-H004	C	31.08.2011
Hydraulic Fire and Water Supply sheet 2 of 3	22-15837-H005	C	31.08.2011
Hydraulic Fire and Water Supply sheet 3 of 3	22-15837-H006	C	31.08.2011

- c. Landscape design statement prepared by Sue Barnsley dated 30.08.2011 and associated plans:

Project No	Drawing No	Revision	Date
-	DA00	B	31.08.2011
-	DA01	D	30.09.2011
-	DA02	C	31.08.2011
-	DA03	C	31.08.2011
-	DA04	C	31.08.2011
-	DA05	C	31.08.2011
-	DA06	D	31.08.2011
-	DA07	D	31.08.2011
-	DA08	B	31.08.2011

- d. Acoustic Assessment prepared by Acoustic Consulting Engineers reference 110152-02L-DD Rev 02 dated 30<sup>th</sup> August 2011
- e. Waste Management Plan prepared by Architectus dated 22<sup>nd</sup> August 2011
- f. SEPP 65 Assessment prepared by Architectus Rev 04 dated 31.08.2011
- g. Peer Review of Student Accommodation prepared by GHD ref 22/15724/95552 dated 1<sup>st</sup> September 2011

- h. ESD Strategy Report prepared by Steensen and Varming rev 04 dated 01.09.2011
- i. Energy Efficiency Report prepared by Steensen and Varming rev 04 dated 01.09.2011
- j. Strategy for the Provision of Access for People with Disabilities prepared by Access Associates Sydney dated August 2011
- k. Feasibility Study – Services Infrastructure prepared by AECOM reference 101201 rev 05 dated 01.12.2010
- l. Services Infrastructure and Site Engineering Report prepared by GHD reference 22/15837/95346 dated 31.08.2011
- m. Stormwater Masterplan prepared by AECOM reference 60187987 dated 04.07.2011
- n. Stormwater Management Plan prepared by GHD Dated December 2011
- o. Crime Risk Assessment – Accommodation prepared by AECOM reference 60187987 rev B dated 18<sup>th</sup> August 2011
- p. Crime Risk Assessment – Multi Deck Car Park prepared by AECOM reference 60187987 rev B dated 18<sup>th</sup> August 2011
- q. Vegetation Management Plan prepared by Ecobiological ref 220-867 dated August 2011
- r. BCA Report prepared by Brian Banning / Justin Jones-Gardiner ref 251494 dated 30 August 2011
- s. Operational Waste Management Plan prepared by the University of Newcastle Rev A dated 30.08.2011.
- t. Hollow Tree Survey prepared by Ecobiological dated 19.08.2011
- u. Ecological Constraints Assessment – Multi storey Car park prepared by Ecobiological ref 220-813 dated April 2011.
- v. Ecological Constraints Assessment – Accommodation prepared by Ecobiological ref 220-750 dated October 2010.
- w. Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees ref Newcastle Uni\_aia and ms dated 31.08.2011

- x. Bushfire Protection Assessment prepared by Travers bushfire and Ecology, reference A11059 dated August 2011.
- y. Traffic and Parking Assessment prepared by Better Transport Futures dated 22.11.2011 reference P0728B DA Student Accommodation rev 03.
- z. Geotechnical and Environmental Assessment prepared by Coffey Geotechnics reference GEOTWARA21441AC-AC (Car Park) dated 15.06.2011.
- aa. Geotechnical and Environmental Assessment prepared by Coffey Geotechnics reference GEOTWARA21441AB-AC (Accommodation) dated 25.05.2011.
- bb. Flood Study prepared by Parsons Brinckerhoff ref 2118905A-PR\_0913 dated Dec 2008
- cc. Student Accommodation Building Design Report prepared by Architectus dated February 2012
- dd. Student Accommodation Background and Design Report prepared by Architectus dated January 2012
- ee. Social Impact Comment prepared by the University of Newcastle dated 01.11.2011
- ff. Statement of Environmental Effects prepared by De Witt Consulting dated September 2011.
- gg. Letter from John McGloughlin of the University of Newcastle regarding a commitment to undertaking long term traffic surveying, monitoring and management plans dated 16.01.2012
- hh. Email from John McGloughlin of the University of Newcastle regarding revisions to the landscape plan associated with the multi-deck car park dated 13.02.2012
- ii. Email from Edward Highton of the University of Newcastle regarding revisions to the semi-mature and tube stock tree planting numbers dated 16.02.2012

**Note:** Any proposal to modify the terms or conditions of this consent whilst still maintaining substantially the same development to that approved, will require the submission of a formal application for Council's consideration in accordance with the provisions of Section 96 of the Environmental Planning and Assessment Act, 1979.

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

- 3 The building is to be provided with adequate means of access for persons with disabilities in order to comply with the Building Code of Australia and the *Disability Discrimination Act 1992*.

In this regard, the applicant is to submit a design detail which has been certified by a qualified Access Advisor\* with the documentation for the certification of the proposed development by, or on behalf of the Crown.

Note: i) Compliance with the Building Code of Australia only can still leave a building professional or building owner in contravention of the *Disability Discrimination Act 1992*.

- ii) \* A qualified Access Advisor is a current member of -  
Association of Consultants in Access Aust Inc  
326 Autumn Street, HERNE HILL, VIC. 3218.  
Ph (03) 5221 2820  
[www.access.asn.au](http://www.access.asn.au)

- iii) A qualified Access Advisor should carry current and relevant public liability and public indemnity insurances for the practice of their trade.

- 4 On-site parking accommodation is to be provided for a minimum of 428 cars and 20 motorcycles and such be set out generally in accordance with the minimum parking layout standards indicated in Element 4.1 'Parking and Access' of Council's adopted Newcastle Development Control Plan 2005. Full details are to be included in the documentation for the certification of the proposed development by, or on behalf of the Crown.
- 5 Car parking areas are 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 the documentation for the certification of the proposed development by, or on behalf of the Crown.
- 6 All proposed driveways, parking bays, loading bays and vehicular turning areas are to be 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. Full details are to be included in the documentation for the certification of the proposed development by, or on behalf of the Crown.

- 7 All stormwater runoff from the proposed development being managed in accordance with the requirements of Element 4.5 'Water Management' of Newcastle Development Control Plan 2005, the associated Technical Manual and the latest issue of AS3500.3 as applicable, as indicated on the approved stormwater management plan. The stormwater plan shall include details of the detention and sand filter chambers in addition to the reuse rainwater tanks. Full details are to be included in the documentation for the certification of the proposed development by, or on behalf of the Crown.
- 8 All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls, full details are to be included in the documentation for the certification of the proposed development by, or on behalf of the Crown.
- 9 The floor level of all proposed buildings or building additions is to be not below RL13.30 Australian Height Datum and being indicated on plans for the certification by, or on behalf of the Crown. The finished floor levels are to be certified by a Registered Surveyor prior to the placement of the floor material and a copy of the Surveyor's Certificate is to be forwarded to Council.
- 10 The proposed development is not to increase upstream or downstream flooding for floods over a range of storms from 1:1 to 1:100 year events. This is to be verified by the provision of stormwater control details included in documentation for the certification of the proposed development by, or on behalf of the Crown.
- 11 The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's certificate of compliance is to be included in documentation for the certification of the proposed development by, or on behalf of the Crown.
- 12 All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required under the conditions of this consent are required to be detailed on a comprehensive landscape design plan and specification. The required comprehensive landscape design plan and specifications is to be in accordance with the provisions of Newcastle Development Control Plan 2009 and is to include details of the following:
  - 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
  - treatment of external surfaces and retaining walls where proposed



- drainage, location of taps
- appropriate maintenance periods.

The plan is to be prepared by a qualified landscape designer and be included in documentation for the certification of the proposed development by, or on behalf of the Crown.

- 13 All existing trees and vegetated areas outside the boundaries of the proposed development are to be preserved where practicable and all such trees and vegetation being indicated on the required comprehensive landscape design plan and being adequately protected against damage during the building construction period. Full details are to be included in the documentation for the certification of the proposed development by, or on behalf of the Crown.
- 14 Any required clothes drying lines are to be screened. Full details are to be included in the documentation for the certification of the proposed development by, or on behalf of the Crown.
- 15 A mail handling scheme be prepared for the accommodation buildings. The Scheme shall detail the receipt, sorting and distribution of mail for the purposes of the accommodation buildings in consultation with Australia Post. Full details are to be included in the documentation for the certification of the proposed development by, or on behalf of the Crown.
- 16 The proposed floodlighting 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 4282:1997 - Control of the obtrusive effects of outdoor lighting. Full details are to be included in the documentation for the certification of the proposed development by, or on behalf of the Crown.
- 17 Prior to the commencement of any works a Construction Environmental Management Plan (CEMP) is to be developed and made available, upon request, to officers of the Council detailing all procedures and designs and being implemented to manage all environmental aspects associated with the construction including off-site impacts such as transport to and from the site.

The CEMP should include but not be limited to

- a) A site management program, identifying and addressing issues such as health and safety and site security.
- b) A Water Management Strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.

- c) A dust management program, detailing procedures to minimise dust generation with particular reference to control techniques and operational limits under adverse meteorological conditions. This program should be cross-referenced with the Water Management Strategy.
  - d) A waste minimisation strategy, which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
  - e) A traffic management strategy detailing routes for hauling of fill material including methods for avoiding vegetated areas and watercourses.
  - f) An “Unexpected Finds” section to deal with suspicious material including metal plastic chemicals containers, stained or odorous soils, fibrous material or brightly coloured material
- 18 Appropriate traffic management devices are to be provided on roads and pedestrian accesses functioning as shareways to manage pedestrian and vehicle activity. Full details are to be included in the documentation for the certification of the proposed development by, or on behalf of the Crown.
- 19 Adequate facilities are to be provided in a screened location for the storage of garbage and arrangements being made for regular removal and disposal of same. The required garbage facility is to be suitable for the accommodation of wheel type bins. Full details are to be included in the documentation for the certification of the proposed development by, or on behalf of the Crown.
- 20 Prior to commencement of site works the developer preparing a Construction Traffic Management Plan addressing traffic control measures to be utilised during the construction. Full details are to be included in the documentation for the certification of the proposed development by, or on behalf of the Crown.
- The Construction Traffic Management Plan is to be prepared by an accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3 – 2002. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.
- 21 The disabled, small and motor cycle parking bays being clearly indicated by means of signs and/or pavement markings. Full details are to be included in the documentation for the certification of the proposed development by, or on behalf of the Crown.
- 22 All external ramps and pathways required to be accessible for persons with disabilities being designed and constructed in accordance with AS.1428 – Design for Access and Mobility. Full details are to be included in the documentation for the certification of the proposed development by, or on behalf of the Crown.

- 23 The design and construction of the area identified as 'Coffee' on the ground floor of Building A on plan drawing DA1020 rev D 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 certification of the proposed development by, or on behalf of the Crown.
- 24 Prior to the commencement of works a nest box program shall be prepared and submitted to Council. The nest box program shall include the number of nest boxes proposed for installation, location of nest boxes and monitoring of nest boxes to be undertaken by the proponent. The installation, on-going maintenance and inspection of nest boxes being at the proponent's expense and at no cost to Council.

**CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE**

- 25 The development being carried out in accordance with the *Guidelines for Fauna Surveying Pre and Post Clearing Works* endorsed by the Department of Environment, Climate Change and Water (DECCW).
- 26 All nest boxes being maintained and monitored over a period of three (3) years by the proponent. Monitoring reports are to be prepared by a suitably qualified ecologist and submitted to Council on a 6-monthly basis for review and are to detail as a minimum:
  - a) Location of nesting boxes;
  - b) Utilisation by native animals;
  - c) Infestation by feral animals; and
  - d) Condition of box and any maintenance undertaken
- 27 At the completion of the three (3) year maintenance/monitoring period of the nesting boxes, a comprehensive ongoing management plan being submitted to Council. The ongoing nesting box management plan is to include, but not be limited to methodologies for ongoing maintenance and appropriate methods for monitoring. The management plan is to also have regard to continued ownership and maintenance obligations.
- 28 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).

- 29 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 wind blown rubbish leaving the site.
- 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).

- 30 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:

- a) showing the name, address and telephone number of the principal certifying authority for the work, and
- b) 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
- c) 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.

- 31 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 32 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.
- 33 Any fill material to be imported onto the site being validated to ensure it is suitable for the proposed land use from a contamination perspective. Imported fill should be documented and the applicant should be able to certify that the material is not contaminated based upon analysis or the known past history of the site where the material was obtained.

- 34 Any excavated material to be removed from the site being assessed, classified, transported and disposed of in accordance with the Environment Protection Authority's guidelines: Assessment, Classification and Management of Liquid and Non-liquid Wastes.
- 35 Any fill material to be imported onto the site being validated to ensure it is suitable for the proposed land use from a contamination perspective. Imported fill should be documented and the applicant should be able to certify that the material is not contaminated based upon analysis or the known past history of the site where the material was obtained.
- 36 If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided and adequate provision must be made for drainage.
- 37 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.
- 38 Any proposed work within the public road reserve, including driveway works, reinstatement of a kerb or installation of drainage, is to be the subject of the separate approval of Council prior to commencement.

Note: A separate approval from Council must be obtained for all works within the public road reserve pursuant to Section 138 of the *Roads Act 1993* (NSW). For further information contact Council's Works Depot on 4974 6000 to request a Road Opening Approval. A fee will be payable in this regard.

- 39 All parking bays are to be permanently marked out on the pavement surface.
- 40 The vehicular entrance and exit driveways and the direction of traffic movement within the site are to be clearly indicated by means of reflectorised signs and pavement markings.
- 41 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;
  - Saturday, 8:00 am to 1:00 pm;

No noise from construction/demolition work is to be generated on Sundays or Public Holidays.

- 42 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.

- 43 Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:
- a) Control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins.
  - b) Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover. Erosion and sediment control measures are to be designed in accordance with the requirements of the Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> Edition – Vol. 1 (the 'Blue Book') published by Landcom, 2004.
- 44 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).
- 45 All demolition and site preparation works to be carried out for the approved development shall be undertaken in accordance with the consent granted to development application 2011/1063.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE, A SUBDIVISION CERTIFICATE OR A STRATA CERTIFICATE**

- 46 Prior to the occupation of the development, the food business must notify the relevant enforcement agencies, under the *Food Act 2003* (NSW) and (for licensed food businesses) under the *Food Regulation 2010* (NSW). Notification is to be provided to Council and the NSW Food Authority.

Note: To arrange notification of the food business with Council go to [www.newcastle.gov.au](http://www.newcastle.gov.au) and download a copy of the 'Council Food Business Notification Form' or contact Council's Environmental Health Services on (02) 4974 2525. To notify with the NSW Food Authority go to [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) and follow the instructions.

- 47 Any excavated material to be removed from the site being assessed, classified transported and disposed of in accordance with the Environment Protection Authority's guidelines: Assessment, Classification and Management of Liquid and Non-liquid Wastes.
- 48 All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to occupation of the development. Should there be any changes to the specifications of the buildings 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 Council within fourteen days of receipt.
- 49 All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council's satisfaction prior to the completion of demolition work or prior to the occupation of the development.
- 50 A copy of the stormwater drainage design plans with 'work as executed' levels indicated, shall be submitted to Newcastle City Council prior to the occupation of the development. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
- 51 The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to the occupation of the development.
- 52 A Landscape Practical Completion Report is to be submitted to Council prior to the occupation of the development. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for certification of building works by or on behalf of the Crown and is to verify that an effective maintenance program has been commenced.
- 53 Appropriate lighting being provided for the multi level car park, parking areas and pedestrian pathways in accordance with AS 1158 - Lighting and AS 4282 - Control of the Obtrusive Effects of Outdoor Lighting, such being installed prior to the occupation of the premises, the subject of this application.

#### **CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT**

- 54 The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.

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

Should Council consider offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustical consultant recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant confirming the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council prior to the expiration of the nominated period.

- 56 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.
- 57 Any liquid wastes from the premises, other than stormwater are to be either discharged to the sewers of the Hunter Water Corporation in accordance with an approved Trade Waste Agreement or collected and disposed of by a licensed waste transport contractor in accordance with the Department of Environment and Climate Change 'Waste Classification Guidelines Part 1: Classifying Waste'.

#### **ADVISORY MATTERS**

- 58 The proposed development is to comply with the General Terms of Approval of the NSW Rural Fire Service dated 4<sup>th</sup> November 2011 as attached to this schedule. Full details are to be included in the documentation for the certification of the proposed development by, or on behalf of the Crown.
- 59 The proposed development is to comply with the General Terms of Approval of the NSW Office of Water dated 22<sup>nd</sup> November 2011 as attached to this schedule. Full details are to be included in the documentation for the certification of the proposed development by, or on behalf of the Crown.
- 60 Retaining walls not clearly noted on the approved plans or outside of the parameters of 'exempt development' as specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (NSW) are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to the retaining wall taking place.



- 61 Any proposed business identification sign or advertising sign associated with the 'Common Areas' should be designed in accordance with the provisions of Newcastle Development Control Plan 2011 and be the subject of a separate Development Application approved prior to erection or placement in position.
- 62 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.
- 63 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.
- 64 A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- 65 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.
- 66 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.

**Fire Safety Schedule**

nil