

APPENDIX F – Draft Conditions of Consent (should the JRPP approve the application)

A GENERAL CONDITIONS

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. 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.

Title/Document	Author	Reference	Date
Statement of Environmental Effects	JBA Planning	11339	13/02/2012
Detailed Cost Report	Aquenta Consulting		13/01/2012
Draft Plan of Subdivision	Peter William Thomson	F2010/02583	30/11/2010
Report on Geotechnical Investigation	Douglas Partners	49799-3	Feb 2012
Phase 1 and 2 Environmental Site Assessment	RCA Consulting	8336-301/0	Feb 2011
Heritage Impact Statement	Godden Mackay Logan	11-0236	Feb 2012
Potential Historical & Aboriginal Archaeological Report	Godden Mackay Logan	11/0236mdc1	10/10/11
Results of Service Locations	Chris Bates & Associates Pty Ltd		10/02/2011
DA Submission Design Statement – Lighting	WSP Lincolne Scott	SYD1114500	15/11/2011 15/12/2011
Fire Engineering Statement	WSP Lincolne Scott		16/01/2012
Compliance with Environmental Planning Instruments	JBA Planning		
Traffic and Parking Report Newcastle Courthouse	Taylor Thompson Whitting	111329 UT	10/02/2012
Statement Addressing the Provision of Car Parking	NSW Department of Attorney General and Justice	File No. 10/0004969	2/02/2012
Flood Statement for Newcastle Courthouse	Taylor Thompson Whitting	111329P	20/01/2012
Noise Impact Assessment	AECOM	60223569.Re p.01.Acou.04	10/02/2012
Accessibility Review	Morris-Goding Accessibility Consulting	Final V2	6/02/2012
Structural Report	Taylor Thomson Whitting	11329	7/02/2012
Erosion and Sediment Control Plan	Taylor Thomson Whitting	11329 SK01 Rev P219/01/2012	

Title/Document	Author	Reference	Date
Design Response to Third Review with Urban Design Consultative Group	JBA Planning		9/03/2012
Correspondence	JBA Planning	11339	9/05/2012
Revised Architectural Plans and 3d Drawings	Cox Richardson		
	Title Sheet	A-DA-000 – Rev F	04/05/2012
	Site and Location Plan	A-DA-100 – Rev F	
	Shadow Diagrams	A-DA-110 – Rev D	07/02/2012
	Ground Floor Plan	A-DA-200 – Rev F	04/05/2012
	Level 1 & 2 Floor Plans	A-DA-201 – Rev F	
	Level 3 & 4 Floor Plans	A-DA-202 – Rev F	
	Level 5 & 6 Floor Plans	A-DA-203 – Rev F	
	Roof and Basement Plans	A-DA-204 – Rev F	
	Elevations Sheet 1	A-DA-300 – Rev F	
	Elevations Sheet 2	A-DA-301 – Rev F	
	Sections	A-DA-310 – Rev F	
Landscape Response Landscape Plans Turf Design Studio	Landscape Plan	SK-01 – Rev A	08/05/2011
	Forecourt Entry Plan	SK-02 – Rev A	
	Burwood St Closure Plan	SK-03 – Rev A	
	Landscape Section	SK-04 – Rev A	
	Landscape Section	SK-05 – Rev A	
	Planting Schedule	SK-06 – Rev A	
	Materials	SK-07 – Rev A	
Independent Traffic Review of Proposed Newcastle Courthouse Project – Technical Review	Better Transport Futures Mark Waugh Pty Ltd	P0928B Final Rev 03	08/05/2012
12.5m Truck Clarendon Hotel Entry-3 Point Turn	Cox Richardson	A-DA-200 Rev B	12/01/2012
12.5m Truck Clarendon Hotel Exit		A-DA-200 Rev B	12/01/2012
Ramp Site Plan and Section		11229 SKC04 Rev P1	04/05/2012
Revised Stormwater Concept Plan	Taylor Thompson Whitting	111329 SKC02 Rev P6	01/05/12
Correspondence – Response re: Rail Noise	AECOM		27/04/2012
Mark Ups of Draft Landscaping Conditions	JBA Planning		
Hunter Street Path Widening	Taylor Thompson Whitting	111329 SKC03 Rev P1	30/03/2012

Title/Document	Author	Reference	Date
Correspondence	JBA Planning	11339	9/07/2012
Independent Traffic Review of the Proposed Newcastle Courthouse Project – Summary of Newcastle Courthouse Survey Data	Better Transport Futures Mark Waugh Pty Ltd	P0932B-02	06/07/2012
Independent Traffic Review of the Proposed Newcastle Courthouse Project – Summary of Newcastle Courthouse Survey Data	Better Transport Futures Mark Waugh Pty Ltd	P0932B-03	06/07/2012
Independent Traffic Review of the Proposed Newcastle Courthouse Project – Results of Parking Demand Surveys	Better Transport Futures Mark Waugh Pty Ltd	P0928B-01	31/05/2012
Burwood Street Awning Sketches	Cox Richardson	No ref	Undated Received 17/07/2012

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.

The final construction drawings and construction documentation/specifications must incorporate the recommendations set out in all of the above listed reports. Prior to construction commencing, written final certification from the author/consultant that prepared each of the reports (or alternatively another appropriately qualified and experienced consultant) is required, confirming the recommendations/measures have been implemented in the final construction design accordance with the requirements of the reports.

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

3 Development Consent DA-2011/1531

Prior to works commencing a Compliance Certificate confirming the development approved by Development Consent DA-2011/1531 for 'mines grouting works, temporary fencing and graded car park removal' has been completed must be obtained and a copy forwarded to Council.

4 Consistency with DP1169149

The final construction plans must reflect the site boundaries of proposed Lots 41, 42 and 44 in DP1169149 and written confirmation that the plans are in compliance with all restrictions and easement of the subdivision is required to be provided to Council prior to works commencing.

5 Roads Act 1993 and Bus Stop Relocation

Prior to works commencing (and ideally well prior to the preparation of construction plans), consultation with and written approval from the Newcastle City Council's Traffic Committee, the NSW Department of Transport (Roads and Maritime Services) and Hunter Buses is required with respect to the works within Hunter Street road reserve, including the proposed drop-off zone, relocation of bus stop, on-street parking amendments and the 7 motorcycle parking and associated signage. Separate approval from Council and/or RMS as appropriate must be obtained for all structures/improvements within the public road reserve pursuant to Section 138 of the Roads Act 1993.

6 Works to be completed – brick drain relocation

Written confirmation from Council OR a Compliance Certificate to be provided to Council from an accredited certifier confirming prior to construction commencing that all works and requirements of the Statement of Commitments, including brick drainage pipe relocation, (Part 6 of Review of Environmental Factors, prepared by SG Consulting dated 9 February 2011) have been completed.

7 Railcorp

Prior to work commencing appropriately qualified and experienced consultants must prepare:

- a report indicating how the development will satisfy the requirements of the (then) Department of Planning's "Development Near Railway Corridors and Busy Roads – Interim Guidelines"; and
- an electrolysis risk assessment to inform the preparation of construction drawings and the incorporation of any appropriate risk minimisation measures into the design (if required).

Each report must also include a statement confirming that any recommendations/measures have been implemented in the final construction design accordance with the requirements of the reports if required.

8 Waste Management Strategy

Prior to work commencing, a waste management strategy for the operational phase of the building is required and shall be implemented upon completion and operation of the development. All waste containers are to be stored within the boundaries of the site and not permitted to remain on the public road reserve.

9 ESD

Prior to work commencing certification is required from an appropriately qualified and experienced consultant demonstrating that the building will achieve a 4 star rating under the Australian Building Greenhouse Rating Scheme.

10 Final Awning Plans

The final construction plans are to indicate a solid weather protection awning along the full frontage of the site including Hunter Street (as shown on plans identified on this development consent) and Burwood Street (as per sketch prepared by Cox Richardson Architects, undated). The proposed awning is to be a minimum depth of 2 m from the façade of the building and be designed in a manner that is consistent with Element 4.8 'Street Awnings and Balconies' of the Newcastle Development Control Plan 2005. Copies of the plans are to be provided to Council for information prior to work commencing.

Note: The Applicant must take all reasonable steps to deter pigeons from roosting or nesting in, on or under the awning.

11 Final Landscape Plans

Detailed Landscape plans and specifications undertaken by a qualified Landscape Architect, (as required under Newcastle Development Control Plan 2005), are to be submitted to Councils Landscape Architect for information prior to commencement of construction. These documents shall include details on planting method, installation of structural soil vaults, and the proposed maintenance/establishment program. The proposed landscape treatment shall be amended to include the following (Landscape Plan prepared by TURF Landscape Architects dated 8 May 2012):

- a) The final tree species to be planted, shall be decided in consultation with Council's Landscape Architect. These shall include *Nyssa Sylvatica* (Black Tupelo) along Burwood Street frontages of the proposed Newcastle Court development
- b) A total of twenty seven (27) street trees are to be planted, seven (7) on Hunter Street and twenty (20) on Burwood Street.
- c) All street trees are to be size index 330 - 427 at pot size 400L.
- d) All street trees are to comply with the NATSPEC criteria, especially with regard to tree balance, root and stem structure. Written evidence of compliance to NATSPEC to be submitted to Council prior to delivery to site. This may be in the form of a report and or checklist and should include photos.
- e) Written evidence from the plan supplier confirming the correct variety is to be submitted to Council prior to delivery to site.
- f) Trees are to be installed in gap-graded (structural) soil vaults. Vaults are to be the full extent of the pathway where planting occurs and as wide as possible within the footpath, subject to service locations within the planting zone. Gap-graded soil to be provided to allow adequate rooting volume for the required trees. The Burwood Street end which adjoins Hunter Street shall be designed as one large structural vault if possible, subject to existing service locations within the calculations based on the following formula: $CP \times 0.6m^3$ where CP = the crown projection (m^2) of a mature tree ($3.14 \times r^2$)
- g) Trees are to be installed in gap-graded (structural) soil vaults.
- h) Details of the tree vaults will require the technical experience and sign off of a qualified Arboriculturist.
- i) Tree planting pits are to be irrigated.
- j) Any street awnings are to be half width, to ensure maximum available room for street tree planting.
- k) Permeable paving to be installed to the base of each tree, dimensions 1800mm L x 1200mm W and shall include a sturdy steel tree guard.
- l) Trees are to be maintained for a period of 104 weeks.
- m) Bike racks to be Stainless Helix style as per Councils standards.
- n) Seating shall be Stainless Steel Frame and Australian hardwood timber slats with backrest as per Councils standards.
- o) Water access points with bubblers are to be provided for the amenity of the public within Hunter and Burwood Streets.
- p) Waste receptacle bins are to be installed as per Councils standards.
- q) All materials and finishes, including furniture items to comply with the Hunter Street Technical Manual.
- r) A safe and accessible pedestrian access to Wheeler Place is to be provided from Burwood Street that does not conflict with vehicular movement.
- s) All paving to Hunter St to be Bluestone unit paver (size: 600x450, sample to be provided).
- t) All footpath paving in Burwood St to be unit paving (size: 600x450 & 400x200, colour: to be confirmed).
- u) Install permeable paving to car parking bays in Burwood St.
- v) All permeable paving to be Eco trihex interlocking pavers (Supplier: Adbri, colour: Charcoal)
Bike racks to be changed to Hoop Bike Rack (Supplier: Town & Park, stainless steel)
Provide details of all tree species, and review tree spacing in Burwood St Closure.
Gravel pavement should be removed from design.

12 Heritage

12.1 Prior to work commencing, an interpretation plan (with sufficient details for specifications for construction and fabrication) must be submitted to Council's Heritage Officer for review and

written approval. The interpretation plan should focus on historical stories of the site throughout the public domain and landscaping of the proposed building.

12.2 Prior to works commencing (and ideally well prior to the preparation of construction plans) an Exception for the need for an Excavation Permit (Type 1C) pursuant to Section 139(4) of the *Heritage Act 1977* will be required to be sought and obtained from the NSW Heritage Office.

12.3 Once the Exception for the need for an Excavation Permit is granted, an archaeologist must be retained on call to provide archaeological advice and attend the site as required. The areas where potential archaeological relics are most likely are located in Figure 6.1 of the Heritage Impact Statement (Godden Mackay Logan dated February 2012). The archaeologist should be given adequate notice of when works are likely to extend into these areas, to assist with project planning. In the event that remains are discovered and recorded on the site, a report presenting the results of the archaeological site works should be prepared following completion of works and submitted to the Heritage Branch. In the event that any unexpected significant historical archaeological works are discovered during the site works, works should cease in the affected area under Section 146 of the Heritage Act. The Heritage Branch should be notified and further assessment or approval may be required before works could recommence in the affected area.

13 Acid Sulfate Soils

Prior to construction commencing, confirmation of the depth of excavation work is required. In the event that excavation exceeding 2m is required, an Acid Sulfate Soils Management Plan (ASSMP) in accordance with the Acid Sulfate Soils Manual must be prepared by an appropriately qualified geotechnical consultant. The recommendations of the ASSMP must be undertaken during excavation works. (Clause 51 NCCLEP 2009).

14 Number/layout car spaces

Parking accommodation is to be provided on site for a minimum of 25 vehicles and such be set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle DCP 2012. Full details are to be included in construction documentation prior to construction commencing.

15 Car park design

The car park is to be designed to comply with AS/NZS 2890.1:2004: Parking facilities – Off-street car parking and AS/NZS 2890.6:2009: Parking facilities – Off-street parking for people with disabilities. Full details are to be included in construction documentation prior to construction commencing.

16 Loading bay required

Loading bays with capacity to accommodate the largest delivery vehicles likely to deliver goods to or from the premises **and for the adjoining hotel site**, is to be provided. Full details are to be included in construction documentation prior to construction commencing.

17 Tank overflow – street gutter

Overflows from the roof water tank and any additional discharge controls (if required) are to be directed to Council's drainage system by means of an interallotment drainage line or underground pipe directly to the street gutter. Full details are to be included in construction documentation prior to construction commencing.

18 Drainage – concept plan

All stormwater runoff from the proposed development must be managed in accordance with the requirements of Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012 including the water quality targets, discharge control volumes and discharge control rates, generally as indicated on the stormwater management concept plan prepared by Taylor Thomson Whitting Consulting Engineers (Drg. No. SKC02 , dated 1/5/12 revision P6). Full details are to be included in construction documentation prior to construction commencing.

19 Drainage – impervious surfaces

All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls, Full details are to be provided in construction documentation prior to construction commencing.

20 Minimum floor level – flooding

The floor level of all proposed buildings is to be not below **3.82m** Australian Height Datum and be indicated on the construction documentation. 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.

21 Flood resistant construction

The whole of the proposed structure below known flood level (i.e. reduced level **3.6m** Australian Height Datum) is to be constructed in materials and finishes that are resistant to damage from floodwaters/tidal waters. Any new machinery or equipment, electrical circuitry or fitting, storage unit or similar items likely to be damaged by floodwaters/tidal waters is to be installed above the said height or alternatively must be of materials and functional capability resistant to the effects of floodwaters/tidal waters. Full details are to be included in construction documentation prior to construction commencing.

22 Flood emergency response plan

An appropriate flood emergency response plan is to be prepared by independent consulting engineers, experienced in flood management and put in place by the applicant prior to occupation of this site for the intended use. Such plan is to be effectively updated and maintained by the occupiers; to include an education and awareness component for the workforce and detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan (where appropriate) and to include provisions for any third parties likely to be involved.

A flood emergency response plan is to describe the following components:

- a) Likely flood behaviour
- b) Flood warning systems
- c) Education awareness program
- d) Evacuation and evasion procedures
- e) Evacuation routes and flood refuges
- f) Flood preparedness and awareness procedures for residents and visitors

Consideration should include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. As much as possible, the plan is to be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources. Full details are to be included in construction documentation prior to construction commencing.

23 Hunter Water Corp requirements

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 obtained by the developer prior to construction commencing.

24 Building over HWC infrastructure

The applicant is to comply with the requirements of the Hunter Water Corporation in respect of any building or structure proposed to be erected over any services or drain under the Corporation's control. Details addressing any requirements of the Hunter Water Corporation are to be obtained by the developer and included in construction documentation prior to construction commencing.

25 Garbage – commercial/industrial

Adequate facilities are to be provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements being made for regular removal and disposal of same. The required garbage facility is to be suitable for the accommodation of Council approved wheel type bins or bulk waste containers. Full details are to be included in construction documentation prior to construction commencing.

26 Sediment control – details

Erosion and sediment control measures are to be implemented prior to the commencement of works and being maintained during the period of construction in accordance with the details set out on an Erosion and Sediment Control Plan that is to be prepared prior to commencement of construction. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

27 Dilapidation report

A dilapidation report prepared by a suitability qualified person shall be submitted to Council prior to commencement of works. The dilapidation report shall document and photograph the current structural condition of the adjoining buildings (or any other buildings considered to be at risk of property damage from site works as determined by said consultant), infrastructure and roads.

28 Environmental Management Plan

Prior to commencement of works the proponent is to finalise and submit to the Council the Environmental Management Plan (EMP) for construction/demolition works on the site. The plan is to be kept on site and be made available to authorised Council officers upon request. The EMP should include but not be limited to:

- a) A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
- 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 strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions.

- d) A noise and vibration management program, detailing measures to minimise the impact of the development on local amenity. Provision for noise and vibration monitoring during works should be incorporated into the program.
- e) A soil management strategy, detailing measures to be implemented to manage the identification and control and disposal of any acid sulphate soils or soil contamination identified during site works.
- f) A waste minimisation strategy, which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.

29 Need for hoarding

If construction / demolition work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

30 Application for hoarding

An application is to be made to and approved by Council for the erection of a hoarding or part closure of the footway prior to construction being commenced. Such overhead structure or protective fence shall comply with the Occupational Health and Safety Act 2000, Occupational Health and Safety Regulation 2001 and any relevant approved industry code of practice. Notice of intention of commencement must be given to WorkCover New South Wales.

31 Work site lighting

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

32 Site signage

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) 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.

33 Work to comply with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

34 Safe excavation and backfilling

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.

35 Excavation below adjoining footings

If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

The above requirements does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the requirements not applying.

36 Materials to be stored on site

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.

37 Electricity substation – provision

Provision is to be made on the site for the installation of a 'kiosk' type electricity substation should such be required by the electricity authority and any such 'kiosk' being located in accordance with that authority's requirements.

38 WorkCover requirements – compliance

The proposed development is to comply with all requirements of the WorkCover Authority of NSW.

39 Construction/demolition noise

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.

40 Removing excavated material

Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) *'Waste Classification Guidelines Part 1: Classifying Waste'*.

41 Fill – quality

Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Exemption that is permitted to be used as a fill material, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment (Waste) Regulation 2005*.

42 Fill – resource recovery exemption

Any fill material subject to a Resource Recovery Exemption received at the site must be accompanied by documentation demonstrating that material's compliance with the conditions of

the exemption, and this documentation must be provided to Council officers or the Principal Certifying Authority on request.

43 Vehicular crossing – optional type

A dwelling/commercial/industrial type vehicular crossing 6m wide is to be constructed across the public footway at the proposed driveway entrance/exit at no cost to Council and in accordance with Council's A17 Series (Concrete Vehicular Crossings) design specifications and such crossing being properly maintained.

44 Foot paving provision

Footpaving, including kerb ramps, is to be provided in accordance with Council's requirements on Hunter St and Burwood Street.

45 Work in road – approval required

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. 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.

46 Structure over road – approval required

Any structure on or over the public road reserve, including balconies and awnings, is to be the subject of a separate consent from Council, under Section 138 of the Roads Act 1993, prior to commencement of work.

Note: A separate approval from Council must be obtained for all structures within the public road reserve pursuant to Section 138 of the Roads Act 1993. For further information contact Council's Strategic Property and Fleet Management Services on 4974 2000 to request a Road Consent. A fee will be payable in this regard.

47 Footpaving specification

Any proposed paving works within the **Hunter St and Burwood St** public footway are to be in accordance with the requirements of Council's specification (Form PLE/SOO9).

Note: It will be necessary for the Developer to notify water, telecommunications, gas and electricity authorities of the proposed paving works in order to enable the various authorities to carry out and complete any necessary repairs and/or amplification to their respective services before such works are commenced.

48 Construction traffic plan

Prior to commencement of site works the developer is to submit to Council for approval a Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase. The Construction Traffic Management Plan is to be prepared by a Roads & Traffic Authority 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.

49 Stormwater – surface levels

Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.

50 Driveways – markings/signs

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.

51 Temporary protective crossing

A temporary protective crossing is to be 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.

52 Survey monuments

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 Surveyor's Act.

C. CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION OF THE DEVELOPMENT

53 Workplace Travel Plan/Green Plan

A Green Plan (incorporating a workplace travel policy) for the Courthouse must be prepared and submitted to Council for information prior to occupation of the building. The plan shall be prepared in accordance with Section 4.1.3b) of Newcastle Development Control Plan 2005 (Element 4.1).

54 Consolidation of land

The whole of the land (Lots 41, 42 and 44) is to be consolidated into a single title and documentary evidence of the lodgement for registration of a survey plan of consolidation with NSW Government Land & Property Information being submitted to Council prior to occupation of the development. Existing easements and restrictions to be indicated on the consolidation plan.

55 Repair of footpath damage

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 occupation of the development.

56 Dilapidation –post construction

A post construction dilapidation report prepared by a suitability qualified person shall be submitted to the Council prior to Occupation of the development, to ascertain if any structural damage has occurred to the adjoining buildings, infrastructure and roads. The reports will be made available in any private dispute between neighbours regarding damage arising from construction works.

57 Acoustic treatment implementation

Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by AECOM, dated 10 February 2012 and 27 April 2012. Written

final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to the Council prior to Occupation of the development.

Note: The acoustic consultant may need to be involved during the construction process in order to ensure final certification is achieved.

58 Infrastructure by developer

The developer is to design and construct the following works within **Hunter St and Burwood St** adjacent to the site at no cost to Council and in accordance with Council's guidelines and design specification:

- a) Road pavement
- b) Road shoulder pavement
- c) Kerb and gutter
- d) Footway formation
- e) Footpaving
- f) Associated drainage works
- g) Signage

Such works are to be implemented prior to occupation of the development.

In this regard the separate approval from Council must be obtained for all works within the public road reserve, pursuant to Section 138 of the Roads Act 1993, prior to commencement. Engineering design plans and specifications for the works being undertaken in the public road reserve are required to be prepared by a suitably qualified practising civil engineer with experience and competence in the related field and submitted to Council for approval with the Section 138 application.

Note: 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.

59 Removal of redundant crossings

Any redundant existing vehicular crossing is to be removed at no cost to Council and the public footway and kerb being restored to match the existing infrastructure and be completed prior to the occupation of the development.

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. 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.

60 Stormwater – WAE

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

61 Water management measures

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 occupation of the development.

62 Warning notice – flooding

A clear warning notice is to be erected and maintained at all points of entry to the site advising that the premises is subject to flooding and that caution should be observed at times of heavy or prolonged rainfall, being installed prior to occupation of the development. Such notice is to also provide advice regarding the availability of further detail in respect of possible flooding, including an appropriate telephone number.

D. CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

63 Parking - loading bays

Loading bays are to be designed in accordance with AS2890, so that vehicles can be loaded or unloaded standing wholly within the premises and within loading bays designated on the submitted plans or as otherwise provided in accordance with the conditions of this consent

64 Parking - to be on site

Any vehicle or plant owned or operated by the occupants of the premises in connection with the conduct of their business is to be parked within the confines of the site in spaces designated on the submitted plans, or otherwise provided in accordance with the conditions of this consent.

65 Vehicles – forward movement

The site is to be designed in accordance with AS2890 so that all vehicular movements to and from the site and the loading area for the adjoining hotel site that gains access through the site can be in a forward direction.

66 Restriction – Noise

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*, as amended.

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.

67 Water cooling system – notify

Prior to the operation of the proposed water-cooling air handling system(s) the owner/occupier of the premises is to notify Council of all water-cooling air handling system(s). To arrange notification of the installation of the water-cooling air handling systems please contact Council's Environmental Health Services Unit on (02) 4974 2525.

68 Water cooling system – design

All proposed water-cooling air handling systems are to be designed and installed in accordance with the requirements of Australian/New Zealand Standard AS/NZS 3666.1: 2002 *Air-handling and water systems of buildings – Microbial Control Part 1: Design, installation and commissioning*.

69 Water cooling system – discharge

All overflow or drainage discharge waters from the water-cooling air handling system tray or sump are to be directed to the sewers of the Hunter Water Corporation or collected for disposal by a licensed waste transport contractor in accordance with the Department of Environment and Climate Change (DECC) *Waste Classification Guidelines Part 1: Classifying Waste*.

70 Water cooling system – maintenance

All water-cooling air handling systems and associated water treatment systems are to have monthly maintenance checks performed by a suitably qualified contractor or person with cleaning of the system conducted in accordance with AS/NZS 3666.2: 2002 *Air-handling and water systems of buildings – Microbial Control Part 2: Operation and maintenance*. A copy of all monthly inspection, cleaning and water analysis reports, including an annual certification of the process designed to control microbial growth prepared by a competent person, is to be forwarded to Council's Environmental Health Services Unit on a quarterly basis for assessment.

71 Water cooling system – manual

An operation and maintenance manual is to be kept on site at all times for the proposed water-cooling air handling systems, water treatment equipment and other associated equipment and systems in accordance with the Australian/New Zealand Standard AS/NZS 3666.2: 2002 *Air-handling and water systems of buildings – Microbial Control Part 2: Operation and maintenance*. The operating and maintenance manual is to include (but not be limited to) the following:

- a) Physical details of the plant, equipment and systems and pre-treatment carried out
- b) Recommendations on maintenance including water treatment maintenance and management
- c) Recommended cleaning, disinfection and emergency contamination procedures.
- d) Start-up, operating and shut-down procedures
- e) Particulars of the maintenance management program including plan servicing and cleaning schedules
- f) Up-to-date maintenance reports

72 Water cooling system – chemicals

The water treatment chemicals associated with the proposed water-cooling air handling system(s) are to be suitably banded and covered to prevent escape of liquids into the stormwater system.

73 Stormwater Sand Filter Replacement

The Cartridges for the stormwater water quality device are to be replaced once a year.

E. ADVISORY MATTERS

74 Public utilities

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.

75 Fire safety measures

A list of fire safety measures proposed to be installed in the building and/or on the land is to be provided to Council prior to commencement of construction. The list must describe the extent, capability and basis of design of each of the measures.

76 Fire Safety Certificate

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.

77 Annual Fire Safety Statement

An annual Fire Safety Statement in the form described in Clause 175 of the Environmental Planning and Assessment Regulation 2000 is to be submitted to Council and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of New South Wales Fire Brigades. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

- End -