

## APPENDIX A - CONDITIONS OF CONSENT

### A General Conditions

A1 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.

### A2 APPROVED DOCUMENTATION

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.

Plan No./Supporting Document	Reference/ Version	Prepared by	Dated
<b>Architectural Plans</b> Project No. 202485	-	Suters	-
Location Plan - Sheet DA001	G	Suters	14/05/2012
Site Analysis Plan - Sheet DA002	G	Suters	14/05/2012
Site Plan - Sheet DA003	L	Suters	14/05/2012
Basement Parking 3 - Sheet DA004	M	Suters	16/05/2012
Basement Parking 2 - Sheet DA005	M	Suters	16/05/2012
Basement Parking 1 - Sheet DA006	N	Suters	16/05/2012
Car Park Level - Sheet DA007	P	Suters	16/05/2012
Lower Ground - Sheet DA008	R	Suters	30/05/2013
Ground Level 1 - Sheet DA009	P	Suters	30/05/2013
Level 2-3/Level 4-6 - Sheet DA010	L	Suters	30/05/2013
Level 7/Level 8 - Sheet DA011	P	Suters	30/05/2013
Level 9-14/Roof Plan - Sheet DA012	J	Suters	30/05/2013
East Elevation - Sheet DA013	K	Suters	30/05/2013

West Elevation – Sheet DA014	N	Suters	30/05/2013
North Elevation – Sheet DA015	P	Suters	30/05/2013
Section – Sheet DA016	H	Suters	30/05/2013
Section – Sheet DA017	J	Suters	30/05/2013
South Elevation – Sheet DA023	C	Suters	30/05/2013
Elevational Treatment and Colour Palette – Project No. 202485, Drawing No. CP01	C	Suters	Received 27/05/2013
<b>Landscape Plan</b> – Job No. 9395.5, Sheets 01 to 09	E	Terras Landscape Architects	May 2012
<b>Stormwater Management Plan</b> - Job No. 12-365, Drg. Nos. C01 - C07,	Issue 2	MPC Consulting Engineers	10/05/2012
<b>Stratum Subdivision Plan</b> - Project No. CA2974, Drawing No.s 1102b & 1103a,	Rev 3		
<b>Staging Plans</b> – Sheets DA004 to DA012	-	Suters	17/10/2012
<b>Statement of Environmental Effects</b>	-	deWitt Consulting	May 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.

**B Conditions which must be satisfied prior to the demolition of any building or Construction**

B1 Prior to any demolition or the issue of a Construction Certificate, the proponent preparing and submitting to the PCA and Council an Environmental Management Plan (EMP) for construction/demolition works on the site, such to be kept on site and made available to authorised Council officers upon request. The EMP is to include but not be limited to:

- A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
- A water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater and process water. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.

- A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions. This strategy should be cross-referenced with the water management strategy
- A road management strategy, detailing procedures to ensure that all roads adjacent to and within the proposed application area are kept free and clear from mud and sediment.
- A noise management program detailing measures to minimise the impact of the construction phase on the amenity of the locality in accordance with Australian Standard AS2436-2010 (Guide to noise and vibration control on construction, demolition and maintenance sites).
- 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.
- A soil management strategy, detailing measures to be implemented to manage the identification and control and disposal of any soil contamination identified during site works.
- A waste minimisation strategy, which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
- A community relations plan, which aims to inform local residents and other local stakeholders of the proposed nature and timeframes for demolition and construction activities together with contact details for site management.
- A demolition work plan, prepared in accordance with Australian Standard AS2601. The demolition work plan is to include a hazardous substances audit and a hazardous substances management plan detailing the location and quantities of hazardous substances and methods for removal, handling and disposal of hazardous substances on the site.

A water and soil management program detailing all sediment and erosion control measures, management of soil stockpiles and the control and management of surface water.

- B2 Prior to commencement of site works the developer is to submit to Council for approval a Construction Traffic Management Plan 'The Construction Traffic Management Plan is to be prepared by a Roads & Maritime Services accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3:2009 - Manual of uniform traffic devices – traffic control for works on roads. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve' 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 & Maritime Services accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3:2009 - Manual of uniform traffic devices – traffic control for works on roads. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.'

- B3 A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with Australian Standard 2601:2001 - The Demolition of Structures. A copy of the Hazardous Substances Management Plan is to be provided to Council (marked to Attention: Compliance Services) and the demolisher prior to commencement of work.
- B4 The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:
- a) demolition works shall be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan shall be kept on-site for the duration of the proposed development
  - b) the removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
  - c) a copy of all waste disposal receipts are to be kept on-site for the duration of the proposed development and made available to authorised Council Officers upon request
  - d) seven working days notice in writing is to be given to Council and the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor. Notification to owners/occupiers of neighbouring premises shall also include Council's contact telephone number (49742000) and the Workcover Authority of NSW telephone number (49212900) and
  - e) on sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.
- B5 The demolisher is to ensure that all services (ie water, telecommunications, gas, electricity, sewerage etc), are disconnected in accordance with the relevant authority's requirements prior to demolition.
- B6 Any waste containers used in association with the proposed demolition are to be located on the site where possible.

Note: Where this is not feasible, application must be made for Council's approval to position the container on the adjacent public road in accordance with Council's adopted Building Waste Container Policy.

The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.

- B7 Any demolition/waste building materials that are not suitable for recycling are to be disposed of at Council's Summerhill Waste Management Facility or other approved site.
- B8 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 and
  - 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.

Prior to the commencement of work, a 3m wide all weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.

**C Conditions which must be satisfied prior to the issue of any Construction Certificate**

- C1 A total monetary contribution of \$1,014,706 is to be 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.

Note:

- i) This condition is imposed in accordance with the provisions of the *Newcastle City Council S94A Development Contributions Plan 2009* (updated version operational from 15 March 2011). 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.
- ii) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

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

quarters from the ABS are as follows:

<b>Indexation quarters</b>	<b>Approx release date</b>
September	Late October
December	Late January
March	Late April
June	Late July

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

- C2 The building is to be provided with adequate means of access for persons with disabilities, to the extent necessary to comply with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. Full details are to be included in documentation for a Construction Certificate application.
- C3 Mechanical ventilation being installed in buildings to provide adequate ventilation and cooling to all residential and hotel rooms of the building such that all external doors and windows can be closed if required to attenuate internal/external noise. Full details are to be included in documentation for a Construction Certificate application.
- C4 Further contamination investigation, remediation and validation work being carried out strictly in accordance with the requirements set out in the submitted Remedial Action Plan (RAP) prepared by Douglas partner Pty Ltd dated October 2012, and the conditions of this consent. Full details to be included in documentation for a Construction Certificate application.
- C5 Further geotechnical assessment is to be carried out as per the recommendations of the submitted geotechnical report by Douglas Partners, dated May 2012 and any further recommendations implemented. Full details to be included in documentation for a Construction Certificate application.
- C6 All proposed water-cooling air handling systems are to be designed and installed in accordance with the requirements of AS/NZS 3666.1:2002 - Air-handling and water systems of buildings - Microbial Control Part 1: Design, installation and commissioning. Full details to be included in documentation for a Construction Certificate application.
- C7 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 'Waste Classification Guidelines Part 1: Classifying Waste. Full details to be included in documentation for a Construction Certificate application.
- C8 The building's finishes are to be generally in accordance with the submitted elevational treatment and colour palette by Suters, Project No. 202485, Drawing No. CP01, Issue C, received 27/05/2013. The northern wall of the forecourt area (created by the change in grade) is to be attractively finished in materials and colours, compatible with the northern building elevation.

The lower southern facade of the Northern building (Stage 1) that will adjoin the

Southern building (Stage 2) is to be finished in the same material as the upper levels. However, if the southern building is constructed concurrently with the northern building then this lower level treatment will not be required.

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

- C9 On-site parking accommodation for the entire development is to be provided for a minimum of 228 vehicles (30 of which is visitor parking), 12 motorbikes and 166 bicycles in accordance with the minimum parking layout standards indicated in *'Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012'*. Full details are to be included in documentation for a Construction Certificate application for the relevant stage(s).

#### *Stage 1 - Northern Building*

On-site parking accommodation is to be provided for a minimum of 179 vehicles, 9 motorbikes and 105 bicycles in accordance with the minimum parking layout standards indicated in *'Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012'*. This parking provision comprising of the following:

Hotel	-	93	car spaces
		5	motor bike spaces
Residential	-	67	resident car spaces
		19	visitor spaces
		4	motor bike spaces

Full details are to be included in documentation for a Construction Certificate application for Stage 1.

#### *Stage 2 - Southern Building*

On-site parking accommodation for the southern building is to be provided for a minimum of 49 vehicles, 3 motorbikes and 61 bicycles in accordance with the minimum parking layout standards indicated in *'Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012'*. This parking provision comprising of the following:

Residential	-	38	resident car spaces
		11	visitor spaces
		3	motor bike space

Full details are to be included in documentation for a Construction Certificate application for Stage 2.

Excess parking can be utilised by the adjoining David Maddison Building.

Bicycle parking is to be provided in the following manner:

- The basement is to contain 150 individual storage compartments (one for each dwelling) of a size and dimensions capable of storing a bicycle.
- Hotel staff - The bicycle storage room at Carpark Level in Building North

to be assigned for the use of the Hotel and incorporate bicycle racks (Class 2).

- Visitors – Class 3 secure bicycle parking facilities for a minimum of 16 bicycles located in visible and accessible locations near the entrances to the buildings.

- C10 The car park is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities. Full details are to be included in documentation for a Construction Certificate application.
- C11 Disabled, visitor and motor cycle parking bays being clearly indicated by means of signs and/or pavement markings. Full details are to be included in documentation for a Construction Certificate application.
- C12 A loading bay with capacity to accommodate the largest delivery vehicles likely to deliver goods to or from the premises, is to be provided in a position adjacent to the proposed roller shutter in a manner which does not cause obstruction to the vehicular access driveway or parking area. Full details are to be included in documentation for a Construction Certificate application.
- C13 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 documentation for a Construction Certificate application.
- C14 The development proposal as detailed on the submitted plans being modified to incorporate the following:
- i) Appropriate security lighting at the vehicular entrances / exits.
  - ii) Any roller door or gate located at the vehicular entrance /exit ramps being setback a minimum 6.0m from the Shortland Esplanade frontage of the site.
  - iii) A 6.0m relatively level landing (maximum grade 1 in 20) within the site and adjacent to the Shortland Esplanade frontage at both vehicular entrance/exit ramps in accordance with AS 2890.1 – Parking Facilities
  - iv) The provision of the minimum sight distance at the Shortland Esplanade vehicular entrances /exits for the driver of an exiting vehicle to pedestrians on the public footway in accordance with AS 2890.1 – Parking Facilities.

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

- C15 Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2m in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance in accordance with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Full details are to be included in documentation for a Construction Certificate application.



- C16 All stormwater runoff from the proposed development being managed in accordance with the requirements of Section 7.06 'Stormwater' of Newcastle Development Control Plan 2012, as indicated on the stormwater management concept plan prepared by MPC Consulting Engineers (Job No. 12-365, Drg. Nos. C01 - C07, Issue 2, dated 10/05/2012). Full details are to be included in documentation for a Construction Certificate application.
- C17 Roof water from the proposed new work is to be directed to the proposed rainwater harvesting tank with a minimum capacity of 60,000L and being reticulated there from to any new toilet cisterns and cold water washing machine taps, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be installed in accordance with Australian Standard AS 3500, the relevant plumbing regulations and the requirements of the Hunter Water Corporation. Full details are to be included in documentation for a Construction Certificate application.
- C18 Overflows from the retention tank and surface flows from new impervious areas are to be directed to the proposed retention tank (minimum capacity 90000L) and polishing chamber (minimum capacity of 23000L). Full details of connection to King Street drainage system are to be provided with the Construction Certificate application.
- C19 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 documentation for a Construction Certificate application.
- C20 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 2012 and is to include details of the following:
- a) cross sections through the site where appropriate
  - b) proposed contours or spot levels
  - c) botanical names
  - d) quantities and container size of all proposed trees
  - e) shrubs and ground cover
  - f) details of proposed soil preparation
  - g) mulching and staking
  - h) treatment of external surfaces and retaining walls where proposed
  - i) drainage, location of taps and
  - j) appropriate maintenance periods.

Adequate soil depth and volume is to be provided to support the growth all proposed landscaping, including the proposed trees within the forecourt area. Engineering advice is also to be sought to ensure the proposed trees are capable of withstanding wind loads. The plan is to be prepared by a qualified landscape architect and be included in documentation for a Construction Certificate application.

- C21 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 a Construction Certificate application.
- C22 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 included in documentation for a Construction Certificate application.
- C23 Adequate facilities are to be provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements being made for regular removal and disposal of same. The required garbage facility is to be suitable for the accommodation of Council approved wheel type bins or bulk waste containers. Full details are to be included in documentation for a Construction Certificate application.
- C24 The design and construction of the proposed commercial kitchens are to be in accordance with the relevant requirements of Australian Standard 4674:2004 - Design, Construction and Fit-Out of Food Premises. Full details are to be included in the documentation for the Construction Certificate application.
- C25 A dilapidation report prepared by a suitability qualified person shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate. The dilapidation report shall document and photograph the current structural condition of the adjoining buildings, infrastructure and roads.
- C26 The construction or erection of appropriate swimming pool safety fences/barriers and gates and all associated work is to be carried out in accordance with the *Swimming Pool Act 1992* (NSW) and Regulations. Full details are to be included in the documentation for a Construction Certificate application.
- C27 The swimming pool/spa water recirculation and filtration system installation shall comply with Australian Standard 1926.3:2010 - Swimming pool safety - Water recirculation systems. Full details are to be included in the documentation for a Construction Certificate application.
- C28 The swimming pool surrounds and/or paving is to be constructed in a manner so as to ensure water from the pool overflow does not discharge onto neighbouring properties. All backwash/pool waste water is to be piped/drained to the sewer of Hunter Water Corporation in accordance with the requirements of Hunter Water Corporation. Full details are to be included in the documentation for a Construction Certificate application.
- C29 Pool plant and equipment is to be sited or enclosed in a sound absorbing enclosure to minimise any potential offensive noise impacts to adjoining neighbours as defined under the *Protection of the Environment Operations Act 1997* (NSW). Full details are to be included in the documentation for a Construction Certificate application.

- C30 A group type mailbox is to be provided at the street frontage near each building entrance in accordance with the requirements of Australia Post, clearly displaying individual unit numbers and the required house number. Full details are to be included in the documentation for a Construction Certificate application.
- C31 All external items of air conditioning plant are to be screened or positioned in such a manner (such as within the roof top plant) as to not detract from the visual presentation of the building. Full details are to be included in the documentation for a Construction Certificate application.
- C32 The entry areas to both the northern and southern building to provide for security access for residents and guests only. Full details to be included in documentation for a Construction Certificate application.
- C33 Lighting in and around the development being designed in accordance with Australian Standard 1158– Lighting and having regard for the following. Full details to be included in documentation for a Construction Certificate application.
- Ensure light levels are appropriate for the users, activities and tasks of an area. Higher levels may be required for vulnerable areas.
  - Vandal resistant external lighting should be installed.
  - Adequate, uniform lighting should cover the premise. The emphasis should be on installing low glare/high uniformity lighting levels in line with Australian Standard AS:1158.
  - Lighting sources should be compatible with requirements of any surveillance system installed. Lighting should be a 'white light' source. Note that low or high pressure sodium 'orange' light is not compatible with quality surveillance systems.
  - A limited amount of internal lighting should be left on at night to enable patrolling police, security guards or passing people to monitor activities within the business.

**D Conditions which must be satisfied prior to the commencement of any development work**

- D1 Any proposed work within the public road reserve, including driveway works, reinstatement of a kerb, installation of drainage, footpath works, tree planting or the like and 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

- D2 Prior to the commencement of any works in the public road reserve, the developer providing written notification to the adjoining landowners of the intention to start works, advising details of the scheduling of works and nominating a contact person. A legible prominent sign stating the name of the developer and contractor and a 24 hour contact telephone number is to also be displayed on-site during the construction period.

- D3 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* (NSW), prior to commencement of work.

**E Conditions which must be satisfied during any development work**

- E1 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).
- E2 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 and
  - d) footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

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

- E3 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.
- E4 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* (NSW), *Occupational Health and Safety Regulation 2001* (NSW) and any relevant approved industry code of practice. Notice of intention of commencement must be given to WorkCover New South Wales.

- E5 The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- E6 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
  - 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 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.
- E7 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- E8 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.
- E9 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.
- E10 Certification is to be prepared by a Registered Surveyor and submitted to the Principal Certifying Authority at the stages of construction indicated:
- a) On completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels.
  - b) On completion of each subsequent floor level, confirming that the floor levels are in accordance with the approved levels.
  - c) When the roof has been completed, confirming that the building does not exceed the approved levels.
- E11 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.
- E12 Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
- Monday to Friday, 7:00 am to 6:00 pm and
  - Saturday, 8:00 am to 1:00 pm.

No noise from construction/demolition work is to be generated on Sundays or public holidays.

- E13 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.

- E14 All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are limited to:

- a) restricting topsoil removal
- b) regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion)
- c) alter or cease construction work during periods of high wind and
- d) erect green or black shadecloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

- E15 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).

- E16 The developer maintaining at all times during the construction period, the availability of 69 car parking spaces for vehicles associated with the David Madison Building and access to these spaces.

- E17 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.

- E18 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 and
- 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.

- E19 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'.
- E20 Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Exemption that is permitted to be used as a fill material, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* (NSW) and the *Protection of the Environment (Waste) Regulation 2005* (NSW).
- E21 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.

**F Conditions which must be satisfied prior to the issue of any Occupation Certificate or use of the**

- F1 All parking and loading bays are to be permanently marked out on the pavement surface, with loading bays and customer/staff/visitor parking facilities being clearly indicated by signs.
- F2 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.
- F3 A commercial type vehicular crossing 6.0m wide with approach splays being constructed across the public footway at the proposed driveway entrances/exits at no cost to Council and in accordance with Council's Driveway Standard A374 design specifications and such crossing being properly maintained.
- F4 The premises are to be identified by the provision of house and street numbers on the building exterior and mailbox, respectively, such that they are clearly visible from the road frontage.

The minimum numeral heights shall be:

- a) exterior of the building = 75mm and
- b) group mailbox
  - street number = 150mm
  - house number = 50mm
- F5 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 issue of any Occupation Certificate in respect of development involving building work.

- F6 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 issuing of any Occupation Certificate for the proposed development.
- F7 A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, shall be submitted to the Principal Certifying Authority and to Newcastle City Council prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practicing Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
- F8 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 issue of any Occupation Certificate.
- F9 A Landscape Practical Completion Report is to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.
- F10 The developer in consultation with the owners of the David Madison Building preparing a Traffic Management Plan (TMP) for the safe operation of the King Street Laneway, such being implemented prior to issue of any Occupation Certificate for the premises the subject of this application with a copy of the TMP being provided to the Principal Certifying Authority.
- F11 A 'Site Access Management Plan' being prepared by the applicant to address the operation of the Shortland Esplanade western vehicular access to the Southern Building and such stipulating that this access is to operate as a left-in /left out access only. Under no circumstance are vehicles permitted to make right turn in or right turn out maneuvers. The plan is to be implemented prior to the issue of any Occupation Certificate.
- F12 The Developer preparing a Green Travel Plan (GTP) to encourage the use of alternate transport to the private vehicle in accordance with the '*Element 7.03.03 Travel Demand Management of Council's adopted Newcastle Development Control Plan 2012*' and incorporating end of trip facilities, such being implemented in association with the occupation of the premises and a copy of the GTP being provided to the Principal Certifying Authority.
- F13 The King Street access laneway (Lot 11 DP1112367) providing vehicle access to the northern building basement car park being the subject of an appropriate right-of-way and the necessary survey plan and accompanying instrument under Section 88B of the Conveyancing Act being registered with the Land Property Information Office prior to issue of any Occupation Certificate, it being noted that the instrument is to provide that the right-of-way is unable to be relinquished, varied or modified without the concurrence of the Newcastle City Council.



- F14 The David Madison Building car parking spaces located on the subject site are to be covered by an appropriate stratum subdivision and appropriate access easements (Rights-of-Way) and the necessary survey plan and accompanying instrument under Section 88B of the Conveyancing Act being registered with the Land Property Information Office prior to issue of any Occupation Certificate, it being noted that the instrument is to provide that the easements (Rights-of-Way) are unable to be relinquished, varied or modified without the concurrence of the Newcastle City Council.
- F15 An easement for drainage is to be created over Lot 11 DP 1112367 in favour of Lot 5 1145847 for the overflow spillway as depicted on the Stormwater Plan (DRG C01) prior to issue of any Occupation Certificate for the proposed development.
- F16 An appropriate right of carriageway for fire egress for the fire exit stair exiting into the David Maddison Building laneway, being created over Lot 11 DP1112367 to benefit Lot 5 DP1145847 prior to issue of any Occupation Certificate for the proposed development.
- F17 Appropriate arrangements being made for the collection of garbage (recyclable and non-recyclable) from the proposed basement car park refuse storage area, such arrangements being in place prior to the occupation of the premises the subject of this development application. Garbage bins are not to be presented to King Street or Shortland Esplanade for kerbside collection.

Separate bins being provided within the proposed basement car park refuse storage area to enable the on-site separation of recyclable and non-recyclable garbage.

- F18 The developer being responsible for the provision of additional regulatory signage and all adjustments to and/or relocation of existing regulatory signage, parking meters and cabling in Shortland Esplanade necessary as part of this development at no cost to Council and in accordance with Council requirements, such works to be implemented prior to the issue of any Occupation Certificate.

Note: The provision of additional regulatory signage and alterations to existing regulatory signage will need to be referred to the Newcastle City Traffic Committee for approval prior to installation.

- F19 A suitable raised marked foot crossing incorporating kerb extensions being provided across Shortland Esplanade at an appropriate location adjacent to the site, such facility to be designed in consultation with the Newcastle City Traffic Committee and to be installed in accordance with Council requirements at full cost to the developer. The crossing is to be completed prior to issue of any Occupation Certificate.

- Note:
- i) The pedestrian crossing facility is to be inclusive of any associated signposting, linemarking, street lighting and alterations to kerbside parking or other infrastructure.
  - ii) Design details of the proposed pedestrian crossing facility are to be forwarded to the Newcastle City Traffic Committee for consideration and approval, including management of the

necessary public consultation process.)

- F20 The Developer reconstructing, at no cost to Council and in accordance with Council's requirements, the footway in Shortland Esplanade across the frontage of the site to provide full width heritage Flagstone pattern concrete paving. Full details to be included in documentation submitted to Council with the required S138 Application for works in the public road and completed prior to the issue of any Occupation Certificate.

- Note:
- i) The concrete footway paving is to be constructed in accordance with Councils specification No. PLE/S009 – “Specification for the construction of Footway paving in Plain or patterned concrete”.
  - ii) It will be necessary for the Developer to notify water, telecommunications, and gas and electricity authorities of the proposed footway 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.

- F21 Shortland Esplanade along the frontage of the site being provided with appropriate street tree planting and associated tree guards to Council requirements, such being detailed in Landscape Plans prepared by a qualified Landscape Architect and complying with the following:

- i) Street trees to comprise of 8 x *Araucaria columnaris* (Cook Island Pines) size index 330 - 427 at pot size 400L.
- ii) 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 is to be in the form of a report and or checklist and include photos.
- iii) Trees are to be installed in gap-graded (structural) soil vaults. Vaults are to be the full extent of the pathway where planting occurs. Vaults are to be as wide as the footpath and as long as required to plant all the trees proposed to the development street frontage. Gap-graded soil to be provided to allow adequate rooting volume for the required trees. Volumes to be based on the formula:  $CP \times 0.6m^3$ , CP = the crown projection ( $m^2$ ) of a mature tree ( $3.14 \times r^2$ )
- iv) Tree planting pits are to be irrigated.
- v) Permeable paving to be installed to the base of each tree, dimensions 1800mm L x 1200mm W, with a sturdy tree guard.
- vi) Trees are to be maintained for a period of 104 weeks.
- vii) A Street Tree maintenance bond, negotiated with Council Landscape Architect is to be lodged with Council prior to release of the Occupation Certificate.

Full details to be included in documentation submitted to Council with the required S138 Application for works in the public road and completed prior to issue of any Occupation Certificate.

- F22 Street lighting being upgraded at no cost to Council (other than annual maintenance) to Standard P3 in accordance with AS 1158.1.1 – Road Lighting on Shortland Esplanade across the frontage of the site in association with the proposed road improvement works. The lighting upgrade works being completed prior to issue of any Occupation Certificate.

Note: The developer is to liaise with Energy Australia in relation to the design and construction of the street lighting.

- F23 All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to the issue of an Occupation Certificate. Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to Council within fourteen days of receipt.

- F24 Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Reverb Acoustics, dated September 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 Principal Certifying Authority and Council prior to the issue of any Occupation Certificate.

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

- F25 Prior to selection and location of noise generating mechanical plant, including air conditioners and kitchen exhaust equipment, noise emission data for all mechanical plant are to be reviewed by a appropriately qualified acoustic consultant and any required acoustic attenuation measures implemented. Certification of the appropriateness of the equipment and installation location is to be prepared by the acoustic consultant and provided to Council by prior to the use of the mechanical plant and prior to the issue of an Occupation Certificate for the premises.

- F26 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.

**G Conditions which must be satisfied prior to the issue of any Subdivision Certificate**

- G1 An application is to be made for a Subdivision Certificate. The application is to be supported by a survey plan of subdivision, seven copies thereof and a Section 50 Certificate from the Hunter Water Corporation.

- G2 An appropriate notation is to be placed on the plan of subdivision and an instrument under Section 88B of the *Conveyancing Act 1919* (NSW) being submitted to Council setting out the terms of easements as required by this consent. Council in addition to the owner of the land benefited by the easement is to be a party whose consent is needed to release or vary easements.

**H Conditions which must be satisfied during the ongoing use of the development**

- H1 The hours of operation or trading of the hotel (including hospitality area) are to be not more than from:

DAY	START	FINISH	
Monday	7am	12 midnight	Same day
Tuesday	7am	12 midnight	Same day
Wednesday	7am	12 midnight	Same day
Thursday	7am	12 midnight	Same day
Friday	7am	12 midnight	Same day
Saturday	7am	12 midnight	Same day
Sunday	7am	12 midnight	Same day

unless a separate application to vary the hours of operation or trading has been submitted to and approved by Council.

- H2 Commercial waste collection being restricted to the hours of 7.00am to 6.00pm Monday to Sunday.
- H3 The operation of the hotel (including bar, restaurant and hospitality area) to comply with the following restrictions:
- Amplified entertainment is to be restricted to duos or trios with drum machine accompaniment or similar. Live bands and disco type events are not permitted.
  - Doors to the hotel must remain closed when amplified entertainment is occurring (except during the entry and exit of patrons).
  - All glazing is to achieve a minimum of Rw33 rating such as 6.38mm laminated glass or similar.
  - An electronic TecSound noise monitor or Panaray MB4 modular Bass Loudspeaker system or equivalent device is to be installed and used in the entertainment area.
- H4 Any exhaust plant that produces a sound pressure level (SPL) in excess of 65dB(A) at a distance of 3 metres must have acoustic barriers constructed at the fan discharge and must fully enclose at least 3 sides towards any residence.
- H5 A Plan of Management incorporating security management and responsible service of alcohol being prepared and implemented at all times and updated in response to complaints lodged through consultation with Council, Strata Management and the Police.

- H6 A closed circuit television system (CCTV), incorporating digital video surveillance cameras and recorders, being installed and maintained on the premises, to monitor and record all entrances/exits to and from the hotel (including hospitality area) and within the adjacent public plaza at all times the premises are open to the public and otherwise during the licensed trading hours. The video surveillance cameras are also to continue recording for 30 minutes after closure of the licensed premises. The system shall comply with the Safer Venues Operating Standards for in Venue CCTV issued by Communities NSW (Office of Liquor, Gaming and Racing) dated September 2009.

The following aspects of the CCTV system should also be incorporated into the Plan of Management:

- a) The system is to be of sufficient quality that facial identification of an individual may be achieved at any time the system is required to operate.
- b) The interior and exterior light levels of the premises are to be such that the system is able to function and comply with point (a) above.
- c) The licensee is to provide access to Police to view the CCTV footage on demand at any time the premises are trading.
- d) The licensee is to provide copies of the CCTV footage on demand to any police officer or special inspector of the NSW Department of Gaming and Racing.
- e) The licensee is to ensure that at all times there is a person on the premises who can operate the system and provide copies as required in point (d) above.
- f) The licensee is to ensure that the system stores recorded footage for a minimum of 30 days.
- g) The licensee is to fully consult with Newcastle Police prior to the installation of any new cameras or CCTV system and will take full account of any advice given by police in relation to the placement of cameras and type of system installed.
- h) In the event of a camera not being operative, the licensee is to immediately inform the Local Area Commander or his/her representative in writing and is to immediately request a service call from the system provider. The licensee is to provide Police with a copy of this request.

- H7 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.

- H8 The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.
- H9 All vehicular movement to and from the site is to be in a forward direction.
- H10 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.
- H11 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'.
- H12 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.
- H13 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 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 and up-to-date maintenance reports.
- H14 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.

## **I Other Agency Conditions**

Nil

## **J Advisory Notes**

- J1 Any proposed business identification sign or advertising sign should be designed in accordance with the provisions of Newcastle Development Control Plan 2012 and be the subject of a separate Development Application approved prior to erection or placement in position.
- J2 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.
- J3 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.
- J4 Prior to commencing any construction works, the following provisions of the *Environmental Planning and Assessment Act 1979* (NSW) (the 'Act') are to be complied with:
- a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act
  - b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and
  - c) Council is to be given at least two days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
- J5 A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building and/or on the land and include a separate list of any fire safety measures that already exist at the premises. The lists must describe the extent, capability and basis of design of each of the measures.
- J6 Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000* (NSW).
- J7 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.

- J8 An annual Fire Safety Statement in the form described in Clause 175 of the *Environmental Planning and Assessment Regulation 2000* (NSW) is to be submitted to Council and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of 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.
- J9 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.
- J10 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.
- J11 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.
- J12 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 consent.
- J13 Development applications are not assessed against the provisions of the Building Code of Australia. A Section 96 modification under the *Environmental Planning and Assessment Act 1979* (NSW) will be required if design amendments that cause the proposal to be inconsistent with the development consent are necessary to comply with the provisions of the Building Code of Australia.

**End of conditions**