

APPENDIX A

REASONS FOR CONDITIONS

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

APPROVED DOCUMENTATION

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

Plan No / Supporting Document	Reference Version	Prepared by	Dated
Statement of Environmental Effects		City Plan Services	February 2016
Architects Design Statement		CKDS Architecture and PTW	February 2016
Heritage Impact Statement	Revision D	John Carr	2 March 2016
Traffic Report		Intersect Traffic	10 February 2016 and updated 9 August 2016
Waste Management Plan		unknown	20 August 2015
Environmental Site Assessment and Geotechnical Investigation		Prensa Pty Ltd	August 2012
Site Contamination Assessment		Regional Geotechnical Solutions	14 April 2016
Proposal for Groundwater Assessment		Australasian Groundwater and Environmental Consultants Pty Ltd	5 May 2016
Noise Impact Assessment	Project No. 161221	Spectrum Acoustics	April 2016
Remedial Action Plan	Report No. RGS01102.1-AH	Regional Geotechnical Solutions	15 August 2016
Site Context and Urban Analysis	A-002 Issue F	PTW & CKDS Architecture	19 June 2015
Proposed Site Plan	A-050 Issue A	PTW & CKDS Architecture	19 June 2015
Key Site Strategies	A-005 Issue F	PTW & CKDS	19 June 2015

		Architecture	
Level 1 - Ground Floor Plan	A-101 Issue H	PTW & CKDS	19 June 2015
Level 2 Floor Plan	A-102 Issue F	PTW & CKDS	19 June 2015
Level 3 Floor Plan	A-103 Issue F	PTW & CKDS	19 June 2015
Level 4 - Floor Plan	A-104 Issue F	PTW & CKDS	19 June 2015
Level 5 - Floor Plan	A-105 Issue F	PTW & CKDS	19 June 2015
Level 6 - Floor/Roof Plan	A-106 Issue F	PTW & CKDS	19 June 2015
Level 7 - Floor Plan	A-107 Issue C	PTW & CKDS	19 June 2015
Street Elevations	A-201 Issue F	PTW & CKDS	19 June 2015
Street Elevations	A-202 Issue B	PTW & CKDS	19 June 2015
Street Elevations	A-203 Issue B	PTW & CKDS	19 June 2015
General Sections	A-301 Issue F	PTW & CKDS	19 June 2015
Perspectives	A-701 Issue B	PTW & CKDS	19 June 2015
Perspectives	A-702 Issue B	PTW & CKDS	19 June 2015
Perspectives	A-703 Issue B	PTW & CKDS	19 June 2015
Landscape Concept	L01 Issue B	JMD Design	29 January 2016
Entry and Courtyard concept	L02 Issue A	JMD Design	29 January 2016
Landscape Elevations	L03 Issue A	JMD Design	29 January 2016
Typical Sections	L04 Issue ADV	JMD Design	29 January 2016
Rooftop Landscape Plan	L05 Issue ADV	JMD Design	29 January 2016
Planting & materials pallet	L06	JMD Design	29 January 2016
Sediment & Erosion Control Plan	C01DA Revision B	Northrop	15 August 2016
Ground Floor Stormwater Management Plan	C02DA Revision B	Northrop	15 August 2016
Roof Level Stormwater	C03DA Revision B	Northrop	15 August 2016

Management Plan			
Civic Details Sheet 1	C04DA Revision B	Northrop	15 August 2016
Section 138 Proposed Driveway Crossover	Drawing No. C01 Revision C	Northrop	15 October 2015

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

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

3. A total monetary contribution of \$420,756.54 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:

a) This condition is imposed in accordance with the provisions of The City of Newcastle 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.

b) The City of Newcastle S94A Development Contributions Plan 2009 permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement. Refer to the s94A Development Contributions Plan 2009.

c) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

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

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

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

4. 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.
 5. On-site parking accommodation is to be provided for a maximum of 263 vehicles, 6 motorbikes, 18 secured bicycle spaces and 22 non secured bicycle spaces and be set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012. Full details are to be included in documentation for a Construction Certificate application.
 6. 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.
 7. 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.
 8. Direct vehicular access to and from Stewart Avenue shall be provided generally in accordance to be Drawing No. C01 Revision C (Job No. NL 150030) prepared by Northrop dated 15 October 2015 and to Council requirements. The driveway shall be of sufficient width to allow an entering design vehicle to safely pass an exiting vehicle. Full details are to be included in documentation for a Construction Certificate application.
- NB: This drawing indicates that the access would comprise 2 x 3.5m lanes with a 0.6m central median.
9. 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.
 10. Roof water from the proposed new works is to be directed to the rainwater tank (minimum size 21m³) and detention tank (minimum size 39m³) and being reticulated to the building to 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 provided with the Construction Certificate application.

11. Overflows from the On Site Retention/Detention, WSUD structures 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 Council's Drainage System. Full details are to be provided with the Construction Certificate application.
12. 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 concept stormwater management plan prepared by Northrop Consulting Engineers Job No. NL150030 Dwg. No. C02DA Rev B dated 15/08/2016. Full details are to be included in documentation for a Construction Certificate application.
13. 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.
14. The floor level of the proposed building is not to be below 4.20m AHD and being indicated on plans for a Construction Certificate application. 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 the Principal Certifying Authority.
15. The whole of the proposed structure below 4.20m AHD is to be constructed in materials and finishes that are resistant to damage from floodwaters/tidal waters. Any new machinery or equipment, electrical fixtures (such as power points, light fittings and switches), storage units or similar items likely to be damaged by floodwaters/tidal waters being installed above the said height or alternatively being of materials and functional capability resistant to the effects of floodwaters/tidal waters. Full details are to be included in documentation for a Construction Certificate application.
16. 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.

The plan is to be prepared by a qualified landscape designer and be included in documentation for a Construction Certificate application.

17. 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 compliance certificate (refer s50 Hunter Water Act 1991) is to be included in documentation for a Construction Certificate application.
18. 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.
19. A group type mailbox is to be provided at the street frontage in accordance with the requirements of Australia Post, clearly displaying individual unit numbers and the required house number. Full details are to be included in the documentation for a Construction Certificate application.
20. 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 an Erosion and Sediment Control Plan that is to be submitted for approval with the Construction Certificate application. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
21. The proposed lighting including car park lighting of the premises is to be designed, positioned, and installed, including appropriate shielding and orientation of the lighting fixture, as to not give rise to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding properties in accordance with Australian Standard AS 4282: 1997 Control of the obtrusive effects of outdoor lighting. At least 2 security cameras are to be installed along Glovers Lane for security and surveillance purposes.

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

22. 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.
23. The recommendations in the Statement of Heritage Impact (SHI) prepared by John Carr Heritage Design dated 2 March 2016 are to be implemented prior to the issue of the Construction Certificate. Any changes to the design and the proposed materials as a result of these recommendations are to be endorsed by the author of the SHI and Council prior to the issue of the Construction Certificate.
24. A public art feature shall be designed for the site. The public artwork is to have a minimum value of 1% of the capital cost of the development.

This feature shall provide visual interest for pedestrians and interpret or reflect the local setting, landscape setting and/or cultural setting of the Newcastle area. The feature shall be designed to ensure long-term durability and be resistant to vandalism. Details shall be approved by Council prior to the issue of the Construction Certificate, including details of the costs of such works. The applicant is advised to liaise with Council during the design stages.
25. Remediation of the site is to be carried out in accordance with Section 5.2 as set out in the submitted Remedial Action Plan (RAP) prepared by Regional Geotechnical Solutions dated 15 August 2016 prior to the issue of the Construction Certificate.
26. Following implementation of the Remedial Action Plan, a validation report being prepared by a suitably qualified consultant in accordance with the relevant Environment Protection Authority Guidelines is to be submitted to Council. This is to be submitted prior to the issue of the Construction Certificate.
27. Any soils found during the validation of the remediation works (as specified by the Remedial Action Plan prepared Regional Geotechnical Solutions dated 15 August 2016) that do not meet the validation criteria are to be removed offsite prior to the issue of the Construction Certificate. Under no circumstances is onsite management of contamination to be used as a remediation measure.
28. A wind tunnelling report is to be prepared by an appropriately qualified and experienced engineer. The report is to be prepared in accordance with AS1170.2 and should consider the impact on the buildings, the environment and pedestrians movements surrounding the development. Architectural and landscape plans will need to reflect the recommendations of the wind tunnelling report and amended plans and the wind tunnelling report is to be provided to the Principle Certifying Authority prior to issue of any Construction Certificate. A copy of the wind tunnelling report is to be provided to Council.

29. All downpipes discharging to the rainwater tanks are to have pre-storage insect, debris and vermin control (e.g. a rainwater head being leaf screened and vermin and insect proof) to minimise the contamination of captured roof water. A first flush device is to be provided for the inlet to the tank and a backflow prevention device is to be installed in the tank overflow outlet before connecting to the stormwater drainage system. If the roof downpipes are charged to the rainwater tank, all pipes are to be chemically welded and the stormwater system is to be designed such that the system is capable of being flushed in the event of pipe blockage (e.g. capped relief access points at the lowest level of stormwater drainage).
30. A Maintenance Manual for all water quality devices is to be prepared in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). The Maintenance Manual is to address maintenance issues concerning the water quality devices including routine monitoring and regular maintenance and be kept on site at all times. Establishment and maintenance of the water quality devices in accordance with the Maintenance Manual prepared by the applicant is to be completed prior to occupation of this site for the intended use.
31. All onsite stormwater retention/detention and water quality treatment systems are to be individually identified and sign posted in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). Full details are to be included in documentation for a Construction Certificate application.
32. A structural engineer is to determine the location and depth of the proposed underground tank and On Site Detention and certify that it will not adversely affecting any building foundation footings or slabs when the tank is empty. Stormwater Management Plan is to be designed in accordance with current NDGP Section 7.06 Stormwater Management and Newcastle City Council's Stormwater and Water Efficiency Technical Manual. Full details are to be included with documentation for a Construction Certificate.

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

33. 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).
34. 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.
35. 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.
36. Waste management shall be implemented in accordance with the approved Waste Management Plan. At a minimum, the following measures shall be implemented during the construction phase:
- a) A waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste
 - b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets
 - c) Appropriate provision is to be made to prevent windblown rubbish leaving the site and
 - d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

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

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

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

38. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
39. A Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries, is to be submitted to the Principal Certifying Authority before construction is commenced.
40. A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 Roads Act 1993 (NSW), before the commencement of works.
41. 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.

42. Any proposed paving works within the public footway are to be in accordance with the requirements of Council's specifications and City Centre Public Domain Manual.

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

43. Any overhead powerlines adjacent to the site are to be repositioned underground or alternatively being modified by the installation of bundled conductors, all at full cost to the developer and in accordance with the requirements of the electricity authority.
44. 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.
45. 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.
46. 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.
47. All roof and surface waters are to be conveyed to the street drainage system by way of a sealed pipe system, extending through the footway to Council requirements, in accordance with Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012.
48. On-site car parking accommodation is to be provided for a minimum of 263 vehicles, 6 motorbikes, 18 secured bicycle spaces and 22 non-secured bicycle spaces and such being set out generally in accordance with the details indicated on the submitted plans except as otherwise provided by the conditions of consent.
49. All parking and loading bays are to be permanently marked out on the pavement surface, with loading bays and visitor parking facilities being clearly indicated by signs.
50. The vehicular entrance and exit driveways and the direction of traffic movement within the site and the car parking are to be clearly indicated by means of reflectorised signs and pavement markings.
51. 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.
52. 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.

53. 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'.
54. Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Order that is permitted to be used as a fill material under the conditions of the associated Resource Recovery Exemption, in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the Protection of the Environment (Waste) Regulation 2014.
55. Documentation demonstrating the compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption must be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Exemption. This documentation must be provided to Council officers or the Principal Certifying Authority on request.
56. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:
 - a) Control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins.
 - b) Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover. Erosion and sediment control measures are to be designed in accordance with the requirements of the Managing Urban Stormwater: Soils and Construction 4th Edition – Vol. 1 (the "Blue Book") published by Landcom, 2004.
57. 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.
58. 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 shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.
59. 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).
60. All external items of air conditioning plant are to be screened or positioned in such a manner as to not detract from the visual presentation of the building.
61. A groundwater assessment is to be undertaken on the site in accordance to the details stated in the letter dated 5 May 2016 from Australasian Groundwater and Environmental Consultants Pty Ltd, prior to the commencement of works. A copy of the final report is to be provided to Council on completion of any works associated with this assessment.
62. The development shall be undertaken in accordance with the General Terms of Approval granted by the RMS on 5 May 2016.
63. The development shall be undertaken in accordance with the General Terms of Approval granted by the Mine Subsidence Board on 18 August 2016.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

64. 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.
65. The developer is to design the following works within Stewart Avenue and Hunter Street frontages adjacent to the site at no cost to Council and in accordance with Council's guidelines, design specification and City Centre Public Domain Technical Manual and generally in accordance with the concept public domain plan prepared by CHDS Architecture Dwg No. L01 Issue B dated 10/08/2016.
- a) Public Domain Works
 - i. New footpath to City Centre Public Domain Manual and install stone kerb and gutter. The scope of footpath works to extend 5m beyond the property boundary at either side of the property.

- ii. Ensure adequate means to protect existing stone kerb and gutter.
- iii. Install new street trees in accordance with Council requirements (as necessary) and adjust service pit levels to match new footpath.
- iv. Upgrade/install street lighting within 10m of the vicinity of the development to Ausgrid requirements and P2 lighting category as per City Centre Public Domain Technical Manual.
- v. Remove all redundant driveways, install new kerb and gutter and repair any road works.
- vi. Installation of new driveway and kerb ramps.
- vii. Installation of new drainage and building drainage connections.
- viii. Install any required parking and mandatory signage.
- ix. Details associated with the road widening.
- x. Repair any damages caused during construction and ensure the survey mark is protected at all times.
- xi. Any required tactile and handrails for steps and ramps for internal access are to be located within private property. The integration between private and Council property will need to be considered for overall design.

Detailed public domain plan including civil design & details, survey, cross sections and longitudinal are to be submitted to Council for review and approval as part of the S138 Road Act Type 2 application prior to the issue pouring of the ground floor slab for Stage 1 building works.

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

The Public Domain works are to be implemented and construction works are to be completed to Council satisfaction prior to the issue of any Occupation Certificate.

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 the issue pouring of the ground floor slab for Stage 1 building works. 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.

66. Any redundant existing vehicular crossing is to be removed at no cost to Council. The road reserve and kerb being restored to, Council's satisfaction, to match the existing infrastructure. Works are to be completed prior to the issuing of a Final Occupation Certificate for the proposed development.
67. The common driveway is to be the subject of an appropriate reciprocal right-of-way and the necessary survey plan and accompanying instrument under Section 88B of the Conveyancing Act 1919 (NSW) being registered with NSW Government Land & Property Information prior to the issuing of an Occupation Certificate for the proposed development, it being noted that the instrument is to provide that the right-of-way is unable to be relinquished, varied or modified without the concurrence of The City of Newcastle.
68. 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 The City of Newcastle prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
69. 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 an Occupation Certificate.
70. A clear warning notice is to be erected and maintained at all points of entry to the site advising that the premises is subject to flooding and that caution should be observed at times of heavy or prolonged rainfall, being installed prior to issue of an Occupation Certificate. Such notice is to also provide advice regarding the availability of further detail in respect of possible flooding, including an appropriate telephone number.
71. 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.
72. Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Spectrum Acoustics dated April 2016. Written final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation Certificate.

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

73. A post construction dilapidation report prepared by a suitability qualified person shall be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate, to ascertain if any structural damage has occurred to the adjoining buildings, infrastructure and roads. The reports shall be forwarded to Council and will be made available in any private dispute between neighbours regarding damage arising from construction works.
74. The public art feature is to be installed on site prior to the issue of the Final Occupation Certificate.
75. A Green Travel Plan with Public Transport Routes and Bicycle Network is to be prepared and made available to the new residents and commercial premises tenants. The Public Transport and Bicycle Network Plans are to be installed in common areas prior to the issue of the Final Occupation Certificate. Use of alternative modes of transport is to be encouraged.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

76. 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.

77. The use and occupation of the premises is not to give rise to the emission of any 'air impurity' as defined under the Protection of the Environment Operations Act 1997 (NSW), that interferes unreasonably with the amenity of neighbouring premises and/or other sensitive receivers.

Should Council consider that unreasonable levels of air impurities have been emitted from the premises, the owner/occupier will be required to engage a suitably qualified consultant to recommend measures to control emissions of air impurities to an acceptable level and such measures being implemented within a nominated time period. Furthermore, written certification from the suitably qualified consultant will be required to be submitted to Council confirming that air impurity emissions from the premises do not interfere unreasonably with the amenity of neighbouring premises and/or other sensitive receptors before the expiration of the nominated period.

78. The landscaped areas are to be kept free of parked vehicles, stored goods, garbage or waste material and being permanently maintained.

79. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.
80. Vehicles are to 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 and under no circumstances are vehicles to be loaded or unloaded at the kerbside, across the public footpath or in a manner which obstructs vehicular access to the site.
81. All vehicular movement to and from the site is to be in a forward direction.
82. 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.
83. Any washing, degreasing or steam cleaning of vehicles, plant, engines, mechanical equipment or parts is to be carried out within a wash bay or dedicated cleaning unit connected to the sewers of the Hunter Water Corporation in accordance with an approved Trade Waste Agreement or to a waste collection system 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'. Under no circumstances are such activities to be carried out elsewhere on site.

ADVISORY MATTERS

- A. 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.
- B. A separate development application is to be submitted to and approved by Council in respect of any specific proposed use of the premises or portion of the premises prior to occupation.
- C. 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.
- D. 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.

- E.** 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.
- F.** 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.
- G.** 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.
- H.** 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).
- I.** 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.
- J.** 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.
- K.** 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.

- L.** 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.

END OF CONDITIONS

APPENDIX B

Documents submitted with the application

Plan No / Supporting Document	Prepared by	Dated
Statement of Environmental Effects	City Plan Services	February 2016
Architectural drawings	CKDS Architecture and PTW	Various
Architects Design Statement	CKDS Architecture and PTW	February 2016
Heritage Impact Statement	John Carr Heritage Design	2 March 2016
Letter from Government Architects Office		10 August 2015
Minutes of meetings with Urban Design Consultative Group		16 September and 19 August 2015
Detail contour and survey plan	Cadence Consulting Surveyors	February 2015
Consolidated DP1222338		August 2016
Landscape Plans	JMD Design	Various
Sediment & Erosion Control Plan	Northrop	15 August 2016
Environmental Site Assessment and Geotechnical Investigation	Prensa Pty Ltd	August 2012
Traffic Report	Intersect Traffic	10 February 2016 and updated 9 August 2016
Waste Management Plan	The proponent	20 August 2015
Site Contamination Assessment	Regional Gootechnical	14 April 2016

	Solutions	
Proposal for Groundwater Assessment	Australasian Groundwater and Environmental Consultants Pty Ltd	5 May 2016
Noise Impact Assessment	Spectrum Acoustics	April 2016
Remedial Action Plan	Regional Geotechnical Solutions	15 August 2016
Stormwater Plans	Northrop	24 September 2015 and 15 August 2016
Various montages of the development	CKDS Architecture	August 2016
Cost Summary Report	RPS	February 2016

APPENDIX C

Integrated Referral Approvals



**Finance,
Services &
Innovation**

Mine Subsidence Board

Ground Floor 117 Bull Street Newcastle 2300
Tel 02 4908 4300 | TTY 1800 248 083

Neil Petherbridge

NORTHROP CONSULTING ENGINEERS P/L
LEVEL 1, 215 PACIFIC HWY
CHARLESTOWN NSW 2290

Dear Sir,

**DEVELOPMENT APPLICATION NO. TBA15-31649N1 LOT 20 DP
1217043 NO 787 HUNTER ST, NEWCASTLE WEST**

In accordance with Clause 15 of the *Mine Subsidence Compensation Act 1961*, the Board has conditionally approved the above development, subject to conditions 1 to 6 outlined below;

1. Design the improvements such that the proposed final structures will remain safe, serviceable and easily repairable for the following mine subsidence design parameters;

- a) Maximum vertical subsidence : 50mm
- b) Maximum tilt : 1 mm/m
- c) Horizontal strains : +/- 1mm/m
- d) Maximum radius of curvature : 20km

2. The proposed additional four stories and the existing six storey car-park should be designed to remain safe for an ultimate limit state using the following mine subsidence parameters;

- a) Maximum vertical subsidence : 280mm
- b) Maximum tilt : 8 mm/m
- c) Horizontal strains : +/- 3mm/m
- d) Maximum radius of curvature : 3km

3. Submit a *Building Impact Statement* prior to the commencement of detailed design for the Boards acceptance. It shall identify

- a) Design parameters
- b) The proposed building structures, elements and materials
- c) The mine subsidence mitigations measures proposed for each building element

4. Submit a final design incorporating the design methodology contained in the "*Building Impact Statement*", for acceptance by the Board prior to commencement of construction. It shall include certification by a qualified structural engineer to the effect that the improvements will remain "safe, serviceable and any damage from mine subsidence will be slight, localised and readily repairable" taking into consideration the mine subsidence parameters outlined in Condition 1.

5. *The final design drawings shall;*

- a) Be developed from the concept design accompanying the Building Application.
- b) Include sufficient drawing plans, long-sections, elevations, to describe the work and proposed mine subsidence mitigation measures.
- c) Include an additional grade for tilt (outlined in condition 1) due to mine subsidence, in excess of the minimum Code requirements for structures including pipes, gutters and wet areas.
- d) Ensure internal finishes are installed in accordance with relevant codes and standards and industry best practice guidelines.
- e) Ensure there is suitable provision for articulation jointing in building elements. All control joints including articulation for mine subsidence are to be shown on the design plans and elevations,

6. Upon completion of construction, work-as-executed certification by a qualified engineer is to be forwarded to the Board confirming that construction was in accordance with the plans previously approved by the Board.

This "condition of approval" remains current for 2 years from the date of this letter. You will need to respond adequately to these conditions before the Board will consider its approval of this development.

If you have any queries concerning this matter, please contact the Risk Engineer, Mr Kieran Black (ph: 4908 4362)

Yours faithfully



Kieran Black
Risk Engineer, Mine Subsidence Board
18th August 2016



Transport
Roads & Maritime
Services

5 May 2016

SF2012/033236
CR2016/001161
MJ

General Manager
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

Attention: David Paine,

STEWART AVENUE (A43): PROPOSED STAGED DEVELOPMENT COMPRISING DEMOLITION OF BUILDING, ERECTION OF FIVE (5) STOREY COMMERCIAL BUILDING, ASSOCIATED CAR PARKING AND SITE WORKS – LOT 102 DP 1191992, 12 STEWART AVENUE, NEWCASTLE WEST – DA 2016/00267

I refer to Council's letter of 14 March 2016 requesting comment from Roads and Maritime Services in relation to the abovementioned development application and apologise for the delay in responding to Council's request.

Roads and Maritime understands the subject development application proposes the demolition of all existing structures on the site, the construction of a commercial / office building over five (5) levels and associated car park, the provision of landscaping around the new building, and the provision of associated services, drainage infrastructure etc.

It is understood that Council is seeking concurrence under Section 138 of the *Roads Act 1993* to proposed works in a classified road and comment in accordance with Clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007*.

In responding to Council's request, I also refer to specific access requirements outlined in Roads and Maritime's letter of 21 October 2015 relating to development application 2015/483 for a two storey car park proposed on the subject site.

Roads and Maritime response

Roads and Maritime has reviewed the information referred by Council and provides the following comments to assist Council in making a determination:

Roads and Maritime Services

Level 1, 59 Darby Street, Newcastle NSW 2300 |
Locked Bag 2030, Newcastle NSW 2300 | 02 4924 0688

www.rms.nsw.gov.au | 13 22 13

- The Traffic Impact Assessment (TIA) prepared by Intersect Traffic dated 10 February 2016 is essentially the same as the supporting information for DA 2015/483 (two storey car park on the subject site). However, it is noted that the previous assessment considered the impacts of the additional vehicular access on Stewart Avenue at full development of the site.
- Roads and Maritime understands that the bus stop located in the vicinity of the proposed access to Stewart Avenue has been removed.

Roads and Maritime has no objection to the subject development provided the following requirements are included in Council's conditions of consent:

- Direct vehicular access to and from Stewart Avenue shall be provided generally in accordance with Drawing No. NL150030 dated 15/10/15 (attached) and to Council requirements. The driveway shall be of sufficient width to allow an entering design vehicle to safely pass an exiting vehicle.

Comment:

The current application proposes a 6.0 metre two way access from Stewart Avenue. Roads and Maritime previous advice of 21 October 2015 included a requirement for the additional vehicular access on Stewart Avenue to be "provided generally in accordance with drawing no. NL150030 dated 15/10/15 to Council requirements". That drawing indicated the access would comprise 2 x 3.5 metre lanes with a 0.6m central median.

- All redundant driveway accesses are to be legally and physically closed, with the road reserve to be reinstated to the satisfaction of Council.
- All works associated with the subject development shall be designed to Council's specifications and constructed by the developer at no cost to Roads and Maritime or Council.

Advice to Council

- Roads and Maritime has no proposal that requires any part of the property.

Following discussions with Roads and Maritime on 1 December 2015, the developer (Spartohori Pty Ltd) agreed to amend the design on the south western corner of the building to retain sufficient width between the existing kerb and gutter and the property boundary in Stewart Avenue to accommodate a future left turn lane, which is anticipated as part of the Newcastle Light Rail project. The section of Lot 102, now identified as Lot 21 DP1217043, has been acquired by Roads and Maritime (see Attachment B).

- All matters relating to the internal arrangements on-site such as width of driveway, car parking, traffic / pedestrian management, manoeuvring of service vehicles and provision for people with disabilities are matters for Council to determine.
- Council should be satisfied that sight line distances for vehicles entering and exiting the driveway promote safe vehicle movements and are in accordance with the relevant Australian Standards (including AS2890:1:2004).
- Council should ensure that appropriate traffic measures are in place during the construction phase of each stage of the development to minimise the impacts of construction vehicles on traffic efficiency and road safety on Stewart Avenue and the surrounding road network.
- Discharged stormwater from the development should not exceed the capacity of the Stewart Avenue stormwater system. Council shall ensure that drainage from the site is catered for appropriately and should advise Roads and Maritime of any adjustments to the existing system that are required prior to final approval of the development.

- Council should ensure that the applicant is aware of the potential for road traffic noise to impact on development on the site. In this regard, the developer, not Roads and Maritime, is responsible for providing noise attenuation measures in accordance with the *NSW Road Noise Policy 2011*, prepared by the department previously known as the Department of Environment, Climate Change and Water, should the applicant seeks assistance at a later date.

If the external noise criteria cannot feasibly or reasonably be met, Roads and Maritime recommends that Council apply internal noise objectives for all habitable rooms with windows that comply with the Building Code of Australia.

On Council's determination of this matter, please forward a copy of the Notice of Determination to Roads and Maritime for record and / or action purposes. Should you require further information please contact Hunter Land Use on (02) 4924 0688 or by email at development.hunter@rms.nsw.gov.au

Yours sincerely



Corinne Thompson
A/Network and Safety Manager
Hunter

Enc. Drawing No. NL150030 dated 15/10/15