

## APPENDIX A - CONDITIONS OF CONSENT

### DRAFT SCHEDULE OF CONDITIONS



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<b>Application No:</b>	DA2016/00384
<b>Land:</b>	Lot 11 DP 1106378 & Lot 110 DP 1018454
<b>Property Address:</b>	73-79 Railway Lane Wickham NSW 2291
<b>Proposed Development:</b>	Demolition of buildings and erection of 10-storey mixed use development including 150 residential units, two commercial units, two basement levels for parking & associated site works

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This is a Deferred Commencement Consent under Section 80(3) of the *Environmental Planning and Assessment Act 1979* (the Act). Evidence is to be produced to Newcastle City Council (Council) to enable Council to be satisfied of compliance with the conditions appearing in Schedule 1, within **24 months from the date that this consent operates**, before the consent can operate from the conditions appearing in Schedule 2.

If evidence is produced to Council regarding compliance with the conditions appearing in Schedule 1, Council will provide formal notification as to whether or not it is satisfied that such compliance has been achieved. If Council has not provided notification that it is satisfied of compliance with the conditions appearing in Schedule 1, within the period of 28 days after evidence of compliance is produced to it, Council is, for the purposes only of the appeal provisions of Section 97 of the Act, taken to have notified the applicant that it is not satisfied as to those matters on the date on which that period expires.

### SCHEDULE 1

**A1.** The Applicant shall obtain approval from Sydney Trains for the following:

1. Geotechnical and Structural report/drawings, including a hydrogeological engineering assessment, that meet Sydney Trains requirements. The Geotechnical Report must be based on a minimum of three borehole tests conducted on parts of the site that are close to the rail corridor. Consideration of potential risks to the rail corridor and assets must be included.
2. Construction methodology with construction details pertaining to structural support (including any potential dewatering) during excavation. Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
3. Cross sectional drawings to Sydney Trains requirements showing the rail corridor (including up to the nearest track within the corridor), sub soil profile, proposed basement excavation including horizontal and vertical measurements/dimensions, and structural design of sub ground support adjacent to the rail corridor. The accuracy of the measurements/dimensions is to be verified by a Registered Surveyor.

4. Detailed Survey Plan showing the relationship of the proposed development with respect to Sydney Trains easement (including, but not limited to, any Right of Carriageways) and rail corridor land, as well as the Wickham Transport Interchange Project, to Sydney Trains requirements.
5. If required by Sydney Trains, a Finite Element Analysis which assesses the different stages of loading and unloading of the site and its effect on the rock mass surrounding the rail corridor.

## SCHEDULE 2

### 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
SITE PLAN - A001	K	EJE Architecture	23/12/2016
BASEMENT LEVEL 2 FLOOR PLAN - A100	K	EJE Architecture	23/12/2016
BASEMENT LEVEL 1 FLOOR PLAN - A101	L	EJE Architecture	23/12/2016
GROUND LEVEL FLOOR PLAN -	T	EJE Architecture	28/6/17
LEVEL 1 FLOOR PLAN - A103	Q	EJE Architecture	28/6/17
LEVEL 2 FLOOR PLAN - A104	L	EJE Architecture	28/6/17
LEVEL 3 FLOOR PLAN - A105	L	EJE Architecture	28/6/17
LEVEL 4 FLOOR PLAN - A106	Q	EJE Architecture	28/6/17
LEVEL 5 FLOOR PLAN - A107	K	EJE Architecture	28/6/17
LEVEL 6 FLOOR PLAN - A108	K	EJE Architecture	28/6/17
LEVEL 7 FLOOR PLAN - A109	K	EJE Architecture	28/6/17
LEVEL 8 FLOOR PLAN - A110	P	EJE Architecture	28/6/17
PLANT LEVEL FLOOR PLAN -	N	EJE Architecture	28/6/17
ROOF LEVEL FLOOR PLAN -	L	EJE Architecture	28/6/17
SOUTH ELEVATION - A501	H	EJE Architecture	28/6/17
EAST ELEVATION - WEST TOWER - A502	H	EJE Architecture	28/6/17
EAST ELEVATION - EAST TOWER - A503	H	EJE Architecture	28/6/17
NORTH ELEVATION - A504	H	EJE Architecture	28/6/17
WEST ELEVATION - EAST TOWER - A505	H	EJE Architecture	28/6/17
WEST ELEVATION - WEST TOWER - A506	H	EJE Architecture	28/6/17
SECTION A-A & SECTION D-D -	H	EJE Architecture	28/6/17
SECTION B-B - A508	H	EJE Architecture	28/6/17

SECTION C-C -A509	H	EJE Architecture	28/6/17
COVER SHEET & DRAWING SCHD - C00 DA	B	Northrop	07/10/2016
EROSION & SEDIMENT CONTROL - C01 DA	B	Northrop	07/10/2016
STORMWATER MANAGEMENT PLAN BASEMENT 2 - C02 DA	B	Northrop	07/10/2016
STORMWATER MANAGEMENT GROUND	B	Northrop	07/10/2016
CIVIL DETAILS - C06 DA	B	Northrop	07/10/2016
LANDSCAPE DESIGN REPORT - L01	D	Terras Landscape Architects	28/6/17
SITE CONTEXT PLAN - L02	D	Terras Landscape Architects	28/6/17
GROUND FLOOR PLAN - L03	D	Terras Landscape Architects	28/6/17
GROUND LEVEL COURTYARD - L04	D	Terras Landscape Architects	28/6/17
GROUND FLOOR COURTYARD - L05	D	Terras Landscape Architects	28/6/17
LEVEL FOUR FLOOR PLAN - L06	D	Terras Landscape Architects	28/6/17
ROOF TERRACE PLAN - L07	D	Terras Landscape Architects	28/6/17
PLANTING PALETTE - L08	D	Terras Landscape Architects	28/6/17
RAIL TRAFFIC & OTHER NOISE ASSESSMENT Ref		RCA Australia	June 2017
STATEMENT OF ENVIRONMENTAL EFFECTS		ADW Johnson Pty Ltd	April 2016
SEPP 65 DESIGN VERIFICATION REPORT	DVS -02	EJE Architecture	August 2016
SITE WASTE MINIMISATION AND		EJE Architecture	30/03/2016
REMEDIAL ACTION PLAN - Ref 12101b-301/1	N/A	RCA AUSTRALIA	November 2016
SCHEDULE OF EXTERNAL FINISHES - A1015	E	EJE Architecture	23/12/16

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.

### **INTEGRATED DEVELOPMENT CONDITIONS**

3. The development is to be undertaken in accordance with the Approval dated 7 June 2017, issued by Subsidence Advisory NSW.
4. The development is to be undertaken in accordance with the General Terms of Approval dated 10 May 2016, issued by the Department of Primary Industries Water.

### **REMEDIAL WORKS**

5. Remediation is to be carried out in accordance with the submitted Remedial Action Plan (RAP) prepared by RCA Australia dated 18 November 2016.
6. Following implementation of the RAP, a validation report is to be prepared by a suitably qualified consultant in accordance with the relevant Environment Protection Authority Guidelines and submitted to Council.

7. Any soils found during the validation of the remediation works (as specified by the RAP prepared by RCA Australia dated 18 November 2016) that do not meet the validation criteria are to be removed from the site. Under no circumstances is on-site management of contamination to be used as a remediation measure.

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

8. A total monetary contribution of \$2,041,350.00 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 July 2017). 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.

9. On-site parking accommodation is to be provided for a minimum of 204 cars (150 spaces for residents, 30 spaces for resident visitors, 17 spaces for commercial and commercial visitors - includes 8 accessible car spaces), 14 motorbikes and 100 bicycles in secured spaces (ie able to be locked to rack within a secure room, enclosure, compound or cage) within the basement parking and 15 bicycle spaces on the ground floor area. The on-site parking accommodation is to be set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 '*Traffic, Parking and Access*' of the Newcastle Development Control Plan 2012. Full details are to be included in documentation for a Construction Certificate application.
10. 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.

11. 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 and be sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers. Full details are to be included in documentation for a Construction Certificate application.
12. Traffic management devices in the form of a safety mirrors, Stop and Give Way to Pedestrians signs and Line marking is to be installed at the entry of the proposed basement driveway within the property. Such devices are to be constructed 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.
13. Roof water from the proposed building is to be directed to the proposed underground water tank (minimum size 30,000L) and be reticulated there from to 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 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 the Plumbing Code of Australia. Full details are to be included in documentation for a Construction Certificate application.
14. Overflows from the roof water tank and any additional discharge controls (if required) are to be directed to Council's drainage system by means of an interallotment drainage line or underground pipe directly to the street gutter. Full details are to be included in documentation for a Construction Certificate application.
15. 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 plans and stormwater management report prepared by Northrop Consulting Engineers (ref: Job No. NL161497), Drawings numbers as listed in the approved drawing list. Full details are to be included in documentation for a Construction Certificate application.
16. 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.
17. The ground floor level of the proposed building is to be as shown on the architectural plan prepared by EJE Architecture (ref: Project No. 10670 Dwg No. A102 Rev T dated 28/06/2017) and are to be shown on the plans for any Construction Certificate application.
18. The whole of the proposed structure below 2.70m Australian Height Datum is to be constructed in materials and finishes that are resistant to damage from floodwaters/tidal waters. Any new machinery or equipment, electrical fixtures (such as power points, light fittings and switches), storage units or similar items likely to be damaged by floodwaters/tidal waters is to be installed above the said height or alternatively be of materials and a functional capability that is resistant to the effects of floodwaters/tidal waters. Full details are to be included in documentation for a Construction Certificate application.
19. An appropriate flood emergency response plan is to be prepared by consulting engineers who are experienced in flood management.

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

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

Considerations should include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. The plan is to be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources. Full details are to be included in documentation for a Construction Certificate application.

20. 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 specification 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.

21. 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.
22. 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 documentation for a Construction Certificate application.
23. Erosion and sediment control measures are to be detailed on an Erosion and Sediment Control Plan that is to be submitted for approval with the first Construction Certificate application.
24. 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, so 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*. Full details are to be included in documentation for a Construction Certificate application.
25. A dilapidation report prepared by a suitability qualified person is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate. The dilapidation report is to document (including photographs) the current structural condition of the adjoining buildings, infrastructure and roads. An electronic copy of the dilapidation report is to be provided to Council.
26. A design verification statement from a qualified designer is to be submitted to the Certifying Authority. The statement is to confirm that the Construction Certificate plans and specifications achieve or improve the design quality of the development for which consent is granted, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development*.

Full details are to be included in documentation for the first Construction Certificate application for the residential component of the development.

Note: 'Qualified Designer' means a person registered as an architect in accordance with the *Architects Act 2003*. This condition is imposed in accordance with Clause 143A of the *Environmental Planning and Assessment Regulation 2000*.

27. A structural engineer is to determine the appropriate location and depth of the proposed underground tank and the On-site Detention tank (70 KL) and certify that the tanks will not adversely affect the performance of any building foundation footings or slabs when the tank is empty. Full details are to be included in documentation for a Construction Certificate application.
28. All on-site 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 July 2017). Full details are to be included in documentation for a Construction Certificate application.
29. 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 are to be made for regular removal and disposal of same. The required garbage facility is to be suitable for the accommodation of wheel type bins or bulk waste containers. Full details are to be included in documentation for a Construction Certificate application.
30. A separate application is to be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993* (NSW), before the issue of a Construction Certificate.
31. The developer is to design and construct the following Public Domain Plan Works within Railway Lane to the intersection of Railway Street and Station Street at no cost to Council and in accordance with Council's City Centre Public Domain Manual, guidelines and design specifications. Detailed civil and landscape design is to be prepared to address the initial concept architectural plans prepared by EJE Architecture Project No. 10670 Dwg No. A102 Rev T dated 28/06/2017.

a) Road Design and Public Domain Plan Works (Railway Lane)

- i. New road pavement (design for life of minimum 50years), new kerb and gutter on both sides of the laneway and associated streetscape. Ensure that adjoining property driveways and proposed new driveway design is included.
- ii. Design of new drainage, connection to existing drainage and private property drainage connections.
- iii. Driveways, turning areas and loading zones design (note: garbage will need to be collected from loading bays only and not from kerbside).
- iv. Design of ramps and pedestrian crossings at the intersection of Railway St, Railway Lane and Station St.
- v. Install new street trees in accordance with Council requirements (as necessary) and adjust/relocate services and pits to match new footpath and roadway levels.
- vi. Upgrade/install street lighting within 20m of the vicinity of the development to Ausgrid requirements and P2 lighting category as per City Centre Public Domain Technical Manual.
- vii. Remove all redundant driveways, install new kerb and gutter and repair any road works.
- viii. Install any required parking and mandatory signage.
- ix. Repair any damages caused during construction and ensure the survey mark is protected at all times.
- x. Street lighting upgrade within the vicinity of the development to Ausgrid Standards including any lighting required at the intersection of Railway St and Station St for new ramps and pedestrian crossings.

- xi. Creation of a right of footway within the property, 2m in width and extend 2m beyond both ends of the indented loading zone along Railway Lane. The right of footway is to be created prior to issue of any occupation certificate.
- xii. Any other works associated with construction of Railway Lane.
- xiii. Provide as-built plans, CCTV footage for new drainage and pavement testing results for the new road works and any certification and information provided for land dedication purposes and for handover to Council.

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

Detailed public domain plan is to include civil, structural and hydraulic design & details, survey, cross sections (footpath path are to be designed with 2.5% cross fall) and longitudinal sections.

These 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, hydraulic, geotechnical engineers with experience and competence in the related field.

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 any construction certificate (excluding bulk excavation and demolition works within the site).

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.

Note: Proposed driveway works can be submitted with this application.

- 32. Proposed glazed elements of balustrades are to be designed and constructed with opaque glass. Full details are to be included in documentation for a Construction Certificate application.
- 33. Prior to the issue of a Construction Certificate, a services search is to be undertaken to establish the existence and location of any rail services. Persons performing the service search are to use equipment that will not have any impact on rail services and signalling. Should rail services be identified within or near to the subject development site, the services are to be relocated or incorporated within the development site in accordance with the requirements of Sydney Trains.
- 34. Measures (eg awning windows, louvres, enclosed balconies) are to be installed that prevent the throwing of objects onto the rail corridor from balconies, windows and other external features that face the rail corridor. Full details are to be included in documentation for a Construction Certificate application.
- 35. No work is permitted within the rail corridor or its easements, at any time, unless prior approval has been obtained from Sydney Trains or a relevant agreement has been entered into with Sydney Trains.
- 36. An acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled '*Development Near Rail Corridors and Busy Roads- Interim Guidelines*' is to be included in documentation for a Construction Certificate application.
- 37. A report on the Electrolysis Risk to the development from stray currents, including recommended measures to control that risk, is to be prepared by an Electrolysis Expert and the recommended measures are to be incorporated into the design of the development. Full details are to be included in documentation for a Construction Certificate application.



38. The design of lights, signs and reflective materials, whether permanent or temporary, which will be (or from which reflected light may be) visible from the rail corridor, is to include measures to limit glare and reflectivity to the satisfaction of Sydney Trains. Evidence from Sydney Trains, confirming that this requirement has been satisfied, is to be included in documentation for a Construction Certificate application.
39. A Risk Assessment/Management Plan regarding any potential risks to the rail corridor, infrastructure and assets, and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. Evidence from Sydney Trains, confirming satisfaction with the required documents, is to be included in documentation for a Construction Certificate application.
40. If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases of the proposed development) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. Advice from Sydney Trains confirming the need (or otherwise) to undertake the track monitoring plan and, if required, that the plan has been endorsed, is to be included in documentation for a Construction Certificate application.
41. A plan showing all craneage and other aerial operations for the development is to be submitted to and approved by Sydney Trains. Evidence of the approval of the plan by Sydney Trains is to be included in documentation for a Construction Certificate application.
42. Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains are to be submitted to Council for its records with any Construction Certificate that is issued.
43. A risk analysis that determines the required level of derailment protection (if any) is to be carried out in consultation with Sydney Trains. This risk analysis is to determine the redundancy requirements or the minimum collision loads, as specified in *Australian Standard AS5100*, that need to be complied with. The risk assessment is to be prepared in accordance with the Sydney Trains Safety Management System.

The Certifying Authority is to verify that RailCorp has provided written confirmation that the risk analysis has been prepared and also is to confirm that any measures recommended in the risk analysis have been included in documentation for a Construction Certificate application.

44. An assessment of the likelihood of the presence of any Aboriginal sites in relation to the proposed development area is to be undertaken to comply with the requirements of the *National Parks and Wildlife Act 1974* (NSW) and the requirements for the protection of any sites are to be incorporated into documentation for a Construction Certificate application. Written confirmation that the National Parks and Wildlife Service's requirements have been met are to be submitted to Council prior to engineering works commencing. Any submitted archaeological study is to be accompanied by a letter from the appropriate Local Aboriginal Land Council, stating that they are satisfied with the study process and that appropriate arrangements are in place for continued consultation during development of the site.

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

45. Sydney Trains Rail Corridor Management Group is to be contacted to determine the need for public liability insurance cover. If insurance cover is deemed necessary, this insurance is to be for a sum as determined by Sydney Trains and is to not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure. Evidence of Sydney Trains' requirements for public liability insurance cover and that any such requirements have been satisfied, is to be provided to the Principal Certifying Authority prior to the commencement of work.

46. Sydney Trains Rail Corridor Management Group is to be contacted to determine the need for lodgement of a Bond or Bank Guarantee for the duration of the works. If a Bond or Bank Guarantee is deemed necessary, the required Bond or Bank Guarantee is to be for a sum as determined by Sydney Trains. Evidence of Sydney Trains' requirements for lodgement of a Bond or Bank Guarantee and that any such requirements have been satisfied, is to be provided to the Principal Certifying Authority prior to the commencement of work.
47. The setting out of ground floor levels is to be certified by a registered Surveyor prior to the placement of the floor, confirming compliance with this consent, and a copy of the Surveyor's Certificate is to be forwarded to the Principal Certifying Authority.
48. A Groundwater Licence is to be obtained from the Department of Primary Industries, under the *Water Management Act 2000*, prior to the commencement of any extraction of groundwater. A copy of the Groundwater Licence is to be provided to Council.
49. All downpipes discharging to the rainwater tanks are to have pre-storage insect, debris and vermin control (eg 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 (eg capped relief access points at the lowest level of stormwater drainage).
50. Groundwater is not to be discharged into the adjoining road's stormwater system or the sewerage system without the responsible authority's approval. Approval from the responsible authority and any relevant approval requirements are to be complied with prior to the commencement of any extraction of groundwater.
51. 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).
52. A Hazardous Substances Management Plan is to be prepared by a competent person for the building 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 Attention: Regulatory Services) and the demolisher prior to commencement of work.
  53. Building demolition is to be planned and carried out 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 required Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan is to be kept on-site for the duration of the proposed development, and
    - 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 SafeWork NSW, and

- 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, and
  - 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 is to also include Council's contact telephone number (49742000) and the SafeWork 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.
54. 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.
55. 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 is to be made for Council's approval to position the container on the adjacent public road reserve in accordance with Council's adopted Building Waste Container Policy.

56. 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.
57. Waste management shall be implemented in accordance with the approved Waste Management Plan. At a minimum, the following measures are to be implemented during the construction phase:
- a) A waste container of at least one cubic metre capacity is to 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, and
  - 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, and
  - 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).

58. 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.

59. 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 *Work Health and Safety Act 2011* (NSW), *Work Health and Safety Regulation 2017* (NSW) and any relevant approved industry code of practice. Notice of intention of commencement must be given to SafeWork NSW.
60. A rigid and durable sign is to be erected on any site on which building 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
  - 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 or demolition work is being carried out, but must be removed when the work has been completed.

61. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
62. In the case of residential building work for which the *Home Building Act 1989* (NSW) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.
63. 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.
64. If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- a) Protect and support the adjoining premises from possible damage from the excavation, and
  - b) Where necessary, underpin the adjoining premises to prevent any such damage.

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

65. A survey certificate prepared by a Registered Surveyor is to be submitted to the Principal Certifying Authority prior to the commencement of construction of the building basement, verifying that the set-out of the building in relation to adjacent boundaries is in accordance with the development consent.
66. 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 public assets. The storage of building materials on Council reserves including the road reserve is not permitted.

67. A commercial/industrial type vehicular crossing is to be constructed across the road reserve footway, in accordance with the following criteria:
- Constructed in accordance with Council's A374 - Driveway Crossings Standard Design Details.
  - Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2 metre, in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance.
  - The proposed driveway is to be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.
  - Driveway cross-fall is to be a maximum of 2.5%.

These works are not approved until consent under Section 138 of the *Roads Act 1993* (NSW) has been granted by Council. An application under Section 138 is to be made and approved before the commencement of works.

Note: the driveway application may be lodged with the required application for public domain works (ie footpath works) in the public road.

68. A separate application is to 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.
69. 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 implemented in the public road reserve during the construction phase.
70. 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 provide for safe, continuous movement of traffic and pedestrians within the road reserve.
71. 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.
72. All roof and surface waters are to be conveyed to the street gutter 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.
73. Visitor parking bays for the residential and commercial visitors are to be clearly indicated by means of signs and/or pavement markings.
74. 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.
75. 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.

76. 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.

77. 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'*.
78. 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*.
79. Documentation demonstrating compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption is to 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 is also to be provided to Council officers or the Principal Certifying Authority on request.
80. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> Edition - Vol. 1* (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stabilised with any bare areas supporting an established vegetative cover.
81. Prior to the commencement of work, a 3m wide all weather vehicle access is to be provided from the vehicular carriageway of Railway Lane to the building under construction, to reduce the potential for soil erosion. Sand is not to be stockpiled on the all weather vehicle access.
82. All necessary measures are to be undertaken to control dust pollution being generated from the site. These measures are to 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 shadecloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.
83. 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 *Surveyors Act*.
84. Prior to any site works commencing, a Construction Management Plan (CMP) is to be prepared and implemented to manage all environmental aspects associated with the construction works, including off-site impacts such as transport to and from the site. A copy of the CMP is to be provided to the Principal Certifying Authority, be maintained on site during all site works and be made available to Authorised Council Officers upon request. The CMP 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. The site management strategy is to include recognition of the restriction on the use of the part of the site that is burdened by the *'right of carriageway'*, located adjacent to the south-eastern corner of the site.
  - A soil and water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water and

groundwater. Procedures should 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.
- A waste minimisation strategy that aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
- A community relations plan that aims to inform local residents and other local stakeholders of the proposed nature and timeframes for construction activities together with contact details for site management.
- A noise management strategy detailing measures to minimise the impact of the construction phase on the amenity of the locality, in accordance with Australian Standard AS 2436 - 1981 '*Guide to Noise control on Construction, Maintenance and Demolition Sites*'. Noise monitoring during the construction phase should be incorporated into the program.

85. The development is to be undertaken in accordance with the requirements of Ausgrid as detailed in their letter dated 6 May 2016.
86. Free and open access to the existing right of way in favour of the adjoining hotel site (DP Lot 123 DP 1090081 - 14 Railway Street, Wickham) being maintained at all times including during any works associated with the construction of the proposed development.
87. No scaffolding or hoarding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval, the proponent will be required to submit details of the scaffolding or hoarding, the means of erecting and securing this scaffolding or hoarding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding is not to be erected without isolation and protection panels.
88. Sydney Trains advises they have an 11kV H/V aerial transmission line near to this site and any works, scaffolding and crane movements within 6 metres of the nearest transmission line conductor is to be approved by Sydney Trains beforehand.

In addition, all works within 6 metres of the nearest transmission line conductor must comply with:

- a) ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.
  - b) The Safe Approach Distances (SADs) in the Sydney Trains Document titled "SMS-06-GD-0268 – Working Around Electrical Equipment".
89. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment within or adjacent to the rail corridor. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.
90. Unless otherwise advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
91. No rock anchors/bolts are to be installed into Sydney Trains property or easements.
92. If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the developer. These inspections are to establish the extent of any existing damage and enable

any deterioration during construction to be observed and documented by the developer. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

93. Any conditions issued as part of Sydney Trains approval, as required by Condition A1 of Schedule 1, are to be complied with.

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

94. 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 July 2017). 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.
95. 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 dwellings 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 with any relevant Occupation Certificate.
96. 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.
97. Any redundant existing vehicular crossing (or section of) is to be removed at no cost to Council and the public footway and kerb is to be restored to match the existing infrastructure and be completed prior to the issuing of an Occupation Certificate for the proposed development.
- Note: A separate approval from Council must be obtained for all works within the public road reserve pursuant to Section 138 of the *Roads Act 1993*.
98. 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.
99. 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. The warning notice is to be installed prior to issue of any Occupation Certificate.
100. 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.



101. Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by RCA Acoustics dated June 2017. Written final certification confirming that 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.

102. The portion of the land required for road widening along Railway Lane between the existing Council road reserve and the proposed new property boundary as highlighted in red on the architectural plan prepared by EJE Architecture (Project No. 10670 Dwg No. A102 Rev T dated 28/06/2017) is to be transferred to Council for dedication as road reserve. A detailed survey plan is to be submitted with an accompanying Subdivision Certificate Application for Council certification and such plan is to be registered with the NSW Government Land & Property Information prior to issue of any Occupation Certificate.

Note: All associated survey and legal work is to be undertaken by the Developer at the Developers expense. The land is to be dedicated to Council as a Road Reserve at no cost to Council.

103. The whole of the land is to be consolidated into a single title and documentary evidence of the lodgement for registration of a survey plan of consolidation with NSW Government Land & Property Information is to be submitted to Council prior to the issuing of an Occupation Certificate for the proposed development.

Note: The required consolidation and road dedication should be undertaken at the same time to facilitate the re-subdivision of land.

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

105. Rights of footway and easement for services (easements in gross) are to be created within the property being 2m in width and extending 2m beyond both ends of the indented loading zone along Railway Lane in favour of Council. The right of footway and easement for services are to be created prior to issue of any Occupation Certificate.

106. An appropriate notation is to be placed on the required plan of subdivision and an instrument under Section 88B of the *Conveyancing Act 1919* (NSW) is to be 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.

107. All works within the road reserve required by this consent are to be completed prior to the issue of any Occupation Certificate.

108. The Developer preparing a Green Travel Plan (GTP) to encourage the use of alternate transport to the private vehicle in accordance with Section 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 is to be provided to the Principal Certifying Authority.

109. 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.

110. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
111. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied
112. 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 including land dedication as road reserve and right of access being created.

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

113. The required flood emergency response plan is to be implemented prior to occupation of the proposed building. Such plan is to be effectively updated and maintained by the building owners; to include an education and awareness component for the workforce and detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan (where appropriate) and to include provisions for any third parties likely to be involved.
114. The hours of operation or trading of the commercial premises are to be not more than from:

<b>DAY</b>	<b>START</b>	<b>FINISH</b>
Monday	8am	6pm
Tuesday	8am	6pm
Wednesday	8am	6pm
Thursday	8am	6pm
Friday	8am	6pm
Saturday	8am	6pm
Sunday	9am	2pm

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

115. 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.

116. 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.

117. The landscaped areas are to be kept free of parked vehicles, stored goods, garbage or waste material and be permanently maintained.
118. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.
119. Vehicles and garbage collections 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.
120. Waste collection from the proposed development is to be restricted to 7:00am and 6:00pm daily.
121. 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 Climate Change and Water '*Waste Classification Guidelines Part 1: Classifying Waste*'.
122. 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. Such areas are not to be used for the storage of goods or waste materials.
123. The rail corridor access gate on Railway Lane is not to be blocked at any time.
124. Sydney Trains or Transport for NSW, and persons authorised by those entities, are to be granted access to inspect the site of the development and all structures to enable consideration of whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
125. 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

## **ADVISORY MATTERS**

- A. It is recommended that, prior to commencement of work, the free national community service '*Dial before you Dig*' be contacted on telephone 1100 or via website [www.1100.com.au/](http://www.1100.com.au/) regarding the location of underground services in order to prevent injury, personal liability or death. Inquiries should provide the property details and the nearest cross street/road.

- B. 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.
- C. 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.
- D. Prior to the occupation or use of a new building an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate is to contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000* (NSW).
- E. 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.
- F. 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.
- G. 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.
- H. The premises are allocated the following street addresses in accordance with *Council's House Numbering Policy* and the *Surveying and Spatial Regulation*.

**NOTE:** Site address has now been changed to be **12 Railway Lane, Wickham**.

Unit Number on plan	Council Allocated Street Address(es)			
	House Number	Street Name	Street Type	Suburb
Ground Floor Commercial 1	6/12	Railway	Lane	Wickham
Ground Floor Commercial 2	1/12	Railway	Lane	Wickham
G.01	5/12	Railway	Lane	Wickham
G.02	4/12	Railway	Lane	Wickham
G.03	3/12	Railway	Lane	Wickham
G.04	2/12	Railway	Lane	Wickham
1.01	104/12	Railway	Lane	Wickham
1.02	103/12	Railway	Lane	Wickham
1.03	102/12	Railway	Lane	Wickham
1.04	101/12	Railway	Lane	Wickham
1.05	105/12	Railway	Lane	Wickham
1.06	106/12	Railway	Lane	Wickham
1.07	107/12	Railway	Lane	Wickham

1.08	108/12	Railway	Lane	Wickham
1.09	109/12	Railway	Lane	Wickham
1.10	110/12	Railway	Lane	Wickham
1.11	111/12	Railway	Lane	Wickham
1.12	112/12	Railway	Lane	Wickham
1.13	113/12	Railway	Lane	Wickham
1.14	114/12	Railway	Lane	Wickham
1.15	115/12	Railway	Lane	Wickham
1.16	116/12	Railway	Lane	Wickham
1.17	117/12	Railway	Lane	Wickham
1.18	118/12	Railway	Lane	Wickham
1.19	119/12	Railway	Lane	Wickham
1.20	120/12	Railway	Lane	Wickham
2.01	204/12	Railway	Lane	Wickham
2.02	203/12	Railway	Lane	Wickham
2.03	202/12	Railway	Lane	Wickham
2.04	201/12	Railway	Lane	Wickham
2.05	205/12	Railway	Lane	Wickham
2.06	206/12	Railway	Lane	Wickham
2.07	207/12	Railway	Lane	Wickham
2.08	208/12	Railway	Lane	Wickham
2.09	209/12	Railway	Lane	Wickham
2.10	210/12	Railway	Lane	Wickham
2.11	211/12	Railway	Lane	Wickham
2.12	212/12	Railway	Lane	Wickham
2.13	213/12	Railway	Lane	Wickham
2.14	214/12	Railway	Lane	Wickham
2.15	215/12	Railway	Lane	Wickham
2.16	216/12	Railway	Lane	Wickham
2.17	217/12	Railway	Lane	Wickham
2.18	218/12	Railway	Lane	Wickham
2.19	219/12	Railway	Lane	Wickham
2.20	220/12	Railway	Lane	Wickham
2.21	221/12	Railway	Lane	Wickham
3.01	304/12	Railway	Lane	Wickham
3.02	303/12	Railway	Lane	Wickham
3.03	302/12	Railway	Lane	Wickham
3.04	301/12	Railway	Lane	Wickham
3.05	305/12	Railway	Lane	Wickham
3.06	306/12	Railway	Lane	Wickham
3.07	307/12	Railway	Lane	Wickham
3.08	308/12	Railway	Lane	Wickham
3.09	309/12	Railway	Lane	Wickham
3.10	310/12	Railway	Lane	Wickham
3.11	311/12	Railway	Lane	Wickham
3.12	312/12	Railway	Lane	Wickham
3.13	313/12	Railway	Lane	Wickham
3.14	314/12	Railway	Lane	Wickham
3.15	315/12	Railway	Lane	Wickham
3.16	316/12	Railway	Lane	Wickham
3.17	317/12	Railway	Lane	Wickham
3.18	318/12	Railway	Lane	Wickham
3.19	319/12	Railway	Lane	Wickham
3.20	320/12	Railway	Lane	Wickham
3.21	321/12	Railway	Lane	Wickham
4.01	404/12	Railway	Lane	Wickham
4.02	403/12	Railway	Lane	Wickham
4.03	402/12	Railway	Lane	Wickham

4.04	401/12	Railway	Lane	Wickham
4.05	405/12	Railway	Lane	Wickham
4.06	406/12	Railway	Lane	Wickham
4.07	407/12	Railway	Lane	Wickham
4.08	408/12	Railway	Lane	Wickham
4.09	409/12	Railway	Lane	Wickham
4.10	410/12	Railway	Lane	Wickham
4.11	411/12	Railway	Lane	Wickham
4.12	412/12	Railway	Lane	Wickham
4.13	413/12	Railway	Lane	Wickham
4.14	414/12	Railway	Lane	Wickham
4.15	415/12	Railway	Lane	Wickham
4.16	416/12	Railway	Lane	Wickham
5.01	504/12	Railway	Lane	Wickham
5.02	503/12	Railway	Lane	Wickham
5.03	502/12	Railway	Lane	Wickham
5.04	501/12	Railway	Lane	Wickham
5.05	505/12	Railway	Lane	Wickham
5.06	506/12	Railway	Lane	Wickham
5.07	507/12	Railway	Lane	Wickham
5.08	508/12	Railway	Lane	Wickham
5.09	509/12	Railway	Lane	Wickham
5.10	510/12	Railway	Lane	Wickham
5.11	511/12	Railway	Lane	Wickham
5.12	512/12	Railway	Lane	Wickham
5.13	513/12	Railway	Lane	Wickham
5.14	514/12	Railway	Lane	Wickham
5.15	515/12	Railway	Lane	Wickham
5.16	516/12	Railway	Lane	Wickham
5.17	517/12	Railway	Lane	Wickham
6.01	604/12	Railway	Lane	Wickham
6.02	603/12	Railway	Lane	Wickham
6.03	602/12	Railway	Lane	Wickham
6.04	601/12	Railway	Lane	Wickham
6.05	605/12	Railway	Lane	Wickham
6.06	606/12	Railway	Lane	Wickham
6.07	607/12	Railway	Lane	Wickham
6.08	608/12	Railway	Lane	Wickham
6.09	609/12	Railway	Lane	Wickham
6.10	610/12	Railway	Lane	Wickham
6.11	611/12	Railway	Lane	Wickham
6.12	612/12	Railway	Lane	Wickham
6.13	613/12	Railway	Lane	Wickham
6.14	614/12	Railway	Lane	Wickham
6.15	615/12	Railway	Lane	Wickham
6.16	616/12	Railway	Lane	Wickham
6.17	617/12	Railway	Lane	Wickham
7.01	704/12	Railway	Lane	Wickham
7.02	703/12	Railway	Lane	Wickham
7.03	702/12	Railway	Lane	Wickham
7.04	701/12	Railway	Lane	Wickham
7.05	705/12	Railway	Lane	Wickham
7.06	706/12	Railway	Lane	Wickham
7.07	707/12	Railway	Lane	Wickham
7.08	708/12	Railway	Lane	Wickham
7.09	709/12	Railway	Lane	Wickham
7.10	710/12	Railway	Lane	Wickham
7.11	711/12	Railway	Lane	Wickham

7.12	712/12	Railway	Lane	Wickham
7.13	713/12	Railway	Lane	Wickham
7.14	714/12	Railway	Lane	Wickham
7.15	715/12	Railway	Lane	Wickham
7.16	716/12	Railway	Lane	Wickham
7.17	717/12	Railway	Lane	Wickham
8.01	803/12	Railway	Lane	Wickham
8.02	802/12	Railway	Lane	Wickham
8.03	801/12	Railway	Lane	Wickham
8.04	804/12	Railway	Lane	Wickham
8.05	805/12	Railway	Lane	Wickham
8.06	806/12	Railway	Lane	Wickham
8.07	807/12	Railway	Lane	Wickham
8.08	808/12	Railway	Lane	Wickham
8.09	809/12	Railway	Lane	Wickham
8.10	810/12	Railway	Lane	Wickham
8.11	811/12	Railway	Lane	Wickham
8.12	812/12	Railway	Lane	Wickham
8.13	813/12	Railway	Lane	Wickham
8.14	814/12	Railway	Lane	Wickham
8.15	815/12	Railway	Lane	Wickham
8.16	816/12	Railway	Lane	Wickham
8.17	817/12	Railway	Lane	Wickham

**END OF CONDITIONS**