

## APPENDIX A - Conditions of Consent

### A General Conditions

A1 The development being carried out strictly in accordance with the following details, except as otherwise provided by the conditions of this consent:

a. Development plans prepared by Michael Carr Architect Pty Ltd – Project No 14067

Sheet Name	Drawing No	Revision	Date
Site Analysis – Existing Conditions	A0-01	DA3	17/7/17
Site Plan Proposed	A1-01	DA6	17/7/17
Basement	A2-01	DA9	17/7/17
Ground Floor	A2-02	DA8	17/7/17
First Floor Plan	A2-03	DA8	17/7/17
Second Floor Plan	A2-04	DA8	17/7/17
Third Floor Plan	A2-05	DA8	17/7/17
P9 Car Park	A2-06	DA8	17/7/17
Fourth Floor Plan	A2-07	DA9	17/7/17
Fifth Floor to Ninth Floor Plans	A2-08	DA8	17/7/17
Tenth Floor Plan	A2-09	DA8	17/7/17
Eleventh Floor Plan	A2-10	DA8	17/7/17
Twelfth Floor Plan	A2-11	DA8	17/7/17
Roof Plan	A2-12	DA4	17/7/17
Axonometric View	A6-01	DA4	17/7/17
Axonometric View	A6-02	DA3	17/7/17
Area Plan - Basement	A7-01	DA5	17/7/17
Area Plan – Ground Floor	A7-02	DA5	17/7/17
Area Plan – First Floor	A7-03	DA5	17/7/17
Area Plan – Second Floor	A7-04	DA6	17/7/17
Area Plan – Third Floor	A7-05	DA5	17/7/17
Area Plan – Fourth Floor	A7-06	DA6	17/7/17
Area Plan – Fifth to Ninth Floors	A7-07	DA5	17/7/17
Area Plan – Tenth Floor	A7-08	DA5	17/7/17
Area Plan – Eleventh Floor	A7-09	DA4	17/7/17
Area Plan – Twelfth Floor	A7-10	DA5	17/7/17
Building Elevations	A3-01	DA6	17/7/17
Building Elevations	A3-02	DA7	17/7/17
Building Elevations	A3-03	DA6	17/7/17
Building Elevations	A3-04	DA6	17/7/17
Building Sections	A4-01	DA4	17/7/17
Building Sections	A4-02	DA5	17/7/17
Building Sections	A4-03	DA4	17/7/17
Building Sections	A4-04	DA4	17/7/17

Driveway Detail	A4-05	DA5	17/7/17
Shadow Diagrams	A5-00	DA5	17/7/17
Shadow Diagrams	A5-01	DA2	17/7/17
Solar Calculations	A5-02		17/7/17
Solar Calculations	A5-03		17/7/17

b. Landscape plans prepared by Mara Consulting Pty :

Sheet Name	Drawing No	Revision	Date
Landscape Plan – Existing Site	L01	D	31/10/16
Landscape Plan – Ground Floor	L02	E	28/7/17
Landscape Plan – Level 1	L03	E	28/7/17
Landscape Plan – Level 2	L04	E	28/7/17
Landscape Plan – Level 3	L05	E	28/7/17
Landscape Plan – P9 Carpark	L06	E	28/7/17
Landscape Plan – Level 4	L07	E	28/7/17
Landscape Plan – Levels 5-9	L08	E	28/7/17
Landscape Plan – Level 10	L09	E	28/7/17
Landscape Plan – Level 11	L10	E	28/7/17
Landscape Plan – Level 12	L11	E	28/7/17
Landscape Plan – Planting	L12	E	28/7/17
Landscape Plan – Climber Structures	L13	E	28/7/17

c. Civil & Structural Engineering plans prepared by Lindsay Dynan, Project Ref No. 12120

Sheet Name	Drawing No	Revision	Date
Basement - Stormwater Drainage Plan	DA01	D	14/08/17
Ground Floor - Stormwater Drainage Plan	DA02	D	14/08/17
First Floor - Stormwater Drainage Plan	DA03	D	14/08/17
Stormwater Drainage Details	DA04	D	14/08/17
Sediment and Erosion Control Plans	DA05	B	14/08/17
	DA06	B	14/08/17

Retaining Wall General Arrangement	S01	A	06/10/16
Retaining Wall Details	S02	A	06/10/16
Key Plan Basement Corner & Building Corner Section	Pg 2 of letter	0	12/05/17

- d. Traffic Impact Assessment prepared by SECA Solution, Ref. P0456 990 Hunter Street TIA, dated 20 April 2016.
- e. Statement of Environmental Effects prepared by KDC Pty Ltd dated May 2016.
- f. Waste Management Plan prepared by KDC Pty Ltd dated 25 August 2017.
- g. Geotechnical Report - Shoring in Proximity to Rail Line prepared by Lindsay Dynan.
- h. Letter from Lindsay Dynan dated 12 May 2017 in relation to Service Pipe Bridging under the western boundary junction.
- i. Stormwater Drainage Plans prepare by Lindsay Dynan Rev D Dated 14/08/17
- j. SEPP 65 Statement & Apartment Design Guide Report Rev DA3 prepared by Michael Carr Architect Rev DA5 dated August 2017.
- k. Road and Railway Noise Impact Assessment prepared by Muller Acoustic Consulting Dated August 2017.

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

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

- B1. 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.
- B2. 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).

- B3. 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.
- B4. 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.
- B5. 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).

B6. 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.

B7. 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.

B8. A 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. The plan is to be submitted to Council for approval prior to the commencement of works and is to be implemented during the construction phase.

B9. An Acid Sulfate Soils Management Plan shall be prepared for the site and implemented during demolition and excavation works.

B10. Groundwater and Temporary Anchors Conditions

- A. The applicant is to obtain a Groundwater Licence under the *Water Management Act 2000* from the Department of Primary Industries (DPI - previously known as NSW Office of Water) prior to the commencement of any extraction of groundwater. A copy of the Groundwater Licence is to be provided to Council.
- B. Groundwater is not to be discharged into adjoining roads, stormwater system, sewerage system etc. without the controlling authority's approval and/or owner's consent/s. Any requirements of the approving authority are to be complied with prior to the commencement of any extraction of groundwater.
- C. Temporary ground anchors are to be designed and installed along the road reserve and adjoining properties to protect the existing properties. The design

of the temporary ground anchors are to be carried out by qualified and practicing structural and geotechnical engineers. Approval is to be attained from the road authority for installation of the temporary ground anchors prior to the start of any bulk excavation works. The temporary ground anchors are to be destressed and any timber is to be removed to the satisfaction and requirements of the road authority.

- B11. Following the completion of demolition work and prior to any excavation works a contamination validation report is to be undertaken to demonstrate the site's suitability for residential development. Should any contaminated soil be present in the material that is to be excavated from the site it must be disposed of in accordance with the requirements of the NSW Environmental Protection Authority.

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

- C1 The decks on the north western corner of the building, being the private open space for the units on Floors 5-9 labelled 5.2.C2 on the 'Fifth floor to ninth floor plans' numbered A2-08 shall be amended to address the following:

- a) Solid balustrading is to be used at the rail corridor boundary, ending at the support column.
- b) The design/shape of the balustrades is to be amended to 'soften' the appearance of the corner balustrades. The amended design shall compliment the geometry of the timber roof feature located above the level 9 balcony.
- c) The balconies could be increased in width by up to 1 metre (encroaching the 6 metre front street setback) if it can be demonstrated that this will contribute to the design of the corner treatment of the building.

Full details are to be approved by Council and included in documentation for a Construction Certificate application.

- C2 The carpark levels facing Hunter Street shall be screened in accordance with the design indicated on the montages and SEPP65 Statement & Apartment Design Guide Report prepared by Michael Carr Architect Rev DA5 dated August 2017. Detailed specifications of the approved green wall shall be prepared by a Landscape Architect and be incorporated in the design of the screen.

Full details are to be approved by Council and included in documentation for a Construction Certificate application.

- C3. A total monetary contribution of \$461,112.70 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:

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

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

- C4. The proposed development is to comply with the requirements of Sydney Trains dated 20 March 2017 as attached to this schedule. Full details are to be included in documentation for a Construction Certificate application.
- C5. On-site parking accommodation is to be provided for a minimum of 90 car spaces (including 3 disabled parking spaces) and 7 motorbike spaces and 88 secured bicycle spaces (Class 2). A minimum of 6 car spaces including two designated service vehicle spaces (P1-CP1 & P1-CP2 to be used as service/loading and emergency parking spaces) are to be allocated for the commercial premises. A minimum of 15 spaces are to be allocated and delineated as visitor car parking. This parking is to 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 and the plans submitted with the development application. Full details are to be included in documentation for a Construction Certificate application.
- C6. The proposed roller door is to be setback 6m clear from the property boundary. Full details are to be included in documentation for a Construction Certificate application.
- C7. 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.

- C8. All proposed driveways and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic loading, being sealed with bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. The driveways are to be constructed in accordance with AS2890 – (Off street parking) and Council design specifications. Full details are to be included in documentation for any Construction Certificate application.
- C9. The proposed driveway access to the building is to be of sufficient width to allow the design vehicle to simultaneously enter and exit the site in accordance with AS2890:1, 2004. Full details are to be included in documentation for any Construction Certificate application.
- C10. Traffic management devices in the form of Stop and Give Way to pedestrian signs and Line marking is to be installed at the entry of the proposed driveway within the property, such devices is 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.
- C11. Roof water from the proposed new work is to be directed to the proposed underground tank and be reused for landscaping areas as indicated in the Stormwater Plans prepared by Lindsay Dynan Project No. 12120 Dated 14/08/2017. 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.
- C12. A structural engineer is to determine the location and depth of the proposed underground tank and the On Site Detention tank and certify that it will not adversely affect any building foundation footings or slabs when the tank is empty. Stormwater Management Plan is to be designed in accordance with current NDCP Section 7.06 Stormwater Management and The City of Newcastle's Stormwater and Water Efficiency Technical Manual. Full details are to be included with documentation for a Construction Certificate.
- C13. 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.
- C14. Should any soils below the level of excavation be found to be contaminated, a Remedial Action Plan shall be prepared. Any soils that do not meet the validation criteria are to be remediated in accordance with the RAP prior to the issue of the Construction Certificate.
- C15. Any alteration to existing 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 towards adjoining building sites or that runoff is impounded on adjoining building sites as a result of the development. Full details are to be included in documentation for a Construction Certificate application.
- C16. The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply, sewerage services and any drainage connections, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's certificate of compliance



(refer s50 Hunter Water Act 1991) is to be included in documentation for a Construction Certificate application.

- C17. 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. Full details are to be included in documentation for a Construction Certificate application.
- C18. Overflows from the on-site detention tank and any additional discharge controls (if required) are to be directed to the nominated drainage system by means of an interallotment drainage line or underground pipe and approval from the relevant authority or owners to be attained. Full details are to be provided with the Construction Certificate application.
- C19. 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 Stormwater Plans prepared by Lindsay Dynan Project No. 12120 dated 14/08/17, Drawings numbers as listed in the approved drawing list. Full details are to be included in documentation for any Construction Certificate application.
- C20. All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls, full details are to be provided with the Construction Certificate application.
- C21. The ground floor level of the proposed building is to be as indicated on the architectural plan prepared by Michael Carr Architect Project No. 14067 Dwg No. A2-02 Rev DA8 dated 17/07/2017 and being indicated on the plans for any Construction Certificate application.
- C22. The whole of the proposed structure below 3.30m 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. Any openings that may allow for flood waters to enter the basement (except for vehicular entry points) are to be set at PMF Level of 5.90m AHD. Full details are to be included in documentation for a Construction Certificate application.
- C23. An appropriate flood emergency response plan is to be prepared by a consulting engineer, who is experienced in flood management, and put in place by the applicant prior to occupation of this site for the intended use. Such plan is to be effectively updated and maintained by the occupiers, is to include an education and awareness component for the workforce and detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan (where appropriate) and to include provisions for any third parties likely to be involved.

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

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

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. As much as possible, the plan is to be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources. Full details are to be included in documentation for a Construction Certificate application.

- C24. 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 1 security camera is to be installed along Hunter Street for security and surveillance purposes. Full details are to be included in the documentation for a Construction Certificate application.
- C25. 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.
- C26. A loading bay with capacity to accommodate the largest delivery vehicles likely to deliver goods to or from the premises, is to be provided in a position adjacent to the proposed roller shutter in a manner which does not cause obstruction to the vehicular access driveway or parking area. Full details are to be included in documentation for a Construction Certificate application.
- C27. All proposed planting and landscape elements indicated on the submitted landscape concept plans or otherwise required under the conditions of this consent being implemented and comprehensive landscape design plans and specifications in respect thereof being prepared by a qualified landscape designer and being submitted with a Construction Certificate application.

Note: The required comprehensive landscape design plan and specifications is to be in accordance with the provisions of Council's adopted Newcastle Development Control Plan, 2005 and is to include cross sections through the site where appropriate, proposed contours or spot levels, botanical names, quantities and container size of all proposed trees, shrubs and ground cover, details of proposed soil preparation, mulching and staking as well as treatment of external surfaces and retaining walls where proposed, drainage, location of taps and the nominated maintenance periods.

Specific details are to be provided for the green wall to the car parking area including a detailed maintenance plan. An automatic watering system utilising rainwater from the site is to be provided to the planter beds adjacent to the external walls of the carpark that are utilised for the green wall.

- C28. A dilapidation report prepared by a suitability qualified person shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The dilapidation report shall document and photograph the current structural condition of the adjoining buildings, infrastructure and roads. An electronic copy of the dilapidation report is to be provided to Council.
- C29. A dilapidation report prepared by a suitability qualified person shall be submitted to the Certifying Authority and Council prior to the issue of a Construction Certificate for

the existing Council drainage pipe located on the western corner of the property. The dilapidation report is to contain CCTV report and footage and is to be done to Council Specifications and shall document and photograph the pre-construction condition of the existing drainage pipe. Any required additional investigation such as borehole tests etc. to locate the exact position of the Council drainage pipe is to be done in a manner to avoid any structural damage to the pipe. Any additional stabilisation/maintenance works required to be undertaken to allow for the construction of the building is to be done at the land owner(s)/applicant's costs. Council should be contacted immediately if there are any major identified issues for an inspection. A copy of the electronic report is to be provided to Council.

C30. A commercial/industrial type vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:

- a) Constructed in accordance with Council's A1300 – Driveway Crossings Standard Design Details.
- b) The driveway crossing, within the road reserve, shall be a maximum of 6 metres wide.
- c) Letterboxes, landscaping and any other obstructions to visibility should 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.
- d) Provision of a 6.0m ramp at a maximum grade of 5.0% immediately inside the property for vehicle access in accordance with AS 2890.1 - Parking Facilities.
- e) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve.
- f) The proposed driveway shall 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.

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 must be applied for and approved before the issue of a Construction Certificate.

Note: the driveway application can be done with the S138 Type 2 application for the public domain works (footpath works).

C31. All retaining walls are to be designed by a suitably qualified professional engineer with suitable provision made for drainage. Full details of the retaining wall design are to be included in documentation for a Construction Certificate.

C32. The proposed verandahs and awnings are to be designed in a manner that is consistent with Element 7.10 'Street Awnings and Balconies' of the Newcastle Development Control Plan 2012. Full details are to be included in documentation for a Construction Certificate application.

C33. Any required clothes drying lines are to be screened from the street. Full details are to be included in documentation for a Construction Certificate application.

C34. 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.

C35. Working drawings and specifications of the proposed building are to be submitted to the NSW Mine Subsidence Board for approval prior to an application for a Construction Certificate and any requirements of the Board are to be included in the documentation for a Construction Certificate application.

C36. A design verification statement from a qualified designer shall be submitted to the Certifying Authority. The statement shall confirm 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 the documentation for the first Construction Certificate for the residential flat 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*.

C38. A public art feature is to be designed and is to be installed on 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.

C39. A kitchenette and toddler play area is to be installed in the 10<sup>th</sup> floor common area. Full details are to be included in documentation for a Construction Certificate application.

C40. No access is to be provided from any residential unit at the 4th floor level to the podium level at the eastern end of the building other than for maintenance purposes. A ladder is to be provided attached to the underside of the floor slab to the fourth floor level adjacent to the access hatch to enable access to the green roof on the south eastern end of the building. Full details are to be included in documentation for a Construction Certificate application.

C41 The building being constructed in accordance with the Road & Rail Noise Impact Assessment prepared by Muller Acoustic Consulting dated August 2017. Full details are to be included in documentation for a Construction Certificate application. Full details are to be included in documentation for a Construction Certificate application.

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

- D1. Any proposed work within the public road reserve, including driveway works, reinstatement of a kerb or installation of drainage, is to be the subject of the separate approval of Council prior to commencement.

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

- D2. 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.

- D3. 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.

- D4. Prior to commencement of site works for each respective stage of development the developer is to submit to Council for approval a Construction Parking Management Plan (CPMP) addressing the parking of construction vehicles and the transportation of construction personnel to the site. The CPMP is to detail a common location for the parking of construction vehicles outside of the Newcastle CBD area and utilise shuttle buses and for the transportation of construction personnel and their equipment to the site.

- D5. 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:

*control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins and 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.*

- D6. 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 2011 (NSW)* and any relevant approved industry code of practice. Notice of intention of commencement

must be given to WorkCover New South Wales.

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

- E1. The setting out of ground floor levels are 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.
- E2. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- E3. Any excavated material to be removed from the site being assessed, classified, transported and disposed of in accordance with the NSW Office of Environment and Heritage Waste Classification Guidelines.
- E4. 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.
- E5. 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.

- E6. 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.

- E7. 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.
- E8. 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.
- E9. 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.
- E10. 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 or Sunday adjacent to a Public Holiday

- E11. All building materials, plant and equipment is to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves including the road reserve is not permitted.
- E12. 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.
- E13. Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Exemption that is permitted to be used as a fill material, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* (NSW) and the *Protection of the Environment (Waste) Regulation 2005* (NSW).
- E14. Any fill material subject to a Resource Recovery Exemption received at the site must be accompanied by documentation demonstrating that material's compliance with the conditions of the exemption, and this documentation must be provided to Council officers or the Principal Certifying Authority on request.
- E15. 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 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.
- E16. 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.
- E17. Any necessary alterations to public utility installations being at the Developer/Demolisher's expense and to the requirements of both Council and the appropriate authorities.
- E18. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- E19. All works are to cease if any Aboriginal objects or artefacts are uncovered during works. Immediately contact is to be made with the NSW Office of Environment & Heritage and compliance with any directions or requirements is to be achieved. It is an offence under the National Parks and Wildlife Act 1974 to knowingly disturb an Aboriginal artefact without consent.

**F Conditions which must be satisfied prior to any occupation or use of the building**

- F1. Details confirming the installation of the public artwork, required as part of this consent, shall be submitted to the Principal Certifying Authority and Council prior to the issue of the Occupation Certificate.
- F2. 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. 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.
- F3. 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. F3. 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 prior to occupation of the site.
- F4. All building or site works or other written undertaking or obligation indicated in the submitted plans and supporting documentation or otherwise required under the terms of this consent being carried out or implemented prior to occupation of the premises.
- F5. 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 prior to occupation of the building.

The minimum numeral heights shall be:

- a) exterior of the building = 75mm and
- b) group mailbox - street number = 150mm  
- house number = 50mm

- F6. A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, shall be submitted to Newcastle City Council prior to occupation of the building. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
- F7. A total of two parking bays within the ground floor (car spaces P1-CP1 & P1-CP2) are to be allocated and clearly identified for use in as Loading Bays and Service and Emergency Bays prior to the occupation of the building.
- F8. 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 prior to occupation of the building.

**G Conditions which must be satisfied prior to the issue of any Occupation certificate Subdivision Certificate or a Strata Certificate**

- G1. 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.

- G2. All public footways, foot paving, 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 issue of any Occupation Certificate in respect of the development.
- G3. 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.
- G4. 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.
- G5. A suitably qualified professional engineer is to inspect and certify that the retaining walls have been constructed in accordance with the retaining wall design with written confirmation to be submitted to the certifying authority prior to the issue of an occupation certificate for the proposed development.
- G6. All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to the issue of an Occupation Certificate. Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to Council within fourteen days of receipt.
- G7. Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Muller Acoustic Consulting, 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.

- G8. 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.
- G9. The developer is to design and construct the following Public Domain Plan Works within Hunter Street frontage at no cost to Council and in accordance with Council's City Centre Public Domain Manual, guidelines and design specifications.

a) Road Design and Public Domain Plan Works

- i. New Driveways, turning areas and any proposed loading zone design (note: garbage will need to be collected from loading bays only and not from

kerbside). Note: Any proposed Loading Zones will be subject to Newcastle City Traffic Committee (NCTC) approval.

- ii. Install new street trees in accordance with Council requirements (as necessary) and adjust service pit levels to match new footpath levels/roadway. Street trees are to be in gap-graded structural soil vaults with permeable paving, TG1 tree guard and TS2 tree grate in accordance with Council's 'City Centre Public Domain Technical Manual'.
- iii. Tree plantings within Hunter Street fronting the site being species *Cupaniopsis Anarcardioides* - Tuckeroo, with the selected trees being advanced specimens in a minimum 400 litre pot size. The required plantings are to be undertaken in consultation with Council, with the trees certified by the supplier to comply with the current NATSPEC guideline with respect to root development, height, trunk diameter, branch structure and balance (refer to *Specifying Trees*, Construction Information Systems Australia PL, Clark, R 2003). All associated costs are to be borne by the developer. To be completed prior to issue of any occupation certificate.
- iv. Removal of existing concrete footpath and installation of new footpath pavement in accordance with City Centre Public Domain Manual.
- v. Upgrade/install street lighting within the vicinity of the development to Ausgrid requirements and P2 lighting category as per City Centre Public Domain Technical Manual.
- vi. Remove all redundant driveways, install new kerb and gutter and repair any road works.
- vii. Install any required parking and mandatory signage which is to include parking signs to restrict parking along the Hunter Street frontage of the site is to be restricted to ensure that appropriate sight line distances are to be provided from the entry/exit to the carpark in accordance with AS2890:1, 2004.
- viii. Subject to the consideration and approval of the Newcastle City Traffic Committee, the construction of a physical impediment (concrete median) within Hunter Street opposite the entry/exit driveway to obstruct right turn movement into forward/out of the site.
- ix. Repair any damages caused during construction.

Detailed public domain plan including civil, structural and hydraulic design & details, survey, cross sections (footpath path being designed with 2.5% cross fall) 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 of any construction certificate.

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.

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.  
Land dedication as road reserve

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. 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 and landscape architect with experience and

competence in the related field and submitted to Council for approval with the Section 138 application.

Prior to the submission of Section 138 of the Roads Act, the developer is to engage with Roads and Maritime Services in relation to their requirements for work within the road reserve.

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.

G10. A Landscape Practical Completion Report being submitted to the Principal Certifying Authority by the consultant responsible for the landscape design plan prior to the issue of any Occupation Certificate or occupation of the premises. The report is to verify that all landscape works have been carried out in accordance with the approved landscape design plan to a high professional standard and that an effective maintenance program has been commenced.

G11 Any redundant existing vehicular crossing (or section of) is to be removed at no cost to Council and the public footway and kerb being restored to match the existing infrastructure and be completed prior to the issuing of an Occupation Certificate for the proposed development.

Note: 1) A separate approval from Council must be obtained for all works within the public road reserve pursuant to Section 138 of the Roads Act 1993. For further information contact Council's Works Depot on 4974 6000 to request a Road Opening Approval. A fee will be payable in this regard.)

2) the driveway applicants can be done with the S138 Type 2 application for the public domain works (footpath works).

G12. An easement to drain water minimum 3.0m wide over the existing stormwater pipeline within the subject property is to be created. Such easement is to be in favour of Council and created prior to the issue of an Occupation Certificate for the proposed development.

Note: All associated survey and legal expenses will be undertaken by Council at Council's expense upon receipt of written request by the owner but Council will not bear the cost of private surveys.

G13. 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 prior to the issue of any Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

G14. An appropriate notation is to be placed on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act being submitted to Council setting out the terms of drainage easements as required by this consent prior to the issue of the Occupation Certificate. 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.

G15. Following excavation works, a validation report being prepared by a suitably qualified consultant in accordance with the relevant Environment Protection Authority Guidelines and submitted to Council and the Principal Certifying Authority prior to the issuing of an Occupation Certificate.

- G16. A post construction dilapidation report prepared by a suitability qualified person shall be submitted to the Certifying Authority and Council prior to the issue of any Occupation Certificate for the existing Council drainage pipe located on the western corner of the property. The dilapidation report is to contain CCTV report and footage and is to be done to Council Specifications and shall document and photograph the post-construction condition of the existing drainage pipe. Any damage done to the Council drainage pipe during building and building construction related works is to be repaired at the land owner(s) / applicants costs. Council should be contacted immediately if there are any major identified issues for an inspection. A copy of the electronic report is to be provided to Council.
- G17. A design verification statement from a qualified designer shall be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first. The statement shall confirm the development has been constructed in accordance with the quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 - Design Quality of Residential Flat 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 154A of the *Environmental Planning and Assessment Regulation 2000*.
- G18. All garbage and recycling waste is to be collected on site by a private waste contractor. Final details from the private contractor, indicating vehicle movement to and from the site and hours/days of collection are to be submitted to Council prior to the issue of an Occupation Certificate.

Note: Section 496 (1) of the Local Government Act 1993 (NSW) states "a council must make and levy an annual charge for the provision of domestic waste management services for each parcel of rateable land for which the service is available". Council will charge the domestic waste management service levy, notwithstanding that the waste is collected by a private contractor.

## **H Conditions to be satisfied during the operation and use of the development**

- H1. The commercial use of the ground floor of the building being restricted to 'Retail Premises' or 'Business Premises' as defined by Newcastle Local Environmental Plan 2012, consistent with the categorisation of the approved building as 'shop top housing'.
- H2. The hours of operation or trading of the ground floor 'Retail Premises' or 'Business Premises' are to be not more than from 8am to 6pm Monday to Sunday unless a separate application to vary the hours of operation or trading has been submitted to and approved by Council.
- H3. A Landscape Establishment Report is to be submitted to Council following completion of a three month maintenance period, verifying that satisfactory maintenance of the landscape works has been undertaken and any necessary rectification measures have been carried out to a high professional standard; copy of report format attached.
- H4. A Landscape Establishment Report is to be submitted to Council following completion of a twelve month maintenance period, verifying that satisfactory maintenance of the landscape works has been undertaken and any necessary

rectification measures have been carried out to a high professional standard; copy of report format attached.

- H5. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.
- H6. All vehicular movement to and from the site is to be in a forward direction.
- H7. 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.
- H8. 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.

- H9. 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.

- H10. Any liquid wastes from the premises, other than stormwater being discharged to the sewers of the Hunter Water Corporation in accordance with that authority's requirements.
- H11. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.

## **I Other Agency Conditions**

- I1 Transport Sydney Trains:

The proposed development is to comply with the requirements of Sydney Trains dated 20 March 2017 as attached to this schedule. Full details are to be provided to the Principal Certifying Authority for approval with the required Construction Certificate application.

## **J Advisory Notes**

- Prior to commencing any construction works, the following provisions of the *Environmental Planning and Assessment Act 1979* 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 form 7 of schedule 1 to the Regulations.
  - 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 and Form 7 of Schedule 1 to the Regulations.
- A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building. The lists must describe the extent, capability and basis of design of each of the measures.
- Prior to the occupation 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 155 of the *Environmental Planning and Assessment Regulations 2000*.
- A copy of the final Fire Safety Certificate is to be given to the Commissioner of NSW Fire Brigades and a further copy of the Certificate is to be prominently displayed in the building.
- 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.
- 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.
- 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.
- 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.
- 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.
- House numbering for the proposed development is to be in accordance with the following schedule.

Unit Number on plan	Council Allocated Street Address(es)			
	House Number	Street Name	Street Type	Suburb
Retail 1	996	Hunter	Street	Newcastle West
Retail 2	994	Hunter	Street	Newcastle West
Retail 3	992	Hunter	Street	Newcastle West
1.1	101/990	Hunter	Street	Newcastle West
1.2	102/990	Hunter	Street	Newcastle West
1.3	103/990	Hunter	Street	Newcastle West
1.4	104/990	Hunter	Street	Newcastle West
1.5	105/990	Hunter	Street	Newcastle West
1.6	106/990	Hunter	Street	Newcastle West
2.1	201/990	Hunter	Street	Newcastle West
2.2	202/990	Hunter	Street	Newcastle West
2.3	203/990	Hunter	Street	Newcastle West
2.4	204/990	Hunter	Street	Newcastle West
2.5	205/990	Hunter	Street	Newcastle West
2.6	206/990	Hunter	Street	Newcastle West
3.1	301/990	Hunter	Street	Newcastle West
3.2	302/990	Hunter	Street	Newcastle West
3.3	303/990	Hunter	Street	Newcastle West
3.4	304/990	Hunter	Street	Newcastle West
3.5	305/990	Hunter	Street	Newcastle West
3.6	306/990	Hunter	Street	Newcastle West
4.1	401/990	Hunter	Street	Newcastle West
4.2	402/990	Hunter	Street	Newcastle West
4.3	403/990	Hunter	Street	Newcastle West
4.4	404/990	Hunter	Street	Newcastle West
4.5	405/990	Hunter	Street	Newcastle West
4.6	406/990	Hunter	Street	Newcastle West
4.7	407/990	Hunter	Street	Newcastle West
4.8	408/990	Hunter	Street	Newcastle West
4.9	409/990	Hunter	Street	Newcastle West
5.1	501/990	Hunter	Street	Newcastle West
5.2	502/990	Hunter	Street	Newcastle West
5.3	503/990	Hunter	Street	Newcastle West
5.4	504/990	Hunter	Street	Newcastle West
5.5	505/990	Hunter	Street	Newcastle West
5.6	506/990	Hunter	Street	Newcastle West
5.7	507/990	Hunter	Street	Newcastle West
5.8	508/990	Hunter	Street	Newcastle West
6.1	601/990	Hunter	Street	Newcastle West
6.2	602/990	Hunter	Street	Newcastle West
6.3	603/990	Hunter	Street	Newcastle West
6.4	604/990	Hunter	Street	Newcastle West
6.5	605/990	Hunter	Street	Newcastle West
6.6	606/990	Hunter	Street	Newcastle West
6.7	607/990	Hunter	Street	Newcastle West
6.8	608/990	Hunter	Street	Newcastle West
7.1	701/990	Hunter	Street	Newcastle West
7.2	702/990	Hunter	Street	Newcastle West
7.3	703/990	Hunter	Street	Newcastle West
7.4	704/990	Hunter	Street	Newcastle West
7.5	705/990	Hunter	Street	Newcastle West
7.6	706/990	Hunter	Street	Newcastle West
7.7	707/990	Hunter	Street	Newcastle West

7.8	708/990	Hunter	Street	Newcastle West
-----	---------	--------	--------	----------------

8.1	801/990	Hunter	Street	Newcastle West
8.2	802/990	Hunter	Street	Newcastle West
8.3	803/990	Hunter	Street	Newcastle West
8.4	804/990	Hunter	Street	Newcastle West
8.5	805/990	Hunter	Street	Newcastle West
8.6	806/990	Hunter	Street	Newcastle West
8.7	807/990	Hunter	Street	Newcastle West
8.8	808/990	Hunter	Street	Newcastle West
9.1	901/990	Hunter	Street	Newcastle West
9.2	902/990	Hunter	Street	Newcastle West
9.3	903/990	Hunter	Street	Newcastle West
9.4	904/990	Hunter	Street	Newcastle West
9.5	905/990	Hunter	Street	Newcastle West
9.6	906/990	Hunter	Street	Newcastle West
9.7	907/990	Hunter	Street	Newcastle West
9.8	908/990	Hunter	Street	Newcastle West
10.1	1001/990	Hunter	Street	Newcastle West
10.2	1002/990	Hunter	Street	Newcastle West
10.3	1003/990	Hunter	Street	Newcastle West

**END OF CONDITIONS**



