

# DRAFT SCHEDULE OF CONDITIONS

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<b>Application No:</b>	DA2016/00564
<b>Land:</b>	Lot 1 DP 1166015
<b>Property Address:</b>	643 Hunter Street Newcastle West NSW 2302
<b>Proposed Development:</b>	Erection of 14 storey shop top housing development (comprising of 128 residential units, ground floor commercial units), two levels of parking (136 spaces) and associated works.

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## SCHEDULE 1

### 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	Rev D	EJE Architecture	22.02.17
Ground Level Floor Plan - A102	Rev N	EJE Architecture	22.02.17
Level 1 Floor Plan - A103	Rev H	EJE Architecture	22.02.17
Level 2 Floor Plan - A104	Rev G	EJE Architecture	22.02.17
Level 3 Floor Plan - A105	Rev L	EJE Architecture	22.02.17
Level 4 Floor Plan - A106	Rev H	EJE Architecture	22.02.17
Level 5 Floor Plan - A107	Rev K	EJE Architecture	22.02.17
Level 6 Floor Plan - A108	Rev J	EJE Architecture	22.02.17
Level 7 Floor Plan - A109	Rev G	EJE Architecture	22.02.17
Level 8 Floor Plan - A110	Rev G	EJE Architecture	22.02.17
Level 9 Floor Plan - A111	Rev G	EJE Architecture	22.02.17
Level 10 Floor Plan - A112	Rev G	EJE Architecture	22.02.17
Level 11 Floor Plan - A113	Rev G	EJE Architecture	22.02.17
Level 12 Floor Plan - A114	Rev G	EJE Architecture	22.02.17
Level 13 Floor Plan - A115	Rev G	EJE Architecture	22.02.17
Plant Level Plan - A116	Rev H	EJE Architecture	22.02.17
Roof Level Plan - A117	Rev G	EJE Architecture	22.02.17
North Elevation - A501	Rev H	EJE Architecture	22.02.17

East Elevation - A502	Rev H	EJE Architecture	22.02.17
South Elevation - A503	Rev G	EJE Architecture	22.02.17
West Elevation - A504	Rev G	EJE Architecture	22.02.17
Section A-A & B-B - A505	Rev D	EJE Architecture	22.02.17
Street Elevations - Coloured - A511	Rev D	EJE Architecture	22.02.17
Schedule of external finishes - A1016	Rev E	EJE Architecture	22.02.17
Historic Archaeological Assessment		Umwelt	Jan 2017
Aboriginal Cultural Heritage Assessment Report		Umwelt	Feb 2017
Heritage Impact Assessment	Rev A	EJE Heritage	May 2016
Traffic Impact Assessment	Ver03	Seca Solution	25.08.16
Landscape Design Report	Rev B	Terras Landscape Architects	13.05.16
Ground Level Landscape Plan	Rev C	Terras Landscape Architects	24.11.16
Landscape Level 3 Plan	Rev C	Terras Landscape Architects	24.11.16
Landscape Roof Plan	Rev B	Terras Landscape Architects	13.05.16
Planting Palette	Rev B	Terras Landscape Architects	13.05.16
Statement of Environmental Effects		deWitt Consulting	May 2016
Erosion and Sediment Control Plan	Rev A	Northrop	03.05.16
Stormwater Management and Levels Plan	Rev A	Northrop	03.05.16
Stormwater Management and Levels Plan - roof/podium level	Rev A	Northrop	03.05.16
Acoustic Assessment		Spectrum Acoustics	13.05.16
Geotechnical Desk Study Assessment		Coffey	23.05.16
Site Minimisation and Management Plan		deWitt Consulting	May 2016

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

- The development shall be undertaken in accordance with the conditions of Subsidence Advisory NSW (formerly known as Mine Subsidence Board) dated 19 June 2015 (as received by Council on 17 June 2016).

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

- A total monetary contribution of **\$577,035.76** 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:

- This condition is imposed in accordance with the provisions of *The City of Newcastle S94A Development Contributions Plan 2009* (updated version operational from 15 March 2011). A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration

Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.

- b) The City of Newcastle S94A Development Contributions Plan 2009 permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement. Refer to the s94A Development Contributions Plan 2009.
- c) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

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

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

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

- 5. The proposed verandah / awning is to be designed in a manner that is consistent with Element 7.10 'Street Awnings and Balconies' of the Newcastle Development Control Plan 2012. Under awning lighting is to be provided to P2 Lighting category in accordance with AS1158. The design of the awning should allow for street tree planting. Full details are to be included in documentation for a Construction Certificate application.
- 6. 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.
- 7. On-site parking accommodation is to be provided for a minimum of 134 cars, 17 motor cycles and 145 bicycles. A minimum of 12 spaces including a designated service vehicle space is to be allocated for the commercial premises and a minimum of 10 spaces is 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.
- 8. 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.
- 9. All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being

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

10. Roof water from the proposed new works is to be directed to the podium level rainwater tank (minimum size 20m<sup>3</sup>) and detention tank (minimum size 32m<sup>3</sup>) and being reticulated to the building to new toilet cisterns and cold water washing machine taps, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be installed in accordance with Australian Standard AS 3500, the relevant plumbing regulations and the requirements of the Hunter Water Corporation. Full details are to be provided with the Construction Certificate application.
11. Overflows from the On Site Detention, WSUD structures and any additional discharge controls (if required) are to be directed to Council's drainage system by means of an interallotment drainage line or underground pipe directly to Council's Drainage System. Full details are to be provided with the Construction Certificate application.
12. All stormwater runoff from the proposed development being managed in accordance with the requirements of Section 7.06 'Stormwater' of Newcastle Development Control Plan 2012, as indicated on the concept stormwater management plan prepared by Northrop Consulting Engineers Job No. NL140263 Dwg. No's C02DA & C03DA Rev A dated 03/05/2016. Full details are to be included in documentation for a Construction Certificate application.
13. All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls, full details are to be included in documentation for a Construction Certificate application.
14. The ground floor level of the proposed building is not to be below the Australian Height Datum as indicated on the Architectural Plan Project No. 11310 Dwg No. A102 Rev N dated 22/02/2017 Ground Level Floor Plan prepared by EJE Architecture and being indicated on plans for a Construction Certificate application. The finished floor levels are to be certified by a registered Surveyor prior to the placement of the floor material and a copy of the Surveyor's Certificate is to be forwarded to the Principal Certifying Authority.
15. The whole of the proposed structure below 2.90m AHD is to be constructed in materials and finishes that are resistant to damage from floodwaters/tidal waters. Any new machinery or equipment, electrical fixtures (such as power points, light fittings and switches), storage units or similar items likely to be damaged by floodwaters/tidal waters being installed above the said height or alternatively being of materials and functional capability resistant to the effects of floodwaters/tidal waters. Full details are to be included in documentation for a Construction Certificate application.
16. An appropriate flood emergency response plan is to be prepared by independent consulting engineers, experienced in flood management and put in place by the applicant prior to occupation of this site for the intended use. Such plan is to be effectively updated and maintained by the occupiers; to include an education and awareness component for the workforce and detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan (where appropriate) and to include provisions for any third parties likely to be involved.

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

- a) Likely flood behaviour
- b) Flood warning systems

- c) Education awareness program
- d) Evacuation and evasion procedures
- e) Evacuation routes and flood refuges 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. 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.

17. All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required under the conditions of this consent are required to be detailed on a comprehensive landscape design plan and specification. The required comprehensive landscape design plan and specifications is to be in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:

- a) cross sections through the site where appropriate
- b) proposed contours or spot levels
- c) botanical names
- d) quantities and container size of all proposed trees
- e) shrubs and ground cover
- f) details of proposed soil preparation
- g) mulching and staking
- h) treatment of external surfaces and retaining walls where proposed
- i) drainage, location of taps and
- j) appropriate maintenance periods.

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

18. Any required clothes drying lines are to be screened from the street. Full details are to be included in the documentation for a Construction Certificate application.
19. 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.
20. 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.

21. 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.
22. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on an Erosion and Sediment Control Plan that is to be submitted for approval with the Construction Certificate application. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
23. The proposed lighting including car park lighting of the premises is to be designed, positioned, and installed, including appropriate shielding and orientation of the lighting fixture, as to not give rise to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding properties in accordance with Australian Standard *AS 4282: 1997 Control of the obtrusive effects of outdoor lighting*. At least 2 security cameras are to be installed along the frontages for security and surveillance purposes. Full details are to be included in the documentation for a Construction Certificate application.
24. A dilapidation report prepared by a suitability qualified person shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate. The dilapidation report shall document and photograph the current structural condition of the adjoining buildings, infrastructure and roads.
25. 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.
26. A commercial vehicular crossing is to be constructed across the road reserve in Steel Street, 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) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve
  - e) 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.

27. A separate application must 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.

28. 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 Clauses 143A of the *Environmental Planning and Assessment Regulation 2000*.

29. All downpipes discharging to the rainwater tanks are to have pre-storage insect, debris and vermin control (e.g. a rainwater head being leaf screened and vermin and insect proof) to minimise the contamination of captured roof water. A first flush device is to be provided for the inlet to the tank and a backflow prevention device is to be installed in the tank overflow outlet before connecting to the stormwater drainage system. If the roof downpipes are charged to the rainwater tank, all pipes are to be chemically welded and the stormwater system is to be designed such that the system is capable of being flushed in the event of pipe blockage (e.g. capped relief access points at the lowest level of stormwater drainage).
30. A structural engineer is to determine the location and depth of the proposed underground tank and On Site Detention and certify that it will not adversely 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 *Newcastle City Council's Stormwater and Water Efficiency Technical Manual*. Full details are to be included with documentation for a construction certificate.
31. All onsite stormwater retention/detention and water quality treatment systems are to be individually identified and sign posted in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). Full details are to be included in documentation for a Construction Certificate application.
32. Prior to the issue of the Construction Certificate or any works on site, a permit in accordance with Section 90 of the National Parks and Wildlife Act 1974 shall be obtained.
33. Prior to the issue of the Construction Certificate or any works on site, a permit in accordance with Section 140 of the Heritage Act 1977 shall be obtained.
34. 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.
35. A wind tunnelling report is to be prepared by an appropriately qualified and experienced engineer. The report is to be prepared in accordance with AS1170.2 and should consider the impact on the buildings, the environment and pedestrian movements surrounding the development. Architectural and landscape plans will need to reflect the recommendations of the wind tunnelling report and amended plans and the wind tunnelling report is to be provided to the Principle Certifying Authority prior to issue of any Construction Certificate (excluding any construction certificate for remediation works or demolition). A copy of the wind tunnelling report is to be provided to Council.

36. A public art feature shall be designed for the site. The public artwork is to have a minimum value of 1% of the capital cost of the development. This feature shall provide visual interest for pedestrians and interpret or reflect the local setting, landscape setting and/or cultural setting of the Newcastle area. The feature shall be designed to ensure long-term durability and be resistant to vandalism.

Details shall be approved by Council prior to the issue of the Construction Certificate, including details of the costs of such works. The applicant is advised to liaise with Council during the design stages.

37. A metal privacy screen is required at Level 3 along the entire western and southern boundaries of the site to adequately screen the community gardens and private gardens from neighbouring development. The metal screen is to be a minimum 1.8m in height from the finished floor level, have a maximum area of 25% openings, is permanently fixed and is made of durable materials. Full details are to be included in documentation for a Construction Certificate application.

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

38. The development shall be undertaken in accordance with the recommendations of the Historical Archaeological Assessment prepared by Umwelt dated January 2017.
39. The development shall be undertaken in accordance with the recommendations of the Aboriginal Cultural Heritage Assessment Report prepared by Umwelt dated February 2017.
40. 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).
41. A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with Australian Standard 2601:2001 - The Demolition of Structures. A copy of the Hazardous Substances Management Plan is to be provided to Council (marked to Attention: Compliance Services) and the demolisher prior to commencement of work.
42. 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.
43. 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.
44. Any waste containers used in association with the proposed demolition are to be located on the site where possible.
- Note: Where this is not feasible, application must be made for Council's approval to position the container on the adjacent public road in accordance with Council's adopted Building Waste Container Policy.
45. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
46. 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.
47. 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 significance and requirements for the protection of any sites being incorporated into the documentation for a Construction Certificate application. Written confirmation that the National Parks and Wildlife Service's requirements have been met shall be submitted to Council prior to engineering works commencing. Any submitted archaeological study shall 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.
- Note: It is illegal to knowingly damage, deface or destroy a 'relic' or Aboriginal Place without the Director's prior written consent.
48. 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 with a waste volume capacity of at least one cubic metre 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).

- 49. 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.
- 50. 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.
- 51. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 52. 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.

- 53. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 54. 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.
- 55. 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.

56. 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.

57. 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.
58. 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.
59. A survey certificate prepared by a Registered Surveyor is to be submitted to the Principal Certifying Authority upon completion of the floor slab formwork, before concrete is poured, to ensure that the siting of the building in relation to adjacent boundaries is in accordance with the development consent.
60. Certification is to be prepared by a Registered Surveyor and submitted to the Principal Certifying Authority at the stages of construction indicated:
- a) On completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels.
  - b) On completion of each subsequent floor level, confirming that the floor levels are in accordance with the approved levels.

When the roof has been completed, confirming that the building does not exceed the approved levels.

61. A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 Roads Act 1993 (NSW), before the commencement of works.
62. 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.

63. 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.

64. The Construction Traffic Management Plan is to be prepared by a Roads & Maritime Services accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3:2009 - Manual of uniform traffic devices - traffic control for works on roads. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.
65. 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.
66. 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.
67. The proposed customer/staff parking bays are to be permanently marked out on the pavement surface and being clearly indicated by means of signs and/or pavement markings.
68. 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.
69. 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.

70. 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.

71. 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'.
72. 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*.
73. Documentation demonstrating the compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption must be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Exemption. This documentation must be provided to Council officers or the Principal Certifying Authority on request.
74. 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 stable with all bare areas supporting an established vegetative cover.

75. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:
  - a) Control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins.
  - b) Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover. Erosion and sediment control measures are to be designed in accordance with the requirements of the Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the "Blue Book") published by Landcom, 2004.
76. 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.
77. All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are limited to:
  - a) Restricting topsoil removal
  - b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion)
  - c) Alter or cease construction work during periods of high wind and
  - d) Erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.
78. Proposed landscape works are to be carried out generally in accordance with the details indicated on the submitted landscape design plan except as required to be modified under the terms of this consent.
79. Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to Council by a Surveyor registered under the *Surveying and Spatial Information Act 2002* (NSW).
80. 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.
81. All public trees that are required to be retained must be physically protected in accordance with the City of Newcastle Urban Forest Technical Manual 'Section 8.0 Protection Measures'.

The tree protection fencing must remain in place and maintained until all works have been completed, with no waste materials, washouts, equipment or machinery to be stored within the fenced area.

82. During construction works, an assessment of acid sulfate soil potential is to be undertaken in the area of excavation. If acid sulfate soils are found to be present, soils are to be treated in accordance with the New South Wales Acid Sulfate Soil Management Advisory Committee's '*Acid Sulfate Soil Manual*'.
83. All onsite stormwater retention/detention and water quality treatment systems are to be individually identified and sign posted in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). Full details are to be included in documentation for a Construction Certificate application.
84. 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.

85. The acoustic performance of all mechanical plant and equipment associated with the building being assessed by an appropriately qualified acoustic consultant prior to the issue of any required Construction Certificate. Appropriate acoustic treatment as recommended by the acoustic consultant being designed prior to the issue of a Construction Certificate. Written certification from an appropriately qualified acoustic consultant being submitted to the Principal Certifying Authority prior to issue of an Occupation Certificate confirming that noise from all mechanical plant and equipment achieves the required acoustic attenuation to comply with the conditions of consent and the requirements of the Protection of the Environment Operations Act 1997.
86. Prior to the issue of a Construction Certificate, the proponent preparing and submitting to the PCA and Council an Environmental Management Plan (EMP) for construction/demolition works on the site, such to be kept on site and made available to authorised Council officers upon request. The EMP is to include but not be limited to:
  - a) A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
  - b) A water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
  - c) A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions.
  - d) A noise and vibration management program, detailing measures to minimise the impact of the development on local amenity prepared in accordance with the Environment Protection Authority's - Interim Construction Noise Guideline. Provision for noise and vibration monitoring during works should be incorporated into the program.
  - e) A soil management strategy, detailing measures to be implemented to manage the identification and control and disposal of any acid sulphate soils or soil

contamination identified during site works.

- f) A waste minimisation strategy, which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
  - g) A community relations plan, which aims to inform local residents and other local stakeholders of the proposed nature and timeframes for demolition and construction activities together with contact details for site management.
87. The Applicant shall establish a Community Liaison Committee as an ongoing means of addressing community concerns during the construction phase of the development. The Applicant is to advise adjoining businesses, residents and Council of the name and telephone number of the contact person for this Committee. The contact person shall be available during nominated working hours.

A register of community concerns/complaints relating to the on-site operations and the action taken in response is to be kept and made available to Council officers upon request.

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

88. 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.
89. 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.
90. All works within the road reserve required by this consent are to be completed prior to the issue of a Final Occupation Certificate.

The developer is to design the following works within Steel Street and Hunter Street frontages adjacent to the site at no cost to Council and in accordance with Council's guidelines, design specification and City Centre Public Domain Technical Manual. Note: concept plan has been drafted by Terras Landscape Architecture Job No. 11310.5 Dwg No L01.

#### **a) Public Domain Works**

- i. New footpath, kerb and gutter along Hunter Street and Steel Street in accordance with City Centre Public Domain Manual. The scope of footpath works to extend 5m beyond the property boundary at either side of the property and should include the installation of ramps and tactiles to AS1428.
- ii. The kerb is to be 150mm high with footpath having maximum cross fall of 2.5%.
- iii. Construct a new 1.2m x 1.2m wide footpath splay on the ground floor to be dedicated as road reserve or public right of way.
- iv. Install new street trees in accordance with Council requirements (as necessary) and adjust service pit levels to match new footpath.

- v. Install at least 2 new street trees along Hunter St frontage and ensuring that the awning design can allow for new street tree installation.
- vi. Upgrade/install street lighting within 10m of the vicinity of the development to Ausgrid requirements and P2 lighting category as per City Centre Public Domain Technical Manual. Under awning lighting design will need to be provided with the submission
- vii. Remove all redundant driveways, install new kerb and gutter and repair any road works.
- viii. Installation of new driveway and kerb ramps.
- ix. Installation of new drainage and building drainage connections.
- x. Install any required parking and mandatory signage.
- xi. Repair any damages caused during construction and ensure the survey mark is protected at all times.
- xii. Any required tactile and handrails for steps and ramps for internal access are to be located within private property. The integration between private and Council property will need to be considered for overall design.

Detailed public domain plan including civil design & details, survey, cross sections and longitudinal are to be submitted to Council for review 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 access and levels to be adjusted.

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

In this regard the separate approval from Council must be obtained for all works within the public road reserve, pursuant to Section 138 of the Roads Act 1993, prior to the pouring of the ground floor slab for Stage 1 building works. Engineering design plans and specifications for the works being undertaken in the public road reserve are required to be prepared by a suitably qualified practising civil engineer with experience and competence in the related field and submitted to Council for approval with the Section 138 application.

Note: An additional fee will be required by Council for the assessment of engineering plans submitted for the public road works. In this regard the developer is advised to confer with Council's Development & Building Services Section in order to confirm this fee

- 91. 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.
- 92. 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.
- 93. The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.
- 94. A clear warning notice is to be erected and maintained at all points of entry to the site



advising that the premises is subject to flooding and that caution should be observed at times of heavy or prolonged rainfall, being installed prior to issue of an Occupation Certificate. Such notice is to also provide advice regarding the availability of further detail in respect of possible flooding, including an appropriate telephone number.

95. 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.
96. Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Spectrum Acoustics dated 13 May 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.

97. 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.
98. A 1.2m x 1.2m footpath splay is to be provided at the corner of Hunter Street and Steel Street on the ground floor as public footway and the portion of the land required for road widening is to be transferred to Council as a road reserve otherwise, the land can be retained as a public right of access. 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.

99. The premises are to be identified by the provision of house numbers on the building exterior and mailbox such that they are clearly visible from the road frontage.

The minimum numeral height shall be 75mm.

100. 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 Clauses 154A of the *Environmental Planning and Assessment Regulation 2000*.

101. A Maintenance Manual for all water quality devices is to be prepared in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). The Maintenance Manual is to address maintenance issues

concerning the water quality devices including routine monitoring and regular maintenance and be kept on site at all times. Establishment and maintenance of the water quality devices in accordance with the Maintenance Manual prepared by the applicant is to be completed prior to occupation of this site for the intended use.

102. Heritage interpretation design and details as recommended in the Heritage Impact Statement Report prepared by EJE Heritage Ref No. 11310-his-002-RevA.docx dated May 2016 are to be submitted to Council for review and approval and heritage interpretation works to be completed prior to any occupation certificate. If any heritage interpretation works are proposed within the footpath area, Council approval will need to be attained and the relevant information is to be provided with the Public Domain Works Type 2 Application as per Section 138 Roads Act.
103. 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 an Occupation Certificate. Use of alternative modes of transport is to be encouraged.
104. All adjustments to and/or relocation of existing regulatory signage on Hunter Street necessary as part of this development, shall be at no cost to Council and in accordance with Council requirements with such works being implemented prior to the occupation of the premises.

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

105. 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.

106. Written certification from an appropriately qualified acoustic consultant being submitted to the Principal Certifying Authority prior to issue of an Occupation Certificate confirming that noise from all mechanical plant and equipment achieves the required acoustic attenuation to comply with the conditions of consent and the requirements of the Protection of the Environment Operations Act 1997.

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

107. 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'.
108. The hours of operation or trading of the ground floor 'Retail Premises' or 'Business Premises' are to be not more than from:

DAY	START	FINISH
Monday	8am	6pm
Tuesday	8am	6pm

Wednesday	8am	6pm
Thursday	8am	6pm
Friday	8am	6pm
Saturday	8am	6pm
Sunday	8am	6pm

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

109. 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.

110. 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.

111. 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.
112. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.
113. All vehicular movement to and from the site is to be in a forward direction.
114. 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.
115. Any liquid wastes from the premises, other than stormwater are to be either discharged to the sewers of the Hunter Water Corporation in accordance with an approved Trade Waste Agreement or collected and disposed of by a licensed waste transport contractor in accordance with the Department of Environment and Climate Change 'Waste Classification Guidelines Part 1: Classifying Waste'.
116. 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

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. This consent does not include approval for signage. Any proposed business identification sign or advertising sign should be designed in accordance with the provisions of Newcastle Development Control Plan 2012 and be the subject of a separate Development Application approved prior to erection or placement in position.
- B. Retaining walls not clearly noted on the approved plans or outside of the parameters of 'exempt development' as specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (NSW) are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to the retaining wall taking place.
- C. It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- D. Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- E. Prior to commencing any construction works, the following provisions of the *Environmental Planning and Assessment Act 1979* (NSW) (the 'Act') are to be complied with:
  - a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act
  - b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and
  - c) Council is to be given at least two days' notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
- F. A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building and/or on the land and include a separate list of any fire safety measures that already exist at the premises. The lists must describe the extent, capability and basis of design of each of the measures.
- G. Development applications are not assessed against the provisions of the Building Code of Australia. A Section 96 modification under the *Environmental Planning and Assessment Act 1979* (NSW) will be required if design amendments that cause the proposal to be inconsistent with the development consent are necessary to comply with the provisions of the Building Code of Australia.
- H. Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the

information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000* (NSW).

- I. A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- J. An annual Fire Safety Statement in the form described in Clause 175 of the *Environmental Planning and Assessment Regulation 2000* (NSW) is to be submitted to Council and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of New South Wales Fire Brigades. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- K. It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- L. Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979* (NSW), which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- M. To ensure that asbestos sheeting or asbestos waste is transported to and disposed of at a facility that can lawfully be used as waste facility for that waste, transporters of asbestos waste must use 'WasteLocate' to provide information to the NSW Environmental Protection Authority regarding the movement of any load over 100kg of asbestos waste, or 10m<sup>2</sup> or more of asbestos sheeting within NSW. 'WasteLocate' is the means by which transporters comply with reporting obligations under the Waste Regulation and the *Asbestos and Waste Tyre Guidelines* by creating a consignment number, which can be used to track the location of the waste.  
  
If you engage an asbestos removal service, you should request the 'WasteLocate' consignment number from the transporter. The consignment number can be used to track the load at <https://wastelocate.epa.nsw.gov.au> to make sure it has reached its intended destination. If the load is not delivered, please contact the EPA.
- N. For the purpose of applying the provisions of the Building Code of Australia for class 1, 2, 3, 4, 9a (health care) and 9c (aged care) buildings, it is advised that the proposed building is located in a Flood Hazard Area and the:
  - a) Defined Flood Level (DFL) is 2.40m Australian Height Datum (AHD)
  - b) Flood Hazard Level is 2.90m AHD (Freeboard is 500mm above DFL)
  - c) Maximum Flow Velocity of floodwaters for the Defined Flood Event is 0.1m/s
- O. The premises are allocated the following street addresses in accordance with *Council's House Numbering Policy* and the *Surveying and Spatial Regulation*.  
- Parking Levels 1 and 2 to be known as P1 and P2.

Unit Number on plan	Council Allocated Street Address(es)			
	House Number	Street Name	Street Type	Suburb
Ground Floor Commercial	463	Hunter	Street	Newcastle West
Ground Floor Commercial	8	Steel	Street	Newcastle West

Alternate Address				
3.01	301/10	Steel	Street	Newcastle West
3.02	302/10	Steel	Street	Newcastle West
3.03	303/10	Steel	Street	Newcastle West
3.04	304/10	Steel	Street	Newcastle West
3.05	305/10	Steel	Street	Newcastle West
3.06	306/10	Steel	Street	Newcastle West
3.07	307/10	Steel	Street	Newcastle West
3.08	308/10	Steel	Street	Newcastle West
3.09	309/10	Steel	Street	Newcastle West
3.10	310/10	Steel	Street	Newcastle West
3.11	311/10	Steel	Street	Newcastle West
3.12	312/10	Steel	Street	Newcastle West
3.13	313/10	Steel	Street	Newcastle West
3.14	314/10	Steel	Street	Newcastle West
3.15	315/10	Steel	Street	Newcastle West
3.16	316/10	Steel	Street	Newcastle West
4.01	401/10	Steel	Street	Newcastle West
4.02	402/10	Steel	Street	Newcastle West
4.03	403/10	Steel	Street	Newcastle West
4.04	404/10	Steel	Street	Newcastle West
4.05	405/10	Steel	Street	Newcastle West
4.06	406/10	Steel	Street	Newcastle West
4.07	407/10	Steel	Street	Newcastle West
4.08	408/10	Steel	Street	Newcastle West
4.09	409/10	Steel	Street	Newcastle West
4.10	410/10	Steel	Street	Newcastle West
4.11	411/10	Steel	Street	Newcastle West
4.12	412/10	Steel	Street	Newcastle West
4.13	413/10	Steel	Street	Newcastle West
4.14	414/10	Steel	Street	Newcastle West
4.15	415/10	Steel	Street	Newcastle West
4.16	416/10	Steel	Street	Newcastle West
5.01	501/10	Steel	Street	Newcastle West
5.02	502/10	Steel	Street	Newcastle West
5.03	503/10	Steel	Street	Newcastle West
5.04	504/10	Steel	Street	Newcastle West
5.05	505/10	Steel	Street	Newcastle West
5.06	506/10	Steel	Street	Newcastle West
5.07	507/10	Steel	Street	Newcastle West
5.08	508/10	Steel	Street	Newcastle West
5.09	509/10	Steel	Street	Newcastle West
5.10	510/10	Steel	Street	Newcastle West
5.11	511/10	Steel	Street	Newcastle West
5.12	512/10	Steel	Street	Newcastle West
5.13	513/10	Steel	Street	Newcastle West
5.14	514/10	Steel	Street	Newcastle West
5.15	515/10	Steel	Street	Newcastle West
5.16	516/10	Steel	Street	Newcastle West
6.01	601/10	Steel	Street	Newcastle West
6.02	602/10	Steel	Street	Newcastle West
6.03	603/10	Steel	Street	Newcastle West
6.04	604/10	Steel	Street	Newcastle West
6.05	605/10	Steel	Street	Newcastle West

6.06	606/10	Steel	Street	Newcastle West
6.07	607/10	Steel	Street	Newcastle West
6.08	608/10	Steel	Street	Newcastle West
6.09	609/10	Steel	Street	Newcastle West
6.10	610/10	Steel	Street	Newcastle West
7.01	701/10	Steel	Street	Newcastle West
7.02	702/10	Steel	Street	Newcastle West
7.03	703/10	Steel	Street	Newcastle West
7.04	704/10	Steel	Street	Newcastle West
7.05	705/10	Steel	Street	Newcastle West
7.06	706/10	Steel	Street	Newcastle West
7.07	707/10	Steel	Street	Newcastle West
7.08	708/10	Steel	Street	Newcastle West
7.09	709/10	Steel	Street	Newcastle West
7.10	710/10	Steel	Street	Newcastle West
8.01	801/10	Steel	Street	Newcastle West
8.02	802/10	Steel	Street	Newcastle West
8.03	803/10	Steel	Street	Newcastle West
8.04	804/10	Steel	Street	Newcastle West
8.05	805/10	Steel	Street	Newcastle West
8.06	806/10	Steel	Street	Newcastle West
8.07	807/10	Steel	Street	Newcastle West
8.08	808/10	Steel	Street	Newcastle West
8.09	809/10	Steel	Street	Newcastle West
8.10	810/10	Steel	Street	Newcastle West
9.01	901/10	Steel	Street	Newcastle West
9.02	902/10	Steel	Street	Newcastle West
9.03	903/10	Steel	Street	Newcastle West
9.04	904/10	Steel	Street	Newcastle West
9.05	905/10	Steel	Street	Newcastle West
9.06	906/10	Steel	Street	Newcastle West
9.07	907/10	Steel	Street	Newcastle West
9.08	908/10	Steel	Street	Newcastle West
9.09	909/10	Steel	Street	Newcastle West
9.10	910/10	Steel	Street	Newcastle West
10.01	1001/10	Steel	Street	Newcastle West
10.02	1002/10	Steel	Street	Newcastle West
10.03	1003/10	Steel	Street	Newcastle West
10.04	1004/10	Steel	Street	Newcastle West
10.05	1005/10	Steel	Street	Newcastle West
10.06	1006/10	Steel	Street	Newcastle West
10.07	1007/10	Steel	Street	Newcastle West
10.08	1008/10	Steel	Street	Newcastle West
10.09	1009/10	Steel	Street	Newcastle West
10.10	1010/10	Steel	Street	Newcastle West
11.01	1101/10	Steel	Street	Newcastle West
11.02	1102/10	Steel	Street	Newcastle West
11.03	1103/10	Steel	Street	Newcastle West
11.04	1104/10	Steel	Street	Newcastle West
11.05	1105/10	Steel	Street	Newcastle West
11.06	1106/10	Steel	Street	Newcastle West
11.07	1107/10	Steel	Street	Newcastle West
11.08	1108/10	Steel	Street	Newcastle West
11.09	1109/10	Steel	Street	Newcastle West

11.10	1110/10	Steel	Street	Newcastle West
12.01	1201/10	Steel	Street	Newcastle West
12.02	1202/10	Steel	Street	Newcastle West
12.03	1203/10	Steel	Street	Newcastle West
12.04	1204/10	Steel	Street	Newcastle West
12.05	1205/10	Steel	Street	Newcastle West
12.06	1206/10	Steel	Street	Newcastle West
12.07	1207/10	Steel	Street	Newcastle West
12.08	1208/10	Steel	Street	Newcastle West
12.09	1209/10	Steel	Street	Newcastle West
12.10	1210/10	Steel	Street	Newcastle West
13.01	1301/10	Steel	Street	Newcastle West
13.02	1302/10	Steel	Street	Newcastle West
13.03	1303/10	Steel	Street	Newcastle West
13.04	1304/10	Steel	Street	Newcastle West
13.05	1305/10	Steel	Street	Newcastle West
13.06	1306/10	Steel	Street	Newcastle West
13.07	1307/10	Steel	Street	Newcastle West
13.08	1308/10	Steel	Street	Newcastle West
13.09	1309/10	Steel	Street	Newcastle West
13.10	1310/10	Steel	Street	Newcastle West

**END OF CONDITIONS**