

## APPENDIX A - CONDITIONS OF CONSENT

### 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	A44 Rev A	EJE Architecture	May 2016
Floor Plans	A45-52 Rev A	EJE Architecture	May 2016
Elevation Plans	A53-57 Rev A	EJE Architecture	May 2016
Section Plans	A58-63 Rev A	EJE Architecture	May 2016
Material Palette Plan	A80 Rev A	EJE Architecture	May 2016
Landscape Design Report and Plans	L01-L08 Rev C	Terras Landscape Architects	9 June 2016
Erosion and Sediment Control Plan	C02DA Rev A	Northrop	13 May 2016
Stormwater Management and Levels Plan Ground Floor	C03DA Rev A	Northrop	13 May 2016
Statement of Environmental Effects	N-01629	City Plan Services	June 2016
Remedial Action Plan		Regional Geotechnical Solutions	28 October 2016
Noise Impact Assessment		Reverb	May 2016
Acid Sulfate Soil Assessment		Regional Geotechnical Solutions	14 April 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.

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

3. A total monetary contribution of \$880,529 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.

4. 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.
5. 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.
6. On-site parking accommodation is to be provided for a minimum of 94 vehicles and 8 motorcycles and such be set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012. Full details are to be included in documentation for a Construction Certificate application.
7. Wheelstops being provided along the front of all parking spaces abutting pedestrian pathways in accordance with AS 2890 Parking. Full details are to be included in documentation for a Construction Certificate application.
8. The proposed disabled parking bays being clearly indicated by means of signs and/or pavement markings. Full details are to be included in documentation submitted with the application for a Construction Certificate.

9. All external ramps and pathways within the site required to be accessible for persons with disabilities being designed and constructed in accordance with AS.1428 – Design for Access and Mobility. Full details are to be included in documentation submitted with the application for a Construction Certificate.
10. The car park is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities. Full details are to be included in documentation for a Construction Certificate application.
11. Opposing traffic flows on car park ramps are to be separated by the provision of an appropriate kerb and/or safety barrier. Full details are to be included in documentation for a Construction Certificate application.
12. All proposed driveways, parking bays, loading/service 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.
13. Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2m in the 2 metre by 2.5 metre splay within the property boundary each side of the proposed driveway entrances 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.
14. 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.
15. 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 wheel type bins or bulk waste containers. Full details are to be included in documentation for a Construction Certificate application.
16. The proposed floodlighting 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 4282:1997 - Control of the obtrusive effects of outdoor lighting. Full details are to be included in the documentation for a Construction Certificate application.
17. A commercial vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:

Constructed in accordance with Council's A1300 - Driveway Crossings Standard Design Details.

The driveway crossing at the entrance / exit shall be a maximum of 7.0m metres wide

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

The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve

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.

18. 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.
19. The floor level of all occupiable rooms in the propose building is to be not below RL 3.22m Australian Height Datum 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.
20. A Validation Report prepared by an appropriately qualified environmental consultant in accordance with the NSW Environment Protection Authority's (EPA) 'Guidelines for Consultants Reporting on Contaminated Sites' and 'Guidelines for the NSW Site Auditor Scheme' being submitted to the Principal Certifying Authority (PCA) and Council prior to the issue of the Construction Certificate.
21. Prior to the issue of a Construction Certificate, the proponent preparing and submitting to the Principal Certifying Authority and Council an Environmental Management Plan (EMP) for construction 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 management and vibration strategy detailing measures to minimise the impact of the construction phase on the amenity of the locality in accordance with Australian Standard AS 2436. 1981 Guide to Noise control on Construction, Maintenance and Demolition Sites. Noise and vibration monitoring during the construction phase should be incorporated into the program.
  - e) 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.
22. 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.

23. 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.
24. 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.
25. The design and construction of the proposed development is to be in accordance with the relevant requirements of the *Australian Standard 4674-2004 Design, Construction and Fit-Out of Food Premises*.
  - a) All external and internal walls including partitioning walls of any food preparation and storage areas are to be of solid construction, such as masonry construction (AS 4674-2004 (3.2.1)). It should be noted that cavity stud walls are not appropriate anywhere in the food premises. Refer to table 3.2 (AS 4674-2004) for suitable wall finishes.
  - b) Ceiling must be non-perforated and finished free from open joints, cracks and crevices and shall be finished smooth (AS 4674-2004 (3.2.5)). Please note: drop in panels are not to be used in food preparation areas or over areas where open food is displayed or served (AS 4674-2004 (3.2.8))
  - c) All waste water from the food processing within the café must be disposed of to the sewer via a grease arrester. Contact Hunter Water to confirm requirements of the arrester. The grease arrester shall not be located in areas where food, equipment or packaging materials are handled or stored to ensure compliance with the Australian Standard 4674-2004 (2.3.1). The grease arrester shall be located outside the food handling area with direct vehicle access for cleaning purposes as required by Australian Standard 4674-2004 (2.3.2)).
  - d) All food premises must have natural or mechanical ventilation that complies with the Building Code of Australia (AS 4674-2004 (2.5)). Written certification is to be provided to Council prior to the premises trading to ensure the mechanical exhaust ventilation system meets the requirement of AS1668.1 and AS1668.2 (AS 4674-2004 (2.5.1)).

26. 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.
27. The development shall be undertaken in accordance with the General Terms of Approval granted by the Mine Subsidence Board on 26 May 2016. 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.
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 onsite stormwater detention or 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.
30. The development shall be undertaken in accordance with the requirements of Ausgrid as detailed in the letter dated 12 July 2016.
31. 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. A copy of the wind tunnelling report is to be provided to Council.
32. 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.

33. Lighting of the laneway 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 two security cameras are to be installed along laneway for security and surveillance purposes. Full details are to be included in the documentation for a Construction Certificate application.

34. The development is to be designed to comply with Schedule 3 'Standards concerning accessibility and useability for hostels and self-contained dwellings' in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Full details 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**

35. 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)*.

36. The proposed remediation works being carried out in accordance with the requirements set out in the submitted Remedial Action Plan prepared by Regional Geotechnical Solutions dated 28 October 2016.

37. The existing underground storage tanks being removed and disposed of in accordance with Australian Standard AS4976 – 2008 The removal and disposal of underground petroleum storage tanks.

38. Under no circumstances is impact/hammer pile driving to be carried out on site.

39. Continuous monitoring of peak vibration levels being conducted at properties considered to be potentially impacted by vibration due to site works as determined by a suitably qualified consultant. The results of vibration monitoring are to be provided to Authorised Council Officers upon request.

40. 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.

41. 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.

42. 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.

43. 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.

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

45. 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.

46. 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.

47. 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).

- 48. 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.
- 49. 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.
- 50. 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.

- 51. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 52. 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.
- 53. 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.
- 54. 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.

55. If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided and adequate provision must be made for drainage.
56. 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.
57. 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.
58. 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.
59. The Developer obtaining the separate approval of Council pursuant to Part 8 Division 2 of the Roads Act 1993 for the proposed road improvement works in Little King Street, Newcastle and such being obtained prior to the commencement of any site works.
60. Comprehensive engineering design plans and specifications for the works to be undertaken in the public road reserve being submitted for approval with the required application under Part 9, Division 3, Section 138 of the Roads Act, 1993, such to be accompanied by the following documentation and additional details:

- **Road Design Plans**

Engineering Plans to comply with the following requirements:

- a) Plans to be accompanied by a pavement design report prepared and certified by a practising geotechnical engineer;
- b) Footways to be generally high level and at 2% grade toward the kerb;
- c) A separate linemarking and signposting plan (approved by the Newcastle City Traffic Committee to be included with the design plans).

- **Land Management Plan**

The Land Management Plan to nominate existing and proposed surface levels and provide full details of proposed erosion and sediment control measures to be implemented prior to, during and after construction. The required Plan to be prepared in accordance with the Department of Housing's Guidelines – *Managing Urban Stormwater: Soils and Construction*.

- **Stormwater Drainage Plan**

The Stormwater Drainage Plan to incorporate a 1:10 year recurrence interval piped stormwater drainage system, with overland flow up to a 1:100 year recurrence interval event contained within road reserves and/or drainage reserves, and to comply with the following requirements:

- a) Sub-soil drainage to be located under kerb and gutter and extend at least 500mm below bottom of pavement;
- b) Pits to be located upstream of kerb ramps and kerb returns;
- c) All stormwater pipes in the public road to be rubber ring jointed reinforced concrete; and
- d) The proposed development not to increase upstream or downstream flooding for floods over a range of storms from 1:1 to 1:100 year events.

- **Utilities Layout Plan**

The Utilities Layout Plan to indicate the location of existing mains, associated installations and service conduits, together with any proposed utility alterations and installations in particular street lighting. Any required electricity substations, pumping stations or similar installations are to be located in public reserves and/or private land and are not to be located within road reserves.

- **Set-out Layout Plan**

The Set-out Layout Plan to indicate survey co-ordinates for set out points for kerbs, medians and lane lines.

61. No work within the public road being commenced, including pipe or vehicular crossings, until Council's separate written approval has been obtained pursuant to Part 9 Division 3 Section 138 of the Roads Act 1993.

**Note:**

- i) A separate application is required for the works to be undertaken in the public road.
- ii) Engineering design plans and specifications for the works being undertaken in the public road reserve are required to be submitted to Council for approval with the application.
- iii) 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.)

62. The applicant being responsible for the provision of additional regulatory signage and all adjustments to and/or relocation of existing regulatory signage in public roads as part of the development at no cost to Council and in accordance with Council requirements. Full details are to be included in documentation submitted with the application under Part 9, Division 3, Section 138 of the Roads Act, 1993.

**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.

63. Any private structure on or over the public road reserve, including balconies and awnings, being the subject of a separate consent from Council, under Section 138 of the Roads Act 1993, prior to commencement.

Note: A separate approval from Council must be obtained for all private structures within the public road reserve pursuant to Section 138 of the Roads Act 1993. A fee will be payable in this regard.

64. 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.

65. 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.
66. 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.
67. Provision is to be made on the site for the installation of a 'kiosk' type electricity substation should such be required by the electricity authority and any such 'kiosk' being located in accordance with that authority's requirements and clear of the public road reserve.
68. The proposed visitor and 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.
69. 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.
70. 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.

71. 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.

72. 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.

73. 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.
74. All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not be limited to:
  - a) Restricting topsoil removal
  - b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion)
  - c) Alter or cease construction work during periods of high wind and
  - d) Erect green or black shadecloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.
75. 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).
76. 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.
77. 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.

78. The development being carried out in accordance with the details set out in the Acid Sulfate Soil Management Plan prepared by Regional Geotechnical Solutions dated 14 April 2016.
79. 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'.
80. 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).
81. 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.

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

82. 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.
83. 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.
84. 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.
85. The Developer designing and constructing the following works within Little King Street adjacent to the site at no cost to Council and in accordance with Council's guidelines and design specification, such works to be implemented prior to the issue of any occupation certificate:
  - a) Road shoulder pavement
  - b) Kerb and gutter replacement
  - c) Footpaving
  - d) Footway formation
  - e) Associated drainage works
  - f) Street tree planting in gap-graded structural soil vaults and Council's standard tree guard.

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 commencement. 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.

86. All works within the road reserve required by this consent are to be completed prior to the issue of any Occupation Certificate.
87. The proposed road improvement works, as approved by Council pursuant to Part 8 Division 2 of the Roads Act 1993 and comprising the following:
  - a) 2 raised marked foot crossings with kerb blisters and associated signage and linemarking;
  - b) Provision of a dedicated loading zone for coach parking in Stewart Avenue immediately north of Little King Street

being completed prior to any occupation of the premises.

Note:

- i) The road works will necessitate further Council approval pursuant to Part 9 Division 3 Section 138 of the Roads Act 1993 prior to commencement of construction.
- ii) The road works are inclusive of signposting, linemarking, street lighting and utility adjustments and will require Newcastle City Traffic Committee approval.

- iii) The Developer is advised to confer with Council's Development & Building Services Section to ascertain Council's detailed requirements in this regard.
- iv) It will be necessary for the Developer to notify water, telecommunications, gas and electricity authorities of the proposed footway works in order to enable the various authorities to carry out and complete any necessary repairs and/or amplification to their respective services before such works are commenced.)

88. The Developer preparing a Green Travel Plan (GTP) to encourage the use of alternate transport to the private vehicle in accordance with Section 7.03.03 Travel Demand Management of Council's adopted Newcastle Development Control Plan 2012 and incorporating end of trip facilities, such being implemented in association with the occupation of the premises and a copy of the GTP being provided to the Principal Certifying Authority.

89. Appropriate lighting being provided for the carparks and pedestrian pathways in accordance with AS 1158 - Lighting and AS 4282 - Control of the Obtrusive Effects of Outdoor Lighting, such to be installed prior to occupation of the premises.

90. Tree plantings required within the Little King Street footway fronting the site being Pyrus Callyrana Capital at 10.0m spacings, with the selected trees being advanced specimens in a minimum 300 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.

91. The street tree planting vaults in the Little King Street footway being linearly connected by tree pits to maximise soil volume (structural soil) and allow for drainage, soil moisture and root control barriers. The design and construction of the planting vaults are to be undertaken at no cost to Council and under Council's direction. Full details to be submitted with the required S138 application and such being completed prior to the issue of any occupation certificate.

92. Street lighting being upgraded across the Little King Street frontage of the site at no cost to Council (other than annual maintenance) to Standard P3 with additional luminance over the proposed raised thresholds and raised marked foot crossings in accordance with AS 1158.1.1 – Road Lighting. The lighting upgrade works being completed prior to the issue of any occupation certificate.

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

93. The proposed pedestrian laneway located along the eastern property boundary being the subject of a 'right of public access' and an appropriate notation is to be made on a survey plan and accompanying instrument under Section 88B of the Conveyancing Act 1919 (NSW) setting out the terms of the public access, such being lodged with Council for certification by the General Manager and being registered with NSW Government Land & Property Information prior the issuing of any Occupation Certificate for the proposed development.

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

95. The whole of the land is to be consolidated into a single title and documentary evidence of the lodgement for registration of a survey plan of consolidation with NSW Government Land & Property Information being submitted to Council prior to the issuing of an Occupation Certificate for the proposed development.
96. 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.
97. Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Reverb Acoustics, dated 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.

98. Acoustic louvres being installed along the northern façade of the carparking area(s) in accordance with Section 7.6 of the Noise Impact Assessment prepared by Spectrum Acoustics dated May 2016. Written final certification confirming the acoustic louvres have been installed in accordance with the recommendation of the Noise Impact Assessment prepared by Spectrum Acoustics dated May 2016 is to be submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation Certificate.
99. 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.
100. Prior to issue of an Occupation Certificate, the food business must notify the relevant enforcement agencies, under the *Food Act 2003* (NSW) and (for licensed food businesses) under the *Food Regulation 2010* (NSW). Notification is to be provided to Council and the NSW Food Authority.

Note: To arrange notification of the food business with Council go to [www.newcastle.gov.au](http://www.newcastle.gov.au) <<http://www.newcastle.gov.au>> and download a copy of the 'Council Food Business Notification Form' or contact Council's Environmental Health Services on (02) 4974 2525. To notify with the NSW Food Authority go to [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) <<http://www.foodnotify.nsw.gov.au>> and follow the instructions.

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

The minimum numeral heights shall be:

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

102. A Maintenance Manual for all water quality devices is to be prepared in accordance with Council's current 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.

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

103. The hours of operation or trading of the cafe are to be not more than from:

DAY	START	FINISH
Monday	7am	9pm
Tuesday	7am	9pm
Wednesday	7am	9pm
Thursday	7am	9pm
Friday	7am	9pm
Saturday	7am	9pm
Sunday	7am	9pm

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

104. The proposed seniors housing is to be occupied exclusively by 'seniors or people who have a disability, people who live within the same household with seniors or people who have a disability or staff employed to assist in the administration of and provision of services' as defined under Clause 18(1) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (NSW). An appropriate notation is to be made on a survey plan and accompanying instrument under Section 88B of the Conveyancing Act 1919 (NSW)

105. Waste collection from the proposed development being restricted to 7:00am and 6:00pm daily.

106. 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.

107. 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.

108. No goods or advertising signs are to be displayed or allowed to stand on the public footpath or street.
109. The landscaped areas are to be kept free of parked vehicles, stored goods, garbage or waste material and being permanently maintained.
110. 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.
111. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.
112. All vehicular movement to and from the site is to be in a forward direction.
113. 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.
114. 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'.
115. The premise/s is/are allocated the following street address/es in accordance with *Council's House Numbering Policy* and the *Surveying and Spatial Regulation*. The site address will be known as 510 King Street, Newcastle West. Individual units shall be numbered as detailed in the below table:

Unit Number on plan	Council Allocated Street Address(es)			
	House Number	Street Name	Street Type	Suburb
Site Address	510	King	Street	Newcastle West
Ground Floor Retail Space	1/510	King	Street	Newcastle West
Level 2 Room 1	201/510	King	Street	Newcastle West
Level 2 Room 2	202/510	King	Street	Newcastle West
Level 2 Room 3	203/510	King	Street	Newcastle West
Level 2 Room 4	204/510	King	Street	Newcastle West
Level 2 Room 5	205/510	King	Street	Newcastle West
Level 2 Room 6	206/510	King	Street	Newcastle West
Level 2 Room 7	207/510	King	Street	Newcastle West
Level 2 Room 8	208/510	King	Street	Newcastle West
Level 2 Room 9	209/510	King	Street	Newcastle West
Level 2 Room 10	210/510	King	Street	Newcastle West
Level 2 Room 11	211/510	King	Street	Newcastle West
Level 2 Room 12	212/510	King	Street	Newcastle West
Level 2 Room 13	213/510	King	Street	Newcastle West
Level 2 Room 14	214/510	King	Street	Newcastle West
Level 2 Room 15	215/510	King	Street	Newcastle West
Level 2 Room 16	216/510	King	Street	Newcastle West

Level 2 Room 17	217/510	King	Street	Newcastle West
Level 2 Room 18	218/510	King	Street	Newcastle West
Level 2 Room 19	219/510	King	Street	Newcastle West
Level 2 Room 20	220/510	King	Street	Newcastle West
Level 2 Room 21	221/510	King	Street	Newcastle West
Level 2 Room 22	222/510	King	Street	Newcastle West
Level 2 Room 23	223/510	King	Street	Newcastle West
Level 2 Room 24	224/510	King	Street	Newcastle West
Level 2 Room 25	225/510	King	Street	Newcastle West
Level 2 Room 26	226/510	King	Street	Newcastle West
Level 2 Room 27	227/510	King	Street	Newcastle West
Level 2 Room 28	228/510	King	Street	Newcastle West
Level 2 Room 29	229/510	King	Street	Newcastle West
Level 2 Room 30	230/510	King	Street	Newcastle West
Level 3 Room 31	301/510	King	Street	Newcastle West
Level 3 Room 32	302/510	King	Street	Newcastle West
Level 3 Room 33	303/510	King	Street	Newcastle West
Level 3 Room 34	304/510	King	Street	Newcastle West
Level 3 Room 35	305/510	King	Street	Newcastle West
Level 3 Room 36	306/510	King	Street	Newcastle West
Level 3 Room 37	307/510	King	Street	Newcastle West
Level 3 Room 38	308/510	King	Street	Newcastle West
Level 3 Room 39	309/510	King	Street	Newcastle West
Level 3 Room 40	310/510	King	Street	Newcastle West
Level 3 Room 41	311/510	King	Street	Newcastle West
Level 3 Room 42	312/510	King	Street	Newcastle West
Level 3 Room 43	313/510	King	Street	Newcastle West
Level 3 Room 44	314/510	King	Street	Newcastle West
Level 3 Room 45	315/510	King	Street	Newcastle West
Level 3 Room 46	316/510	King	Street	Newcastle West
Level 3 Room 47	317/510	King	Street	Newcastle West
Level 3 Room 48	318/510	King	Street	Newcastle West
Level 3 Room 49	319/510	King	Street	Newcastle West
Level 3 Room 50	320/510	King	Street	Newcastle West
Level 3 Room 51	321/510	King	Street	Newcastle West
Level 3 Room 52	322/510	King	Street	Newcastle West
Level 3 Room 53	323/510	King	Street	Newcastle West
Level 3 Room 54	324/510	King	Street	Newcastle West
Level 3 Room 55	325/510	King	Street	Newcastle West
Level 3 Room 56	326/510	King	Street	Newcastle West
Level 3 Room 57	327/510	King	Street	Newcastle West
Level 3 Room 58	328/510	King	Street	Newcastle West
Level 3 Room 59	329/510	King	Street	Newcastle West
Level 3 Room 60	330/510	King	Street	Newcastle West
Level 4 I.L.U 01	401/510	King	Street	Newcastle West
Level 4 I.L.U 02	402/510	King	Street	Newcastle West
Level 4 I.L.U 03	403/510	King	Street	Newcastle West
Level 4 I.L.U 04	404/510	King	Street	Newcastle West
Level 4 I.L.U 05	405/510	King	Street	Newcastle West
Level 4 I.L.U 06	406/510	King	Street	Newcastle West
Level 4 I.L.U 07	407/510	King	Street	Newcastle West
Level 4 I.L.U 08	408/510	King	Street	Newcastle West
Level 5 I.L.U 09	501/510	King	Street	Newcastle West
Level 5 I.L.U 10	502/510	King	Street	Newcastle West
Level 5 I.L.U 11	503/510	King	Street	Newcastle West
Level 5 I.L.U 12	504/510	King	Street	Newcastle West
Level 5 I.L.U 13	505/510	King	Street	Newcastle West
Level 5 I.L.U 14	506/510	King	Street	Newcastle West
Level 5 I.L.U 15	507/510	King	Street	Newcastle West
Level 5 I.L.U 16	508/510	King	Street	Newcastle West
Level 6 I.L.U 17	601/510	King	Street	Newcastle West
Level 6 I.L.U 18	602/510	King	Street	Newcastle West

Level 6 I.L.U 19	603/510	King	Street	Newcastle West
Level 6 I.L.U 20	604/510	King	Street	Newcastle West
Level 6 I.L.U 21	605/510	King	Street	Newcastle West
Level 6 I.L.U 22	606/510	King	Street	Newcastle West
Level 6 I.L.U 23	607/510	King	Street	Newcastle West
Level 6 I.L.U 24	608/510	King	Street	Newcastle West
Level 7 I.L.U 25	701/510	King	Street	Newcastle West
Level 7 I.L.U 26	702/510	King	Street	Newcastle West
Level 7 I.L.U 27	703/510	King	Street	Newcastle West
Level 7 I.L.U 28	704/510	King	Street	Newcastle West
Level 7 I.L.U 29	705/510	King	Street	Newcastle West
Level 7 I.L.U 30	706/510	King	Street	Newcastle West
Level 7 I.L.U 31	707/510	King	Street	Newcastle West
Level 7 I.L.U 32	708/510	King	Street	Newcastle West
Level 8 I.L.U 33	801/510	King	Street	Newcastle West
Level 8 I.L.U 34	802/510	King	Street	Newcastle West
Level 8 I.L.U 35	803/510	King	Street	Newcastle West
Level 8 I.L.U 36	804/510	King	Street	Newcastle West
Level 8 I.L.U 37	805/510	King	Street	Newcastle West
Level 8 I.L.U 38	806/510	King	Street	Newcastle West
Level 8 I.L.U 39	807/510	King	Street	Newcastle West
Level 8 I.L.U 40	808/510	King	Street	Newcastle West
Level 9 I.L.U 41	901/510	King	Street	Newcastle West
Level 9 I.L.U 42	902/510	King	Street	Newcastle West
Level 9 I.L.U 43	903/510	King	Street	Newcastle West
Level 9 I.L.U 44	904/510	King	Street	Newcastle West
Level 9 I.L.U 45	905/510	King	Street	Newcastle West
Level 9 I.L.U 46	906/510	King	Street	Newcastle West
Level 9 I.L.U 47	907/510	King	Street	Newcastle West
Level 9 I.L.U 48	908/510	King	Street	Newcastle West
Level 10 I.L.U 49	1001/510	King	Street	Newcastle West
Level 10 I.L.U 50	1002/510	King	Street	Newcastle West
Level 10 I.L.U 51	1003/510	King	Street	Newcastle West
Level 10 I.L.U 52	1004/510	King	Street	Newcastle West
Level 10 I.L.U 53	1005/510	King	Street	Newcastle West
Level 10 I.L.U 54	1006/510	King	Street	Newcastle West
Level 10 I.L.U 55	1007/510	King	Street	Newcastle West
Level 10 I.L.U 56	1008/510	King	Street	Newcastle West
Level 11 I.L.U 57	1101/510	King	Street	Newcastle West
Level 11 I.L.U 58	1102/510	King	Street	Newcastle West
Level 11 I.L.U 59	1103/510	King	Street	Newcastle West
Level 11 I.L.U 60	1104/510	King	Street	Newcastle West
Level 11 I.L.U 61	1105/510	King	Street	Newcastle West
Level 11 I.L.U 62	1106/510	King	Street	Newcastle West
Level 11 I.L.U 63	1107/510	King	Street	Newcastle West
Level 11 I.L.U 64	1108/510	King	Street	Newcastle West
Level 12 I.L.U 65	1201/510	King	Street	Newcastle West
Level 12 I.L.U 66	1202/510	King	Street	Newcastle West
Level 12 I.L.U 67	1203/510	King	Street	Newcastle West
Level 12 I.L.U 68	1204/510	King	Street	Newcastle West
Level 12 I.L.U 69	1205/510	King	Street	Newcastle West
Level 12 I.L.U 70	1206/510	King	Street	Newcastle West
Level 12 I.L.U 71	1207/510	King	Street	Newcastle West
Level 12 I.L.U 72	1208/510	King	Street	Newcastle West
Level 13 I.L.U 73	1301/510	King	Street	Newcastle West
Level 13 I.L.U 74	1302/510	King	Street	Newcastle West

## ADVISORY MATTERS

- A. 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.
- B. 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.
- C. 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.
- D. Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required of any adjoining owner under the provisions of the *Dividing Fences Act 1991* (NSW).
- E. A separate application is required for any outdoor dining with the road reserve.
- F. 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.
- G. 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.
- H. 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.
- I. 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).
- J. 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.

- K. 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.
- L. 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 2.72m Australian Height Datum (AHD)
  - b) Flood Hazard Level is 3.22m AHD (Freeboard is 500mm above DFL)Maximum Flow Velocity of floodwaters for the Defined Flood Event is 0.3m/s.

## **END OF CONDITIONS**