

DRAFT DEVELOPMENT CONSENT CONDITIONS

Council Application No:	DA2017/00700
JRPP Reference No:	2017HCC017
Land:	Lot 1 DP 610140 and Lot 1 DP 749729
Property Address:	163 and 169-185 Hunter Street, Newcastle
Proposed Development:	Development Application for a Mixed Use Development incorporating Retail Premises, Shop Top Housing, Car Parking and Associated Works

INTEGRATED DEVELOPMENT

The proposed development is integrated development and approval is required from the approval bodies listed below:

Pursuant to section 15 of the *Mine Subsidence Act 1961*– Subsidence Advisory NSW

General Terms of Approval issued by the Subsidence Advisory NSW dated 13 September 2013 and subsequent letter dated 13 October 2017 (Ref: TBA17-42381N1) and reproduced below shall form part of this Integrated Development Consent:

General

Plans, Standards and Guidelines

1. The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.

Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application for consideration by Subsidence Advisory NSW (SA NSW). If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new Application will have to be submitted to Subsidence Advisory NSW.

2. This approval expires 5 years after the date the approval was granted if construction work has not physically commenced.

Prior to Commencement of Construction

3. Based on the reports:
 - Newcastle East End Development – Stage 1, 163 and 169-185 Hunter Street Newcastle. Ref No. Douglas Partners Report Project No. 39826.09, dated June 2017.
 - Grouting Assessment for the Mine Workings below the Proposed Re-Development of Block 1 of the Newcastle East End Project – Stage 1, 169- 185 Hunter St, Newcastle. Ref No. DGS Report No. DPS-003/3 dated 20 June 2017.

SA NSW will require:

- Targeted grouting of mine workings in the Borehole Seam, as detailed in the above reports.

- Grouting of mine workings in the Dudley Seam for areas not under the footprint of the former David Jones building proposed for adaptive reuse.
- Further borehole investigation to determine the extent of workings in the Dudley Seam, including a borehole investigation around the perimeter of the section of the former David Jones site proposed for adaptive reuse.
- Comment for SA NSW's acceptance from a geotechnical consultant following further borehole investigation of the Dudley Seam to determine if grouting under the footprint of the adaptive re-use structure is required.

4. Prescribed Design Parameters

The proposed structure(s) is to be designed to be “safe, serviceable and any damage from mine subsidence shall be limited to ‘very slight’ in accordance with AS2870 (Damage Classification) and readily repairable” using the subsidence parameters outlined below:

- Maximum vertical subsidence: 100 mm
- Maximum Horizontal Strains (over length of structure): (+/-): 0.5 mm/m
- Maximum Horizontal Strain (over 15m): 1mm/m
- Maximum Tilt: 2 mm/m
- Maximum Radius of Curvature: 10 km

These parameters are subject to successful verification and grouting of mine workings.

5. Additional information regarding the removal of risk of mine subsidence by grouting is required.

In regards to the Borehole Seam, submit for acceptance by Subsidence Advisory NSW prior to commencing work a:

- A grouting plan prepared by a suitably qualified and experienced professional, including a drawing(s) showing:
 - Cadastral plan including property boundaries within 200m of the site.
 - Record tracing for Grouting Plan Area showing mine workings proposed to be grouted, including previously installed grout (SA NSW will provide previous grout locations if necessary).
 - Proposed grout locations and grout volume to be placed at each location.
 - Proposed grout verification hole locations.
- Grouting Works validation methodology including details of strategies to rectify non-conforming works.

In regards to the Dudley Seam, submit for acceptance by SA NSW.

- A plan indicating proposed additional investigation boreholes to determine if mine workings exist under the adaptive re-use structure.
- Plan indicating barrier grouting locations.
- Further comment on the methodology / verification proposed for grouting, including details of strategies to rectify non-conforming works.
- Estimated grout quantities for bulk filling the site for both excluding and including grouting under the footprint of the proposed adaptive re-use structure.

On completion of grouting submit a **Grout Verification Output Report** endorsed by the grout designer and site verification engineers for compliance with the accepted Grouting Plan.

6. Submit an “Engineering Impact Statement” prior to commencement of detailed design for acceptance by SANSW, which shall identify the:

- Mine Subsidence Parameters used for the design.
- Main building elements and materials.

- c) Risk of damage due to mine subsidence
 - d) Design measures proposed to control the risks.
 - e) Comment on the:
 - likely building damage in the event of mine subsidence.
 - sensitivity of the design to greater levels of mine subsidence.
7. Submit a final design incorporating the design methodology contained in the “*Engineering Impact Statement*”, for acceptance by *Subsidence Advisory NSW* prior to commencement of construction. It shall include certification by a qualified structural engineer to the effect that the improvements will remain “*safe, serviceable and any damage from mine subsidence shall be limited to ‘very slight’ damage in accordance with AS2870 (Damage Classification), and readily repairable*” taking into consideration the mine subsidence parameters outlined above.
 8. No buildings, structures or other improvements are to be built over or adjacent to any drifts, shaft or other mine entry unless the Board accepts the risk of mine subsidence has been eliminated.
 9. The final design is to be submitted for acceptance by Subsidence Advisory NSW prior to the commencement of any construction work and shall:
 - a) Be developed from design accompanying the DA, dated 30 June 2017.
 - b) Include sufficient drawing plans, long-sections, elevations and details, to fully describe the work and proposed mine subsidence mitigation measures.
 - c) Include design mitigation measures to reduce the transfer of horizontal strain into building structures.
 - d) Include design mitigation measures to relieve excessive strains into building structures.
 - e) Include an additional grade for tilt due to mine subsidence, in excess of the minimum Code requirements for structures including pipes, gutters and wet areas.
 - f) For underground pipes or conduits allow for flexible joints, flexible bedding surround and flexible building connections and penetrations.
 - g) Ensure there is sufficient capacity in any storage structure for tilt due to mine subsidence.
 - h) Locate underground structures to facilitate ease of repair and replacement.
 - i) Ensure internal finishes are installed in accordance with relevant codes and standards and industry best practice guidelines with additional provision for mine subsidence.
 - j) Ensure there is suitable provision for articulation jointing in building elements. All control joints including articulation for mine subsidence are to be shown on the design plans and elevations.
 - k) Ensure there is provision for isolation joints between adjoining structures. For example between a building and adjacent paving.
 - l) All roads, driveways and pavement areas, as shown on the approved plans, are to be designed as flexible structures with an asphalt surface. If a concrete surface course is required, it shall be designed to include expansion and crack control joints or sacrificial sections to minimise the risk of damage from mining subsidence.

During Construction

10. Establish a number of permanent survey marks to AHD so that building movement can be monitored should mine subsidence occur. Details are to be forwarded to Subsidence Advisory NSW.

Post Construction

11. Upon completion of construction, works-as-executed certification by a qualified engineer is to be forwarded to the Subsidence Advisory NSW confirming that construction was in accordance with the plans approved by Subsidence Advisory NSW.

Pursuant to Section 90 of the Water Management Act 2000 – Water Supply Work Approval from Water NSW

General Terms of Approval issued by NSW Water dated 20 November 2017 shall form part of this Integrated Development Consent.

General

1. An approval shall be obtained for the take of groundwater as part of the activity. Ground water shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue.
2. A water licence is required under the WM Act where any act causes:
 - a) The removal of water from a water source;
 - b) The movement of water from one part of an aquifer to another part of an aquifer or;
 - c) The movement of water from one water source to another water source.

A water licence is required whether water is taken for consumptive use or whether it is taken incidentally.

3. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded.
4. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
5. Documentation (referred to as a 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process must be provided. Information will be required at several stages: prior to construction commencing (initial report- which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to Excavation

6. The following shall be included in the initial report:
 - a) A map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
 - b) Details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
7. The applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an

appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.

8. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and support information to confirm their development or measurement (e.g. permeability determined by slug-testing, pump-testing or other means).
9. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge or sewer) and a copy of the written permission from the relevant regulatory authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant regulatory authority.
10. Contaminated groundwater shall not be reinjected into any aquifer.

During Excavation

11. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
12. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
13. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
14. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
15. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.

Following Excavation

16. Following cessation of the dewatering operations, the applicant shall submit the completion report which shall include:
 - a) Detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
 - b) A water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - c) A detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an

assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.

17. The completion report is to be assessed by the approval body prior to any certifying agency's approval for occupation or use of the completed construction.

Conditions imposed by Council as part of this Integrated Development Consent are:

Plans and Documentation

The development shall be undertaken substantially in accordance with the details and specifications set out in:

Architectural Plans:

Architectural Drawing Package for <u>Precinct (Block 1)</u> Prepared By SJB Architects Ref 5589			
Drawing No.	Rev.	Name of Plan	Date
P-A-0001	14	Cover	19.05.2017
P-A-0101	14	Context Plan	19.05.2017
P-A-0102	14	Site Plan	19.05.2017
P-A-0103	14	Site Analysis	19.05.2017
P-A-0201	16	Level 01	09.11.2017
P-A-0202	16	Level 02	09.11.2017
P-A-0203	16	Level 03	09.11.2017
P-A-0204	16	Level 04	09.11.2017
P-A-0205	16	Level 05	09.11.2017
P-A-0206	16	Level 06	09.11.2017
P-A-0207	16	Level 07	09.11.2017
P-A-0208	16	Level 08	09.11.2017
P-A-0209	16	Level 09	09.11.2017
P-A-0210	16	Level 10	09.11.2017
P-A-0211	16	Level 11	09.11.2017
P-A-0212	16	Roof	09.11.2017
P-A-0213	14	Basement 01	19.05.2017
P-A-0214	14	Basement 02	19.05.2017
P-A-0501	14	Precinct Elevation North	19.05.2017
P-A-0502	14	Precinct Elevation East	19.05.2017
P-A-0503	14	Precinct Elevation South	19.05.2017
P-A-0504	14	Precinct elevation West	19.05.2017
P-A-0601	14	Precinct Section 01	19.05.2017
P-A-0602	14	Precinct Section 02	19.05.2017
P-A-0901	16	Carpark Ramp Details	09.11.2017
P-A-2801	14	View from the Sun- Sheet 1	19.05.2017
P-A-2802	14	View from the Sun- Sheet 2	19.05.2017
P-A-2811	16	Shadow Diagrams-9AM	09.11.2017
P-A-2812	16	Shadow Diagrams-10AM	09.11.2017
P-A-2813	16	Shadow Diagrams-11AM	09.11.2017
P-A-2814	16	Shadow Diagrams-12PM	09.11.2017
P-A-2815	16	Shadow Diagrams-1PM	09.11.2017
P-A-2816	16	Shadow Diagrams-2PM	09.11.2017
P-A-2817	16	Shadow Diagrams-3PM	09.11.2017
P-A-3201	14	Demolition Plan	19.05.2017
P-A-3301	14	Signage Strategy- Level 01	19.05.2017
P-A-3302	14	Signage Strategy- Elevations	19.05.2017
P-A-3303	14	Signage Strategy- Details	19.05.2017
P-A-4001	14	Photomontage 01	19.05.2017
P-A-4002	14	Photomontage 02	19.05.2017
P-A-4003	14	Photomontage 03	19.05.2017

P-A-4004	14	Photomontage 04	19.05.2017
P-A-4005	14	Photomontage 05	19.05.2017
P-A-4006	14	Photomontage 06	19.05.2017
P-A-4007	14	Photomontage 07	19.05.2017

Architectural Drawing Package for <u>Building A</u>, Prepared By SJB Architects Ref 5589			
Drawing No.	Rev.	Name of Plan	Date
A-A-0001	14	Cover	19.05.2017
A-A-0201	14	Building A- Level 01	19.05.2017
A-A-0202	14	Building A- Level 02	19.05.2017
A-A-0203	14	Building A- Level 03	19.05.2017
A-A-0204	14	Building A- Level 04	19.05.2017
A-A-0205	14	Building A- Level 05	19.05.2017
A-A-0206	14	Building A- Level 06	19.05.2017
A-A-0207	14	Building A- Level 07	19.05.2017
A-A-0208	14	Building A- Level 08	19.05.2017
A-A-0209	14	Building A- Level 09	19.05.2017
A-A-0210	14	Building A- Level 10	19.05.2017
A-A-0211	14	Building A- Level 11	19.05.2017
A-A-0212	14	Building A- Roof	19.05.2017
A-A-0501	14	Building A Elevation- North	19.05.2017
A-A-0502	14	Building A Elevation- East	19.05.2017
A-A-0503	14	Building A Elevation- South	19.05.2017
A-A-0504	14	Building A Elevation- West	19.05.2017
A-A-0601	14	Building A-Section 01	19.05.2017
A-A-0602	14	Building A-Section 02	19.05.2017
A-A-1420	14	Adaptable Apartments-Sheet 1	19.05.2017
A-A-2900	14	Schedules	19.05.2017
A-A-2901	14	Building A- GFA	19.05.2017
A-A-3001	14	SEPP 65 Analysis- Solar	19.05.2017
A-A-3002	14	SEPP 65 Analysis- Cross Ventilation	19.05.2017
A-A-3201	14	Demolition Plan	19.05.2017

Architectural Drawing Package for <u>Building B</u>, Prepared By SJB Architects Ref 5589			
Drawing No.	Rev.	Name of Plan	Date
B-A-0001	14	Cover	19.05.2017
B-A-0201	14	Building B- Level 01	19.05.2017
B-A-0202	14	Building B- Level 02	19.05.2017
B-A-0203	14	Building B- Level 03	19.05.2017
B-A-0204	14	Building B- Level 04	19.05.2017
B-A-0205	14	Building B- Level 05	19.05.2017
B-A-0206	14	Building B- Roof	19.05.2017
B-A-0251	14	Building B- Level 01 (Heritage)	19.05.2017
B-A-0252	14	Building B- Level 02 (Heritage)	19.05.2017
B-A-0253	14	Building B- Level 03 (Heritage)	19.05.2017
B-A-0254	14	Building B- Level 04 (Heritage)	19.05.2017
B-A-0255	14	Building B- Level 05 (Heritage)	19.05.2017
B-A-0256	14	Building B- Roof (Heritage)	19.05.2017
B-A-0501	14	Building B Elevation- North	19.05.2017
B-A-0502	14	Building B Elevation- West	19.05.2017
B-A-0503	14	Building B Elevation- South	19.05.2017

Architectural Drawing Package for <u>Building B</u>, Prepared By SJB Architects Ref 5589			
Drawing No.	Rev.	Name of Plan	Date
B-A-0521	14	Building B Elevation- North Existing	19.05.2017
B-A-0522	14	Building B Elevation- West Existing	19.05.2017
B-A-0523	14	Building B Elevation- South Existing	19.05.2017
B-A-0551	14	Building B Elevation- North (Heritage)	19.05.2017
B-A-0552	14	Building B Elevation- West (Heritage)	19.05.2017
B-A-0553	14	Building B Elevation- South (Heritage)	19.05.2017
B-A-0601	14	Building B- Section 01	19.05.2017
B-A-0602	14	Building B- Section 02	19.05.2017
B-A-0603	14	Building B- Section 03	19.05.2017
B-A-0651	14	Building B- Section 01 (Heritage)	19.05.2017
B-A-0652	14	Building B- Section 02 (Heritage)	19.05.2017
B-A-0653	14	Building B- Section 03 (Heritage)	19.05.2017
B-A-2901	14	Building B- GFA	19.05.2017
B-A-3001	14	SEPP 65 Analysis- Solar + Cross Ventilation	19.05.2017
B-A-3201	14	Demolition - Level 01	19.05.2017
B-A-3202	14	Demolition – Level 02	19.05.2017
B-A-3203	14	Demolition – Level 03	19.05.2017
B-A-3204	14	Demolition – Level 04	19.05.2017
B-A-3205	14	Demolition – Level 05	19.05.2017
B-A-3206	14	Demolition – Roof	19.05.2017

Architectural Drawing Package for <u>Building C</u>, Prepared By TZG Architects Ref 17002			
Drawing No.	Rev.	Name of Plan	Date
C-A-0001	14	Cover	19.05.2017
C-A-0201	15	Building C Plan - Level 01	06.11.2017
C-A-0202	15	Building C Plan - Level 02	07.11.2017
C-A-0203	15	Building C Plan - Level 03	06.11.2017
C-A-0204	14	Building C Plan - Level 04	19.05.2017
C-A-0205	14	Building C Plan - Level 05	19.05.2017
C-A-0206	14	Building C Plan - Level 06	19.05.2017
C-A-0207	14	Building C Plan - Level 07	19.05.2017
C-A-0208	14	Building C Plan - Level 08	19.05.2017
C-A-0209	15	Building C Plan - Level 09	10.11.2017
C-A-0210	15	Building C Plan - Level 10	10.11.2017
C-A-0211	14	Building C Plan- Roof	19.05.2017
C-A-0212	14	Building C Plan- Adaptable Apartments	19.05.2017
C-A-0501	14	Building C Elevation- North	19.05.2017
C-A-0502	14	Building C Elevation- East	19.05.2017
C-A-0503	14	Building C Elevation-South	19.05.2017
C-A-0504	14	Building C Elevation-West	19.05.2017
C-A-0601	14	Building C-Section 01	19.05.2017
C-A-0602	14	Building C-Section 02	19.05.2017
C-A-603	14	Building C-Section 03	19.05.2017
C-A-2901	14	Building C- GFA	19.05.2017
C-A-3001	14	SEPP 65 Analysis- Solar	19.05.2017
C-A-3011	14	SEPP 65 Analysis- Cross Ventilation	19.05.2017
C-A-3201	14	Demolition Plan Ground	19.05.2017
C-A-3202	14	Demolition Elevation- North	19.05.2017

Architectural Drawing Package for <u>Building D</u>, Prepared By DBJ Architects Ref 5589			
Drawing No.	Rev.	Name of Plan	Date
D-A-0001	14	Cover	19.05.2017
D-A-0201	14	Building D Plan - Level 01	19.05.2017
D-A-0202	14	Building D Plan - Level 02	19.05.2017
D-A-0203	14	Building D Plan - Level 03	19.05.2017
D-A-0204	14	Building D Plan - Level 04	19.05.2017
D-A-0205	14	Building D Plan - Level 05	19.05.2017
D-A-0206	14	Building D Plan - Level 06	19.05.2017
D-A-0207	14	Building D Plan - Level 07 and 09	19.05.2017
D-A-0208	14	Building D Plan - Level 08 and 10	19.05.2017
D-A-0211	14	Building D Plan - Level 11	19.05.2017
D-A-0212	14	Building D Plan- Roof	19.05.2017
D-A-0501	14	Building D Elevation- North	19.05.2017
D-A-0502	14	Building D Elevation- East	19.05.2017
D-A-0503	14	Building D Elevation-South	19.05.2017
D-A-0504	14	Building D Elevation-West	19.05.2017
D-A-0601	14	Building D-Section 01	19.05.2017
D-A-0602	14	Building D-Section 02	19.05.2017
D-A-1420	14	Building D – Adaptable Apartments Sheet 1	19.05.2017
D-A-2901	14	Building D – GFA Plans	19.05.2017
D-A-3001	14	SEPP 65 Analysis- Cross Solar	19.05.2017
D-A-3011	14	SEPP 65 Analysis- Cross Ventilation	19.05.2017
D-A-3201	14	Demolition Plan	19.05.2017

Additional Plans:

Architectural Drawing Maximum Building Height Diagrams, Prepared By SJB Architects Ref 5589			
Drawing No.	Rev.	Name of Plan	Date
P-A-5511	16	Precinct Elevation North- Street Wall Height	09.11.2017
P-A-5512	16	Precinct Elevation East- Street Wall Height	09.11.2017
P-A-5513	16	Precinct Elevation South- Street Wall Height	09.11.2017
P-A-5514	16	Precinct Elevation West- Street Wall Height	09.11.2017

Architectural Drawing, Maximum Building Height Diagrams, Concept and Stage 1, Prepared By SJB Architects Ref 5614			
Drawing No.	Rev.	Name of Plan	Date
DA-0505	00	Building Envelope Elevation North and East	10.11.2017
DA-0506	00	Building Envelope Elevation South and West	10.11.2017
DA-0507	00	Building Envelope Elevation Wolf St East + West	10.11.2017
DA-0508	00	Building Envelope Elevation South and West	10.11.2017
P-A-5501	16	Precinct Elevation North-Height Comparison	09.11.2017
P-A-5502	16	Precinct Elevation East-Height Comparison	09.11.2017
P-A-5503	16	Precinct Elevation South-Height Comparison	09.11.2017
P-A-5504	16	Precinct Elevation West-Height Comparison	09.11.2017

Architectural Drawing, Shadow Diagrams Prepared By SJB Architects Ref 5589			
Drawing No.	Rev.	Name of Plan	Date
P-A-2851	16	123 King St Elevation Shadow Study Sheet 02	09.11.2017
P-A-2850	16	123 King St Elevation Shadow Study Sheet 01	09.11.2017

Architectural Drawing, Shadow Diagrams Prepared By SJB Architects Ref 5589			
Drawing No.	Rev.	Name of Plan	Date
DA03		Solar Compliance Comparison Ground Floor Plan	7.11.2017
DA04		Level 1 Floor Plan	7.11.2017
DA05		Level 2 Floor Plan	7.11.2017
DA06		Level 3 Floor Plan	7.11.2017
DA07		Level 4 Floor Plan	7.11.2017
DA08		Level 5 Floor Plan	7.11.2017

Responses to UDCG Comments Prepared By SJB Architects Ref 5589 & DBJ Ref 1680			
Drawing No.	Rev.	Name of Plan	Date
		Images of Building C & Cladding Material	
D-A-3011	2	SEPP 65 Analysis- Cross Ventilation	27.10.2017
D-A-3012	2	SEPP 65 Analysis- Cross Ventilation Level 2	27.10.2017
D-A-3013	2	SEPP 65 Analysis- Cross Ventilation Level 3	27.10.2017
D-A-3014	2	SEPP 65 Analysis- Cross Ventilation Level 4	27.10.2017
D-A-3015	2	SEPP 65 Analysis- Cross Ventilation Level 5, 7, 9	27.10.2017
D-A-3016	2	SEPP 65 Analysis- Cross Ventilation Level 6, 8, 10	27.10.2017
D-A-3017	2	SEPP 65 Analysis- Cross Ventilation Level 11	27.10.2017

Comparative Solar Study Building C Prepared By SJB Architects Ref 5589			
Drawing No.	Rev.	Name of Plan	Date
SK-01	1	Solar Study-9AM	6.12.2017
SK-02	1	Solar Study-10AM	6.12.2017
SK-03	1	Solar Study-11AM	6.12.2017
SK-04	1	Solar Study-12PM	6.12.2017
SK-05	1	Solar Study-1PM	6.12.2017
SK-06	1	Solar Study-2PM	6.12.2017
SK-07	1	Solar Study-3PM	6.12.2017

Landscape and Public Domain Plans and Documents

Landscape Concept and Landscape Statement, Prepared By Aspect Studios Ref S17008			
Drawing No.	Rev.	Name of Plan	Date
	D	Stage 1 DA Landscape Statement	14.06.2017
	E	Cover	14.06.2017
DA-01	E	Site Context & Indicative Perspective	14.06.2017
DA-02	E	Victoria Way public Domain Concept Plan	14.06.2017
DA-03	E	Victoria Way public Domain Section A-A	14.06.2017
DA-04	E	Victoria Way public Domain Section B-B & C-C	14.06.2017
DA-05	F	Building A Private Communal Concept Plan Level 02 Terrace	26.10.2017
DA-06	G	Building C Private Communal Concept Plan Level 02 & 03 Terrace	30.10.2017
DA-07	E	Building A Private Communal Concept Plan Level 07 Terrace	14.06.2017
DA-08	F	Indicative Planting Palette	26.10.2017

Public Domain Commitments, Aspect Studios (undated)

Planning Documents

Statement of Environmental Effects prepared by SJB Planning dated June 2017

Clause 4.6 Variation to Height of Buildings, prepared by SJB Planning, dated 15.06.2017;

SEPP 65 Design Statement, prepared by SJB, TZG, and DBJ, ref 5589, dated 16.06.2017;

Newcastle Concept DA View analysis, prepared by SJB, ref 5614, dated 04.05.2017;

Amended Development Application Report, prepared by SJB Planning, dated November 2017;

Street Wall Comparison Plan, prepared by SJB Architects (undated, submitted November 2017);

Shadow Analysis, prepared by SJB Architects, version 1, dated 13.11.2017;

View Analysis Explanatory Note & Addendum View Analysis, prepared by SJB Urban

Correspondence prepared by SJB Planning dated 5.12.2017 and following attachments:

1. Shadow Analysis Building C (annotated)
2. Updated SEPP 65 Apartment Design Guide Matrix, SJB Architecture, Rev 9, dated 4/12/2017
3. Alternative Apartment Sketch (Bedroom Sizes) for Building A (Levels 7-11), SJB Architects.

Correspondence: Overshadowing Impacts of Building C, SJB Planning, 6.12.2017

Heritage and Archaeology

Heritage Impact Assessment Former David Jones Site (Stage 1 DA), prepared by City Plan, rev 02, dated 13.06.2017 (including Appendix B_Aboriginal and Historical Archaeology Report, Ref: 3303/R01/V6 prepared by Umwelt, dated October 2015)

Conservation Management Plan, prepared by City Plan, rev 03, dated 15.06.2017;

Historical Archaeological Assessment, prepared by Umwelt, ref 3971/R01, dated June 2017;

Correspondence: Aboriginal Cultural Heritage and Archaeological Assessment Process, prepared by Umwelt, ref 3971/NR/14062017, dated 14.06.2017;

Traffic and Transport

Transport Impact Assessment, prepared by GTA Consultants, ref N119480, dated 13.06.2017;

Construction Traffic Management Plan, prepared by GTA Consultants, ref N119480, dated 29.05.2017;

Memorandum regarding vehicular access, parking, CTMP and green travel plan, prepared by GTA Consultants, ref N140420, dated 15.11.17;

Correspondence: Stage 1 Overview Construction Traffic Management Plan prepared by GTA Consultants, ref N140420, dated 15.11.17;

Construction Management

Construction Management Plan, prepared by Parkview, rev A, dated 08.06.2017;

Construction Noise and Vibration Management Plan, prepared by Acoustic Logic, ref 20170518.1/2404A/R)/BW, dated 24.4.2017;

Ground Issues:

Potential Ground Issues Report prepared by Douglas Partners, Project 39826.09 ref 007.Rev 1, dated 8.6.2017;

Preliminary Mine Subsidence Assessment, prepared by Douglas Partners, Project 39826.09 Ref 006. rev 2, dated 29.05.2017;

Additional Contamination Assessment, prepared by Douglas Partners, Project 39826.09 ref 002. Rev 2, dated 29.05.2017;

Remediation Action Plan, prepared by Douglas Partners, Project 39826.09 Ref 005. rev 2, dated 29.05.2017;

Acid Sulfate Soil Management Statement, prepared by Douglas Partners, Project 39826.09 Ref 004. rev 2, dated 29.05.2017;

Correspondence: Geotechnical Assessment prepared by Douglas Partners, Project 39826.09, dated 5.12.2017;

Grouting and Verification Plan, prepared by Douglas Partners, ref 39826.09, dated 25.09.2017;

Flooding and Stormwater

Flooding Assessment, prepared by Northrop, ref NL167241_B01, dated 13.03.2017;

Concept Stormwater Management Plan, prepared by Northrop, ref NL167241, dated 14.06.17

Concept Stormwater Management Plan Report, prepared by Northrop, ref NL167241, rev C, dated 07.11.17

MUSIC Model (by Northrop, ref NL167241, electronic only) saved 21/11/2017

Correspondence: Flood Management prepared by Northrop, ref NL167241, dated 04.12.17

Internal Civil Works, Prepared By Northrop, Ref NL167241			
Drawing No.	Rev.	Name of Plan	Date
P-C-01.01	C	Cover Sheet & Drawing Index	07.08.17
P-C-02.01	C	Concept Soil & Water Management Plan Basement 02	07.08.17
P-C-02.02	B	Concept Soil & Water Management Details	07.08.2017
P-C-03.01	F	Concept Stormwater Management Plan Roof/Podium	30.10.2017
P-C-03.02	C	Concept Stormwater Management Plan Level 01	10.08.2017
P-C-03.03	B	Concept Stormwater Management Plan Basement 02	07.08.2017
P-C-50.01	5	Concept External Stormwater Upgrades	20.11.2017

Other Documents

Indicative Cost Report, prepared by Altus Group, ref 71130.102037.000, dated 14.06.2017;

Accessibility Assessment Report, prepared by City Plan, ref 173307.03, dated 09.06.2017;

Building Code of Australia Assessment Report, prepared by City Plan, ref 173307, dated 13.06.2017;

Infrastructure Services Report, prepared by ADP Consulting Pty Ltd, ref SYD0296, dated 08.06.2017

Waste Management Plan, prepared by Jacobs, ref IA148600.2/1.0, dated 7.06.2017;

Acoustic Assessment, prepared by Acoustic Logic, ref 20170518.1/0905A/R2/BQ, dated 27.05.2017;

Sustainability Report, prepared by ADP Consulting Pty Ltd, ref SYD0296, dated 14.06.2017;

Strategic Social Plan, prepared by GHD, ref 2126423, dated June 2017;

Crime Risk Assessment, prepared by GHD, ref 2126423, dated June 2017;

Basix Certificate, prepared by ADP Consulting Pty Ltd, ref 818302M_02, dated 20.06.2017.

A - CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION OR GROUNDWORKS

A1 Geotechnical/Mine Subsidence

A detailed geotechnical investigation which identifies ground constraints and confirms engineering design and management strategies for building works and earthworks shall be prepared by a qualified geotechnical engineer and submitted to Council for approval prior to the commencement of any remediation, excavation, dewatering or construction works on the site. Consent is not granted to the use of anchors which support any adjacent sites unless the written consent of that property owner is obtained.

A2 Excavation

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 by method used wholly within the development site only, 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. If the written consent of the owner is required, this must be provided to the Principal Certifying Authority prior to the commencement of any works.

A3 Dilapidation Report

A dilapidation report prepared by a suitably qualified person shall be submitted to the Certifying Authority prior to the commencement of any demolition, excavation or construction works. The dilapidation report shall document and photograph the current structural condition of the adjoining buildings, public infrastructure and roads.

A4 Community Liaison

The applicant shall establish a Community Liaison Committee as an ongoing means of addressing community concerns during the excavation and 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.

A5 Construction Traffic Management Plan (CTMP)

Prior to any site works commencing, the Developer must prepare a final Construction Traffic Management Plan (CTMP). The CTMP is to address the parking of construction vehicles and the transportation of construction personnel to the site; and detail a common location for the parking of construction vehicles outside of the Newcastle CBD area and utilise shuttle buses and for the transportation of construction personnel and their equipment to the site.

Two copies of the CTMP are to be provided to the Council for written approval and the CTMP is to be maintained on site during all site works and be made available to Authorised Officers upon request.

The CTMP is to be prepared by an appropriately qualified person (Roads & Maritime Services-accredited) 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.

A6 Environmental Management Plan (EMP)

Prior to any site works commencing, the Developer must prepare a final EMP addressing management of all environmental aspects associated with the construction works, during the construction phase. The final EMP is to be provided to the Council for written approval and is to be maintained on site during all site works and be made available to Authorised Officers upon request. The EMP is to include but not be limited to:

- A site management strategy, identifying and addressing issues such as environmental health and safety, site security, material storage and temporary storage sheds, fencing/hoarding, excavation and shoring; odour management;
- A traffic management strategy: including traffic control measures, including construction zones, to be utilised in the public road reserve for the provision for safe, continuous movement of traffic and pedestrians within the road reserve. Details of the matter in which disruption to all surrounding areas including Hunter Street Mall is to be addressed. This part of the Plan is to be prepared by an appropriately qualified (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.
- A soil and water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water and groundwater. Procedures should be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
- A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions.
- A community relations plan that aims to inform local residents and other local stakeholders of the proposed nature and timeframes for construction activities together with contact details for site management.
- A noise management strategy detailing measures to minimise the impact of the construction phase on the amenity of the locality, in accordance with Australian Standard AS 2436, 1981 'Guide to Noise control on Construction, Maintenance and Demolition Sites'. Noise monitoring during the construction phase should be incorporated into the program.
- A site management strategy for dealing with any identifying potential for Acid Sulphate Soils (ASS) to be encountered and measures and techniques to be followed in the event that ASS is encountered.
- A detailed Site Waste Management and Minimisation Plan (SWMMP) for the demolition and construction phase of the development that aims to avoid production

of waste and maximise reuse, recycling or reprocessing of potential waste material. The SWMMP is to be prepared by an appropriately qualified consultant in accordance with Newcastle Development Control Plan 2012 Element 7.08.01 Waste Management and submitted to Council for written approval prior to the commencement of any demolition of site works.

A7 Hazardous Substances Plan

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.

A8 Disconnection of Services

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.

A9 Aboriginal Heritage

An Aboriginal Heritage Impact Permit (AHIP) is required to be obtained from the Office of Environment and Heritage (OEH) under Part 6 of the *National Parks and Wildlife Act 1974* prior to the commencement of ground disturbance works. The AHIP is to include provision for the completion of Aboriginal archaeological investigations in the form of test excavations and (if required) further salvage activities.

During any excavation work, in the event that any Aboriginal objects are identified within the area of works, works within the immediate vicinity of the Aboriginal object should cease and Office of Environment and Heritage (OEH) should be contacted so that appropriate management strategies can be identified.

In the unlikely event that a potential burial site or potential human skeletal material is exposed, work in the vicinity of the remains is to halt immediately to allow assessment and management. If the remains are suspected to be human, it will be necessary to contact local police, OEH and the Heritage Division to determine an appropriate course of action.

A10 Heritage: Archival Recording

A full archival photographic record is to be undertaken of all existing elements encompassing the areas where the new works are proposed, including the existing interiors of the David Jones building prior to any demolition in accordance with the requirements of:

- a) The NSW Heritage Office publication "*How to Prepare Archival Records of Heritage items*" (1998); and
 - b) The Department of Planning's "*Recording Places of Cultural Significance*" (1991)
- The record in digital form is to be submitted to Council prior to works commencing on site.

A11 Historical Archaeology

a) Prior to any ground disturbance works occurring on site, the Applicant must obtain an approved s.140 application under the *Heritage Act 1977* to undertake archaeological excavation of this site. The Applicant must comply with all the approval conditions of the s.140 approval.

b) In the event the subject site is found to contain substantially intact state significant archaeological relics which are undocumented and associated with the pre-1840s convict occupation of Newcastle, modification of the detailed design to avoid harm and retain these in situ should be undertaken. This is consistent with previous advice of the Heritage Council

of NSW for this site. Additional approval under s.140 of the *Heritage Act 1977* may be required to harm such remains if detailed design cannot be redesigned to avoid harm to these resources in whole or part.

c) The conclusions and recommendations (Section 9.0) of the 'Historical Archaeological Assessment' (Ref: 3971/R01, by Umwelt, June 2017) are to be implemented. This includes the investigation and research methodology framework outlined in Sections 7.0 and 8.0 of the report.

A12 Unforeseen Utility Service and Infrastructure

In the event that during the pre-demolition planning/inspection phase, a public or private utility service piece of infrastructure is encountered, the developer shall consult the relevant utility service provider and negotiate an appropriate commercial arrangement for the termination of that service and if required, relocation of that service to a location suitable for the service provider (with approval).

B - CONDITIONS TO BE SATISFIED DURING DEMOLITION OR GROUNDWORKS

B1 Ground Issues

The recommendations of the following reports must be implemented during any ground works:

- a) Potential Ground Issues Report prepared by Douglas Partners, Project 39826.09 ref 007.Rev 1, dated 8.6.2017;
- b) Preliminary Mine Subsidence Assessment, prepared by Douglas Partners, Project 39826.09 Ref 006. rev 2, dated 29.05.2017;
- c) Acid Sulfate Soil Management Statement, prepared by Douglas Partners, Project 39826.09 Ref 004. rev 2, dated 29.05.2017;
- d) Correspondence: Geotechnical Assessment prepared by Douglas Partners, Project 39826.09, dated 5.12.2017;
- e) Grouting and Verification Plan, prepared by Douglas Partners, ref 39826.09, dated 25.09.2017;

B2 Remediation

The site is to be investigated and remediated as required in accordance with Section 7 of Douglas Partners Remediation Action Plan dated 29 May 2017.

Under no circumstances is onsite remediation treatment to be carried out.

Remediation shall be carried out in accordance with Option 4 as set out in the submitted Remediation Action Plan prepared by Douglas Partners dated 29 May 2017.

Any soils identified as exceeding the validation criteria during the remediation works (as specified by the Remediation Action Plan prepared by Douglas Partners dated 29 May 2017) are to be removed offsite.

B3 Acid Sulfate Soils

Any disturbance of acid sulfate soils through excavation or dewatering shall be conducted in accordance with the Acid Sulphate Soils Management Plan prepared by Douglas Partners dated 29 May 2017.

B4 Demolition

Building demolition works are to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:

- a) demolition works shall be conducted in accordance with the 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.

Waste Containers

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.

Demolition Material

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

B5 Demolition Management

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.

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

C1 Section 94A Contributions

A total monetary contribution of \$1,659,152.00 (being 2% of the cost of development of \$82,957,600) estimated 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*. 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.

C2 Contribution Toward Public Art

1% of the capital cost of development is to be allocated towards a public artwork feature(s) to be installed on the site in accordance with. Newcastle Development Control Plan 2012, Section 6.01.03 - General Controls, Part B5- Public Artwork. The final details of all proposed public artworks within the site and associated costings are to be submitted to the Council for written approval prior to the issue of the Construction Certificate. The artwork 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.

C3 Port Navigation Aid

Prior to the issue of the Construction Certificate, written confirmation from the port operator (Port of Newcastle) and the Harbour Master for Newcastle Harbour is required indicating that there will be no adverse impact to the view corridor/sight lines to port navigation aids in the vicinity from construction including cranes/lighting, reflectivity, glazing, finishes etc of future buildings.

C4 Requirements for Final Building Design: Plans and Documentation

The Construction Certificate plans and documents are to detail the following:

- a) *Communal Open Space*: The communal open space areas on Buildings A and C must be accessible to residents of the entire development (ie. including Buildings B and D). Details of access arrangements to be provided in writing and/or noted on the plans.
- b) *Floor to ceiling heights*: The following minimum floor to ceiling heights: 2.7m for habitable rooms; and 2.4m for second floor of two storey apartments.
- c) *Block A*: Fixed louvres on the northern wall of Building A.

C5 Food premises standard

The design and construction of any food premises located within 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. Full details are to be included in the documentation for the Construction Certificate application.

C6 Awnings

New verandahs/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.

C7 Confirmation of Requirements for Development:

Written confirmation from the author (or alternative appropriately qualified person) to the Principal Certifying Authority that the submitted Construction Certificate Plans accord with the recommendations and/or sections of the following reports:

Crime Risk Assessment, prepared by GHD, ref 2126423, dated June 2017 (in particular Lighting and Access Control)

Sustainability Report, prepared by ADP Consulting Pty Ltd, ref SYD0296, dated 14.06.2017;

Strategic Social Plan, prepared by GHD, ref 2126423, dated June 2017; (Section 4.2 'Implementation of the Strategic Social Plan)

Acoustic Assessment, prepared by Acoustic Logic, ref 20170518.1/0905A/R2/BQ, dated 27.05.2017;

Construction Noise and Vibration Management Plan prepared by Acoustic Logic, ref 20170518.1/2404A/RO/BW, dated 24.04.2017

Conservation Management Plan, prepared by City Plan, rev 03, dated 15.06.2017 (Section 10.4 General Policies)

Accessibility Assessment Report, prepared by City Plan, ref 173307.03, dated 09.06.2017;

Building Code of Australia Assessment Report, prepared by City Plan, ref 173307, dated 13.06.2017;

Infrastructure Services Report, prepared by ADP Consulting Pty Ltd, ref SYD0296, dated 08.06.2017

C8 Noise

Prior to the issue of a Construction Certificate a Final Acoustic Report is to be prepared by an appropriately qualified acoustic consultant confirming that:

- a) appropriate acoustic treatment and acoustic performance of all mechanical plant and equipment associated with the building is provided;
- b) the development has been designed to include any required acoustic treatments so the residential apartments meet the internal noise criteria of AS2107-2016 having regard to Port of Newcastle activities (noting these occur 24 hours, 7 days a week);
- c) noise impacts from road traffic has been considered and, if required, the development incorporates noise attenuation measures mitigating road traffic noise if required, in accordance with the NSW Road Noise Policy 2011, prepared by the department previously known as the Department of Environment, Climate Change and Water. If the external noise criteria cannot feasibly or reasonably be met, internal noise objectives for all habitable rooms with windows that comply with the Building Code of Australia.

C9 Fire and life safety upgrade

Building B is to be upgraded in so as to comply with the Performance Requirements of Parts C, D and E of Volume One of the Building Code of Australia 2016.

Full details on means of compliance are to be nominated in Construction Certificate documentation and all upgrading works are to be completed prior to the issue of an Occupation Certificate for the development.

C10 Lighting

The proposed 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 4282:1997 - Control of the obtrusive effects of outdoor lighting. Full details are to be included in the documentation for a Construction Certificate application.

C11 Stormwater Runoff

All onsite stormwater runoff from the proposed development shall be managed in accordance with the requirements of Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3, as indicated on the Stormwater Plans prepared by Northrop Consulting Engineers (Job No. NL167241- Drg. No. P-C-03.01, Revision F, dated 30/10/17; Drg. No. P-C-03.02, Revision C, dated 10/08/17; Drg. No. P-C-03.03, Revision B, dated 07/08/17). Full details are to be included in documentation for a Construction Certificate application.

C12 Minimum floor level – flooding

The floor level of all proposed buildings or building additions is to be not below RL 3.0 m 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.

C13 Construction in flood affected areas

The whole of the proposed structure below the flood planning level (i.e. RL 3.3 m Australian Height Datum) is to be constructed in materials and finishes that are resistant to damage from floodwaters. Any new machinery or equipment, electrical circuitry or fitting, storage unit or similar items likely to be damaged by floodwaters being installed above the said height or alternatively being of materials and functional capability resistant to the effects of floodwaters. Full details are to be included in documentation for a Construction Certificate application.

C14 On Site Car Parking Allocation

On-site parking accommodation is to be provided for a minimum of 273 vehicles as per the approved basement plans. In accordance with Condition 19 of Concept Development Consent DA-2017/00701, this must comprise a minimum of 198 spaces allocated to residents (23 of these to be accessible spaces); a minimum of 11 spaces to be allocated for visitors to the residential apartments; and a minimum of 31 spaces to be allocated to retail staff. The 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. Full details are to be included in documentation for a Construction Certificate application.

C15 Car Park Design

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.

Disabled Parking

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 Construction Certificate application.

C16 Vehicular Access

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.

C17 Security Gate

The design shall be amended to relocate the security gate at the entry to the proposed King Street loading dock to ensure a minimum distance of 12m is maintained between the gate and the back of the existing King Street 1.2m wide concrete pedestrian pathway. Full details are to be approved by Council and included in documentation for a Construction Certificate application.

C18 Section 139 of Roads Act

A separate application must be lodged and consent obtained, or other satisfactory arrangements confirmed in writing, from Council for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993 (NSW)*, before the issue of any Construction Certificate.

C19 The Developer is to design and construct the following works within Hunter, Perkins and King Streets adjacent to the site [generally in accordance with the Public Domain Commitments, by Aspect Studios (undated)] at no cost to Council and in accordance with Council's guidelines and design specification:

- i. Road shoulder pavement
- ii. Kerb and gutter replacement
- iii. Footway formation
- iv. Footpaving
- v. Associated drainage works
- vi. Street tree planting in gap-graded structural soil vaults.
- vii. Street furniture - bins, bicycle racks etc

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. 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.

C120 Comprehensive engineering and landscape design plans and specifications for the works to be undertaken in the public road reserve being submitted for approval with the required application under 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

Street drainage is to be upgraded to cater for the local catchment 10% Annual Exceedance Probability (AEP) design flows as indicated on the Concept External Stormwater Upgrades plan prepared by Northrop Consulting Engineers (Drg. No. P-C-50.01, Revision 5, dated 20/11/17).

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

Detailed Landscape Plan

No work within the public road being commenced, including pipe or vehicular crossings, until Council's separate written approval has been obtained pursuant to Section 138 of the Roads Act 1993. An application under Section 138 must be lodged and consent obtained, or other satisfactory arrangements confirmed in writing, from Council before the issue of any Construction Certificate.

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.

C21 Street tree plantings being provided in Hunter, Perkins and King Street fronting the site generally at 10m spacings in accordance with Council's standards and soil specifications. The trees being advanced specimens in a minimum 300 litre pot size planted in tree vaults. 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).

The street tree planting vaults in the Hunter, Perkins and King Street footways 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. 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.

C22 Street lighting being upgraded across the Hunter, Perkins and King Street frontages 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 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.

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

C23 Commercial vehicular crossings are to be constructed across the King Street road reserve, in accordance with the following criteria:

- a) Constructed in accordance with Council's A374 – Driveway Crossings Standard Design Details.
- b) The light vehicle driveway crossing, within the road reserve, shall be a maximum of 9.0m metres wide inclusive of a 1.0m wide concrete central median island.
- c) The loading dock vehicle driveway crossing, within the road reserve, shall be a maximum of 7.0m metres wide.
- d) 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.
- e) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve.
- f) The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.

These works are not approved until consent under Section 138 of the *Roads Act 1993 (NSW)* has been granted by Council. An application under Section 138 must be lodged and consent obtained, or other satisfactory arrangements confirmed in writing, from Council before the issue of any Construction Certificate.

C24 Private structures on or over the public road reserve, including the King Street vehicular bridges, 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.

C25 Landscape Work

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.

C26 Hunter Water

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.

C27 Servicing and Infrastructure

The submission of documentary evidence from relevant electricity and telecommunications service authorities/providers to the Principal Certifying Authority is required confirming that satisfactory arrangements have been made with for the provision of gas and electricity supplies and telecommunications to the development, prior to the release of the Construction Certificate.

C28 Telstra

The submission of written confirmation from Telstra that there will be no impacts to the existing Exchange facility infrastructure located on the corner of King and Wolfe Street is to be submitted prior to the issue of the Construction Certificate. This could involve either reorientation of aerial bearings or relocation of aerials to Stage 1 buildings and **must** be at no cost to Telstra.

C29 Ausgrid Requirements

The submission of documentary evidence from an appropriately qualified infrastructure consultant confirming that the development is compatible with Ausgrid's existing infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid is to be submitted prior to the issue of the Construction Certificate.

D - CONDITIONS TO BE SATISFIED DURING SITE WORKS AND/OR CONSTRUCTION WORKS

D1 Site Management

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.

D2 Construction Noise

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.

D3 Vibration

The recommendations of the 'Construction Noise and Vibration Management Plan' prepared by Acoustic Logic (Ref: 20170518.1/2404A/RO/BW dated 24.4.17) shall be implemented to reduce the impact of noise and vibration during excavation and construction works.

Vibration generated from construction activities shall not exceed 10mm/s at any neighbouring receiver.

The use of vibration compactors shall not be conducted within 30m of any neighbouring buildings.

D4 Site signage

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) showing the name, address and telephone number of the principal certifying authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

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.

D5 Work to comply with BCA

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

D6 Survey Levels

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.

D7 Stormwater- Surface Levels

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.

D8 Electricity Kiosk

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.

D9 On site parking

On-site parking accommodation is to be provided for a minimum of 273 vehicles as per the approved basement plans. In accordance with Condition 19 of Concept Development Consent DA-2017/00701, this must comprise a minimum of 198 spaces allocated to residents (23 of these to be accessible spaces); a minimum of 11 spaces to be allocated for visitors to the residential apartments; and a minimum of 31 spaces to be allocated to retail staff.

D10 Parking Bays

All parking bays are to be permanently marked out on the pavement surface.

D11 Visitor Parking

The proposed visitor parking bays are to be clearly indicated by means of signs and/or pavement markings

D12 Driveway

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.

D13 Survey Monuments

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).

D14 Prevent Pollution Sign

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.

D15 Removal of excavated material

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'

D16 Fill quality

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.

D17 Fill – recourse recovery exemption

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.

D18 Sediment control

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 4th 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.

D19 All weather access

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.

D20 Dust control

All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are limited to:

- a) restricting topsoil removal
- b) regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion)
- c) alter or cease construction work during periods of high wind and erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

D21 Tree Protection

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.

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

E1 BASIX Commitments

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.

E2 Design Verification Statement

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 4 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*.

Note: 'Qualified Designer' means a person registered as an architect in accordance with the *Architects Act 2003*. This condition is imposed in accordance with Clause 154A of the *Environmental Planning and Assessment Regulation 2000*.

E3 Fire and life safety upgrade

Prior to the issue of the Occupation Certificate, Building B is to be upgraded in so as to comply with the Performance Requirements of Parts C, D and E of Volume One of the Building Code of Australia 2016. Full details on means of compliance are to be provided to the Principal Certifying Authority.

E4 Site Validation

Following completion of the remediation works, a validation report shall be prepared by a suitably qualified consultant in accordance with the relevant Environment Protection Authority Guidelines and submitted to the Principle Certifying Authority and Council prior to the issuing of Occupation Certificate.

E5 Historical Archaeology

Prior to the release of the Occupation Certificate for this site, the Applicant must write to Council and demonstrate they have satisfied the requirements for lodging all final archaeological excavation reports required under any and all s.140 applications under the Heritage Act 1977 which have been approved by the Heritage Council of NSW for this site.

E6 Internal Accessway Right of Public Access and Naming

The proposed accessway (Victoria Way) and laneway linking to King Street being the subject of an appropriate reciprocal '*right-of-public access*' and the necessary survey plan and accompanying instrument under Section 88B of the *Conveyancing Act 1919* (NSW) being registered with NSW Government Land & Property Information prior to the issuing of an Occupation Certificate for the proposed development.

NB: The naming of Victoria Way will need to be amended to meet the requirements of the Geographical Names Board and Council approval granted to any proposed naming of this accessway.

E7 Repair of footpath damage

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.

E8 Works within Road Reserve

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

E9 Redundant Crossings

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 any Occupation Certificate for the proposed development.

E10 Land Consolidation

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 any Occupation Certificate for the proposed development.

E11 Stormwater– WAE

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 Newcastle City Council 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.

E12 Water management measures

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.

E13 Maintenance Manual

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 issue of an Occupation Certificate.

E14 Acoustics

Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Acoustic Logic, dated 27 May 2017. Written final certification from an appropriately qualified acoustic consultant 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. This written certification must also confirm 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.

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

E15 Dilapidation Report

A post construction dilapidation report prepared by a suitability qualified person shall be submitted to the Principal Certifying Authority prior to the issue of any 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.

E16 Section 88B Instrument: Easements

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.

E17 Green Travel Plan

A detailed Green Travel Plan in accordance with Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012 must be submitted to Council for written approval prior to the issue of the Occupation Certificate for implementation upon occupation of the development. The Green Travel Plan shall encourage use of alternative modes of transport and include Public Transport Routes and Bicycle Network Plans. The Green Travel Plan is to be prepared and made available to the new residents and commercial premises tenants. The Public Transport and Bicycle Network Plans are to be installed in common areas prior to the issue of the Final Occupation Certificate.

E18 Waste Collection arrangements

All garbage and recycling waste collection arrangements 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.

E19 Public Artwork Installation

Details confirming the installation of the public artwork, required as part of this consent, shall be submitted to the Principal Certifying Authority and Council prior to the issue of the Occupation Certificate.

F- CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT

F1 Noise

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.

F2 Air Impurity

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.

F3 On site Parking

On-site parking accommodation is to be provided for a minimum of 273 vehicles as per the approved basement plans. In accordance with Condition 19 of Concept Development Consent DA-2017/00701, this must comprise a minimum of 198 spaces allocated to residents (23 of these to be accessible spaces); a minimum of 11 spaces to be allocated for visitors to the residential apartments; and a minimum of 31 spaces to be allocated to retail staff. These spaces are not to be subdivided, leased or controlled by or on behalf of particular unit owners or residents.

F4 Loading

Vehicles are to be loaded or unloaded standing wholly within the premises and within loading bays designated on the submitted plans or as otherwise provided in accordance with the conditions of this consent and under no circumstances are vehicles to be loaded or unloaded

at the kerbside, across the public footpath or in a manner which obstructs vehicular access to the site

F5 Loading Bay management

The loading bay area is to be managed such that all heavy vehicle movements to and from the site are in a forward direction. In this regard the loading bay area turntable being regularly serviced and maintained to the requirements set out by the manufacturer of the system. In this regard the owner or the occupier of the building is to enter into an annual service and maintenance contract with the manufacturer's service agent for the life of the system. A copy of the initial service and maintenance contract is to be provided to Council prior to any occupation of the building. In the event of permanent failure of the system (which is unable to be remedied by servicing), the owner of the building is to immediately replace the turntable system at no cost to the occupier(s) of the building.

F6 Hours of operation of commercial premises

The hours of operation or trading of the ground floor 'Retail Premises' or 'Business Premises' are to be not more than from 7am to 7pm Monday to Sunday unless a separate application to vary the hours of operation or trading has been submitted to and approved by Council.

G - ADVISORY MATTERS

G1 Future Uses: A separate development application is to be submitted to and approved by Council in respect of any specific proposed use of the premises or portion of the premises prior to occupation.

G2 Dial before you dig: 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.

G3 Public utilities: 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.

G4 Pre-construction process: Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (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.
- 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.

G5 Fire safety measures: 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.

G6 Building work: 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 Regulations.

G7 Fire Safety Certificate: 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.

G8 Annual Fire Safety Statement: An annual Fire Safety Statement in the form described in Clause 175 of the Environmental Planning and Assessment Regulation 2000 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.

G9 POEO Act Offence: 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.

G10 EP & A Act Offence: 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.

G11 Building Code of Australia and Flood Hazard: 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 Defined Flood Level (DFL) is RL 2.8m Australian Height Datum (AHD) Flood Hazard Level is RL 3.3m AHD (Freeboard is 500mm above DFL)