

# SCHEDULE OF CONDITIONS

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Application No:	DA2017/00787
Land:	Lot 181 DP 770006 Lot 182 DP 770006 Lot 189 DP 770006
Property Address:	317 Wharf Road Newcastle NSW 2300
Proposed Development:	Demolition of buildings and erection of an eight-storey boarding house (student accommodation), comprising 164 rooms, manager's room, meeting rooms, café, office, parking and site works

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## SCHEDULE 1

### APPROVED DOCUMENTATION

1. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan No / Supporting Document	Reference	Prepared by	Dated
DA1001 COVER PAGE	D	HOSKING MUNRO	23.04.2018
DA1100 SITE + LOCALITY PLAN; WHARF ROAD ELEVATION	D	HOSKING MUNRO	23.04.2018
DA1101 LEVEL 1 (GROUND) FLOOR + SITE PLAN	I	HOSKING MUNRO	23.04.2018
DA1102 LEVEL 2 FLOOR PLAN	I	HOSKING MUNRO	23.04.2018
DA1103 LEVEL 3 FLOOR PLAN	H	HOSKING MUNRO	23.04.2018
DA1104 LEVEL 4 FLOOR PLAN	H	HOSKING MUNRO	23.04.2018
DA1105 LEVEL 5 FLOOR PLAN	H	HOSKING MUNRO	23.04.2018
DA1106 LEVEL 6 FLOOR PLAN	F	HOSKING MUNRO	23.04.2018
DA1107 LEVEL 7 FLOOR PLAN	C	HOSKING MUNRO	23.04.2018
DA1108 LEVEL 8 FLOOR PLAN	C	HOSKING MUNRO	23.04.2018
DA1109 ROOF PLAN	D	HOSKING MUNRO	23.04.2018
DA1201 NORTH + SOUTH ELEVATIONS	H	HOSKING MUNRO	23.04.2018
DA1202 EAST + WEST ELEVATIONS	H	HOSKING MUNRO	23.04.2018
DA1301 SECTIONS AA,BB,CC	H	HOSKING MUNRO	23.04.2018
DA1401 GFA CALCULATIONS - AREAS SCHEDULE	C	HOSKING MUNRO	23.04.2018
DA1700 ROOM DETAIL PLANS	D	HOSKING MUNRO	23.04.2018
DA1701 ACCESSIBLE ROOM DETAIL PLAN	C	HOSKING MUNRO	23.04.2018
DA1L01 LANDSCAPE CONCEPT PLAN	C	HOSKING MUNRO	23.04.20178
DA1F01 FINISHES SCHEDULE	D	HOSKING MUNRO	23.04.2018
PLAN OF MANAGEMENT		HOSKING MUNRO	MAY 2017

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

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

2. A total monetary contribution of \$674,450.97 is to be paid to Council, pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.

Note:

- a) This condition is imposed in accordance with the provisions of The City of Newcastle S94A Development Contributions Plan 2009 (updated version operational from 15 March 2011). A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.
- b) The City of Newcastle S94A Development Contributions Plan 2009 permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement. Refer to the s94A Development Contributions Plan 2009.
- c) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

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

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.

3. On-site parking accommodation is to be provided for a minimum of 90 car parking spaces (out of which minimum 8 spaces are to be provided as visitor parking), 35 motorbikes and 38 secured bicycle spaces (Minimum Class 2) and vehicles and meet the minimum parking layout standards indicated in Element 7.03 '*Traffic, Parking and Access*' of the Newcastle Development Control Plan 2012. Details are to be included in documentation for a Construction Certificate application.
4. The car parking and vehicular access 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.

5. 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.
6. Traffic management devices in the form of a safety mirrors, Stop and Give Way to pedestrian signs, Line marking and flashing lights at ramps is to be installed within the car parking areas, such devices is to be constructed in accordance with AS/NZS 2890.1:2004: Parking facilities – Off-street car parking. Full details are to be included in documentation for a Construction Certificate application.
7. Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2m in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance in accordance with AS/NZS 2890.1:2004: Parking facilities – Off-street car parking. Full details are to be included in documentation for any Construction Certificate application.
8. All stormwater runoff from the proposed development being 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 applicable, as indicated on the stormwater management concept plan prepared by MPC Consulting Engineers (Job. No. 14-155, Dwg. No. C02, Issue 1, dated 18/05/2017). Full details are to be included in documentation for a Construction Certificate application.
9. The floor level of the proposed building is not to be below 2.9m AHD and being indicated on plans for a Construction Certificate. 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.
10. The proposed landscape design on the eastern end of Wharf Road frontage (at the location where the property boundary tapers to match the heritage building at 311 Wharf Road) is to be redesigned to allow for additional pedestrian width to be created for access. The planter bed will are to be modified to ensure that the width for pedestrian access can be widened. Full details are to be included in the documentation for a Construction Certificate application.
11. 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 landscape plan and specification. The plan and specifications is to be prepared 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.

12. 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.
13. The proposed lighting including car park lighting of the premises is to be designed, positioned, and installed, including appropriate shielding and orientation of the lighting fixture, as to not give rise to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding properties in accordance with Australian Standard AS 4282: 1997 Control of the obtrusive effects of outdoor lighting. Full details are to be included in the documentation for a Construction Certificate application.
14. The design and construction of the proposed development is to be in accordance with the relevant requirements of the Australian Standard 4674-2004 Design, Construction and Fit-Out of Food Premises. Full details are to be included in the documentation for the Construction Certificate application.
15. An electronic copy of a dilapidation report, prepared by a suitability qualified person, shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate. The dilapidation report shall document and photograph the current structural condition of the adjoining buildings, infrastructure and roads.
16. Working drawings and specifications of the proposed building are to be submitted to the Subsidence Advisory NSW for approval prior to an application for a Construction Certificate and any requirements of the Board are to be included in the documentation for a Construction Certificate application.
17. A residential commercial vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:
  - a) Constructed in accordance with Council's A1300 - Driveway Crossings Standard Design Details.
  - b) 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
  - c) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve
  - d) 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* has been granted by Council. An application under Section 138 must be applied for and approved before the issue of a Construction Certificate (excluding bulk excavation and demolition works within the site).

18. The developer is to design the following works no cost to Council and in accordance

with Council's City Centre Public Domain Manual guidelines, Council specifications and relevant Australian Standards:

#### Wharf Rd

- i. To be provided with upgraded with Full width concrete footway paving with brick banding, 300 litre Waterhousea Floribunda (Weeping Lilly Pilly) street trees at 10.0m centres, kerb & gutter replacement and drainage.
- ii. The existing pavers along the frontage will need to be removed. It is suggested that part of the pavers can be used in front of the Wharf Rd forecourt frontage to complement the existing heritage building (noting that the footpath along Wharf Rd in front of the heritage building are same as the existing pavers). The remaining pavers are to be exhumed and returned to Council's Depot.
- iii. New heritage lighting to be installed along the Forecourt frontage. The lighting including the pole and light head is to match the existing heritage lighting located in front of 311 Wharf Rd. This is to complement the existing heritage building.

#### Argyle St

- iv. Kerb extensions are to be designed and constructed at both sides of Argyle St (east and west) along Wharf Rd to provide new pram ramps.
- v. The kerb extension will require modification to the existing drainage, road infrastructure and services.
- vi. A new pram ramp will need to be designed and constructed at on Argyle St at the corner of Centenary Rd.

#### Centenary Road

- vii. Full width asphalt with bluestone paver band behind the kerb, kerb & gutter replacement and drainage.
- viii. It is recommended that the existing paving pattern in front of the Heritage building be continued to the end of the forecourt frontage to complement the existing heritage building.
- ix. New heritage lighting to be installed along the Forecourt frontage. The lighting including the pole and light head is to match the existing heritage lighting located in front of 311 Wharf Rd. This is to complement the existing heritage building.

#### Merewether St

- i. A new pedestrian crossing is to be provided on Merewether Street at the location of the existing refuge south of Centenary Rd (in front of 1 Merewether St).

#### Public Domain Works - General

- i. Remove existing and install new kerb and gutter, kerb ramp and repair road along the frontages as directed by Council.
- ii. Install new street trees and grass verge areas in accordance with Council requirements and adjust service pit levels to match new footpath level.
- iii. Installation of new driveway and removal of existing driveways and associated roadworks.
- iv. Install any required parking signs, line markings (including cycle way markings), mandatory signage and any civil works associated with road and on-street parking infrastructure. (Note: any changes to parking signs will require Newcastle City Traffic Committee approval).
- v. Repair any damages caused during construction and ensure the survey mark is protected at all times.
- vi. Installation of any new street furniture including bicycle racks or rings and new seats and bins.
- vii. Design of street lighting along all frontages and Argyle St frontage and under awning lighting design to City Centre Public Domain Manual.

- viii. Installation of new drainage on the street and development drainage connections as required.

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

Detailed public domain plan including civil design & details, survey, cross sections (footpath path being designed with 2.5% cross fall), longitudinal and street lighting design are to be prepared by suitable qualified/experienced professionals in the relevant field and submitted to Council for review and approval as part of the S138 *Roads Act 1993* Type 2 application.

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* (Type 2 application), prior to any construction certificate (excluding bulk excavation and demolition works within the site).

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

19. The acoustic performance of all mechanical plant and equipment associated with the building being assessed by an appropriately qualified acoustic consultant prior to the issue of any required Construction Certificate. Appropriate acoustic treatment as recommended by the acoustic consultant being designed prior to the issue of a Construction Certificate.
20. Security/surveillance cameras are to be installed at suitable locations within the property along Wharf Rd and Centenary Rd frontages for security and surveillance purposes. The cameras are to be placed at locations where the entire frontages and footpath areas including the adjacent heritage building at 311 Wharf Rd can be monitored. The design of the cameras should be done to current industry standards and should be designed in consultation with NSW Police and City of Newcastle. Full details are to be included in the documentation for a Construction Certificate application.
21. A parking management plan is to be prepared for the site to manage the proposed car parking including the 8 visitor parking spaces. The management plan is to clearly indicate on how the parking will be allocated for the boarding house use and the methodology by which the allocation will be carried out. Safety and security within the parking areas will need to be addressed in the management plan and any recommendation will need to be enforced. The plan is also to provide for signs within the café area/Forecourt and at the parking entry to indicate that visitor parking is available on the Level 1 (Ground) Floor. Full details are to be prepared by a suitably qualified/experienced traffic consultant and are to be included in the documentation for a Construction Certificate application.
22. The existing overhead powerlines along Wharf Rd and Centenary Rd frontages of the site are to be repositioned underground or alternatively being modified by the installation of aerial bundled conductors, all at full cost to the developer and in accordance with the requirements of the electricity authority (Ausgrid). Written approval or confirmation is to be attained from the electricity authority (Ausgrid) in regards the design of the undergrounding or aerial bundling prior to issue of any construction certificate.

Note: the final design and installation of the undergrounding or aerial bundling is to be completed prior to issue of any Occupation Certificate.

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

23. Building demolition is to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures.
24. 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.
25. The site is to be investigated in accordance with Section 5.7.1 and 5.7.2 of STS GeoEnvironmental Remedial Action Plan dated October 2017.
26. Prior to any site works commencing, the Developer preparing a Construction Management Plan (CMP) such to be designed and implemented to manage all environmental aspects associated with the construction works, including off site impacts such as transport to and from the site. Two copies of the CMP are to be provided to the Principal Certifying Authority and the CMP is to be maintained on site during all site works and be made available to Authorised Officers upon request. The CMP is to include but not be limited to:
  - A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
  - A soil and water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water and groundwater. Procedures should be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
  - A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions.
  - A waste minimisation strategy that aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
  - A community relations plan that aims to inform local residents and other local stakeholders of the proposed nature and timeframes for construction activities together with contact details for site management.
  - A noise management strategy detailing measures to minimise the impact of the construction phase on the amenity of the locality, in accordance with Australian Standard AS 2436, 1981 '*Guide to Noise control on Construction, Maintenance and Demolition Sites*'. Noise monitoring during the construction phase should be incorporated into the program.
  - 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 are encountered.
27. The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:
  - a) Demolition works shall be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan shall be kept on-site for the duration of the proposed development

- b) The removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
  - c) A copy of all waste disposal receipts are to be kept on-site for the duration of the proposed development and made available to authorised Council Officers upon request
  - d) Seven working days' notice in writing is to be given to Council and the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor. Notification to owners/occupiers of neighbouring premises shall also include Council's contact telephone number (49742000) and the Workcover Authority of NSW telephone number (49212900) and
  - e) On sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.
28. 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.
29. All building work must be carried out in accordance with the provisions of the National Construction Code.
30. Any proposed paving works within the public footway are to be in accordance with the requirements of Council's specifications and City Centre Public Domain Manual.
- Note: It will be necessary for the Developer to notify water, telecommunications, gas and electricity authorities of the proposed paving works in order to enable the various authorities to carry out and complete any necessary repairs and/or amplification to their respective services before such works are commenced.
31. Prior to commencement of site works the developer is to submit to Council for approval a Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase.
32. The Construction Traffic Management Plan is to be prepared by a Roads & Maritime Services accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3:2009 - Manual of uniform traffic devices - traffic control for works on roads. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.
33. 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.
34. The proposed visitor parking bays are to be clearly indicated by means of signs and/or pavement markings.



35. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
- ☐ Monday to Friday, 7:00 am to 6:00 pm and
  - ☐ Saturday, 8:00 am to 1:00 pm.

No noise from construction/demolition work is to be generated on Sundays or public holidays.

36. 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.

37. 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 *'Waste Classification Guidelines Part 1: Classifying Waste'*.
38. 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.
39. Remediation is to be carried out in accordance with Section 5.2 of STS GeoEnvironmental Remedial Action Plan dated October 2017, and any requirements of the appointed NSW accredited Site Auditor and the conditions of this consent.
40. Any soils identified as exceeding the validation criteria during the remediation works (as specified by the RAP prepared by STS GeoEnvironmental Remedial Action Plan dated October 2017) are to be removed off-site.
41. 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.
42. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:
- a) Control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins and controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover. Erosion and sediment control measures are to be designed in accordance with the requirements of the Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004.
43. 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.

44. All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are limited to:
  - a) Restricting topsoil removal
  - b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion
  - c) Alter or cease construction work during periods of high wind and
  - d) Erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.
45. 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.
46. All external items of air conditioning plant are to be screened or positioned in such a manner as to not detract from the visual presentation of the building.

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

47. The Public Domain works (Works within the Road Reserve) including the design and installation of the undergrounding and/or aerial bundling, street lighting and streetscape works are to be implemented and construction works are to be completed to Council's and the service authority's satisfaction prior to the issue of any Occupation Certificate.
48. The security and surveillance cameras designed as part of the construction certificate documentation are to be installed prior to the issue of any Occupation Certificate.
49. Following completion of the remediation works, a validation report being 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.
50. Prior to the issuing of an Occupation Certificate the following documentation is to be submitted to Principle Certifying Authority and Council;
  - Site Audit Statement in accordance with the NSW Site Auditor Scheme (site audit form) to determine land use suitability
51. A long term Site Management Plan is to be prepared and approved by the Site Auditor to address remaining site contamination risks and to be provided to the Principle Certifying Authority and Council prior to the issuing of Occupation Certificate
52. All works within the road reserve required by this consent are to be completed prior to the issue of a Final Occupation Certificate.
53. Any redundant existing vehicular crossing is to be removed at no cost to Council. The road reserve and kerb being restored to, Council's satisfaction, to match the existing infrastructure. Works are to be completed prior to the issuing of a Final Occupation Certificate for the proposed development.
54. A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, shall be submitted to the Principal

Certifying Authority and to The City of Newcastle prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

55. A Landscape Practical Completion Report is to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.
56. Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Atkins Acoustics dated June 2017. Written final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation Certificate.

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

57. Written certification from an appropriately qualified acoustic consultant being submitted to the Principal Certifying Authority prior to issue of an Occupation Certificate confirming that noise from all mechanical plant and equipment achieves the required acoustic attenuation to comply with the conditions of consent and the requirements of the *Protection of the Environment Operations Act 1997*.
58. Prior to issue of an Occupation Certificate, the food business must notify the relevant enforcement agencies, under the *Food Act 2003* and (for licensed food businesses) under the *Food Regulation 2010*. Notification is to be provided to Council and the NSW Food Authority.

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

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

59. 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*.

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.

60. 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.

## ADVISORY MATTERS

- Any proposed business identification sign or advertising sign should be designed in accordance with the provisions of Newcastle Development Control Plan 2012 and be the subject of a separate Development Application approved prior to erection or placement in position.
- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required of any adjoining owner under the provisions of the *Dividing Fences Act 1991*.
- Prior to commencing any building works, the following provisions of Division 6.2 of the *Environmental Planning and Assessment Act 1979* are to be complied with:
  - A Construction Certificate is to be obtained; and
  - A Principal Certifier is to be appointed for the building works and Council is to be notified of the appointment; and
  - Council is to be given at least two days notice of the date intended for commencement of building works.
- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000*.
- 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.
- 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.

- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979*, which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.

**END OF CONDITIONS**

## **SCHEDULE 2**

### **REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS**

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; Newcastle Local Environmental Plan 2012 (NLEP) and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012 (NDCP).
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.

### **REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED**

The following conditions are applied to:

- Confirm and clarify the terms of Council's determination;
- Identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
- Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- Set standards and measures for acceptable environmental performance; and
- Provide for the ongoing management of the development.