

# DRAFT SCHEDULE OF CONDITIONS

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<b>Application No:</b>	DA2018/00622
<b>Land:</b>	Lot 2 DP1226145
<b>Property Address:</b>	430 Hunter Street Newcastle
<b>Proposed Development:</b>	Erection of five-storey mixed use development, comprising 30 affordable rental apartments; three commercial tenancies, site remediation and tree removal.

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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 / Supporting documents	Reference	Prepared by	Dated
DA-01 - SITE ANALYSIS	B	SISSONS ARCHITECTS	11.10.2018
DA-02 SITE PLAN - DEMOLITION	A	SISSONS ARCHITECTS	18.06.2018
DA-03 SITE PLAN PROPOSED	B	SISSONS ARCHITECTS	11.10.2018
DA-10 PROPOSED PLAN - LEVEL 00	B	SISSONS ARCHITECTS	11.10.2018
DA-11 PROPOSED PLAN - LEVEL 01	B	SISSONS ARCHITECTS	11.10.2018
DA-12 PROPOSED PLAN - LEVEL 02	B	SISSONS ARCHITECTS	11.10.2018
DA-13 PROPOSED PLAN - LEVEL 03	B	SISSONS ARCHITECTS	11.10.2018
DA-14 PROPOSED PLAN - LEVEL 04	B	SISSONS ARCHITECTS	11.10.2018
DA-15 PROPOSED PLAN - ROOF	B	SISSONS ARCHITECTS	11.10.2018
DA-20 PROPOSED ELEVATIONS - NORTH SOUTH	B	SISSONS ARCHITECTS	11.10.2018
DA-21 PROPOSED ELEVATIONS - EAST WEST	B	SISSONS ARCHITECTS	11.10.2018
DA-60 MATERIAL SCHEDULE	B	SISSONS ARCHITECTS	11.10.2018
DA-70 PERSPECTIVE VIEWS	B	SISSONS ARCHITECTS	11.10.2018
DA-71 RENDER	B	SISSONS ARCHITECTS	11.10.2018
DA-80 GFA	B	SISSONS ARCHITECTS	11.10.2018
DA-90 APARTMENT PLANS	A	SISSONS ARCHITECTS	18.06.2018
L01-L06 LANDSCAPE PLANS	E	TERRAS	13.06.2018
STATEMENT OF ENVIRONMENTAL EFFECTS	-	STIMSON & BAKER	June 2018
NOISE IMPACT ASSESSMENT	0	ACOUSTIC LOGIC	04.07.2018

REMEDICATION ACTION PLAN	0	DOUGLAS PARTNERS	13.06.2018
WASTE MANAGEMENT PLAN	C	ELEPHANTS FOOT	14.06.2018
GEOTECHNICAL REPORT	0	DOUGLAS PARTNERS	08.06.2018
HERITAGE IMPACT STATEMENT	FINAL	UMWELT	12.06.2018
TRAFFIC IMPACT ASSESSMENT	02	SECA	13.06.2018

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. On-site car parking accommodation is to be provided for a minimum of six spaces for residents, three spaces for commercial tenants and one common disabled accessible space and meet the minimum parking layout standards indicated in Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012. Details are to be included in documentation for a Construction Certificate application.
3. 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.
4. 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.
5. All onsite stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 'Stormwater' of the Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3.

Note: The proposed absorption trench stormwater storage and disposal method, shown on the Stormwater Management Drainage Plan prepared by BG&E (Project No N18004, Drg. No. C-0010, Rev. C, dated 14/06/2018), is not supported for this site. As such an alternative stormwater design needs to be designed and implemented to comply with Council's current guidelines.

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

6. Working drawings and specifications of the proposed building are to be submitted to the NSW Mine Subsidence Board for approval prior to an application for a Construction Certificate and any requirements of the Board are to be included in the documentation for a Construction Certificate application.
7. A separate application must be lodged, and consent obtained from Council for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993*, before the issue of a Construction Certificate. The consent must be obtained, or other satisfactory arrangements confirmed in writing from Council, before the issue of a Construction Certificate.
8. A 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) The driveway crossing, within the road reserve, shall be a maximum of 6 metres wide comprising 60mm thick blue stone
- c) Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 metre, in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance
- d) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve
- e) The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.

These works are not approved until consent under Section 138 of the *Roads Act 1993* has been granted by Council.

9. The provision and construction of the following footway works are required in connection with the development, and must be planned and constructed by the Applicant at no cost to Council and in accordance with Council's applicable guidelines and design specifications (including the City Centre Public Domain Technical Manual):
  - a) Bluestone paving across the full width of the land adjacent to the frontage of the site and the required indented loading/service bay from the identified property boundary to the back of the kerb, including any necessary footway, path, thoroughfare or road widening. The footway profile is to be graded downwards from the property boundary to the top of kerb (maximum 2.5% grade).

Prior to the commencement of the above footway works the Applicant must obtain Engineering design plans and specifications for the works prepared by a suitably qualified practising civil engineer. The Engineering design plans and specifications must be submitted to Council's Regulatory, Planning and Assessment service unit for approval (including any required approval pursuant to Section 138 of the *Roads Act 1993*) prior to the issue of a Construction Certificate.

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

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.

11. 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.

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

12. Building demolition is to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures.

13. 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.
14. 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.
15. 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.
16. Remediation being carried out in accordance with the submitted Remediation Action Plan prepared by Douglas Partners dated 28 June 2016 and the Addendum to the Remediation Action Plan prepared by Douglas Partners dated 13 June 2018.
17. Any soils identified as exceeding the validation criteria during the remediation works (as specified by the Remediation Action Plan prepared by Douglas Partners dated 28 June 2016 and the Addendum to the Remediation Action Plan prepared by Douglas Partners dated 13 June 2018) are to be removed offsite.
18. All building work must be carried out in accordance with the provisions of the National Construction Code.
19. 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.

20. 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.
21. All parking bays are to be permanently marked out on the pavement surface.
22. 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.
23. 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.

24. 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.

25. 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'*.
26. 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*.
27. 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.
28. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:
  - Control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins and controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover. Erosion and sediment control measures are to be designed in accordance with the requirements of the *Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> Edition - Vol. 1 (the 'Blue Book')* published by Landcom, 2004.

29. 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.
30. 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.
31. 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**

32. 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.
33. At the completion of remediation and prior to an Interim or Final Occupation Certificate being issued (whichever occurs first), the following documentation is to be submitted to Council:
  - a. A validation report (prepared in accordance with the requirements of the approved RAP) by a suitably qualified consultant in accordance with the relevant NSW Environment Protection Authority Guidelines.
  - b. A 'part A' Site Audit Statement with the purpose of reviewing the completed remediation works and validation report to determine the suitability of the land for the proposed land use.
34. 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*.
35. 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.
36. Waste management (recyclable and non-recyclable) is to be collected from the carpark refuse storage area, as identified on the approved plans, serviced from Merewether Street indented loading/service bay and returned directly to the refuse storage area.

Under no circumstances are garbage bins to be presented to Merewether Street for kerbside collection or remain at kerbside after collection.

37. The northern pedestrian pathway for the full length of the property being the subject of an appropriate 'right-of-public-access'. The necessary survey plan and accompanying instrument under Section 88B of the Conveyancing Act 1919 (NSW) shall be registered with NSW Government Land & Property Information prior to the issuing of Final Occupation Certificate. The instrument is to provide that the right-of-public-access is unable to be relinquished, varied or modified without the concurrence of the City of Newcastle.
38. The southern driveway is to be subject of an 'easement for services' to benefit adjoining sites fronting Hunter Street (No. 414 to 426 Hunter Street). The necessary survey plan and accompanying instrument under Section 88B of the Conveyancing Act 1919 (NSW) shall be registered with NSW Government Land & Property Information prior to the issuing of an Interim or Final Occupation Certificate, whichever occurs first. The instrument is to provide that the easement is unable to be relinquished, varied or modified without the concurrence of the City of Newcastle.
39. A Maintenance Manual for all water management 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 management devices including routine monitoring and regular maintenance and be kept on site at all times. Establishment and maintenance of the devices in accordance with the Maintenance Manual, prepared by the applicant, is to be completed prior to issue of an Interim or Final Occupation Certificate (whichever occurs first).
40. 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.
41. 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.
42. Prior to the issue of an Interim or Final Occupation Certificate (whichever occurs first) a restriction is required to be registered against the title of the property on which the development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*. The restriction is to ensure that the development is used for a minimum of ten years as affordable housing.

Affordable housing means housing for very low income households, low income households or moderate income households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

43. The following works in Merewether Street, adjacent to the frontage of the site, being completed, at no cost to Council, prior to the issuing of an Interim or Final Occupation Certificate, whichever occurs first for the proposed development, to the satisfaction of Council's Regulatory, Planning and Assessment service unit:
  - a) indented loading/service bay immediately north of the site to cater for large rigid vehicles, such comprising concrete road pavement with suitable vehicle run-in and run-out kerb transitions
  - b) full width road reconstruction, about and across the former rail line, involving

road pavement, footway, kerb & gutter and associated drainage to provide for a continuous gutter grade (remove the isolated road hump over the former rail line) between Hunter Street and Workshop Way

c) any required public utility adjustments associated with the above.

44. A triangular splay approximately 25.1m long x 6.6m deep and aligning with the eastern facade of the museum building being transferred to Council for dedication as road. A suitable survey plan providing for the dedication is to be submitted with an accompanying Subdivision Certificate Application for Council certification and such plan is to be registered with the NSW Government Land & Property Information prior to the issuing of an Interim or Final Occupation Certificate (whichever occurs first) for the proposed development.

Note: All associated survey and legal work is to be undertaken by the Developer at the Developers expense.

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

45. The hours of operation for the commercial tenancies is detailed below:

<b>DAY</b>	<b>START</b>	<b>FINISH</b>
Monday	7:00am	7:00pm
Tuesday	7:00am	7:00pm
Wednesday	7:00am	7:00pm
Thursday	7:00am	7:00pm
Friday	7:00am	7:00pm
Saturday	7:00am	7:00pm
Sunday	7:00am	7:00pm

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

46. 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.

47. 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*, 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.

48. The premise/s is/are allocated the following street address/es in accordance with *Council's House Numbering Policy* and the *Surveying and Spatial Regulation*.

Unit/ Dwelling/ Lot Number on plan	Council Allocated Street Addresses			
	Unit/House Number	Street Name	Street Type	Suburb
Building Address	4	Merewether	Street	Newcastle
Office	1/4	Merewether	Street	Newcastle
Retail (fronting Merewether Street)	2/4	Merewether	Street	Newcastle
Retail (at rear)	3/4	Merewether	Street	Newcastle
Level 1 Unit 1 2 bdr	101/4	Merewether	Street	Newcastle
Level 1 Unit 2 1 bdr	102/4	Merewether	Street	Newcastle
Level 1 Unit 3 1 bdr	103/4	Merewether	Street	Newcastle
Level 1 Unit 4 2bdr	104/4	Merewether	Street	Newcastle
Level 1 Unit 5 1bdr	105/4	Merewether	Street	Newcastle
Level 1 Unit 6 2 bdr	106/4	Merewether	Street	Newcastle
Level 1 Unit 7 2 bdr	107/4	Merewether	Street	Newcastle
Level 1 Unit 8 1bdr	108/4	Merewether	Street	Newcastle
Level 2 Unit 1 2 bdr	201/4	Merewether	Street	Newcastle
Level 2 Unit 2 1 bdr	202/4	Merewether	Street	Newcastle
Level 2 Unit 3 1 bdr	203/4	Merewether	Street	Newcastle
Level 2 Unit 4 2bdr	204/4	Merewether	Street	Newcastle
Level 2 Unit 5 3bdr	205/4	Merewether	Street	Newcastle
Level 2 Unit 6 2 bdr	206/4	Merewether	Street	Newcastle
Level 2 Unit 7 2 bdr	207/4	Merewether	Street	Newcastle
Level 2 Unit 8 1bdr	208/4	Merewether	Street	Newcastle
Level 3 Unit 1 2 bdr	301/4	Merewether	Street	Newcastle
Level 3 Unit 2 1 bdr	302/4	Merewether	Street	Newcastle
Level 3 Unit 3 1 bdr	303/4	Merewether	Street	Newcastle
Level 3 Unit 4 2bdr	304/4	Merewether	Street	Newcastle
Level 3 Unit 5 3bdr	305/4	Merewether	Street	Newcastle
Level 3 Unit 6 2 bdr	306/4	Merewether	Street	Newcastle

Level 3 Unit 7 2 bdr	307/4	Merewether	Street	Newcastle
Level 3 Unit 8 1bdr	308/4	Merewether	Street	Newcastle
Level 4 Unit 1 2 bdr	401/4	Merewether	Street	Newcastle
Level 4 Unit 2 1 bdr	402/4	Merewether	Street	Newcastle
Level 4 Unit 3 1 bdr	403/4	Merewether	Street	Newcastle
Level 4 Unit 4 2bdr	404/4	Merewether	Street	Newcastle
Level 4 Unit 5 1bdr	405/4	Merewether	Street	Newcastle
Level 4 Unit 6 1 bdr	406/4	Merewether	Street	Newcastle

## ADVISORY MATTERS

- 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.
- 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.

## **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* 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.
- 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.