

## APPENDIX A

### RECOMMENDED CONDITIONS OF CONSENT – DA 2018/01107

#### DEFERRED COMMENCEMENT CONDITION

This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

1. The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items in compliance with relevant ASA Standards (<https://www.transport.nsw.gov.au/industry/standardsand-accreditation/standards>):
  - a) Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor, and include a rail specific section considering any potential risks to the rail corridor as well as how the development is structurally designed and constructed to comply with the requirements of AS5100.
  - b) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
  - c) Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
  - d) Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.
  - e) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

#### INTEGRATED DEVELOPMENT

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

##### **Pursuant to Part 5 of the Water Act 1912– Water NSW**

General Terms of Approval issued by Water NSW dated 12 December 2018 (Ref: IDAS 1111380) and reproduced below shall form part of this Integrated Development Consent:

##### **Definitions:**

**Bore** means any bore or well or any excavation or other work connected or proposed to be connected with sources of sub-surface water and used or proposed to be used or capable of being used to obtain supplies of such water whether the water flows naturally at all times or has to be raised either wholly or at times by pumping or other artificial means.

**Licence** means a licence in force under Part 5 of the *Water Act 1912*

### **Note**

Groundwater in the area is currently subjected to an embargo under section 113A of WA.

Following exemptions apply for this development:

A dewatering activity that removes less than 10 megalitres of groundwater, or a dewatering activity which takes place over a period of less than five (5) weeks.

1. Applicant must apply and obtained the licence for the take of groundwater
2. Applicant must estimate the total volume of groundwater to be extracted and include with details and calculation methods.
3. Applicant must secure an entitlement if exemptions do not apply to the development.
4. The applicant must provide the details of method of disposal of extracted water and provide evidence of written permission to dispose from the relevant regulatory authority.
5. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of construction and decommissioning is to be identified in the documentation. Refer to [https://www.water.wa.gov.au/\\_data/assets/pdf\\_file/0005/1796/Minimum-construction-guidelines-for-water-bores-in-Australia-V3.pdf](https://www.water.wa.gov.au/_data/assets/pdf_file/0005/1796/Minimum-construction-guidelines-for-water-bores-in-Australia-V3.pdf)
6. Following cessation of the dewatering operations, the applicant must submit the completion report which must include:
  - a. detail of the volume of water taken
  - b. compliance with terms and conditions of the licence

**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 Plans prepared by BatesSmart Architecture, Job No. S12133, listed as follows:

<b>Drawing No.</b>	<b>Rev.</b>	<b>Name of Plan</b>	<b>Date</b>
A01.C.000	A	Location Plan	13.9.18
A01.C.001	A	Site Plan	13.9.18
A01.C.002	A	Site Analysis	13.9.18
A03.C.000	A	Commercial Building Level 00-Ground Floor Plan	13.9.18
A03.C.001	A	Commercial Building Level 01 Plan	13.9.18
A03.C.002	A	Commercial Building Level 02-03 Plan	13.9.18
A03.C.004	A	Commercial Building Level 04 Plan	13.9.18
A03.C.005	A	Commercial Building Level 05-07 Plan	13.9.18
A03.C.008	A	Commercial Building Level 08-11 Plan	13.9.18
A03.C.012	A	Commercial Building Level 12 Plan-Roof Plan	13.9.18
A03.C.013	A	Commercial Building Level 13 Plan-Roof Level	13.9.18
A03.C.100	A	Commercial Building Level B1-Basement Level 01 Plan	13.9.18

Drawing No.	Rev.	Name of Plan	Date
A07.C.000	A	North Elevation	13.9.18
A07.C.001	A	East Elevation	13.9.18
A07.C.002	A	South Elevation	13.9.18
A07.C.003	A	West Elevation	13.9.18
A08.C000	A	Section DD South/North Section through Office Tower	13.9.18
A08.C.001	A	Section FF East/West Section through Office Tower	13.9.18
A11.C.000	A	Façade Type A- North	13.9.18
A11.C.001	A	Façade Type B- East/West	13.9.18
A11.C.002	A	Façade Type C- South	13.9.18
A12.C.000	A	Solar Analysis Winter	13.9.18
A12.C.001	A	Solar Analysis Equinox	13.9.18
A12.C.002	A	Solar Analysis Summer	13.9.18
A12.C.100	A	Area Schedule	13.9.18
A12.C.200	A	Perspective 01	13.9.18

#### Landscape Plans:

Landscape Drawings by Sydney Design Collective, listed as follows:

Drawing No.	Rev.	Name of Plan	Date
LA-DA01	B	Landscape Plan/Commercial Building Ground Floor Design	14.6.18
LA-DA02	B	Landscape Sections/ Commercial Building Ground Floor Design	14.6.18
LA-DA03	B	Landscape Sections/ Commercial Building Ground Floor Design	14.6.18

Stormwater Drainage Concept Plans prepared by Services 4 Buildings Pty Ltd, listed as follows:

Drawing No.	Rev.	Name of Plan	Date
S4B17004101_SW-000	A	Cover Sheet, Legend and Drawing Schedule	15.01.19
S4B17004101_SW-101	A	Ground Level Stormwater Drainage Layout	15.01.19
S4B17004101_SW-102	A	Level 1 Stormwater Drainage Layout	15.01.19
S4B17004101_SW-103	A	Level 2-3 Stormwater Drainage Layout	15.01.19
S4B17004101_SW-104	A	Level 4 Stormwater Drainage Layout	15.01.19
S4B17004101_SW-105	A	Level 5-11 Stormwater Drainage Layout	15.01.19
S4B17004101_SW-106	A	Level 12 Stormwater Drainage Layout	15.01.19
S4B17004101_SW-107	A	Roof Stormwater Drainage Layout	15.01.19

#### Planning Documents:

DA Design Report for Newcastle City Council, Ref. S12133, dated 20 September 2018, prepared by BatesSmart Architecture;

Amended/Additional Site Analysis and Shadow Diagrams prepared by BatesSmart Architecture [undated, provided February 2019)

Statement of Environmental Effects, dated 12 October 2018, prepared by KDC Pty Ltd;

Newcastle DCP 2012 Assessment Table, prepared by KDC Pty Ltd;

Response to Additional Information Request, dated 22 January 2018, prepared by KDC Pty Ltd;

Clause 4.6 Statement regarding Building Separation, Ref. 18165\_4.6, dated 20 September 2018, prepared by KDC Pty Ltd;

Quantity Surveyors Report, dated 7 September 2018, prepared by Property Concept & Management Pty Ltd;

Response to Additional Information Request, prepared by KDC Pty Ltd, Ref. 18165, dated 22 February 2019;

#### Traffic and Transport:

Conditions of Approval for Newcastle Bus Exchange, prepared by Transport for NSW;

Newcastle Bus Interchange Review of Environmental Factors Submissions Report, dated November 2017, prepared by GHD for Transport for NSW;

Newcastle Bus Interchange Review of Environmental Factors Submissions Report, dated July 2017, prepared by GHD for Transport for NSW;

Traffic Impact Statement, Ref 2219657, dated September 2018, prepared by GHD;

Addendum to Traffic Report, Ref 2219657-21890, dated 25 February 2019, prepared by GHD;

Loading Swept Path Plan, Ref. 22-19657, dwg. SK310, dated January 2018, prepared by GHD;

Email from John Benedetti, Transport for NSW, to Sean Kearney, DOMA Group, dated 14 February 2019, providing endorsement of 'Kiss N Ride' Layout;

'Kiss N Ride' Layout Plan, Ref. 22-19657, dwg. SK476, dated 31 January 2019, prepared by GHD;

#### Heritage and Archaeology:

Statement of Heritage Impact, Ref 18216, dated 19 September 2018, prepared by Artefact Heritage;

Documentation Lodged with Aboriginal Heritage Impact Permit (AHIP) Application with cover-letter from Transport for NSW, Ref. 5938374\_1, dated 20 December 2017;

Aboriginal Heritage Impact Permit, AHIP number C0003418, AHIMS Permit ID 4328, commencing 22 March 2018, issued by the Office of Environmental and Heritage;

#### Ground Issues:

Stage 1 Targeted Site Investigation (Contamination), Ref. 81811.01, dated 25 May 2016, prepared by Douglas Partners;

Report on Preliminary Geotechnical Investigation, Ref. 81811.01, dated 26 May 2016, prepared by Douglas Partners;

Additional Geotechnical Advice, dated 16 November 2018, prepared by ADE Consulting Group;

Additional Geotechnical Advice, dated 20 February 2019, prepared by ADE Consulting Group;

Acid Sulfate Soil Management Plan, Ref. 81811.06, dated 24 July 2018, prepared by Douglas Partners;

Flooding and Stormwater:

Flood Risk Assessment, Ref. DXW: L.N21049.005, dated 23 August 2018, prepared by BMT WBM Pty Ltd;

Other Planning Documents:

Pedestrian Wind Environment Statement Ref WE353-01F02(Rev2), dated 4 September 2018, prepared by Windtech;

Waste Management Plan, Ref 18165, dated September 2018, prepared by KDC Pty Ltd;

Government Architects Office Letter, dated 16 July 2018, prepared by Government Architect New South Wales;

Crime Prevention Through Environmental Design Assessment, Ref.18165, dated 21 January 2019, prepared by KDC Pty Ltd;

Energy Efficiency Report, Ref. SY181158-SER01, Rev. A, dated 8 October 2017, prepared by Northrop Consulting Engineers;

Site Management Plan, Ref. 2.1.200, dated 24 May 2018, prepared by BLOC Business Management System;

Base Building Acoustic Design, Ref. 20181148.1, dated 26 September 2018, prepared by Acoustic Logic;

Certificate of Title and Deposited Plan, Lot 100 DP 1245750, provided by NSW Land Registry Services, dated 27 August 2018;

15 B Certificate, Ref. LE/18888, dated 28 April 2017, prepared by Subsidence Advisory NSW;

Urban Design Consultative Group Meeting Minutes, dated 18 September 2018 and 11 December 2018, prepared by Newcastle City Council.

Design Review Panel Presentations, dated 15 May 2018, 29 May 2018, 6 July 2018, and 7 August 2018, prepared by BatesSmart Architecture;

Excerpt from documents detailing 'Future Proof Zone': extract of the 'commercial in confidence' 'Bus Interchange Requirements Document' (Ref: 170710.V1 p13) by TfNSW and Doma's Project Delivery Agreement with HCCDC (p61)

**A - CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION OR GROUNDWORKS**

**A1 Sydney Trains**

- a) Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.
- b) Prior to the commencement of works the Applicant shall peg-out the common property boundary with RailCorp's land. This work is to be undertaken by a registered surveyor.
- c) Prior to the commencement of works appropriate fencing is to be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of

the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

- d) If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

#### **A2 Transport for NSW – Insurance**

Prior to any works commencing, the applicant must hold current public liability insurance cover for a sum to be determined by TfNSW. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The applicant is to contact TfNSW to obtain the level of insurance required for this particular proposal.

#### **A3 Interference with Light Rail Operation**

Prior to any works commencing, the applicant shall enter into an Interface Agreement(s) with TfNSW and, if appropriate, the light rail operator. The Interface Agreement(s) shall address matters including detailed in Condition C2.

#### **A4 Consultation Regime**

Prior to any excavation, a detailed regime is to be prepared for consultation with and approval by, TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.

#### **A5 Hunter Street Traffic Signal Upgrade Works**

Prior to commencement of any site works the developer is to obtain the consent of Roads and Maritime Services pursuant to Section 87 Roads Act 1993 - Traffic Control Facilities, in relation to Hunter Street traffic signal upgrade works.

#### **A6 Geotechnical**

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.

#### **A7 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 requirement 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.

#### **A8 Dilapidation Report**

A dilapidation report prepared by a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the commencement of any excavation or construction works. The dilapidation report is to document and include photographs of the current structural condition of the adjoining public infrastructure and roads.

#### **A9 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.

#### **A10 Environmental Management Plan (EMP)**

Prior to any site works commencing, the Developer preparing an Environmental Management Plan (EMP) 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 EMP are to be provided to the Principal Certifying Authority and the EMP 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 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 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.

#### **A11 Construction Noise Management Plan (CNMP)**

Prior to any site works commencing, the Developer preparing a Construction Noise Management Plan (CNMP) such to be designed and implemented to manage all noise and vibration aspects associated with the construction works. The CNMP shall be prepared in accordance with Interim Construction Noise Guideline prepared by the Department of Environment & Climate Change NSW (July 2009). Two copies of the CNMP are to be provided to the Principal Certifying Authority and the CNMP is to be maintained on site during all site works and be made available to Authorised Officers upon request. The CNMP is to include but not be limited to:

- identification of construction activities that have the potential to generate noise and/or vibration impacts on surrounding land uses, particularly sensitive noise receivers
- detail reasonable and feasible actions and measures to be implemented to minimise noise impacts (including those identified in the environmental impact assessment)
- procedures for notifying sensitive receivers of construction activities that are likely to affect their noise and vibration amenity, as well as procedures for dealing with and responding to noise complaints
- a description of how the effectiveness of actions and measures shall be monitored during the proposed works, identification of the frequency of monitoring, the locations at which monitoring shall take place, recording and reporting of monitoring results and

if any exceedance is detected, the manner in which any non-compliance shall be rectified.

#### **A12 Construction Traffic Management Plan (CTMP)**

Prior to any site works commencing, the Developer is to prepare and have approved by Council a Construction Traffic Management Plan (CTMP). The CTMP is to include provisions for the parking of construction vehicles and the transportation of construction personnel to the site, if such parking is located remote from the site.

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.

An approved CTMP is to be maintained on site during all site works and be made available to Council Officers on request.

#### **A13 Aboriginal Heritage**

A variation to the Aboriginal Heritage Impact Permit (AHIP No. C0003418 ) 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, unless OEH confirms that the existing AHIP can apply to the basement excavation works for the commercial building. 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.

#### **A14 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.

#### **A15 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).

#### **A16 Stormwater Drainage Connection**

Connection of the site stormwater drainage pipe to the existing Council pipeline needs to be supervised by Council. Contact Council's Works Coordinator, Andrew Way (ph. 02 4974 6039), to arrange inspection.



### **A17 Isolation of Electrical Assets**

Existing assets including live underground electrical assets must be positively located and identified prior to work commencing. Isolation will be required if work is within clearances detailed in Workcover Document– ‘Work Near Underground Assets’.

Note: Refer to Ausgrid’s Network Standard 156 - Working near or around underground cables which can be found on Ausgrid’s website at [www.ausgrid.com.au](http://www.ausgrid.com.au) and Workcover Document– ‘Work Near Underground Assets’.

### **A18 Hoardings (within any Public Road Reserve)**

The site must be enclosed with a suitable hoarding or security fence to Council’s standards, and must satisfy the requirements of the Work Health and Safety Act 2011, the Work Health and Safety Regulation 2017 and Australian Standard AS 2601. This application must be submitted to Council and a permit obtained, before the erection of any such hoarding or fence.

## **B - CONDITIONS TO BE SATISFIED DURING DEMOLITION OR GROUNDWORKS**

### **B1 Consistency with Newcastle Bus Interchange Project**

All works shall be undertaken in compliance with the Conditions of Approval for the Newcastle Bus Interchange issued by Transport for NSW on 3 November 2017.

### **B2 Sydney Trains Requirements**

The following requirements of Sydney Trains must be complied with:

- a) Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- b) Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
- c) No rock anchors/bolts are to be installed into Sydney Trains property or easements.
- d) No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.
- e) During all stages of the development extreme care shall be taken to prevent environmental harm within the railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- f) During all stages of the development, environmental legislation and regulations will be complied with.
- g) During all stages of the development, extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- h) Excess soil is not allowed to enter, be spread or stockpiled within the rail corridor (and its easements) and must be adequately managed/ disposed of.
- i) Given the development site’s location next to the rail corridor, drainage from the development must be adequately managed/ disposed of and not allowed to be discharged into the corridor (and its easements) unless prior approval has been obtained from Sydney Trains.
- j) No scaffolding or hoarding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding and hoarding, the means of erecting and securing this

scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

### **B3 Ground Issues**

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

- a) Report on Stage 1 Targeted Site Investigation (Contamination), Ref. 81811.01, dated 25 May 2016, prepared by Douglas Partners;
- b) Report on Preliminary Geotechnical Investigation, Ref. 81811.01, dated 26 May 2016, prepared by Douglas Partners;
- c) Additional Geotechnical Advice, dated 16 November 2018, prepared by ADE Consulting Group;
- d) Additional Geotechnical Advice, dated 20 February 2019, prepared by ADE Consulting Group;
- e) Acid Sulfate Soil Management Plan, Ref. 81811.06, dated 24 July 2018, prepared by Douglas Partners.

### **B4 Site Investigations - Contamination**

Further detailed site investigation shall be undertaken into the extent of site contamination prior to construction commencing, in accordance with the recommendations given in the report *Report on Stage 1 Targeted Site Investigation (Contamination) Newcastle Urban Transformation and Transport Program - The Store 854 Hunter Street, Newcastle West* prepared by Douglas Partners in May 2016. The assessment is to be conducted in accordance with appropriate applicable guidelines and standards. All necessary site remediation and management measures are to be presented in a Remediation Action Plan, detailing remediation strategies, procedures and validation criteria for onsite remediation.

### **B5 Remediation**

All necessary contamination remediation works are to be undertaken and carried out in accordance with the Remediation Action Plan.

### **B6 Acid Sulfate Soils**

The development shall be carried out in accordance with the details set out in the Acid Sulfate Soils Management Plan prepared by Douglas Partners dated July 2018.

### **B7 Hazardous Substances Plan Required**

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.

### **B8 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 are to be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan is to 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 SafeWork 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 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 is to also include Council's

contact telephone number (49742000) and SafeWork 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.

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

### **B9 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.

### **B10 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.

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

### **B11 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.

### **B12 Removing 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'.

### **B13 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*.

### **B14 Fill – Resource 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.

### **B15 Sediment Control**

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 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 4th Edition – Vol. 1 (the ‘Blue Book’) published by Landcom, 2004.

#### **B16 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.

#### **B17 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:

- restricting topsoil removal
- regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion)
- 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.

#### **B18 Toilet Facilities**

Toilet facilities are to be available or provided at the work site before works begin and be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet is to:

- Be a standard flushing toilet connected to a public sewer, or
- Have an on-site effluent disposal system approved under the Local Government Act 1993, or
- Be a temporary chemical closet approved under the Local Government Act 1993.

#### **B19 PCA Signage**

A rigid and durable sign is to be erected on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:

- showing the name, address and telephone number of the Principal Certifying Authority for building work and subdivision work, and
- showing the name, address and telephone number of the Principal Contractor for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
- stating that unauthorised entry to the work site is prohibited, and
- being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

#### **B20 Building Work**

- a) All building work must be carried out in accordance with the provisions of the National Construction Code.
- b) All building materials, plant and equipment is to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council land, including the road reserve, is not permitted.

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

### **C1 Consistency with Newcastle Bus Interchange Project**

Prior to the release of the Construction Certificate, documentation from Transport for NSW shall be submitted to the certifying authority confirming that:

- a) The plans conform with the Conditions of Approval for the Newcastle Bus Interchange (issued by Transport for NSW on 3 November 2017), unless modification to the terms of approval has been granted.
- b) The relocation of the disabled parking spaces from the northern side of Beresford Lane is endorsed and that an alternate location has been approved.

### **C2 Sydney Trains Requirements**

The following requirements of Sydney Trains must be complied with:

- a) Any structure within 25 metres of the rail corridor shall have its Geotechnical, Structural and Drainage Engineering documentation, and its Construction Methodology documentation endorsed by Sydney Trains prior to the issuing of any relevant Construction Certificate.
- b) Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.
- c) Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.
- d) An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- e) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- f) No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.
- g) The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- h) Given the possible likelihood of objects being dropped, thrown or blown onto the rail corridor from balconies, windows and other external features (e.g. roof terraces and external fire escapes) that face the rail corridor, the Applicant is required to install measures (e.g. awning windows, louvres, enclosed balconies etc.) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority shall not issue

the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.

- i) Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- j) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- k) If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
- l) If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Engineering Management Interfaces to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- m) If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

### **C3 Transport for NSW Requirements**

#### **Information Required from the Applicant**

- a) The applicant shall provide the following written information to TfNSW for review and approval prior to any works commencing or the issuing of any Construction Certificate:
  - Final geo-technical and structural report / drawings;
  - Final construction methodology with construction details pertaining to structural support during excavation or ground penetration;
  - Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor;
  - Details of the vibration and movement monitoring system that will be in place before excavation commences;
  - Detailed survey plan;
  - Acoustic assessment;
  - Electrolysis report;
  - Details of balconies/window openings;
  - Assessment on use of lights, signs and reflective materials which are visible from the light rail corridor;
  - Details of insurance; and

- Consultation regime.

The Certifying Authority shall not issue the relevant Construction Certificate until written confirmation has been received from TfNSW confirming that this condition has been satisfied.

#### Electrolysis Assessment

- b) Prior to any works commencing or the issuing of any Construction Certificate, the applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the certifying authority with the application for the relevant Construction Certificate

#### Lighting

- c) The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of TfNSW. The certifying authority shall not issue the relevant Construction Certificate until written confirmation has been received from TfNSW confirming that this condition has been satisfied.

#### Insurance

- d) Prior to the issuing of any Construction Certificates or any works commencing, the applicant must hold current public liability insurance cover for a sum to be determined by TfNSW. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The applicant is to contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant Construction Certificate the certifying authority must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required.

#### Interference with Light Rail Operation

- e) Prior to any works commencing or any Construction Certificate being issued, the applicant shall enter into an Interface Agreement(s) with TfNSW and, if appropriate, the light rail operator. The Interface Agreement(s) shall address matters including, but not limited to:
- Pre and post construction dilapidation reports;
  - TfNSW costs associated with review of plans and designs;
  - The need for track possessions;
  - Review of the machinery to be used during excavation/ground penetration / construction works;
  - The need for track monitoring;
  - Design and installation of lights, signs and reflective material;
  - Access by representatives of TfNSW to the site of the approved development and all structures on that site;
  - Endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS);
  - Endorsement of plans regarding proposed craneage and other aerial operations; ☐ Erection of scaffolding/hoarding;
  - Light Rail Operator's rules and procedures; and
  - Alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant.

The CA is not to issue the relevant Construction Certificate until written confirmation from TfNSW has been received confirming that this condition has been complied with.

#### Consultation Regime

- f) Prior to any excavation or the issuing of any Construction Certificate, a detailed regime is to be prepared for consultation with and approval by, TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.

#### Protection of TfNSW Infrastructure

- g) Prior to the issuing of any Construction Certificate, the applicant is to liaise with TfNSW to ascertain its requirements in relation to the protection of TfNSW's infrastructure. The applicant is to submit to TfNSW all relevant documentation as requested by TfNSW and obtain TfNSW's written endorsement.

#### Relocation of TfNSW Services/Infrastructure

- h) The relocation of any TfNSW services or infrastructure is to be at the applicants cost and to TfNSW Requirements and Standards.

#### Cost of Works and Signage

- i) All works/regulatory signage associated with the proposed development are to be at no cost to TfNSW/Roads and Maritime Services.

### **C4 Building Height**

This consent permits a maximum overall building height of RL 57. This height shall be reflected on the construction certificate drawings.

### **C5 Section 7.12 Contributions**

A total monetary contribution of \$1,095,325.11 (being 2% of the cost of development of \$54,766,255.50) is to be paid to Council, pursuant to Section 4.17(1) of the Environmental Planning and Assessment Act 1979, such contribution to be payable prior to the issue of a Construction Certificate for works, other than for demolition, ground works and mine subsidence, 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.

### **C6 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 Public Art



Reference Group for written approval prior to the issue of the Construction Certificate, for works, other than for demolition, ground works and mine subsidence. 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.

#### **C7 Design Process**

The terms of the Government Architect NSW design competition waiver is to be complied with, including a design integrity process that extends from design development through to construction. Any further design development is to be reviewed by the relevant Design Review Panel in connection with a Construction Certificate application.

#### **C8 Archival Resources**

Prior to the commencement of building works a photographic archival recording (PAR) shall be prepared to record the setting and context of nearby heritage items that would experience higher levels of adverse heritage impact as a result of the proposed development. This includes the State Heritage Register listed Castlemaine Brewery and the locally listed Newcastle City Centre Heritage Conservation Area and the Cambridge Hotel. The PAR should include a record of views that would be modified by the development and shall be undertaken in accordance with the guidelines for Photographic Recording of Heritage Sites Using Film or Digital Capture prepared by the NSW Office of Environment & Heritage. The PAR for Castlemaine Brewery shall be submitted to the NSW Heritage Division and a copy lodged with the State Library NSW. The PAR for the Newcastle City Centre Heritage Conservation Area shall be submitted to Newcastle City Council and copies retained as per the standards.

#### **C9 Interpretation Plan**

Before the issue of any Construction Certificate, an interpretation plan must be prepared by an experienced heritage interpretation practitioner and submitted to the written satisfaction of Council. The interpretation Plan shall be in accordance with the Heritage Council's "Interpreting Heritage Places and Items Guidelines" 2005. Written approval from Council is to be provided to the Certifying Authority. The plan must address the detail of the interpretive approach and content for the proposal, including identification of appropriate locations. This should occur at the design stage to ensure productive integration. The interpretive plan should include aspects which address the role of the Store building within the Newcastle City Centre Heritage Conservation Area and must make allowance for the display of any potential archaeology uncovered during the works. The Interpretation Plan must be implemented, with written confirmation from the Council, prior to the issue of the Occupation Certificate.

#### **C10 Disabled Access**

The buildings are to be provided with adequate means of access for persons with disabilities, to the extent necessary to comply with the Commonwealth's Disability (Access to Premises – Buildings) Standards 2010. Full details are to be included in documentation for a Construction Certificate application.

#### **C11 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.

#### **C12 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.

#### **C13 Acoustic Assessment**

Prior to the issue of a Construction Certificate a Final Acoustic Report is to be prepared by an appropriately qualified acoustic consultant and submitted to the certifying authority to:

- a) confirm that appropriate acoustic treatment and acoustic performance of all mechanical plant and equipment associated with the building is provided and has been appropriately designed as recommended by the acoustic consultant.
- b) demonstrate how the proposed development, if applicable, will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". All recommendations of the acoustic assessment are to be incorporated in the construction documentation.
- c) consider noise impacts from road traffic and, if required, the development is to incorporate 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.

#### **C14 Wind Assessment**

Prior to the issue of a Construction Certificate a Final Pedestrian Wind Environment Statement, which includes detailed wind tunnel testing upon completion of the final landscape design, is to be prepared by an appropriately qualified consultant and submitted to the certifying authority.

#### **C15 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 Prevention Through Environmental Design Assessment, Ref.18165, dated 21 January 2019, prepared by KDC Pty Ltd;
- Energy Efficiency Report, Ref. SY181158-SER01, Rev. A, dated 8 October 2017, prepared by Northrop Consulting Engineers;
- Base Building Acoustic Design, Ref. 20181148.1, dated 26 September 2018, prepared by Acoustic Logic and the final acoustic assessment referenced in Condition C11;
- Pedestrian Wind Environment Statement Ref WE353-01F02(Rev2), dated 4 September 2018, prepared by Windtech and the final testing as referenced in Condition C12;
- Report on Preliminary Geotechnical Investigation, Ref. 81811.01, dated 26 May 2016 prepared by Douglas Partners; Additional Geotechnical Advice, dated 16 November 2018 and 20 February 2019, prepared by ADE Consulting Group; and the final geotechnical investigation referenced in Condition A6;
- Acid Sulfate Soil Management Plan, Ref. 81811.06, dated 24 July 2018, prepared by Douglas Partners.

#### **C16 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.

#### **C17 Stormwater Runoff**

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

#### **C18 Minimum Ramp Level – Flooding**

The basement ramp crest level being set at or above 2.9m AHD. Full details are to be included in documentation for a Construction Certificate application.

### **C19 Driveway Access Design**

The proposed development as detailed on the submitted Architectural Plans by Bates Smart Project No. S12133 is to be amended to incorporate the following:

- a) The maintenance of driver sight lines for vehicles exiting the proposed car park driveway with the provision of a minimum 2.5 metre by 2 metre splay in accordance with Clause 3.2.4(b) of AS 2890.1 (2002) - Parking Facilities.
- b) Relocation of security gates at the entry/exit driveway to the car park, to provide a minimum 5.0m setback from the property frontage.

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

### **C20 Loading/Serviceing**

The design of the development is to be modified to provide for all loading / servicing activity (including waste collection) associated with the development to be undertaken either within designated loading dock areas and/or kerbside in an approved and designated loading zone. The design is to ensure that all service vehicle movements are to be capable of forward entry and exit, ie, without the need to reverse into vehicular traffic flows. Required modifications are to be approved by Council before the issue of a Construction Certificate for the proposed development.

### **C21 On Site Car Parking Allocation**

On-site parking accommodation is to be allocated for the building for a minimum of 278 cars, such being set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 'Traffic, Parking and Access' of Newcastle Development Control Plan 2012. Full details are to be included in documentation for a Construction Certificate application.

### **C22 Car Park Design**

- a) The car park of the proposed building 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.
- b) All parking bays are to be permanently marked out on the pavement surface.
- c) 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.

### **C23 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.

### **C24 Public Domain**

- a) The Developer is to design and construct the following works within Stewart Avenue, adjacent to the site generally in accordance with the City Centre Public Domain technical manual, at no cost to Council and in accordance with Council's guidelines and design specification:
  - Kerb and gutter replacement
  - Full width footway paving
  - Associated drainage works
  - Street tree planting in gap-graded structural soil vaults
  - Street furniture - bins, bicycle racks
- b) The Developer is to design and fully reconstruct Beresford Lane and Cooper Street adjacent to the site generally in accordance with the City Centre Public Domain technical

manual at no cost to Council and in accordance with Council's guidelines and design specification:

- Road pavement reconstruction
- Kerb and gutter replacement
- Full width footway paving
- Associated drainage works
- Street tree planting in gap-graded structural soil vaults
- Street furniture - bins, bicycle racks

Engineering design plans and specifications for the works required to be undertaken in the public road reserve are 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 is to be obtained for all works within the public road reserve, pursuant to Section 138 of the Roads Act 1993, prior to commencement of those works.

## **C25 Works in Public Road Reserve**

A separate application is to be lodged and consent obtained from Council for all works within the public road reserve pursuant to Section 138 of the Roads Act 1993, before the issue of a Construction Certificate for the proposed development or, alternatively, subject to other satisfactory arrangements being confirmed in writing from Council.

## **C26 Structures Extending Over Road Reserve**

Any private structures extending onto or over the public road reserve are to be the subject of a separate consent from Council, under Section 138 of the Roads Act 1993, prior to the installation of such structures.

## **C27 Engineering and Landscape Design Plans**

Comprehensive engineering and landscape design plans and specifications for the works to be undertaken in the public road reserve are to be 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:
  - Plans to be accompanied by a pavement design report prepared and certified by a practising geotechnical engineer;
  - Footways to be generally high level and at 2% grade toward the kerb;
  - 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 Urban Design and Landscaping Plan (UDLP)*  
The UDLP shall detail:
  - i. the appropriateness of the proposed design with respect to the existing surrounding landscape, built form, behaviours and use-patterns
  - ii. materials, finishes, colour schemes and maintenance procedures including graffiti control for new walls, barriers and fences
  - iii. location and design of pedestrian and bicycle pathways, street furniture including relocated bus and taxi facilities, bicycle storage (where relevant), telephones and lighting equipment
  - ii. landscape treatments and street tree planting to integrate with surrounding streetscape
  - iii. design detail that is sympathetic to the amenity and character of heritage items located within or adjacent to the Project site
  - iv. opportunities for public art created by local artists to be incorporated, where considered appropriate, into the Project
  - v. total water management principles to be integrated into the design where considered appropriate
  - vi. design measures included to meet TfNSW's NSW Sustainable Design Guidelines - Version 4.0 (TP-ST-114)
  - vii. identification of design and landscaping aspects that will be open for community input.

## **C28 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 landscaping 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 and
- k) management of landscaped areas including the 'future light rail proofing zone'.

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

## **C29 Street Tree Planting**

Street tree plantings are to be provided in Stewart Avenue fronting the site generally at 10m spacings in accordance with Council's standards and soil specifications. The trees are to be 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).

### **C30 Street Tree Planting Vaults**

The street tree planting vaults shall be 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.

### **C31 Mine Subsidence**

In accordance with the recommendations of the 'Report on Preliminary Geotechnical Investigation' prepared by Douglas Partners in May 2016 a formal application shall be made, if required, to Mine Subsidence Advisory NSW for approval of the proposed development. Evidence of approval shall be submitted to the certifying authority prior to the release of the Construction Certificate.

### **C32 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.

### **C33 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.

### **C34 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, unless in exceptional circumstances and with the prior approval of Council.

### **D3 Restriction 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.

#### **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 an electricity substation should such be required by the electricity authority and any such substation being located in accordance with that authority's requirements.

#### **D9 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).

#### **D10 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 shadedcloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

## **D11 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 Compliance with Conditions**

Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue an Occupation Certificate until written confirmation has been received from those entities that the particular condition has been complied with.

### **E2 Sydney Trains**

The following requirements of Sydney Trains must be complied with:

#### **Fencing**

- a) The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

#### **As Built Drawings**

- b) Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

### **E3 On site Parking**

The multi-level car park, approved under DA2018/00879, is to be completed and operational prior to the issue of any Occupation Certificate (whether interim or final, whichever occurs first) for the development.

### **E4 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 (whether interim or final, whichever occurs first).

### **E5 Carparking - Restriction on Use**

A restriction shall be created on the title of the land which shall provide for the continued use of carparking spaces within the multi level carpark by the occupants and visitors of the commercial building. The necessary survey plan and accompanying instrument under Section 88B of the Conveyancing Act 1919 is to be registered with Property NSW prior to the issuing of any Occupation Certificate (whether interim or final, whichever occurs first) for the development. The instrument is to provide that the restriction is unable to be relinquished, varied or modified without the concurrence of the City of Newcastle.

### **E6 Right of Way – King Street**

The proposed extension of Beresford Lane and the connecting road to the existing Hunter Street traffic signals is to be the subject of an appropriate 'right-of-public-access' and the necessary survey plan and accompanying instrument under Section 88B of the Conveyancing Act 1919 is to be registered with Property NSW prior to the issuing of any Occupation Certificate (whether interim or final) for the development. 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.

#### **E7 Parking Bays**

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

#### **E8 Visitor Parking**

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

#### **E9 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.

#### **E10 Green Travel Plan**

A detailed Green Travel Plan in accordance with Element 7.03 'Traffic, Parking and Access' of Newcastle Development Control Plan 2012 is to be submitted to and approved by Council prior to the issue of any Occupation Certificate (whether interim or final) for 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 occupants of the building. The Public Transport and Bicycle Network Plans are to be installed in common areas of the proposed building prior to the issue of a final Occupation Certificate.

#### **E11 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 issue of an Occupation Certificate.

#### **E12 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.

#### **E13 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.

#### **E14 Maintenance Manual**

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 Occupation Certificate.

#### **E15 Site Validation**

Following implementation of the Remediation Action Plan, a Validation Report, to confirm that contamination remediation targets have been achieved, and any necessary Long-Term Environmental Management Plan are to be prepared by a suitably qualified consultant in accordance with the relevant guidelines and submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation Certificate

## **E16 Acoustics**

Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Acoustic Logic dated 31 August 2018. 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. 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.

## **E17 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 (interim and final), 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.

## **E18 Landscaping**

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.

## **E19 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.

## **E20 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.

## **E21 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.*

## **E22 Separate Consent Required for Advertising Signage**

This consent does not authorise the erection of any advertising signage. Any advertising signage will require separate Council approval, in the event that such signage is not exempt development. Any new application for advertising signage must be in accordance with the approved Signage Strategy prepared by CKDS Drawing DA-7003, DA-7004 and DA-7005 dated 14.5.18.

### **E23 Food – Notice to Agencies**

Prior to issue of an Occupation Certificate, any food premises must notify the relevant enforcement agencies, under the Food Act 2003 and (for licensed food businesses) under the Food Regulation 2010.

Note: To arrange notification of the food business with Council go to [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.

### **E24 Air Services Requirements**

The applicant shall provide 'as constructed' drawings to Air Services Australia ([vod@airserviceaustralia.com](mailto:vod@airserviceaustralia.com)) detailing the overall height and location of the building. The Occupation Certificate shall not be released until written confirmation has been received from Air Services Australia advising that this condition has been satisfied

## **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 Vehicles – Unobstructed Use**

Proposed parking areas, vehicle bays, driveways and turning areas are to be maintained clear of obstruction and be used exclusively for purposes of car parking, loading and unloading, and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.

### **F4 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 10pm 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, except as authorised by being exempt development or as approved by a complying development certificate.

**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 Part 6 of the Act.
- b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Part 6 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 Division 6.3 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:

- a) Defined Flood Level (DFL) is 2.8m Australian Height Datum (AHD)
- b) Flood Hazard Level is 3.1m AHD (Freeboard is 300mm above DFL)
- c) Maximum Flow Velocity of floodwaters for the Defined Flood Event is 0.5m/s