

Application No: DA2021/01459

Land: Lot 2 DP 126

Property Address: 924 Hunter Street Newcastle West NSW 2302

Proposed Development: Partial demolition of existing buildings, erection of mixed use development comprising commercial premises (retail premises & business premises), two residential towers (30 storey & 24 storey) containing a 182 dwellings and 238 associated car parking spaces

SCHEDULE 1

Approved Documentation

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

Plan No / Supporting Document	Reference / Version	Prepared by	Dated
Cover Sheet – Project No 21014	Dwg A-0001 Iss E	CKDS Architecture	30/5/22
Ground Floor – Project No 21014	Dwg A-1101 Iss E	CKDS Architecture	30/5/22
Upper Ground Floor – Project No 21014	Dwg A-1102 Iss E	CKDS Architecture	30/5/22
Level 1– Project No 21014	Dwg A-1103 Iss E	CKDS Architecture	30/5/22
Level 2– Project No 21014	Dwg A-1104 Iss E	CKDS Architecture	30/5/22
Level 3– Project No 21014	Dwg A-1105 Iss E	CKDS Architecture	30/5/22
Level 4– Project No 21014	Dwg A-1106 Iss E	CKDS Architecture	30/5/22
Level 5– Project No 21014	Dwg A-1107 Iss E	CKDS Architecture	30/5/22
Level 6-14 – Project No 21014	Dwg A-1108 Iss E	CKDS Architecture	30/5/22
Level 15-21 – Project No 21014	Dwg A-1109 Iss E	CKDS Architecture	30/5/22
Level 22-24 – Project No 21014	Dwg A-1110 Iss E	CKDS Architecture	30/5/22
Level 25-26 – Project No 21014	Dwg A-1111 Iss E	CKDS Architecture	30/5/22
Level 27-28 – Project No 21014	Dwg A-1112 Iss E	CKDS Architecture	30/5/22
Unit Plans Type A-E – Project No 21014	Dwg A-1201 Iss E	CKDS Architecture	30/5/22
Unit Plans Type F-K – Project No 21014	Dwg A-1202 Iss E	CKDS Architecture	30/5/22

North Elevations – Project No 21014	Dwg A-2001 Iss E	CKDS Architecture	30/5/22
South Elevations – Project No 21014	Dwg A-2002 Iss E	CKDS Architecture	30/5/22
East Elevations – Project No 21014	Dwg A-2003 Iss E	CKDS Architecture	30/5/22
West Elevations – Project No 21014	Dwg A-2004 Iss E	CKDS Architecture	30/5/22
Sections A – Project No 21014	Dwg A-3001 Iss E	CKDS Architecture	30/5/22
Sections B – Project No 21014	Dwg A-3002 Iss E	CKDS Architecture	30/5/22
Sections C – Project No 21014	Dwg A-3003 Iss E	CKDS Architecture	30/5/22
Sections D – Project No 21014	Dwg A-3004 Iss E	CKDS Architecture	30/5/22
Laneway Sections – Project No 21014	Dwg A-3005 Iss E	CKDS Architecture	30/5/22
Podium Materiality – Project No 21014	Dwg A-5001 Iss E	CKDS Architecture	30/5/22
Podium Materiality – Project No 21014	Dwg A-5002 Iss E	CKDS Architecture	30/5/22
Movement & Access Plan – Ground - Project No 21014	Dwg A-7010 Iss E	CKDS Architecture	30/5/22
Movement & Access Plan – Upper Ground - Project No 21014	Dwg A-7011 Iss E	CKDS Architecture	30/5/22
Public Art Opportunities - Project No 21014	Dwg A-8003 Iss E	CKDS Architecture	30/5/22
Signage Strategy Plan - Project No 21014	Dwg A-8004 Iss E	CKDS Architecture	30/5/22
Signage Strategy Elevation - Project No 21014	Dwg A-8005 Iss E	CKDS Architecture	30/5/22
Signage Strategy Elevation - Project No 21014	Dwg A-8006 Iss E	CKDS Architecture	30/5/22
Landscape Plans – Project 21097	Dwg No L000-L005 Rev D	Xeriscapes Landscape Architecture	30/5/22
Civil Engineering – Job No NL200577	Dwg No DA-C02.01 Rev 2	Northrop	23/3/22
Civil Engineering – Job No NL200577	Dwg No DA-C04.01 Rev 3	Northrop	27/5/22
Civil Engineering – Job No NL200577	Dwg No DA-C06.01 Rev 3	Northrop	23/5/22
Civil Engineering – Job No NL200577	Dwg No DA-C06.02 Rev 1	Northrop	23/5/22
Civil Engineering – Job No NL200577	Dwg No DA-C06.03 Rev 1	Northrop	23/5/22
Civil Engineering – Job No NL200577	Dwg No DA-C06.04 Rev 1	Northrop	23/5/22

Civil Engineering – Job No NL200577	Dwg No DA-C06.05 Rev 1	Northrop	23/5/22
Civil Engineering – Job No NL200577	Dwg No DA-C06.06 Rev 1	Northrop	23/5/22
Civil Engineering – Job No NL200577	Dwg No DA-C09.01 Rev 4	Northrop	27/5/22
Acid Sulfate Soil Management Plan		Douglas Partners	May 2022
Basix Certificate	No. 941279S	Credwell	21/10/2021
Statement of Environmental Effects	Rev B	ADW Johnson	26/10/21
Waste Management Plan		Waste Audit	March 2022
Wind Assessment		ARUP	October 2021

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

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

2. The proposed awnings are to be designed to meet the requirements of Element 7.10 'Street Awnings and Balconies' of Newcastle Development Control Plan 2012. Details are to be included in documentation for a Construction Certificate application.
3. The building is to be provided with access for persons with disabilities, to the extent necessary to comply with the Commonwealth's *Disability (Access to Premises - Buildings) Standards 2010*. Details are to be included in documentation for a Construction Certificate application.
4. A flood emergency response plan is to be prepared by a professional engineer, who is experienced in flood management, and the plan is to be put in place prior to occupation of the site for the intended use. The plan is to include an education and awareness component for the workforce, detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan and provisions for any third parties likely to be involved.

A flood emergency response plan is to describe the following components:

- a) Likely flood behaviour
- b) Flood warning systems
- c) Education awareness program
- d) Evacuation and evasion procedures
- e) Evacuation routes and flood refuges and
- f) Flood preparedness and awareness procedures for residents and visitors

Considerations are to include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. The plan is to be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources. Details are to be included in documentation for a

Construction Certificate application.

5. The construction or erection of swimming pool safety fences and gates and all associated work is to be carried out in accordance with the *Swimming Pools Act 1992* and Regulations. Full details are to be included in the documentation for a Construction Certificate application.
6. The swimming pool/spa water recirculation and filtration system installation is to comply with *Australian Standard 1926.3:2010 - Swimming pool safety - Water recirculation systems*. Full details are to be included in the documentation for a Construction Certificate application.
7. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on an Erosion and Sediment Control Plan that is to be submitted for approval with the Construction Certificate application. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
8. A statement from a qualified designer, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles of *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development*, is to be submitted to the Certifier prior to the issue of a Construction Certificate.

Note: 'Qualified Designer' means a person registered as an architect in accordance with the *Architects Act 2003*.

9. The two existing street trees at the Hunter Street frontage (City of Newcastle ID 13613 & 13614) are approved to be removed, subject to arrangements being made for the removal of the street tree by contacting City of Newcastle's City Greening Services. All tree removal works are to be carried out by the City of Newcastle at the developer's expense.
10. Two street trees are to be planted as compensation for the two Hunter Street trees proposed to be removed. A fee, to be determined by contacting City of Newcastle's City Greening Services, is to be paid to the City of Newcastle for the required compensatory planting and evidence of the payment of the required fee is to be included in documentation for a Construction Certificate application.

Note: The tree selection and location of the required compensatory planting will be determined by City of Newcastle's City Greening Services in accordance with the City of Newcastle's '*Street Tree Master Plan*'. The location of the compensatory tree planting may not be in the immediate proximity of the site.

11. In accordance with the City of Newcastle Section 7.11 Development Contributions Plan 2021-2036 (the Plan), the following monetary contributions shall be paid to the City of Newcastle to cater for the increased demand for transport and social infrastructure resulting from the development:

Description	Contribution (\$)
Transport	\$328,499.00
Open Space and Recreation	\$1,411,631.44
Community Facilities	\$261,141.23
Plan Preparation and Administration	\$49,960.13
TOTAL	\$2,051,231.80

If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Plan and the amount payable will be calculated on the basis of the contribution rates

applicable at the time of payment

The contributions shall be paid to the City of Newcastle:

- (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - (ii) prior to the issue of the first Construction Certificate where the development is for building work; or
 - (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
 - (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.
12. Facilities are to be provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements are to be made for regular removal and disposal of same. The required garbage facility is to be suitable for the accommodation of City of Newcastle approved wheel type bins or bulk waste containers. Full details are to be included in documentation for a Construction Certificate application.
13. All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of a depth to suit design traffic and be sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers. Details are to be included in documentation for a Construction Certificate application.
14. All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls. Details are to be included in documentation for a Construction Certificate application.
15. All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required by the conditions of this consent are to be detailed on a comprehensive landscape plan and specification. The plan and specification are to be prepared in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:
- a) cross sections through the site
 - 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) maintenance periods.

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

16. The applicant is to comply with all of Hunter Water's requirements to provide your development with water supply and sewerage services. A copy of Hunter Water's

compliance certificate (*Hunter Water Act 1991* - Section 50) must be submitted with your Construction Certificate application.

17. Within one week of lodging an application for a Construction Certificate, the applicant must submit an Address Confirmation request to City of Newcastle to commence the addressing confirmation process. The allocated addressing will be as per the Addressing Confirmation document issued by City of Newcastle and in accordance with the NSW Addressing Policy. Any request for amendments to the Addressing Confirmation must be submitted to City of Newcastle for consideration and if approved, a revised Addressing Confirmation will be issued.
18. On-street parking and traffic changes within the road reserve is to be detailed with the Section 138 Roads Act application and must be approved by Newcastle City Traffic Committee. Full details are to be included in documentation under a separate Section 138 Roads Act Application and formal approval from Council is to be attained prior to the issue of any Construction Certificate.
19. Prior to the issue of any Construction Certificate, the following design changes must be made on the architectural and civil plans and the redesign must be undertaken in consultation with Council.
 - a) An additional roller gate to be installed at the Residential Waste Storeroom. The roller gate must be close to the Tighe St boundary and must be directly accessible from the Loading / Delivery Bay.
 - b) The proposed wall which is located between the roller gate and exit door for the Loading / Delivery Bay is to be removed. A full width roller door with minimum 4.5m height clearance must be installed to allow for Heavy Rigid Vehicle (HRV) access.
 - c) The area in front of the Commercial Waste storeroom is to be clearly noted via signage and pavement markings to be kept clear at all times. This is to allow for HRV to park within the site.
 - d) The driveway width for the Loading / Delivery Bay shall be increased in width to the west of the proposed door on Tighe St. This is to accommodate for a HRV truck to turn to/from the Loading / Delivery Bay.
 - e) The three column piers adjoining Tighe St between building facade and property boundary, located between the car park exit driveway and main switch board, must be removed for sightlines and access purposes.
 - f) The architectural fin at the corner of Tighe and Railway St on the ground level must be redesigned to allow for additional pedestrian footway width. This is to increase sightlines for drivers, allow pedestrian movement and for HRV trucks to turn safely.
 - g) A footpath continuation is to be designed at the intersection of Tighe St to provide pedestrian connection between the north and south and to allow for design of HRV turning at Railway St intersection. Pedestrian and vehicular safety must be addressed with full turning templates submitted to demonstrate HRV access.
20. Prior to the issue of any construction certificate a residential waste collection bin storage area is to be designed in consultation with Council's Waste Management team. The Bin Storage area is to be appropriately sized and designed to accommodate for all residential bin collections (including accessibility and roller gate design) generally in accordance with Council DCP requirements and the industry standards and is to be located in close proximity of lifts to service residential units. A written approval is to be attained from Council's Waste & Commercial Management to confirm the design approval prior to the issue of any Construction Certificate.
21. On-site car parking accommodation is to be provided for a minimum of 237 car spaces (includes 197 car spaces for residential units inclusive of the provision of 2 disabled spaces on the Upper Ground Level as part of an amended design), 156 secured bicycle spaces (Class 2), 16 Bicycle spaces within the public plaza and 10 motorbikes parking spaces are to be provided. On site car parking accommodation for the 40 commercial/residential visitor parking spaces is to be provided with the 19 stacked

parking spaces to be allocated to commercial/retail units and the remaining 21 ground floor car parking spaces to be used as commercial/residential visitor parking. All parking must be set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012. Full details are to be included in documentation for a Construction Certificate application.

22. The proposed car parking garage door height is to be set at minimum of 3.0m clear and the Loading / Delivery Bay height is to be minimum 4.5m clear. Full details are to be included in documentation for a Construction Certificate application.
23. The car parking, motorbike parking, bicycle parking and vehicular access is to be designed to comply with AS/NZS 2890 series of documents. Full details are to be included in documentation for a Construction Certificate application.
24. Suitable traffic management device in the form of give way to pedestrian sign and safety lights at parking entry/exit, mirrors, line markings, safety features at ramps and speed signs are to be installed in an appropriate location within the site. Opposing traffic flows on internal roads are to be separated by provision of appropriate safety barriers or line marking and such device to be constructed in accordance with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Full details are to be included in documentation for a Construction Certificate application.
25. Roof water from the proposed new work is to be directed to the proposed water tank with a minimum capacity of 15 kilo litres and being reticulated to any new toilet cisterns, cold & hot water use on ground and podium level, washing for waste and podium level landscaping reuses, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing are to be designed in accordance with the Plumbing Code of Australia (National Construction Code Volume 3). Full details are to be included in documentation for a Construction Certificate application.
26. Overflows from the roof water tank and any additional discharge controls (if required) are to be directed to Council's drainage system by means of an interallotment drainage line or underground pipe directly to the street gutter. The design of the outlet connection is to futureproof the potential for the drainage pipe under 904-908 Hunter St, Newcastle West property being removed and consider alternative option of connection to other available drainage on Tighe St and/or Railway St. Such modifications are to be noted on the Section 138 Roads Act application drawing details and to be submitted to Council for consultation and approval. Full details are to be included in documentation for a Construction Certificate application.
27. All stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable, as indicated on the stormwater management concept plan & strategy prepared by Northrop Consulting Engineers Job No. NL200577 Drg. No's DA-C04.01 Rev 3 & DA-C09.01 Rev 4, dated 27/05/2022. The reuse and on-site detention (OSD) tanks and outlet connection from the OSD to the street is to be designed to futureproof the development with consideration that the potential for drainage pipe under 904-908 Hunter St, Newcastle West being removed. The design should ensure that any future road and potential drainage removal at 904-908 Hunter St on Tighe St will not impact the internal development stormwater system. Full details are to be included in documentation for a Construction Certificate application.
28. The floor level of all proposed buildings or building additions is to be verified on plans for a Construction Certificate application to be in accordance with the approved ground floor architectural plan Dwg No. A-1101.

29. The proposed lighting including car park lighting of the premises is to be designed, positioned, and installed, including appropriate shielding and orientation of the lighting fixture, as to not give rise to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding properties in accordance with Australian Standard AS 4282: 1997 Control of the obtrusive effects of outdoor lighting. CCTV cameras are to be installed around the perimeter of the site at appropriate locations for security and surveillance. Full details are to be included in the documentation for a Construction Certificate application.
30. A commercial vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:
- a) Constructed in accordance with Council's A1300 – Driveway Crossings Standard Design Details.
 - b) Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 metre, in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance.
 - c) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve.
 - d) The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.

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

31. A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993 (NSW)*. The consent must be obtained, or other satisfactory arrangements confirmed in writing from Council, before the issue of a Construction Certificate.
32. The Developer designing and constructing the following works in connection with the proposed development within the Tighe St, Railway St and Hunter St public road reserve, at no cost to Council and in accordance with the City Centre Public Domain Technical Manual and Newcastle West Public Domain Stage 2 concept and Council's guidelines and design specifications,
- a) Full Kerb and gutter replacement along Hunter St frontage including kerb extensions and ramps and associated roadworks
 - b) New driveway crossings on Tighe St including modifications to the Loading / Delivery Bay driveway'
 - c) Footpath Continuation at Tighe St at the intersection of Railways St and associated road and drainage works.
Provide pedestrian safety features and demonstrate that HRV access can be managed to the Loading/Delivery Bay on Tighe St.
 - d) Associated drainage works to connect the proposed stormwater discharge from the development
 - e) Design and installation of new underground drainage on Hunter St and Railway St to Tighe St and connection of this new drainage to the existing drainage network on western side of Railway St.
 - f) Street tree planting in gap-graded structural soil in accordance with Council requirements
 - g) Design and Installation of Smart City Street lighting and associated infrastructure and removal of any redundant Ausgrid poles
 - h) Full width foot paving and publicly accessible footway adjoining Council footpath on Railway St and Tighe St

- i) Regulatory traffic and parking changes (note: Newcastle City Traffic Committee approval will be required).
- j) Street furniture – bins and cycle racks
- k) Any Heritage Interpretation works within Hunter St / Railway St Road or publicly accessible areas.

Engineering design plans and specifications for the works being undertaken within the public road reserve are required to be prepared by a suitably qualified practising civil engineer with experience and competence in the related field and submitted to Council for approval pursuant to Section 138 of the *Roads Act 1993 (NSW)*. The consent must be obtained, or other satisfactory arrangements confirmed in writing from Council, before the issue of a Construction Certificate.

- 33. Prior to the issue of any Construction Certificate, the recommendations on the submitted wind report by ARUP dated October 2021 are to be reflected on the architectural and landscape plans. Any impacts on Council roads, and any impacts on the publicly accessible areas including footpath and public rights of carriageway, are to be negotiated with Council and any implementation plan (if required) is to be agreed by Council.
- 34. Prior to the issue of the relevant Construction Certificate, the following must be demonstrated to the satisfaction of the certifying authority:
 - (a) The car park must provide an EV Ready Connections to at least 3 shared car spaces (commercial/visitor parking spaces) on the ground level parking and at least 10 allocated residential parking spaces and for at for least 10 electric bicycle and scooter charging stations.
 - (b) EV Distribution Board(s) shall be of sufficient size and capacity to allow for any future EV connections to all car parks.
 - (c) Locate EV Distribution board(s) so that no future EV Ready Connection will require a cable of more than 50m from the parking bay to connect.
 - (d) Each EV Ready Connection is served from a cable tray and a dedicated spare electrical circuit provided in an EV Distribution Board to enable easy future installation of cabling from an EV charger to the EV Distribution Board and a circuit breaker to feed the circuit.
 - (e) EV Load Management System is to be capable of:
 - Reading real time current and energy from the electric vehicle chargers under management;
 - Determining, based on known installation parameters and real time data, the appropriate behaviour of each EV charger to minimise building peak power demand whilst ensuring electric vehicles connected are full recharged;
 - Scale to include additional chargers as they are added to the site over time.
 - (f) The above EV electrical design is to be done by an appropriately qualified and licenced electrician and is to be done to the relevant Australian Standards and BCA requirements.
- 35. A structural engineer is to determine the location and depth of the proposed underground tank and On-Site Detention and certify that it will not adversely affect any building foundation footings or slabs when the tank is empty. Stormwater Management Plan is to be designed in accordance with current *NDCP Section 7.06 Stormwater Management* and *The City of Newcastle's Stormwater and Water Efficiency Technical Manual*. Full details are to be included with documentation for a construction certificate.
- 36. If dewatering is required, the applicants must apply for a Groundwater Licence for any dewatering activity with the relevant authority prior to the commencement of any extraction of groundwater. A copy of the licence is to be submitted to the Certifying Authority
- 37. Groundwater shall not be allowed to be discharged into adjoining roads stormwater

system and sewerage system without the controlling authority's approval and/or owner's consent/s. Approval from the controlling authority and any requirements of the approving authority is to be complied with prior to the commencement of any extraction of groundwater.

38. Temporary ground anchors (if required for basement construction) are to be designed and installed along the road reserve and adjoining properties to protect the existing properties. The design of the temporary ground anchors is to be carried out by qualified and practicing structural and geotechnical engineers. Any proposed ground anchors impacting the Road Reserve will require approval from the relevant Roads Authority and/or Council for installation of the temporary ground anchors prior to the start of any bulk excavation works.
39. An interpretation plan is to be prepared by an experienced heritage interpretation practitioner and submitted with the documentation for a Construction Certificate. The Interpretation Plan shall be in accordance with the Heritage Council's "Interpreting Heritage Places and Items Guidelines" (2005). The plan must interpret the multiple uses and history of the site, including promotion of the Aboriginal cultural heritage values of the study area, in a way that is engaging, informative and readily accessible to the majority of visitors. Written approval from Council's Heritage Officer is to be obtained prior to the issue of a Construction Certificate. The Heritage Interpretation Plan is to be implemented on the site to the written approval of Council's Heritage Advisor prior to the issue of an Occupation Certificate.
40. The two large flush wall signs on the proposed office building (western and southern elevations), adjacent the existing heritage item, being amended to a maximum height of 2.4 metres as marked in red on the approved stamped plans. Full details are to be submitted with the required Construction Certificate application.
41. The placement of all flush wall signs is to be limited to the signage grid nominated on the approved plans. No parts of the sign may extend outside of the approved signage grid. Full details are to be submitted with the required Construction Certificate application.
42. All flush wall signage is limited to channel lettering or individual cut letters only and must not contain a backing board/panel or any other fixed surface behind the lettering. Full details are to be submitted with the required Construction Certificate application.
43. The signs shall meet the criteria contained in Section 3.2.5 of the Department of Planning's Transport Corridor Outdoor Advertising and Signage (July 2007) - Illumination and reflectance. Full details are to be submitted with the required Construction Certificate application.
44. The business identification signs shall not contain wording and colours that are distracting or otherwise inconsistent with road safety. Full details are to be submitted with the required Construction Certificate application.
45. The design of the proposal is to be amended so to incorporate grease arrestors to each of the retail and/or food and drink premises. Additionally, appropriate service ducting/voids are to be incorporated into the design to allow the future installation of mechanical ventilation to all of the proposed retail and/or food and drink premises. Full details are to be submitted with the required Construction Certificate application.
46. All proposed dwellings are to be provided with the required individual storage volume via a combination of internal and external storage in accordance with the provisions of the Apartment Design Guide. All dwellings which are reliant on storage cages for all or part of their storage volume are to be allocated specific storage cages in association with their dwelling entitlement. Full details are to be submitted with the required Construction Certificate demonstrating and certifying that all dwellings have their required storage volume and that any associated storage cages are allocated to the respective dwellings on the submitted plans.

47. An integrated Crime Prevention Through Environmental Design plan being developed in association with the proposed development including the provision of a CCTV and signage strategy to ensure the CPTED principles are addressed and measures implemented. The CCTV system should cover at least all car parking areas, back of house walkways, loading/service bays, driveway crossings, lobby areas, the external public walkways and the internal pedestrian promenade area. Full details are to be submitted with the required Construction Certificate application.
48. In accordance with the terms and conditions of the Competition Waiver Agreement the applicant shall obtain written approval from the Design Excellence Panel prior to the release of any Construction Certificates or tender documentation for the project.
49. A public art feature is to be designed for the site in consultation with Newcastle City Council. The public artwork is to have a minimum value of 1% (**\$1,101,377.53**) of the capital cost of the development. The final details of all artworks within the site and associated costing are to be submitted to Council's Public Art Reference Group for written approval prior to the issue of any Construction Certificate, the written approval be obtained prior to the commencement of above-ground works/ground level slabs and the approved artwork(s) be installed prior to the use of the first Occupation Certificate.

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

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

50. The proposed remediation work being carried out in accordance with the requirements set out in the submitted Remedial Action Plan (RAP) prepared by Douglas Partners dated 29 April 2022 and the conditions of this consent. No bioremediation of excavated soils is to be undertaken on the site.
51. A validation and monitoring report being prepared by an appropriately qualified consultant in accordance with NSW EPA Guidelines for Consultants Reporting on Contaminated Sites certifying the land is suitable for the intended use and submitted to the principal certifying authority and Council prior to commencement of any other earthworks on site.
52. The development is to be completed in accordance with the recommendations of the Heritage Impact Statement (HIS) prepared by Heritas (19/10/2021).
53. Before any works commence on site, all contractors and subcontractors shall undergo an induction session, delivered by a suitably qualified heritage consultant, highlighting the historical significance of the site, and in particular those building elements and archaeology requiring conservation.
54. A full archival photographic record is to be undertaken of the Dairy Farmers building, including interiors, prior to any works commencing on the site. The archival recording is to be in accordance with the requirements of:
 - a) The NSW Heritage Office publication "How to Prepare Archival Records of Heritage items" (1998);
 - b) The Department of Planning's "Recording Places of Cultural Significance" (1991)
 - c) The NSW Heritage Office publication "Photographic Recording of Heritage Items Using Film or Digital Capture" (2006).

The record is to be submitted to Council and written approval of Council's Heritage Advisor obtained prior to any works commencing on site.

55. A schedule of conservation works is to be prepared for the retained heritage clock tower

by a suitably qualified heritage architect and written approval of Council's Heritage Advisor obtained prior to any works commencing on site.

56. A Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries, is to be submitted to the Principal Certifier before construction is commenced.
57. A survey certificate prepared by a Registered Surveyor is to be submitted to the Principal Certifier upon completion of the floor slab formwork, before concrete is poured, to ensure that the siting of the building in relation to adjacent boundaries is in accordance with the development consent.
58. Certification is to be prepared by a Registered Surveyor and submitted to the Principal Certifier 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.
 - c) When the roof has been completed, confirming that the building does not exceed the approved level of 101.1 metres AHD.
59. The developer is to comply with all requirements of the telecommunications authority regarding the connection of telephone services including:
 - a) The payment of any required cash contribution towards the provision of underground or aerial reticulation cabling or internal block cabling.
 - b) Consultation with the NBN. Where the development will result in an additional connection to the network, the design and construction of the works must comply with the current National Broadband Network (NBN) standards. Development in an area affected by the publicly announced rollout maps by the NBN must be registered, with the NBN via their website.

Written evidence of consultation shall be submitted to the Principal Certifier before the commencement of work.

60. Prior to commencement of site works, the developer is to submit to the City of Newcastle, for approval, a Construction Traffic Management Plan, addressing traffic control measures to be implemented in the public road reserve during the construction phase.
61. The Construction Traffic Management Plan is to be prepared by a Roads & Maritime Services accredited person with a *Design and Audit Traffic Control Plans Certificate* in accordance with *Australian Standard 1742.3:2009 - Manual of uniform traffic devices - traffic control for works on roads*. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.
62. The swimming pool surrounds and/or paving is to be constructed in a manner so as to ensure water from the pool overflow does not discharge onto neighbouring properties. All backwash/pool waste water is to be piped/drained to the sewer of Hunter Water Corporation in accordance with the requirements of Hunter Water Corporation.
63. Pool plant and equipment is to be sited or enclosed in a sound absorbing enclosure to prevent any offensive noise (as defined under the *Protection of the Environment Operations Act 1997*) impacts to adjoining neighbours.
64. Any excavated material to be removed from the site is to be assessed and classified in accordance with the NSW Environment Protection Authority's '*Waste Classification Guidelines Part 1: Classifying Waste*' and be transported and disposed of in accordance

with the provisions of the *Protection Of The Environment Operations Act 1997* and the *Protection Of The Environment (Waste) Regulation 2014*.

65. 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*.
66. 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 Newcastle City Council officers or the Principal Certifier on request.
67. The development being carried out in accordance with the details set out in the Acid Sulfate Soil Management Plan prepared by Douglas Partners dated May 2022. On site neutralisation of soils is to be limited to progressive treatment of soils immediately adjacent to the excavation as the material is excavated (i.e. treated within 4 hours of excavation).
68. Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Muller Acoustic Consulting, dated October 2021. 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 Certifier and Newcastle City Council prior to the issue of an Occupation Certificate.

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

69. Any waste containers used in association with the proposed demolition are to be located on the site where possible.

Note: Where this is not feasible, an application is to be made for the approval to position the container on the adjacent public road in accordance with the Council's adopted Building Waste Container Policy.

70. Any demolition/waste building materials that are not suitable for recycling are to be disposed of at City of Newcastle's Summerhill Waste Management Facility or other approved site.
71. 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 is to 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.
72. An application is to be made to and approved by the City of Newcastle for the erection of a hoarding or part closure of the footway prior to construction being commenced. Such overhead structure or protective fence is to comply with the *Work Health and Safety Act 2011*, *Work Health and Safety Regulation 2011* and any relevant approved industry code of practice. Notice of intention of commencement is to be given to SafeWork NSW.
73. The work site is to be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
74. A rigid and durable sign is to be erected in a prominent position on any site on which

building work, subdivision work or demolition work is being carried out, before the commencement of the work:

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

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

Note: This does not apply in relation to building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

75. Building work must be carried out in accordance with the requirements of the Building Code of Australia.
76. All excavations and backfilling are to be executed safely and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.
77. All building materials, plant and equipment is to be placed on the site of the development, to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves, including the road reserve, is not permitted.
78. 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.
79. 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.

The sign can be obtained by presenting your development application receipt at City of Newcastle's Customer Enquiry Centre, Wallsend Library or the Master Builders Association Newcastle.

80. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:
 - a) Control over discharge of stormwater and containment of run-off and pollutants leaving the site is to 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; and
 - b) 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.

81. Prior to the commencement of work, a 3.0m 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 or soil is not to be stockpiled on the all-weather vehicle access.
82. All necessary measures are to be undertaken to control dust pollution from the site. These measures are to include, but are not limited to:
 - a) Restricting topsoil removal;
 - b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion);
 - c) Alter or cease construction work during periods of high wind; and
 - d) Erect green or black shadecloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.
83. Where the proposed development involves the destruction or disturbance of any survey monuments, those monuments affected are to be relocated, at no cost to the City of Newcastle, by a Surveyor registered under the *Surveying and Spatial Information Act 2002*.
84. All external items of air conditioning plant are to be screened or positioned in such a manner as to not detract from the visual presentation of the building.
85. Toilet facilities are to be available or provided at the work site before works begin and be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet is to:

- a) Be a standard flushing toilet connected to a public sewer, or
 - b) Have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - c) Be a temporary chemical closet approved under the *Local Government Act 1993*.
86. 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 the Council and to the demolisher prior to commencement of work.
 87. If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil are to be provided.
 88. All roof and surface waters are to be conveyed to the street gutter by way of a sealed pipe system, extending through the footway to Council's requirements, in accordance with Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012.
 89. 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.

90. Building demolition is to be planned and carried out in accordance with *Australian Standard 2601:2001 - The Demolition of Structures*.
91. Demolition works are to be undertaken 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 required 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 authorised Council's officers upon request;
 - d) Seven working days' notice in writing is to be given to the Council and the owners/occupiers of neighbouring premises prior to the commencement of any demolition work. 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 also to include City of Newcastle's contact telephone number (4974 2000) and the SafeWork NSW telephone number (4921 2900); 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.
92. The demolisher is to ensure that all services (i.e. water, telecommunications, gas, electricity, sewerage etc), are disconnected in accordance with the relevant authority's requirements prior to demolition.
93. All demolition material incapable of being re-used in future redevelopment of the site is to be removed from the site and the site being cleared and levelled.

Note: Where reusable building materials are to be stored on site for use in future building works, such materials are to be neatly stacked at least 150 mm above the ground.
94. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
95. Waste management is to be implemented in accordance with the approved Waste Management Plan. At a minimum, the following measures are to be implemented during the construction phase:
 - a) A waste container of at least one cubic metre capacity is to be provided, maintained and regularly serviced from the commencement of operations until the completion of the building, for the reception and storage of waste generated by the construction of the building and associated waste;

- b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets;
- c) Provision is to be made to prevent windblown rubbish leaving the site; and
- d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

Note: Fines may be issued for pollution/littering offences under the *Protection of the Environment Operations Act 1997*.

- 96. 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.

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

- 97. The whole of the land Lot 2 DP 126, Lot 1 DP 342675, Lot 1 DP 395367, Lot 2 DP 445736, Lot 1 DP 456088, Lot 1 & 2 DP 1091173, 924 Hunter Street, Newcastle West is to be consolidated into a single title and documentary evidence of the lodgement for registration of a survey plan of consolidation with NSW Land Registry Services is to be submitted to the City of Newcastle prior to the issuing of an Occupation Certificate for the proposed development.

- 98. A design verification statement from a qualified designer shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate, whichever occurs first. The statement shall confirm the development has been constructed in accordance with the quality principles set out in Part 2 of State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development.

Note: 'Qualified Designer' means a person registered as an architect in accordance with the Architects Act 2003. This condition is imposed in accordance with Section 43 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

- 99. Before the issue of an Occupation Certificate, the applicant must ensure any public infrastructure (including all public footways, footpaving, kerbs, gutters and road pavement) damaged during the works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) are to be immediately fully repaired following the damage, to a condition that provides for safe use by pedestrians and vehicles, to the written satisfaction of Council, and at no cost to Council. Full restoration of the damage is to be carried out to Council satisfaction prior to the completion of demolition work or prior to the issue of any Occupation Certificate in respect of development involving building work.

Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

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

- 101. 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 Certifier 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.

102. The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.
103. A Landscape Practical Completion Report is to be submitted to the Principal Certifier prior to the issue of an 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.
104. All commitments listed in the relevant BASIX certificate for:
 - a) BASIX development,
 - b) BASIX optional development, if the development application was accompanied by a BASIX certificate.are to be satisfactorily completed prior to the issue of an Occupation Certificate.

Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to the Newcastle City Council with Occupation Certificate documentation.

105. Any redundant existing vehicular crossing is to be removed at no cost to Council. The road reserve and kerb being restored to, Council's satisfaction, to match the existing infrastructure. All Road Works is to be completed prior to the issuing of a Final Occupation Certificate for the proposed development.
106. The premises are to be identified by the provision of house and street numbers on the building exterior and mailbox, respectively, such that they are clearly visible from the road frontage.

The minimum numeral heights are to be:

- a) Exterior of the building = 75mm and
 - b) Group mailbox - street number = 150mm
- house number = 50mm
107. On-site car parking accommodation is to be provided for a minimum of 237 car spaces (includes 197 car spaces for residential units inclusive of the provision of 2 disabled spaces on the Upper Ground Level as part of an amended design), 156 secured bicycle spaces (Class 2), 16 Bicycle spaces within the public plaza and 10 motorbikes parking spaces are to be provided. On site car parking accommodation for the 40 commercial/residential visitor parking spaces is to be provided with the 19 stacked parking spaces to be allocated to commercial/retail units and the remaining 21 ground floor car parking spaces to be used as commercial/residential visitor parking. The parking is to be set out generally in accordance with the details indicated on the submitted plans except as otherwise provided by the conditions of consent prior to the release of any Occupation Certificate and the occupation of any premises/dwelling.
 108. A public right of carriageway is to be created over the publicly accessible private footway, immediately adjoining Council footpath along Railway St and Tighe St, which is designed and will be perceived as a part of the public footpath. A detailed survey plan is to be submitted with an accompanying Subdivision Certificate Application for Council certification and such plan is to be registered with the NSW Government Land & Property Information prior to issue of any Occupation Certificate or Subdivision Certificate,

whichever occurs first.

109. A Green Travel Plan for the development is to be prepared and implemented prior to occupation of the development. The Green Travel Plan is to be in accordance with Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012.
110. A Maintenance Manual for all water quality devices is to be prepared in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). The Maintenance Manual is to address maintenance issues concerning the water quality devices including routine monitoring and regular maintenance and be kept on site at all times. Establishment and maintenance of the water quality devices in accordance with the Maintenance Manual prepared by the applicant is to be completed prior to occupation of this site for the intended use.
111. An interpretation plan is to be prepared by an experienced heritage interpretation practitioner and submitted with the documentation for a Construction Certificate. The Interpretation Plan shall be in accordance with the Heritage Council's "Interpreting Heritage Places and Items Guidelines" (2005). The plan must interpret the multiple uses and history of the site, including promotion of the Aboriginal cultural heritage values of the study area, in a way that is engaging, informative and readily accessible to the majority of visitors. Written approval from Council's Heritage Officer is to be obtained prior to the issue of a Construction Certificate. The Heritage Interpretation Plan is to be implemented on the site to the written approval of Council's Heritage Advisor prior to the issue of an Occupation Certificate.
112. A public art feature is to be designed for the site in consultation with Newcastle City Council. The public artwork is to have a minimum value of 1% **(\$1,101,377.53)** of the capital cost of the development. The final details of all artworks within the site and associated costing are to be submitted to Council's Public Art Reference Group for written approval prior to the issue of any Construction Certificate, the written approval be obtained prior to the commencement of above-ground works/ground level slabs and the approved artwork(s) be installed prior to the use of the first Occupation Certificate.

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

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

113. The driveway crossing, parking areas, publicly accessible areas including the Public Domain Laneway and stormwater management system are to be properly maintained for the life of the development.
114. Any illumination of the signs are to be limited to the hours between 7am to 10pm only.
115. No goods or advertising signs are to be displayed or allowed to stand on the public footpath or street.
116. A Landscape Establishment Report is to be submitted to the City of Newcastle following completion of a twelve month maintenance period, verifying that satisfactory maintenance of the landscape works has been undertaken and any necessary rectification measures have been carried out.
117. The signs are to meet the criteria contained in Section 3.3.3 Illumination and reflectance of the *Department of Planning's Transport Corridor Outdoor Advertising and Signage (November 2017)*.

118. Any illumination (internal or external) of the signs is to limited to between the hours 7.00am to 10.00pm.
119. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.
120. The hours of operation or trading of the premises are to be not more than:

DAY	START	FINISH
Monday	7am	6pm
Tuesday	7am	6pm
Wednesday	7am	6pm
Thursday	7am	6pm
Friday	7am	6pm
Saturday	7am	6pm
Sunday	7am	6pm

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

121. The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997*.

Should City of Newcastle consider that 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 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, verifying that the recommended acoustic measures have been satisfactorily implemented, will be required to be submitted to City of Newcastle prior to the expiration of the nominated period.

122. The use and occupation of the premises is not to give rise to the emission of any 'air impurity' as defined under the *Protection of the Environment Operations Act 1997*, that interferes unreasonably with the amenity of neighbouring premises and/or other sensitive receivers.

Should City of Newcastle 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 emission of air impurities to an acceptable level and such measures will be required to be implemented within a nominated time period. Furthermore, written certification from the suitably qualified consultant will be required to be submitted to City of Newcastle, 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.

123. Any liquid wastes from the premises, other than stormwater are to be either discharged to the sewers of the Hunter Water Corporation in accordance with an approved Trade Waste Agreement or collected and disposed of by a licensed waste transport contractor in accordance with the Department of Environment and Climate Change 'Waste Classification Guidelines Part 1: Classifying Waste'.
124. 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.
125. Appropriate arrangements being made for the collection of garbage (recyclable and non-

recyclable) from within the development and such arrangements being in place prior to the occupation of the premise the subject of this development application. Under no circumstances are garbage bins to be presented to the Streets for kerbside collection.

ADVISORY MATTERS

- A separate development application is to be submitted to and approved by the City of Newcastle in respect of any specific proposed use of the office premises, retail premises, food and drink premises or portion of the premises prior to occupation.
- No outdoor seating associated with retail or food and drink premises is approved as part of this application and separate approval is to be obtained at the same time as specific consent is sought for those premises.

Note: This does not apply to the general bench style public seating that is integrated into the approved landscape plan.

- The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Note: Heritage NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.gov.au. A 'relic' is any deposit, object or material evidence that relates to the settlement of New South Wales, not being Aboriginal settlement, and is of State or local significance. It is an offence under the provisions of the Heritage Act 1977 (NSW) for a person to disturb or excavate any land upon which the person has discovered a relic except in accordance with a gazetted exemption or an excavation permit issued by the Heritage Council of NSW.

- Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the National Parks and Wildlife Act 1974. Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the National Parks and Wildlife Act 1974.
- Development applications are not assessed against the provisions of the National Construction Code. An application to modify the application under the *Environmental Planning and Assessment Act 1979* will be required if design amendments that cause the proposal to be inconsistent with the development consent are necessary to comply with the provisions of the Building Code of Australia.
- The owner of the premises on which a swimming pool/spa is situated is to ensure that the pool details are entered into the *State Swimming Pool Register*. The register is accessible at www.swimmingpoolregister.nsw.gov.au.
- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of the City of Newcastle and any other relevant authorities. City of Newcastle and other service authorities should be contacted for specific requirements prior to the commencement of any works.

- Prior to commencing any building works, the following provisions of Division 6.2 of the Environmental Planning and Assessment Act 1979 are to be complied with:
 - a) A Construction Certificate is to be obtained; and
 - b) A Principal Certifier is to be appointed for the building works and Newcastle City Council is to be notified of the appointment; and
 - c) Newcastle City Council is to be given at least two days notice of the date intended for commencement of building works.
- 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 are to describe the extent, capability and basis of design of each of the measures.
- 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 Certifier appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Section 37 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (NSW).
- 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 Fire and Rescue NSW and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- An annual Fire Safety Statement in the form described in Section 88 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (NSW) is to be submitted to Newcastle City Council and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice (i.e. 'on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979*, which may be subject to a penalty infringement notice (i.e. 'on-the-spot fine') or prosecution.
- Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required from any adjoining owner under the provisions of the *Dividing Fences Act 1991*.

END OF CONDITIONS

SCHEDULE 2

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

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

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

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