



Application number	DA2023/00419
Land	Lot 31-32 DP 864001 Lots A & B DP 388647 Lot 1 DP 77846 Lots 96, 98 & 100 DP 1098095 Lot 1 & 2 DP331535 Lot 1 DP 723967 Lot 1 DP 819134
Property	105, 109, 111 & 121 Hunter St Newcastle 3 Morgan St Newcastle 22 Newcomen St Newcastle 66-74 King St Newcastle
Description of development	Demolition of existing buildings and erection of a five-building mixed use development, consisting of shop top housing, commercial premises, and a residential flat building with 195 dwellings, 304 parking spaces and stratum and strata subdivision

Reasons for approval

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being the *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 and Newcastle Development Control Plan 2023.
- 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.
- The City of Newcastle has considered and accepted the proposed development standard variation made under Clause 4.3 (Height of building) of the *Newcastle Local Environmental Plan 2012*. The proposed variations are considered acceptable in the particular circumstances of this case.
- The proposed development is consistent with the Concept Development Consent DA2017/00701 as modified.

Terms and Reasons for Conditions

GENERAL CONDITIONS

Condition

1. Approved plans and 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.

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
DA-PR-0100	5	SITE PLAN	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0101	6	GROUND PLAN	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0102	3	SITE ANALYSIS	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-0251	D	DEMOLITION PLAN - 3N&3S - GROUND LEVEL	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-0252	E	DEMOLITION PLAN - 3N&3S - LEVEL 1	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-0253	D	DEMOLITION PLAN - 3N&3S - LEVEL 2	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-0254	D	DEMOLITION PLAN - 3N&3S - ROOF PLAN	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-0271	E	DEMOLITION ELEVATION - NORTH AND EAST	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-0272	D	DEMOLITION ELEVATION - SOUTH ELEVATION	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-0251	2	DEMOLITION/RETENTION - 4N - LOWER GROUND	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-0252	2	DEMOLITION/RETENTION - 4N - LEVEL 01	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024

DA-4N-0253	2	DEMOLITION/RETENTION - 4N - LEVEL 02	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-0254	2	DEMOLITION/RETENTION - 4N - LEVEL 05	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-0271	2	DEMOLITION/RETENTION - 4N - NORTH ELEVATION	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-0272	2	DEMOLITION/RETENTION - 4N - WEST ELEVATION	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-0273	2	DEMOLITION/RETENTION - 4N - EAST ELEVATION	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0251	4	DEMOLITION/RETENTION - PRECINCT - OVERALL PLAN	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0301	10	FLOOR PLAN - PRECINCT - BASEMENT 03	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0302	10	FLOOR PLAN - PRECINCT - BASEMENT 02	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0303	10	FLOOR PLAN - PRECINCT - BASEMENT 01	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0304	11	FLOOR PLAN - PRECINCT - GROUND - (HUNTER ST GROUND)	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0305	9	FLOOR PLAN - PRECINCT - LEVEL 01	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0306	9	FLOOR PLAN - PRECINCT - LEVEL 02	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0307	9	FLOOR PLAN - PRECINCT - LEVEL 03	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0308	9	FLOOR PLAN - PRECINCT - LEVEL 04 - (3N ROOF)	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0309	9	FLOOR PLAN - PRECINCT - LEVEL 05 - (KING ST GROUND)	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0310	9	FLOOR PLAN - PRECINCT - LEVEL 06	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024

DA-PR-0311	9	FLOOR PLAN - PRECINCT - LEVEL 07	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0312	9	FLOOR PLAN - PRECINCT - LEVEL 08 (3W ROOF)	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0313	9	FLOOR PLAN - PRECINCT - LEVEL 09(4N ROOF)	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0314	9	FLOOR PLAN - PRECINCT - LEVEL 10	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0315	9	FLOOR PLAN - PRECINCT - LEVEL 11 - (3S ROOF)	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0316	9	FLOOR PLAN - PRECINCT - LEVEL 12	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0317	8	FLOOR PLAN - PRECINCT - LEVEL 13 - (4S ROOF)	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0351	9	OVERALL ELEVATIONS - PRECINCT - NORTH	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0352	9	OVERALL ELEVATIONS - PRECINCT - SOUTH	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0353	9	OVERALL ELEVATIONS - PRECINCT - EAST	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0354	9	OVERALL ELEVATIONS - PRECINCT - WEST	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0361	9	OVERALL ELEVATIONS - PRECINCT - SHEET 1	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0362	9	OVERALL ELEVATIONS - PRECINCT - SHEET 2	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0363	7	OVERALL ELEVATIONS - PRECINCT - SHEET 3	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0364	7	OVERALL ELEVATIONS - PRECINCT - SHEET 4	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-0365	6	OVERALL ELEVATIONS - PRECINCT - SHEET 6	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024

DA-PR-0901	2	STORAGE SCHEDULES	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1001	6	FLOOR PLAN - 3N&3S - BASEMENT 03	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1002	7	FLOOR PLAN - 3N&3S - BASEMENT 02	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1003	6	FLOOR PLAN - 3N&3S - BASEMENT 01	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1004	G	FLOOR PLAN - 3N&3S - GROUND	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1005	G	FLOOR PLAN - 3N&3S - LOADING LEVEL PLAN	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1006	G	FLOOR PLAN - 3N&3S - LEVEL 1 PLAN	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1007	G	FLOOR PLAN - 3N&3S - LEVEL 2 PLAN	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1008	G	FLOOR PLAN - 3N&3S - LEVEL 3 PLAN	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1009	G	FLOOR PLAN - 3N&3S - LEVEL 4 PLAN	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1010	G	FLOOR PLAN - 3N&3S - LEVEL 5 PLAN	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1011	G	FLOOR PLAN - 3N&3S - LEVEL 6 PLAN	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1012	G	FLOOR PLAN - 3N&3S - LEVEL 7 PLAN	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1013	G	FLOOR PLAN - 3N&3S - LEVEL 8 PLAN	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1014	G	FLOOR PLAN - 3N&3S - LEVEL 9 PLAN	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1015	G	FLOOR PLAN - 3N&3S - LEVEL 10 PLAN	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024

DA-3N&3S-1016	D	FLOOR PLAN - 3N&3S - LEVEL 10 MEZZANINE PLAN	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1017	G	FLOOR PLAN - 3N&3S - LEVEL 11 PLANT ROOM	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1018	G	FLOOR PLAN - 3N&3S - ROOF PLAN	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3W-1001	6	FLOOR PLAN - 3W - BASEMENT 03	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3W-1002	7	FLOOR PLAN - 3W - BASEMENT 02	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3W-1003	6	FLOOR PLAN - 3W - BASEMENT 01	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3W-1004	6	FLOOR PLAN - 3W - GROUND	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3W-1005	6	FLOOR PLAN - 3W - LEVEL 01	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3W-1006	6	FLOOR PLAN - 3W - LEVEL 02	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3W-1007	6	FLOOR PLAN - 3W - LEVEL 03	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3W-1008	6	FLOOR PLAN - 3W - LEVEL 04	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3W-1009	6	FLOOR PLAN - 3W - LEVEL 05	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3W-1010	6	FLOOR PLAN - 3W - LEVEL 06	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3W-1011	6	FLOOR PLAN - 3W - LEVEL 07	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3W-1012	5	FLOOR PLAN - 3W - ROOF	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-1001	6	FLOOR PLAN - 4N - GROUND	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024

DA-4N-1002	6	FLOOR PLAN - 4N - LEVEL 01	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-1003	6	FLOOR PLAN - 4N - LEVEL 02	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-1004	6	FLOOR PLAN - 4N - LEVEL 03	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-1005	6	FLOOR PLAN - 4N - LEVEL 04	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-1006	6	FLOOR PLAN - 4N - LEVEL 05	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-1007	7	FLOOR PLAN - 4N - LEVEL 06	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-1008	7	FLOOR PLAN - 4N - LEVEL 07	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-1009	7	FLOOR PLAN - 4N - LEVEL 08	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-1010	6	FLOOR PLAN - 4N - ROOF	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-1001	11	FLOOR PLAN - 4S - BASEMENT 03	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-1002	14	FLOOR PLAN - 4S - BASEMENT 02	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-1003	15	FLOOR PLAN - 4S - BASEMENT 01	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-1004	12	FLOOR PLAN - 4S - LOWER GROUND	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-1005	12	FLOOR PLAN - 4S - UPPER GROUND	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-1006	12	FLOOR PLAN - 4S - LEVEL 01	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-1007	12	FLOOR PLAN - 4S - LEVEL 02 (KING STREET)	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024

DA-4S-1008	12	FLOOR PLAN - 4S - LEVEL 03	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-1009	11	FLOOR PLAN - 4S - LEVEL 04	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-1010	12	FLOOR PLAN - 4S - LEVEL 05	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-1011	12	FLOOR PLAN - 4S - LEVEL 06	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-1012	12	FLOOR PLAN - 4S - LEVEL 07	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-1013	12	FLOOR PLAN - 4S - LEVEL 08	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-1014	12	FLOOR PLAN - 4S - LEVEL 09	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-1015	11	FLOOR PLAN - 4S - ROOF	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1401	F	ELEVATIONS - 3N&3S - NORTH	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1402	F	ELEVATIONS - 3N&3S - SOUTH	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1403	F	ELEVATIONS - 3N&3S - EAST	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1404	F	ELEVATIONS - 3N&3S - WEST	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1405	F	ELEVATIONS - 3N&3S - LANEWAY NORTH ELEVATION	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1406	F	ELEVATIONS - 3N&3S - LANEWAY SOUTH ELEVATION	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3W-1401	4	ELEVATIONS - 3W - NORTH	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3W-1402	4	ELEVATIONS - 3W - SOUTH	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024

DA-3W-1403	5	ELEVATIONS - 3W - EAST	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3W-1404	4	ELEVATIONS - 3W - WEST	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-1401	5	ELEVATIONS - 4N - NORTH	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-1402	4	ELEVATIONS - 4N - EAST	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-1403	5	ELEVATIONS - 4N - EAST SECTIONAL	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-1404	5	ELEVATIONS - 4N - SOUTH	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-1405	5	ELEVATIONS - 4N - WEST	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-1406	4	ELEVATIONS - 4N - WEST SECTIONAL	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-1401	8	ELEVATIONS - 4S - SHEET 1	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-1402	7	ELEVATIONS - 4S - SHEET 2	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-1403	7	ELEVATIONS - 4S - SHEET 3	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-1404	7	ELEVATIONS - 4S - SHEET 4	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1501	F	SECTIONS - 3N&3S - BUILDING SECTION A	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1502	E	SECTIONS - 3N&3S - BUILDING SECTION B	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1503	F	SECTIONS - 3N&3S - BUILDING SECTION C	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-1504	C	SECTIONS - 3N&3S - BUILDING SECTION D	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024

DA-3W-1501	5	SECTIONS - 3W - BUILDING SECTION A	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3W-1502	5	SECTIONS - 3W - BUILDING SECTION B	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-1501	4	SECTIONS - 4N - BUILDING SECTION A	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-1502	3	SECTIONS - 4N - BUILDING SECTION B	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-1501	7	SECTIONS - 4S - SHEET 01	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-1502	8	SECTIONS - 4S - SHEET 02	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-1503	5	SECTIONS - 4S - SHEET 03	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-4051	E	ADAPTABLE APARTMENT TYPES - 3N&3S - SHEET 1	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-4052	E	ADAPTABLE APARTMENT TYPES - 3N&3S - SHEET 2	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3W-4052	3	ADAPTABLE APARTMENT - 3W 06.02	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3W-4053	3	ADAPTABLE APARTMENT - 3W 07.01	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3W-4054	4	ADAPTABLE APARTMENT - 3W 07.05	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-4051	5	FLOOR PLAN -4N - 5.01	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-4052	5	FLOOR PLAN - 4N - 5.01	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-4053	4	FLOOR PLAN - 4N - 7.01	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-4056	3	FLOOR PLAN - 4N - 1.01	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024

DA-4S-4051	5	ADAPTABLE APARTMENT TYPE 1	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-4052	5	ADAPTABLE APARTMENT TYPE 2	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-4053	5	ADAPTABLE APARTMENT TYPE 3	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-4054	5	ADAPTABLE APARTMENT TYPE 3	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-4055	5	ADAPTABLE APARTMENT TYPE 4	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-4056	5	ADAPTABLE APARTMENT TYPE 4	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-4057	5	ADAPTABLE APARTMENT TYPE 5	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-4058	5	ADAPTABLE APARTMENT TYPE 5	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-4059	5	ADAPTABLE APARTMENT TYPE 6	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-4060	5	ADAPTABLE APARTMENT TYPE 6	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-8011	3	KING STREET LEVELS	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-8012	3	LOADING DOCK ENTRY	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3N&3S-9001	E	MATERIAL SCHEDULE - 3N&3S	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-3W-9001	4	MATERIAL SCHEDULE - 3W	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4N-9001	4	MATERIAL SCHEDULE - 4N	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-4S-9001	5	MATERIAL SCHEDULE - 4S	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024

DA-PR-9100	4	PUBLIC SPACE AWNING	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-9201	2	SIGNAGE PLAN	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-9202	2	SIGNAGE OVERALL ELEVATIONS	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
DA-PR-9203	2	SIGNAGE TYPICAL DETAILS	SJB Architects, Durbach Block Jaggers, and Curious Practice	15/10/2024
L-PD-000	I	Cover Sheet	Cola Studio	16/10/2024
L-PD-010	H	Schedules & Site Calculations	Cola Studio	29/11/2023
L-PD-099	I	Masterplan	Cola Studio	16/10/2024
L-PD-100	I	General Arrangement Plan Public Domain 3W	Cola Studio	16/10/2024
L-PD-101	I	General Arrangement Plan Public Domain 3E	Cola Studio	16/10/2024
L-PD-102	I	General Arrangement Plan Public Domain 4N	Cola Studio	16/10/2024
L-PD-103	I	General Arrangement Plan Public Domain 4S	Cola Studio	16/10/2024
L-PD-110	I	General Arrangement Plan Public Domain Awning	Cola Studio	16/10/2024
L-PD-400	I	Planting Plan Public Domain 3W	Cola Studio	16/10/2024
L-PD-401	I	Planting Plan Public Domain 3E	Cola Studio	16/10/2024
L-PD-402	I	Planting Plan Public Domain 4N	Cola Studio	16/10/2024
L-PD-403	I	Planting Plan Public Domain 4S	Cola Studio	16/10/2024
L-PD-410	I	Planting Plan Public Domain Awning	Cola Studio	16/10/2024
L-PD-500	H	Landscape Sections	Cola Studio	29/11/2023
L-PD-501	H	Landscape Sections	Cola Studio	29/11/2023

L-S3-000	G	Cover Sheet	Cola Studio	29/11/2023
L-S3-010	G	Schedules & Site Calculations	Cola Studio	29/11/2023
L-3W-100	G	General Arrangement Plan 3W Roof	Cola Studio	29/11/2023
L-3E-100	G	General Arrangement Plan 3E Level 2	Cola Studio	29/11/2023
L-3E-101	G	General Arrangement Plan 3E Level 4	Cola Design	29/11/2023
L-3W-400	G	Planting Plan 3W Roof	Cola Design	29/11/2023
L-3E-401	G	Planting Plan 3E Level 2	Cola Design	29/11/2023
L-3E-402	G	Planting Plan 3E Level 4	Cola Design	29/11/2023
L-S3-500	G	Landscape Sections	Cola Design	27/11/2023
L-S3-501	G	Landscape Sections	Cola Design	29/11/2023
L-S4-000	G	Cover Sheet	Cola Design	17/11/2023
L-S4-010	G	Schedules & Site Calculations	Cola Design	17/11/2023
L-4N-100	G	General Arrangement Plan 4N GF	Cola Design	17/11/2023
L-4N-101	G	General Arrangement Plan 4N L1	Cola Design	17/11/2023
L-4N-102	G	General Arrangement Plan 4N L4	Cola Design	17/11/2023
L-4N-103	G	General Arrangement Plan 4N L5	Cola Design	17/11/2023
L-4N-104	G	General Arrangement Plan 4N L6	Cola Design	17/11/2023
L-4N-105	G	General Arrangement Plan 4N L8	Cola Design	17/11/2023
L-4N-106	G	General Arrangement Plan 4N L9	Cola Design	17/11/2023
L-4N-400	G	Planting Plan 4N GF	Cola Design	17/11/2023
L-4N-401	G	Planting Plan 4N L1	Cola Design	17/11/2023
L-4N-402	G	Planting Plan 4N L4	Cola Design	17/11/2023
L-4N-403	G	Planting Plan 4N L5	Cola Design	17/11/2023

L-4N-404	G	Planting Plan 4N L6	Cola Design	17/11/2023
L-4N-405	G	Planting Plan 4N L8	Cola Design	17/11/2023
L-4N-406	G	Planting Plan 4N L9	Cola Design	17/11/2023
L-4S-100	G	General Arrangement Plan 4S LG	Cola Design	17/11/2023
L-4S-101	G	General Arrangement Plan	Cola Design	17/11/2023
L-4S-102	G	General Arrangement Plan	Cola Design	17/11/2023
L-4S-103	G	General Arrangement Plan 4S L2 King Street	Cola Design	17/11/2023
L-4S-104	G	General Arrangement Plan 4S L3	Cola Design	17/11/2023
L-4S-105	G	General Arrangement Plan 4S L4	Cola Design	17/11/2023
L-4S-106	G	General Arrangement Plan 4S L8	Cola Design	17/11/2023
L-4S-107	G	General Arrangement Plan 4S L9	Cola Design	17/11/2023
L-4S-400	G	Planting Plan 4S LG	Cola Design	17/11/2023
L-4S-401	G	Planting Plan 4S UG	Cola Design	17/11/2023
L-4S-402	G	Planting Plan 4S L1	Cola Design	17/11/2023
L-4S-403	G	Planting Plan 4S L2 King Street	Cola Design	17/11/2023
L-4S-404	G	Planting Plan 4S L3	Cola Design	17/11/2023
L-4S-405	G	Planting Plan 4S L4	Cola Design	17/11/2023
L-4S-406	G	Planting Plan 4S L8	Cola Design	17/11/2023
L-4S-407	G	Planting Plan 4S L9	Cola Design	17/11/2023
L-4N-500	G	Landscape Sections	Cola Design	17/11/2023
L-4N-501	G	Landscape Sections	Cola Design	17/11/2023
L-4N-502	G	Landscape Sections	Cola Design	17/11/2023
L-4N-503	G	Landscape Sections	Cola Design	17/11/2023
L-4S-500	G	Landscape Sections	Cola Design	17/11/2023
L-4S-501	G	Landscape Sections	Cola Design	17/11/2023

L-4S-502	G	Landscape Sections	Cola Design	17/11/2023
C005	B	GENERAL ARRANGEMENT PLAN	Xavier Knight	31/03/2023
C100	B	STORMWATER MANAGEMENT PLAN STAGE 3 BASEMENT 03	Xavier Knight	31/03/2023
C101	B	STORMWATER MANAGEMENT PLAN STAGE 3 BASEMENT 02	Xavier Knight	31/03/2023
C102	B	STORMWATER MANAGEMENT PLAN STAGE 3 BASEMENT 01	Xavier Knight	31/03/2023
C103	B	STORMWATER MANAGEMENT PLAN STAGE 3 GROUND FLOOR PLAN	Xavier Knight	31/03/2023
C104	B	STORMWATER MANAGEMENT PLAN STAGE 4S BASEMENT 03	Xavier Knight	31/03/2023
C105	B	STORMWATER MANAGEMENT PLAN STAGE 4S BASEMENT 02 AND 4N GROUND	Xavier Knight	31/03/2023
C106	B	STORMWATER MANAGEMENT PLAN STAGE 4S BASEMENT 01 AND 4N LEVEL 1	Xavier Knight	31/03/2023
C107	B	STORMWATER MANAGEMENT PLAN STAGE 4S LOWER GROUND	Xavier Knight	31/03/2023
C108	A	STORMWATER MANAGEMENT PLAN STAGE 4S UPPER GROUND	Xavier Knight	31/03/2023
C170	A	MUSIC CATCHMENT PLAN STAGE 3	Xavier Knight	31/03/2023
C171	A	MUSIC CATCHMENT PLAN STAGE 4N	Xavier Knight	31/03/2023
C172	A	MUSIC CATCHMENT PLAN STAGE 4S	Xavier Knight	31/03/2023

C200	A	STORMWATER DETAILS SHEET 01	Xavier Knight	31/03/2023
C201	A	STORMWATER DETAILS SHEET 02	Xavier Knight	31/03/2023
C202	A	STORMWATER DETAILS SHEET 03	Xavier Knight	31/03/2023
C320	A	SEDIMENT & EROSION CONTROL PLAN	Xavier Knight	31/03/2023
C350	A	SEDIMENT & EROSION CONTROL DETAILS	Xavier Knight	31/03/2023
Sheets 1 to 12	Issue A	Draft Stratum Plans proposed Lots 34 & 35 (surveyors reference: 51778 002DP)	LTS Surveyors	31/10/2024
Sheets 1 to 13	Issue A	Draft Stratum Plans proposed Lots 41 & 42 (surveyors reference: 51778 006DP)	LTS Surveyors	31/10/2024
Sheets 1 to 12	Issue A	Draft Strata Plans of proposed Lot 35 (surveyors reference: 51778 004SP)	LTS Surveyors	15/10/2024
Sheets 1 to 15	Issue A	Draft Strata Plans of proposed Lot 42 (surveyors reference: 51778 008SP)	LTS Surveyors	15/10/2024

Approved documents			
Document title	Version number	Prepared by	Date of document
Acoustic Report	6	Renzo Tonn & Associates	21/02/2024
Upstream Catchment Report	A	Xavier Knight	31/03/2023
Newcastle East End Stage 3 & 4 Waste Management Plan	1	MRA Consulting Group	26/04/2023
BASIX Certificate – Stage 3 Building 3W	138603 1M	EPS	10/05/2023

Road Concept Plan	22064-D03-V2	CJP Consulting Engineers	17/04/2024
BASIX Certificate – Stage 3 Bldgs 3E (3S & 3N Civic & Bluebell)	138609 0M	EPS	10/05/2023
Housing SEPP Design Statement	Version 03	SJB Architects, Durbach Block Jaggers, and Curious Practice	14/10/2024
BASIX Certificate – Stage 4 Building 4N (P_02)	138605 3M_02	EPS	10/05/2023
East End Stages 3 & 4 DA Design Report	Version 02	SJB Architects, Durbach Block Jaggers, and Curious Practice	29/10/2024
BASIX Certificate – Stage 4 Building 4S	138607 5M	EPS	10/05/2023
Infrastructure Services Report	A	Xavier Knight	31/03/2023
Facade Retention Plans (Sheet numbers S01 to S33)	D	James Taylor & Associates	11/04/2023
DDN01 Design Development Note Fire Engineering Advice	0	GHD	28/04/2023
Detailed Site Investigation	1	Foundation Earth Sciences	26/04/2023
Landscape Development Application Design Report	-	Cola Studio	04/2023
Preliminary Retention System Design	1	Tetra Tech Coffey	19/03/2023
Visual Impact Assessment	A	Urbis	04/2023
Acid Sulfate Soil Assessment	0	Foundation Earth Sciences	20/04/2023
View Sharing and Visual Impact Assessment	A	Urbis	02/2024
Access Report	1.0	Projected Design Management	4/05/2023
Building Code of Australia 2022 Report	R03	Philip Chun	11.05.2023
Electric Vehicle Charging Requirements	47092	Neuron	21/04/2023

Engineering Services Spatial	2	Neuron	16/12/2022
Traffic & Parking Assessment Report	V2	CJP Consulting Engineers	8/11/2024
East End Stage 3 & 4 Response to RFI (ground anchors structural letter)	-	Xavier Knight	24/01/2024
Designing With Country	-	Dhira	04/2023
Infrastructure Services for Complex Works	0A	Wallace Infrastructure Design	25/01/2023
Historical Archaeological Assessment	V1	Unwelt	9/05/2023
Heritage Impact Statement	03	City Plan	29/10/2023
Aboriginal Cultural Heritage Assessment	2	Unwelt	7/07/2023
Conservation Management Plan	02	City Plan	21/03/2023
Remediation Action Plan	0	Foundation Earth Sciences	18/04/2022
East End Stages 3 & 4 - Heritage Design Response Study	-	SJB, Durbach Block Jagers, Curios Practice dated	08/2024
Stormwater Management Report	A	Xavier Knight	31/03/2023
Substation Chamber Plans Stage 4, No. 5542, (1-4)	B	Power Solutions	28/03/2023
Substation Chamber Plans Stage 3, No. 5541, (1-4)	B	Power Solutions	28/03/2023

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

Condition reason: to ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. General Terms of Approval

The General Terms of Approval from state authorities must be complied with prior to, during, and at the completion of the development. The General Terms of Approval are:

- Subsidence Advisory NSW, ref: TBA24-03267 dated 21 November 2024
- Heritage NSW, ref:DOC23/567110-52 dated 28 August 2023
- WaterNSW, ref: IDAS1152280 dated 23 November 2023

Condition reason: to ensure the requirements of state authorities are complied with under relevant legislation.

3. Development contributions - 7.11 general

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

Description	Contribution (\$)
Transport	\$403,150.05
Open Space and Recreation	\$1,732,423.40
Community Facilities	\$320,485.26
Plan Preparation and Administration	\$61,313.58
TOTAL	\$2,517,372.29

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 Newcastle City Council:

- prior to the issue of the Subdivision Certificate where the development is for subdivision; or
- prior to the issue of the first Construction Certificate where the development is for building work; or
- prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
- prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

Condition reason: to ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

4. Part 8 Division 2 Roads Act 1993 approval required

Separate approval under Part 8 Division 2 of the *Roads Act 1993* for the approved road improvement works within Morgan, Laing and Thorn Streets., is to be obtained prior to the commencement of any works on the site under this consent.

Condition reason: to ensure compliance with the *Roads Act 1993*.

5. **Water Supply Work approval under Water Management Act 2000**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), a Water Supply Work approval under the *Water Management Act 2000* must be obtained from WaterNSW and included in the documentation for the construction certificate application.

Note: the attached General Terms of Approval issued by WaterNSW do not constitute approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for a Water Supply Work approval after consent has been issued by Council and before the commencement of any work or activity.

Condition reason: to ensure the relevant approval from WaterNSW under the *Water Management Act 2000* is obtained before the issue of any construction certificate or commencement of any work or activity

6. **Design excellence**

A process of design integrity is to be established to ensure the approved development retains design excellence through to completion, including the following:

- a) Newcastle City Councils Urban Design Review Panel are to be appointed as the design integrity panel to oversee the development for its duration and are to review, assess and advise on the extent to which design excellence is realised. The program of design review post development consent is to include:
 - i) Prior to the submission of every construction certificate application, but excluding construction certificates related to demolition, retention, or excavation works only, to confirm the detailed design is consistent with design quality as approved
 - ii) Prior to the submission of any application to modify development consent affecting the design, to confirm detailed design is consistent with design quality endorsed as approved
- b) The nominated architects of the approved development are to be retained until the completion of the development (issue of an occupation certificate). In the event the nominated architects need to be replaced, appointment of an alternate architectural firm is to be endorsed by Newcastle City Council's Urban Design Review Panel prior to the replacement of the nominated architect coming into effect. Written notification must be provided to Newcastle City Council and the Registered Certifier upon the endorsement of the newly appointed architect.

Note: meetings of Newcastle City Councils Urban Design Review Panel will be scheduled to meet CN's operational need. The cost of attending a design review meeting will be borne by the applicant. The related fee is that which is applicable for referral to the Newcastle City Councils Urban Design Review Panel outside of the application assessment process (i.e. the prior to submission of application fee) as set out in CN's fees and charges document.

Condition reason: to ensure the approved development retains design excellence through to completion.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition

7. Requirements for final building design

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, the development must be amended as follows:

- a) The Morgan Street loading dock entry width it to be suitably modified to cater for heavy rigid vehicle entry movements from a 3.5m wide carriage in Morgan Street
- b) The provision of two additional residential storage cages located and accessed from within the basement car parking levels servicing Stage 3 (being Building 3 North, Building 3 South, and Building 3 West).
- c) The south facing windows to the combined living/ dining/ kitchen area and 'BED 3' of apartment 3N-01.01, located in Building 3 North, must be redesigned to incorporate the splayed window configuration consistent with the design of the adjacent 'BED 2' window. The configuration of these windows is to redirect views from these windows towards the proposed Market Square, rather than directly towards Building 3 South adjacent.
- d) The south facing windows to the combined living/ dining/ kitchen area and bathroom of apartment 3N-02.05, located in Building 3 North, must be redesigned to incorporate the splayed window configuration consistent with the design of the adjacent 'BED 1' window. The configuration of these windows is to redirect views from these windows towards the proposed Market Square, rather than directly towards Building 3 South adjacent.
- e) All south facing windows to apartments 4N-2.06, 4N-3.06, 4N-4.05, 4N-5.01, 4N-6.03, and 4N-7.01, located in Building 4 North, must be screened or provided with suitable privacy devices.
- f) The salvaged heritage fabric/ elements identified as suitable for reuse by the required Heritage Salvage Strategy, are to be incorporated as interpretive element(s) (including options for repository and display) within common areas of the approved development.

Full details are to be included in the documentation for the construction certificate application.

Condition reason: to ensure necessary design amendments are incorporated into the final design

8. Adaptable housing

Ten percent (10%) of residential apartments within the development are to be developed as adaptable housing. Full details are to be included in the documentation for the construction certificate application

Condition reason: to ensure consistency with the Concept Development Consent DA2017/00701, as modified.

9. Construction Environmental Management Plan

Prior to the issue of first construction certificate for the development (i.e., whether for part or whole of a building), the proponent is required to submit to the Principal Certifier and Newcastle

City Council a Construction Environmental Management Plan (CEMP) for construction/demolition works on the site, such to be kept on site and made available to authorised Council officers upon request. The CEMP is to include but not be limited to:

- a) A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
- b) A water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
- c) A dust management strategy, detailing procedures to minimise dust generation, with reference to control techniques and operational limits under adverse meteorological conditions.
- d) A noise and vibration management program, detailing measures to minimise the impact of the development on local amenity. Provision for noise and vibration monitoring during works should be incorporated into the program.
- e) A soil management strategy, detailing measures to be implemented to manage the identification and control and disposal of any acid sulphate soils or soil contamination identified during site works.
- f) A waste minimisation strategy, which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
- g) A community relations plan, which aims to inform local residents and other local stakeholders of the proposed nature and timeframes for demolition and construction activities together with contact details for site management.

Condition reason: to ensure the appropriate management of environmental aspects associated with the construction works.

10. **Disabled access details**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, details of how 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* are required, with full details included in the construction certificate documentation.

Condition reason: to satisfy access standards for the disabled.

11. **Verandah/ awning design**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), the proposed verandah/ awning is to be designed in a manner that is consistent with Section 7.10 '*Street Awnings and Balconies*' of Newcastle Development Control Plan 2012, with full details are to be included in documentation submitted with the first construction certificate application for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only.

Condition reason: to ensure the safety of occupants and street and pavement users.

12. Car parking requirements

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, the following parking provisions must be accommodated on-site consistent with the requirements of condition 19 of Concept Development Consent DA2017/00701 (as modified):

- a) a total 168 on-site car parking must be provided for Stage 3, comprising:
 - i) 101 residential car parking spaces (inclusive of a minimum 14 accessible and a minimum 10 EV charging spaces)
 - ii) 11 residential visitor (for Stage 1)
 - iii) 6 residential visitor
 - iv) 2 residential common property EV parking spaces
 - v) 17 commercial / retail (inclusive of a minimum 3 common EV parking spaces)
 - vi) 10 commercial/retail (for Stage 1)
 - vii) 11 commercial/ retail (for Stage 2)
 - viii) 4 commercial /retail from Stage 4
 - ix) 5 hotel (for Stage 1)
 - x) 1 car wash bay
- b) a total 136 on-site car parking must be provided for Stage 4, comprising:
 - i) 121 residential (inclusive of a minimum 11 accessible and a minimum 10 EV charging spaces)
 - ii) 7 residential visitor
 - iii) 2 residential common property EV parking spaces
 - iv) 5 commercial /retail
 - v) 1 car wash bay

The design of on-site parking accommodation shall meet the minimum parking layout standards indication in Section C1 Traffic parking and access of Newcastle Development Control Plan 2023, with full details included in the construction certificate documentation.

Condition reason: to meet on-site car parking numbers and design standards.

13. Bicycle and motorcycle parking requirements

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, the following parking provisions must be accommodated on-site, consistent with the requirements of condition 20 and 20A of Concept Development Consent DA2017/00701 (as modified):

- a) a total 109 on-site bicycle parking must be provided for Stage 3, comprising:
 - i) 90 Residential bicycle (Security Level B)
 - ii) 13 Bicycle Res Visitor (Security Level C)
 - iii) 3 Bicycle Com/Retail (Security B)
 - iv) 3 Bicycle Com/Retail (Security Level C)
- b) a total 124 on-site bicycle parking must be provided for Stage 4, comprising:
 - i) 105 Residential bicycle (Security Level B)
 - ii) 15 Bicycle Res Visitor (Security Level C)
 - iii) 2 Bicycle Com/Retail (Security B)
 - iv) 2 Bicycle Com/Retail (Security Level C)

- c) In addition to the bicycle parking required in a) and b) above, a further 26 visitor bicycle parking spaces are to be provided across Stage 3 and Stage 4 of the development. These visitor bicycle parking spaces are to cater for the residential visitor car parking deficit within Stage 3 and Stage 4. Visitor bicycle parking is required to be provided at grade near key access points to the development, and in locations with good passive surveillance.
- d) a total 9 on-site motorcycle parking must be provided for Stage 3, comprising:
 - i) 6 Residential motorbike
 - ii) 3 Com/retail motorbike
- e) a total 8 on-site motorcycle parking must be provided for Stage 4, comprising:
 - i) 7 Residential motorbike
 - ii) 1 Com/retail motorbike

The design of on-site parking accommodation shall meet the minimum parking layout standards indication in Section C1 Traffic parking and access of Newcastle Development Control Plan 2023, with full details included in the construction certificate documentation.

Condition reason: to meet on-site car parking numbers and design standards.

14. **Car park design**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, full details of the design of the car parking and vehicular access complying with the relevant provisions of 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 are to be documented, with full details included in the construction certificate documentation.

Condition reason: to satisfy car parking and vehicular access standards for vehicles.

15. **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 the first construction certificate application for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only.

Condition reason: to satisfy car parking and vehicular access standards for vehicles.

16. **Driveways basecourse**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, all proposed driveways, parking bays, loading bays and vehicular turning areas are to be designed with a basecourse of a depth to suit design traffic and be sealed with either bitumen seal, asphaltic concrete, concrete, interlocking pavers or porous pavers, with full details included in the construction certificate documentation.

Condition reason: to set appropriate design standards for vehicle use on-site.

17. **Electric vehicle circuitry and electric vehicle charging point requirements**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, details are to be provided of electrical plan, specifications for all off-street car parking and any electric kiosk requirements prepared by a suitably qualified and experienced person (such as an electrical engineer) and demonstrate the following;

- a) That each off-street car parking space will be provided with electrical circuitry to support the installation of a 'Level 2' or higher standard electric vehicle charger point. The construction certificate plans are to:
 - i) Identify the power capacity to each car parking space.
 - ii) Identify the EV Distribution Board and EV Load Management System on each level of parking. Locate EV Distribution Board(s) so that no future EV Ready connection will require a cable of more than 50 metres from the parking bay to connect.
 - iii) Identify the conduit system to allow each car space to install an electric vehicle charger point - such as cable trays and/or buried cables underground. This system should allow future installation of cabling to power electric vehicle charger points and allow internet access (run Ethernet cable or install 4G modem).
- Note: The installation of a charging point is not required by this clause (a).
- b) A minimum of one 'Level 2' electric charger must be provided and 'Level 2' electric chargers must be provided to not less than 5% of all car parking spaces. The location of all electric vehicle chargers must be shown on the construction certificate plans.

Full details are to be included in documentation for the construction certificate application.

Note: The minimum electric circuitry requirements for 'Level 2' electric vehicle charging points are:

- a) Privately available spaces: 'Level 2' slow - single phase 7kW power; and
- b) Public spaces: 'level 2' fast - three-phase 11-22kW power.

Condition reason: to ensure that an acceptable standard of development is provided in relation to electric vehicle parking and charging.

18. **Roads Act Approval**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), a separate application is to be lodged and consent obtained from Newcastle City Council for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993*, or other satisfactory arrangements confirmed in writing from the Newcastle City Council.

Condition reason: to ensure compliance with the *Roads Act 1993*.

19. **Public domain works required (roads)**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), full details are to be provided to, and consent obtained, or other satisfactory arrangements confirmed in writing, from Newcastle City Council pursuant to Section 138 of the *Roads Act 1993* for the following works to be designed by the developer in connection with the proposed development within the Hunter Street, King Street, Newcomen

Street, Laing Street, Thorn Street, and Morgan Street public road reserve, adjacent to the site, at no cost to Newcastle City Council and in accordance with Newcastle City Council's guidelines and design specifications:

Hunter Street

- a) Road pavement reconstruction for width of kerbside parking lane
- b) Kerb and gutter
- c) Footway formation
- d) Footpaving
- e) Associated drainage works
- f) Street tree planting and landscaping in accordance with the final EMM Consulting Pty Ltd landscape plans Job No. E220298 prepared in consultation with the Newcastle City Council for the Hunter Street east end redevelopment project
- g) Irrigation
- h) Multifunctional Pole street lighting
- i) Linemarking and signposting
- j) Public Utilities
- k) Street furniture - bins, bicycle racks etc

King Street

- a) Road pavement reconstruction for width of kerbside parking lane
- b) Kerb and gutter
- c) Footway formation
- d) Footpaving
- e) Associated drainage works
- f) Street tree planting in gap-graded structural soil vaults.
- g) Retaining wall restoration and pedestrian safety barrier fencing
- h) Multifunctional Pole street lighting
- i) Linemarking and signposting
- j) Public Utilities
- k) Street furniture - bins, bicycle racks etc

Newcomen Street

- a) Road pavement reconstruction for width of kerbside parking lane
- b) Kerb and gutter
- c) Footway formation
- d) Footpaving
- e) Associated drainage works
- f) Street tree planting in gap-graded structural soil vaults and landscape garden beds inclusive of irrigation.
- g) Multifunctional Pole street lighting
- h) Linemarking and signposting
- i) Public Utilities
- j) Street furniture - bins, bicycle racks etc

Laing Street

Full width road reconstruction incorporating:

- a) Road pavement
- b) Kerb and gutter
- c) Footway formation
- d) Footpaving
- e) Stormwater drainage

- f) Multifunctional Pole street lighting
- g) Linemarking and signposting
- h) Public Utilities

Thorn Street (Hunter to Laing Street)

Road carriageway and eastern footway:

- a) Road pavement
- b) Kerb and gutter
- c) Footway formation
- d) Footpaving
- e) Stormwater drainage
- f) Multifunctional Pole street lighting
- g) Linemarking and signposting
- h) Public Utilities

Morgan Street (Hunter Street to Laing Street)

Full width road reconstruction incorporating:

- a) Road carriageway 3.5m in width full length
- b) Kerb and gutter
- c) Footway formation
- d) Footpaving
- e) Stormwater drainage
- f) Street tree planting in gap-graded structural soil vaults.
- g) Multifunctional Pole street lighting
- h) Linemarking and signposting
- i) Public Utilities

Morgan Street (Laing Street to King Street)

Full width embellishment generally in accordance with the approved 'Hunter Street Newcastle East End Stage One Streetscape Plan' Rev C dated 5 March 2018 and incorporating:

- a) Landscaping (inclusive tree plantings and irrigation)
- b) Concrete pedestrian pathway with seating
- c) Retaining wall and stairway reconstruction to provide a minimum 3.5m wide footway linking the Laing Street southern footway to the Morgan Street eastern footway
- d) Multifunctional Pole Lighting
- e) Stormwater drainage
- f) Public Utilities

The provision of street trees, lighting, furniture, pavement finishes and landscaping within the King Street, Newcomen Street, Laing Street, Thorn Street, and Morgan Street public road reserve, and shall be generally in accordance with the 'City Centre Public Domain Technical Manual' and the 'Street Tree Selection Manual' and be implemented at no cost to Council.

Engineering design plans and specifications for the works being undertaken in the public road reserve are required to be prepared by a suitably qualified practising engineer with experience and competence in the related field.

Condition reason: to require details and council approval of works within the public road reserve.

20. Required road design amendments

The approved Road Concept Plan prepared by CJP Consulting Drg No. 22064-D03=V2 dated 17 April 2024 being amended to provide the following:

- a) A 3.5m wide road carriageway in Morgan Street between Hunter and Laing Streets;
- b) A 3.5m wide footway on the eastern side of Morgan Street between Hunter and Laing Streets;
- c) A continuous 3.5m wide footway across Morgan Street and linking the southern footway of Laing Street to the proposed 3.5m wide footway located on the eastern side of Morgan Street.

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

Condition reason: to require details of road design in accordance with council's criteria.

21. Historical Archaeological Assessment (public domain)

A Historical Archaeological Assessment must be prepared by a suitably qualified and experienced archaeologist for the Morgan Street unformed road reserve located between Laing and King Streets, and submitted with the required application under section 138 of the *Roads Act 1993* for works within the road reserve.

Condition reason: to ensure the protection of potential historical archaeological relics

22. Vehicular crossings standards

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), full details are to be provided to, and approval obtained or other satisfactory arrangements confirmed, in writing, from Newcastle City Council, pursuant to section 138 of the *Roads Act 1993* for commercial vehicular crossings across the Thorn Street, Morgan Street, and Laing Street road reserve, in accordance with the following criteria:

- a) Constructed in accordance with Council's A374 – Driveway Crossings Standard Design Details.
- b) The commercial vehicle driveway crossings, within the road reserve, shall be a maximum of 7.0m metres wide inclusive of a 1.0m wide concrete central median island.
- c) Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 metre, in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance.
- e) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve.
- f) The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.

Note: these works are not approved until consent under Section 138 of the *Roads Act 1993* has been granted by the Newcastle City Council.

Condition reason: to require full details of designs in accordance with council's criteria on vehicular crossings

23. Street lighting standards

Street lighting comprising Newcastle City Council multifunctional poles being upgraded across the Hunter, Thorn, Laing, Morgan, King and Newcomen Street frontages of the site at no cost to Council (other than annual maintenance) to Standard PR3 with additional luminance over the proposed raised thresholds and raised marked foot crossings in accordance with AS 1158.1.1 – Road Lighting.

Note: these works are not approved until consent under Section 138 of the Roads Act 1993 has been granted by the Newcastle City Council.

Condition reason: to require details and council approval of works within the public road reserve

24. Street tree standards

- a) Street tree plantings being provided in King Street, Morgan Street and Newcomen Street fronting the site generally at 10m spacings in accordance with Council's standards and soil specifications. The trees being advanced specimens in a minimum 400 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).
- b) The street tree planting vaults in the King Street, Morgan Street and Newcomen Street being linearly connected by tree pits to maximise soil volume (structural soil) and allow for drainage, soil moisture and root control barriers. The design and construction of the planting vaults are to be undertaken at no cost to Council and under Council's direction.
- c) The street tree and ground cover planting's required under parts a) and b) above for Hunter Street, King Street, Morgan Street and Newcomen Street being undertaken by Council at the full cost of the developer. A fee, determined by contacting Newcastle City Council Greening Services, is to be paid to the Newcastle City Council for the required plantings and evidence of the payment of the required fee is to be included in the documentation submitted with the application under section 138 of the *Roads Act 1993*.
Note: The fee covers the purchase of the planting's, the planting of the street trees and ground covers and 12 months maintenance

Note: these works are not approved until consent under Section 138 of the Roads Act 1993 has been granted by the Newcastle City Council.

Condition reason: to require details and council approval of works within the public road reserve

25. Public domain works required (flooding and stormwater)

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), full details are to be provided to, and consent obtained, or other satisfactory arrangements confirmed in writing, from Newcastle City Council pursuant to Section 138 of the Roads Act 1993 for the following works to be designed by the developer in connection with the proposed development within the King Street, Hunter Street, Thorn Street, Laing Street, Morgan Street, and Newcomen Street public road reserve, adjacent to the site, at no cost to Newcastle City Council and in accordance with Newcastle City Council's guidelines and design specifications:

- a) Installation of new stormwater discharge connections from the proposed development including installation of any required underground drainage within the road reserve.
- b) Design and installation of new road drainage on Morgan Street to discharge stormwater from Building 4S, including design of new kerb inlet pits and underground pits and pipe network.
- c) Associated road kerb and gutter works within the adjoining road network to mitigate flood impacts to the proposed new development generally as follows:
 - i) Install 150mm high Kerb generally in accordance with the approved Upstream Catchment Flood Report prepared by Xavier Knight
 - ii) Removal of redundant driveways along Newcomen Street and King Street and associated kerb and gutter to mitigate flooding.

Engineering design plans and specifications for the works to be undertaken within the public road reserve are to be prepared by a practising professional engineer with experience and competence in the related field.

Condition reason: to require details and council approval of works within the public road reserve.

26. **Controlling stormwater**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, full details are to be provided demonstrating that all the surface waters and stormwater run-off from the development area and associated surrounding landscaped areas is designed to be contained within the subject site and such must be designed in accordance with Section 7.06 '*Stormwater*' of Newcastle Development Control Plan 2012 and included in the construction certificate documentation.

Note: any new drainage outlet connections for the proposed open spaces and associated landscape areas shall be conveyed to the street drainage system by way of a sealed pipe system, extending through the footway to Newcastle City Council requirements. A separate approval from Newcastle City Council will be required pursuant to Section 138 of the *Roads Act 1993*.

Condition reason: to control stormwater runoff.

27. **Water tanks and plumbing direction**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, details are to be provided demonstrating roof water from the proposed new work will be directed to the proposed water tanks, generally as indicated on the approved Stormwater Report and Plans prepared by Xavier Knight Job No. 220901 Dwg No's C000-C108 and being reticulated to any new toilet cisterns and cold water washing taps and landscape areas 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 is to be designed in accordance with the Plumbing Code of Australia (National Construction Code Volume 3). Full details are to be provided with the construction certificate documentation.

Condition reason: to ensure appropriate design standards for water tanks and plumbing applicable to the new work are included at the detailed design stage.

28. Rainwater tank screening

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, details are to be provided demonstrating that all downpipes discharging to the rainwater tanks will have pre-storage insect, debris and vermin control (eg. a rainwater head being leaf screened and vermin and insect proof) to minimise the contamination of captured roof water. A first flush device is to be provided for the inlet to the tank. If the roof downpipes are charged to the rainwater tank, all pipes are to be chemically welded and the stormwater system is to be designed such that the system is capable of being flushed in the event of pipe blockage (eg. capped relief access points at the lowest level of stormwater drainage). Full details are to be included in documentation for the construction certificate application.

Condition reason: to require screening of rainwater tanks.

29. Controlling overflows - inter-allotment

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, details are to be provided demonstrating that overflows from the roof water tank and any additional discharge controls (if required) will be directed to Newcastle City Council's drainage system by means of an inter-allotment drainage line or underground pipe directly to the street gutter. Full details are to be provided with the construction certificate documentation.

Condition reason: to ensure that detailed designs provide for overflows relating to the new work to be directed to council's drainage system.

30. Stormwater management details

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, details are to be provided demonstrating how stormwater runoff from the proposed development is to be managed in accordance with the requirements of Section 7.06 'Stormwater' of Newcastle Development Control Plan 2012, the associated Technical Manual and *AS/NZS 3500.3 Plumbing and drainage Part 3 Stormwater drainage*, as indicated on the Stormwater Management Report Project No. 220901 Issue A dated 31/03/2023 and concept plans Job. No. 220901 (Drg. No's. C000 - C108 Rev B, dated 31/03/2023), except as amended by this consent. Full details are to be included in documentation for the construction certificate application.

Condition reason: to control storm water runoff.

31. On-site drainage requirement

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, details are to be provided demonstrating that all new impervious surfaces, including driveways and paved areas will be drained to the nominated discharge controls, with full details included in documentation with the construction certificate application.

Condition reason: to ensure that details relating to impervious surface drainage applicable to the new work are included at the detailed design stage.

32. Flooding - verifying floor levels

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, full details are to be provided demonstrating that the ground floor level of all proposed buildings or building additions are to be no lower than as indicated in the concept stormwater plans prepared by Xavier Knight Job. No. 220901 (Drg. No's. C000 - C108 Rev B, dated 31/03/2023) and approved architectural plans.

Condition reason: to require verification of proposed floor level heights.

33. Landscape plans and specifications

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, all proposed planting and landscape elements indicated on the approved 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 the construction certificate application.

Condition reason: to require a detailed landscape plan and specifications.

34. Hunter Water Requirements - compliance certificate

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), a copy of a Hunter Water compliance certificate (*Water Act 1991 - Section 50*) must be obtained and included in the construction certificate documentation.

Note: Compliance is required with all of Hunter Water's requirements to provide the development with water supply and sewerage service.

Condition reason: to require a Hunter Water compliance certificate.

35. Hunter Water Requirements

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating compliance with any requirements of Hunter Water in respect of any building or structure proposed to be erected over any services or drain under the Hunter Water's control. Full details are to be included in documentation for the construction certificate application.

Condition reason: to require verification that Hunter Water requirements are satisfied.

36. Mailbox for dwellings

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, details are to be provided showing a group type mailbox at the street frontage in accordance with the requirements of Australia Post, clearly displaying individual unit numbers and the required street number. Full details are to be included in the documentation for the construction certificate application.

Condition reason: to require details of mailboxes.

37. Swimming pool overflow - containing water

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, details are to be provided demonstrating that the swimming pool surrounds and/or paving will be constructed in a manner so as to ensure water from the pool overflow does not discharge onto neighbouring properties. All backwash/pool wastewater is to be piped/drained to the sewer of Hunter Water Corporation in accordance with the requirements of Hunter Water Corporation. Full details are to be included in the construction certificate documentation.

Condition reason: to protect adjacent properties from additional surface water runoff.

38. Swimming pools - limiting noise

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, details are to be provided demonstrating that pool plant and equipment will 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. Full details are to be included in the construction certificate documentation.

Condition reason: to protect adjacent properties from additional offensive noise.

39. Swimming pools fencing

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, details are to be provided demonstrating that the construction or erection of swimming pool safety fences and gates and all associated work are to be carried out

in accordance with the *Swimming Pools Act 1992* and Regulations. Full details are to be included in documentation for the construction certificate application.

Condition reason: to require details of swimming pool safety fencing.

40. Swimming pool/spa water system

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, details are to be provided demonstrating that the swimming pool/spa water recirculation and filtration system installation will comply with *Australian Standard 1926.3:2010 - Swimming pool safety - Water recirculation systems*. Full details are to be included in documentation for the construction certificate application.

Condition reason: to require details of swimming pool/spa water systems.

41. Food premises standards

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, details are to be provided demonstrating that the design and construction of the proposed development is to be in accordance with the relevant requirements of *Australian Standard 4674:2004 - Design, Construction and Fit-Out of Food Premises*. Full details are to be included in documentation for the construction certificate application.

Condition reason: to require details of food premises design and fit-out.

42. Light spillage prevention

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, details are to be provided demonstrating that the proposed floodlighting of the premises is to be designed, positioned, and installed, including shielding and orientation of the lighting fixture, so 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 documentation for the construction certificate application.

Condition reason: to require compliance with outdoor lighting standards.

43. Preparation of mechanical ventilation plans

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person.

The detailed plans must be in accordance with the following and submitted to the certifier:

- a) Australian Standard 1668: - The use of ventilation and air- conditioning in buildings; and
- b) ensure all generate heated air, smoke, fumes, steam or grease vapours do not:

- i) cause a nuisance to persons within or nearby to the premises, or
- ii) cause air pollution as defined under the *NSW Protection of the Environment Operations Act 1997*

Condition reason: to ensure that detailed professional plans of the approved mechanical ventilation system are submitted before the issue of a construction certificate.

44. Limiting noise - general

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, details are to be provided demonstrating that all noise generating equipment such as air conditioning units, swimming pool filters, fixed vacuum systems and driveway entry shutters are designed to protect the acoustic privacy of residents and neighbours, and that all such noise generating equipment is acoustically screened. The noise level generated by any equipment does not exceed an LAeq (15 min) of 5dB(A) above background noise at the property boundary. Full details are to be included in the construction certificate documentation.

45. Dilapidation Report - existing

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), an electronic copy of a dilapidation report, prepared by a suitability qualified person, is to be submitted to the certifier. The dilapidation report is to document and contain a photographic record of the condition of the adjoining buildings, infrastructure, and roads.

Condition reason: to require a pre-construction dilapidation report.

46. Residential apartment development design statement

Before the issue of each construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, a statement from a qualified designer is to be provided, 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 (Housing) 2021*, Chapter 4 (Design of residential apartment development).

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

Condition reason: to ensure compliance with *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment development)

47. Residential storage

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, details are to be provided demonstrating all residential apartments are to be provided with the storage volume, via a combination of internal and external storage, as nominated in the approved storage schedules prepared by SJB Architects, Durbach Block

Jaggers, and Curious Practice (drawing DA-PR-0901, revision 2, dated 15/10/2024). Internal storage is to be located and access from within the residential apartment, and be in addition to storage in kitchens, bathrooms, and bedrooms. External storage is to be in the form of storage cages located as shown on the approved floor plans prepared SJB Architects, Durbach Block Jaggers, and Curious Practice, as amended by conditions of this consent. The storage cages are to be individually secured and clearly allocated to the specific apartment. Full details are to be included in documentation for a construction certificate application.

Condition reason: to ensure apartments are provided the minimum storage volumes required under the Apartment Design Guide.

48. Design excellence

Before the issue of every construction certificate for the development, (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, written notification from Newcastle City Council's Urban Design Review Panel is to be obtained confirming the architectural documentation prepared for the construction certificate application has been reviewed and the Panel is satisfied that the detailed design is consistent with design quality as approved. Full details are to be included in the documentation for a construction certificate application.

Condition reason: to ensure the approved development retains design excellence through to completion.

49. Signage

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, engineer's certification of proposed fixtures and/or footings of the signage is to be supplied to the certifier.

Condition reason: to require evidence of safety of advertising structures.

50. Road Naming and House numbering

Within one week of lodging an application for the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, the applicant must submit a Road Naming Application to Newcastle City Council to commence the approval process required to obtain the necessary road naming and house numbering. If the applicant would like to propose appropriate road names for Newcastle City Council consideration, this should be included as part of the request.

Note: Fees and charges will apply for road naming and street signage as per Newcastle City Council's Fees and Charges.

The allocated addressing will be as per the Addressing Allocation document issued by Newcastle City Council and in accordance with the NSW Addressing Policy and the Australian/New Zealand Standard: Rural and Urban Addressing (AS/NZS 4819:2011). Any request for amendments to the Addressing Allocation must be submitted to Newcastle City Council for consideration and if approved, a revised Addressing Allocation document will be issued.

Note: Addressing for this property may change. Please do not use property addressing for advertising material until the Addressing Allocation has been issued. Addressing provided by Newcastle City Council must be correctly implemented prior to the first occupation certificate for the development (i.e., whether for part or whole of a building) being issued.

Condition reason: to ensure the necessary road naming and house numbering is provided in accordance with the NSW Addressing Policy.

51. Art in publicly accessible places

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's Public Art Standing Committee, for written approval prior to the issue of the Construction Certificate, for works, other than for demolition, retention, or excavation works only. 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.

Condition reason: to ensure publicly accessible art is installed to Newcastle City Council's satisfaction.

52. Art in publicly accessible places - maintenance plan

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, a publicly accessible artwork maintenance plan is prepared and submitted to the written acceptance of Newcastle City Council. Full details to be included in documentation for a Construction Certificate application.

Condition reason: to ensure the effective management of publicly accessible artwork.

53. Port Navigation Aid

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

Condition reason: to ensure no adverse impact to the view corridor/sight lines to port navigation aids

54. Fire and life safety upgrade

Existing building facades are to be retained and incorporated into the development, in accordance with the approved Demolition Plans and Elevations (Building 3 North), the approved Demolition/Retention Plans and Elevations (Building 4 North), and the approved Façade retention documentation. The existing building facades are to be upgraded so as to comply with (but may not be limited to) Performance Requirements C1P1 (Structural stability during a fire), C1P2 (Spread of fire), C1P4 (Safe conditions for evacuation), C1P8 (Fire protection of openings

and penetrations), C1P9 (Fire brigade access), D1P1 (Access for people with a disability), D1P2 (Safe movement to and within a building), D1P3 (Fall prevention barriers – as required), D1P4 (Exits), D1P5 (Fire-isolated exits) and D1P6 (Paths of travel to exits) of Volume One of the Building Code of Australia. Full details are to be included in documentation for the first construction certificate application for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only.

Condition reason: to ensure the existing building facades to be retained and incorporated into the development are upgraded to comply with the relevant Performance Requirements of Parts C and D of Volume One of the Building Code of Australia.

55. Structural stability of heritage listed and contributory buildings

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), written certification by a structural engineer that the heritage listed and contributory buildings on the site are able to support the proposed works without loss of structural stability is to be submitted to the principal certifier.

Condition reason: To ensure the structural stability of heritage listed and contributory buildings on site.

56. Heritage Interpretation Plan

Prior to the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, an interpretation plan must be prepared by an experienced heritage interpretation practitioner and submitted to the written satisfaction of Council's Heritage Officer. The interpretation plan shall be in accordance with the Heritage Council's "Interpreting Heritage Places and Items Guidelines" 2005. The plan must make allowance for the display of any potential archaeology uncovered during the works, interpret the multiple uses and history of the various heritage items and contributory buildings on the site, in a way that is engaging, informative and readily accessible to the majority of visitors. Full details to be included in documentation for a Construction Certificate application.

Condition reason: to ensure the heritage significance of the site is interpreted to visitors.

57. Schedule of Conservation Works

Prior to the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), a Schedule of Conservation Works is to be prepared by a suitably qualified heritage architect/consultant and submitted to the written satisfaction of Council's Heritage Officer. The schedule is to include details of how external finishes and significant interior elements within the retained elements of the heritage item and contributory buildings shall be conserved including but not limited to the flooring and floor coverings, lighting and electrical fixtures, lift and lift shaft, walls and surface finishes, tiles, signage, handrails and balustrades, ceilings, windows and doors and conserving face brickwork. Full details to be included in documentation for a Construction Certificate application.

Condition reason: to ensure necessary conservation works are identified

58. Roads Act Approval - balconies & awnings

Prior to the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), a separate application must be lodged and consent obtained, or other satisfactory arrangements confirmed in writing, from Council for all private structures on or over the public road reserve, including balconies and awnings, under Section 138 of the *Roads Act 1993*. A fee will be payable in this regard. Full details to be included in documentation for a Construction Certificate application.

Condition reason: to ensure compliance with the Roads Act 1993

59. Through-site connections on privately owned land

The development is to include a public right of carriageway over the publicly accessible private land, located as shown on the 'Privately Owned Public Access' plan prepared by SJB Architects (Job No. 5614, Drawing No. DA2902, Revision 04, dated 23.02.2024) and be inclusive of an associated public lift located between Newcomen and Laing Streets. Such through-site connections on privately owned land shall be a minimum of 5m in width and shall be clear of obstructions, except for the pedestrian only link between Newcomen and Laing Streets which shall be a minimum of 3m in width, and the Market Square and Morgan Street pedestrian only link which shall be 2.4m in width, clear of obstructions. Full details are to be included in documentation for the first construction certificate application for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only.

Condition reason: to ensure through-site connections on privately owned land are detailed and designed consistent with condition 42 and 44 of the Concept Development Consent DA2017/00701, as modified.

60. Visible light reflectivity from building materials

Prior to the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to demolition, retention, or excavation works only, the Principal Certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

Condition reason: to ensure that the visible light reflectivity of building materials is appropriate.

BEFORE BUILDING WORK COMMENCES

Condition

61. Toilets on site

Before building work commences, toilet facilities are to be available or provided at the work site and 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.

Condition reason: to require provision of toilet facilities on site.

62. 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.

Condition reason: to ensure ongoing means of addressing community concerns during works

63. Construction Traffic Management Plan (CTMP)

Prior to any site works commencing, the Developer must prepare a final Construction Traffic Management Plan (CTMP). The CTMP shall include, but not be limited to:

- a) The parking of construction vehicles and the transportation of construction personnel to the site. Detail a common location for the parking of construction vehicles outside of the Newcastle CBD area and the utilisation of shuttle buses for the transportation of construction personnel and their equipment to the site.
- b) Details of site personnel parking, including consideration of public transport options to minimise on street parking;
- c) Location of construction zones and delivery access, including pedestrian/traffic management;
- d) Proposed traffic control measures which will be in place during the construction phase of each stage of the development to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity; and
- e) Construction hours, including hours for deliveries.

The CTMP is to be provided to Newcastle City Council for written approval and the CTMP is to be maintained on site during all site works and be made available to Authorised Officers upon request.

The CTMP is to be prepared by an appropriately qualified person (Transport for NSW 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

Condition reason: to protect the amenity of the neighbourhood.

64. Construction Environmental Management Plan

Prior to any site works commencing, the Developer must prepare a Construction Environmental Management Plan (CEMP) for construction/demolition works on the site. The CEMP is to be provided to the Principal Certifier and Newcastle City Council, and a copy is to be kept on site and made available to authorised Council officers upon request. The CEMP is to include but not

be limited to:

- a) A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
- b) A water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
- c) A dust management strategy, detailing procedures to minimise dust generation, with reference to control techniques and operational limits under adverse meteorological conditions.
- d) A noise and vibration management program, detailing measures to minimise the impact of the development on local amenity. Provision for noise and vibration monitoring during works should be incorporated into the program.
- e) A soil management strategy, detailing measures to be implemented to manage the identification and control and disposal of any acid sulphate soils or soil contamination identified during site works.
- f) A waste minimisation strategy, which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
- g) A community relations plan, which aims to inform local residents and other local stakeholders of the proposed nature and timeframes for demolition and construction activities together with contact details for site management.

Condition reason: to ensure the appropriate management of environmental aspects associated with the construction works.

65. Historical Archaeology (on-site)

- 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 monitoring and excavation of this site. The Applicant must comply with all the conditions of the s.140 approval.
- b) In the event the subject site is found to contain substantially intact State significant archaeological relics which are undocumented and associated with the pre-1840s convict occupation of Newcastle, modification of the detailed design to avoid harm and retain these in situ should be undertaken. This is consistent with previous advice of the Heritage Council of NSW for this site. Additional approval under s.140 of the *Heritage Act 1977* may be required to harm such remains if detailed design cannot be redesigned to avoid harm to these resources in whole or part.
- c) The conclusions and recommendations (Section 9.0) of the 'Historical Archaeological Assessment' (Report no. R03, by Umwelt, May 2023) are to be implemented. This includes the investigation and research methodology framework outlined in Sections 7.0 and 8.0 of the report.

Condition reason: the subject site has potential to contain historical archaeological relics, which are protected under s.139 of the *Heritage Act 1977*. The Applicant must obtain an approval under s.141 of the *Heritage Act 1977* prior to any harm occurring to relics.

66. Historical Archaeology (public domain)

Prior commencement of any works within the Morgan Street unformed road reserve located between Laing Street and King Street the developer complying with the following:

- a) Prior to any ground disturbance works occurring within the Morgan Street unformed road reserve located between Laing Street and King Street, the Applicant must obtain an approved s.140 application under the *Heritage Act 1977* to undertake archaeological monitoring and excavation of this site. The Applicant must comply with all the conditions of the s.140 approval.
- b) In the event the Morgan Street unformed road reserve located between Laing Street and King Street is found to contain substantially intact State significant archaeological relics which are undocumented and associated with the pre-1840s convict occupation of Newcastle, modification of the detailed design to avoid harm and retain these in situ should be undertaken. This is consistent with previous advice of the Heritage Council of NSW for this site. Additional approval under s.140 of the *Heritage Act 1977* may be required to harm such remains if detailed design cannot be redesigned to avoid harm to these resources in whole or part.
- c) The conclusions and recommendations Historical Archaeological Assessment required to be prepared in accordance with condition 21 of this consent are to be implemented.

Condition reason: the Morgan Street unformed road reserve located between Laing Street and King Street has potential to contain historical archaeological relics, which are protected under s.139 of the *Heritage Act 1977*. The Applicant must obtain an approval under s.141 of the *Heritage Act 1977* prior to any harm occurring to relics.

67. **Heritage: Archival Recording**

A full archival photographic record is to be undertaken of all buildings on the site, including the interiors. 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); and
- b) The Department of Planning's "Recording Places of Cultural Significance" (1991)

The record in digital form is to be submitted to Council and written approval of Council's Heritage Officer submitted prior to commencement of works.

Condition reason: to capture a record of the site

68. **Heritage Architect to be commissioned**

A suitably qualified and experienced heritage architect is to be commissioned to provide detailed heritage advice to the project for its duration, including providing guidance to the construction documentation, the implementation of the conditions of consent and through the construction process. Written documentation to support the commission of the heritage architect is to be submitted with the Construction Certificate.

Condition reason: To ensure ongoing heritage guidance to the project.

69. **Heritage fabric**

Prior to commencement of the works, the project heritage consultant is to identify significant internal and external elements of buildings that will be demolished for salvage and, if necessary storage, for reuse as appropriate, including future interpretation opportunities. Removal of any items to be carried out in accordance with specific salvage methodologies provided by the built

heritage specialist.

Condition reason: To ensure heritage fabric is recycled and reused where possible.

70. Heritage Salvage Strategy

Prior to commencement of the works, a Heritage Salvage Strategy is to be prepared by the project's heritage architect and submitted to the written satisfaction of Council's Heritage Officer. The strategy is to identify the salvage potential of fabric/ elements, original to heritage listed and contributory buildings, that will be demolished to facilitate the development.

The strategy must itemise what material is to be salvaged (this could include timber joinery, fireplaces, leadlight glazing (doors and windows), stairs, decorative tiles, bricks, etc.) and how this is to occur, including identifying the most appropriate reuse or recycle options for the fabric/ elements. The meaningful reuse of salvaged fabric/ elements as interpretive element(s) (including options for repository and display) within common areas of the approved development is to be prioritised. For fabric/ elements unsuitable for reuse within the approved development, the strategy is to identify options and a process for dissemination of salvaged items to community groups, and interested parties. Specific salvage mythologies for the removal of fabric/ elements identified for salvage are to be included in the strategy.

Condition reason: to ensure heritage fabric is recycled and reused where possible.

71. Heritage site induction

Prior to commencement of the works, the project heritage consultant is to identify significant internal and external elements of buildings that will be demolished for salvage and, if necessary storage, for reuse as appropriate, including future interpretation opportunities. Removal of any items to be carried out in accordance with specific salvage methodologies provided by the built heritage specialist.

Condition reason: to ensure all contractors are aware of heritage obligations

72. Roads Act approval

Before building work commences, a separate application is to be lodged and consent obtained from Newcastle City Council for all works within the road reserve, pursuant to Section 138 of the *Roads Act 1993*, prior to the commencement of works.

Condition reason: to ensure compliance with the *Roads Act 1993*.

73. Erosion and sediment control - vehicle access

Before site work and/or building work commences 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.

Condition reason: to prevent soil erosion.

74. Isolation of Electrical Assets

Existing assets including live underground electrical assets must be positively located and

identified immediately 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 and Workcover Document– ‘Work Near Underground Assets’.

DURING BUILDING WORK

Condition

75. Construction hours

All work (including delivery of materials) generating noise that is audible at residential premises must 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.

Work is not to be carried out on Sundays or Public Holidays.

Condition reason: to protect the residential amenity of neighbours.

76. Compliance with BCA

Building work must be carried out in accordance with the requirements of the Building Code of Australia.

Condition reason: prescribed condition - EP&A Regulation (Section 69).

77. Site signage - site and building work

During site work and/or building work, 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.

Condition reason: prescribed condition.

78. Excavation and backfilling safety

During site work and/or building work, 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.

Condition reason: to protect the public near worksites.

79. Shoring and adequacy of adjoining property

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor, the person having the benefit of the development consent is to, at that person's own expense:

- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
- b) where necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

The above requirements do 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 condition / requirements not applying.

Condition reason: prescribed condition.

80. Erosion and sediment control measures

During site work and/or building work, erosion and sediment control measures are to be implemented, 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.

Condition reason: to prevent erosion and control sediment.

81. Controlling surface water

During site work and/or building work 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.

Condition reason: to protect adjacent properties from additional surface water runoff.

82. Containing materials and plant

During building work, 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 Newcastle City Council reserves, including the road reserve, is not permitted.

Condition reason: to contain materials and plant and protect the public.

83. Checking floor levels - surveyor

During building work, certification is to be prepared by a Registered Surveyor and submitted to the principal certifier at the following stages of construction:

- 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 levels.

Condition reason: to ensure finished floor levels equal approved plans.

84. Limits on noise

During building/demolition work, generation of 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.

Condition reason: to protect the residential amenity of neighbours.

85. Pollution prevention signage

During site work and/or building work, a Newcastle City Council '*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 the Newcastle City Council for the duration of demolition and construction work.

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

Condition reason: to require pollution prevention signage.

86. Handling excavated waste

During site work and/or building work, 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*'.

Condition reason: to ensure compliance with State Guidelines.

87. Imported fill material

During site work and/or building work, 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*.

Condition reason: to ensure compliance with State Guidelines.

88. Resource recovery Orders

During site work and/or building work, documentation demonstrating 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.

Condition reason: to provide evidence of compliance.

89. Controlling dust

During site work and/or building work, 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 shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

Condition reason: to control dust during works.

90. Street tree and any tree on Council land protection

The existing street trees (Newcastle City Council IDs 1006596, & 1060379) on the Newcomen Street frontage are required to be retained.

During site work and/or building work, all public trees including street trees and any tree on Council land that are required to be retained are to be physically protected in accordance with the Newcastle City Council '*Urban Forest Technical Manual*', Part B *Public Trees*.

Note: The tree protection fencing is to remain in place and be maintained until all works have been completed, with no waste materials, washouts, equipment or machinery to be stored within the fenced area.

Condition reason: to protect street trees and any tree on Council land.

91. **Protection of heritage fabric**

Protective barriers, fencing, padding or similar is to be placed on or around significant heritage fabric in the vicinity of the proposed works during construction to protect it from inadvertent impact. This is to include the building fabric to be retained at 121 Hunter Street and 105–111 Hunter Street, and all sandstone kerbing and retaining walls in proximity to the works, including the heritage listed 'Retaining Walls and Sandstone Steps' (NLEP 2012 Item 477) in the King Street road reserve and any other material as guided by the project's heritage architect and identified in the Statement of Heritage Impact (by City Plan, October 2024) and Conservation Management Plan (by City Plan, April 2023).

Condition reason: To ensure heritage fabric is protected.

92. **Heritage Architect to undertake site inspections**

The project heritage architect (required to be commissioned in accordance with condition 67 of this consent) is to undertake regular inspections to ensure that compliance conditions pertaining to heritage fabric are met, with details to be fully documented and provided to Council.

Condition reason: To ensure heritage fabric is protected.

93. **Electricity kiosk & pillars**

Provision is to be made on the site for the installation of any electricity substation and associated pillars should such be required by the electricity authority and any such substation and pillars being located in accordance with that authority's requirements.

Condition reason: to enable on site electricity kiosk

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

94. **Landscaping complete - Report requirements**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), a Landscape Practical Completion Report is to be submitted to the principal certifier. 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.

Condition reason: to ensure landscape works are as approved.

95. Relocation of survey monuments

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), where the proposed development involves the destruction or disturbance of any survey monuments, those monuments affected are to be relocated at no cost to Newcastle City Council, by a surveyor registered under the *Surveying and Spatial Information Act 2002*.

Condition reason: to ensure relocation of survey marks.

96. Basix implemented

Before the issue of each occupation certificate for the development (i.e., whether for part or whole of a building), all commitments listed in the relevant BASIX certificate for:

- a) BASIX development, or
 - b) BASIX optional development, if the development application was accompanied by a BASIX certificate,
- are to be satisfactorily completed.

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 included with Occupation Certificate documentation.

Condition reason: to ensure BASIX commitments are completed.

97. Public infrastructure - rectification of damage

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), any public infrastructure (including all public footways, foot paving, 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.

Condition reason: to ensure rectification of any damage to public infrastructure.

98. Completion of road reserve works

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), all works within the road reserve required by this consent are to be completed and a practical completion certificate, or equivalent written advice, is to be obtained from Newcastle City Council.

Condition reason: to ensure completion of works within the road reserve.

99. Removing redundant driveways

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), any redundant existing vehicular crossing is to be removed at no cost to the Newcastle City Council. The road reserve and kerb are to be restored to the Newcastle City Council's satisfaction.

Condition reason: to ensure removal of redundant driveways.

100. Section 88B Instrument (easement to drain water)

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building) a notation is to be made on a survey plan and accompanying instrument under Section 88B of the *Conveyancing Act 1919* setting out the terms of the required easement to drain water and such is to be lodged with the Newcastle City Council for certification and be subsequently registered with NSW Land Registry Services.

The instrument is to provide that the easement to drain water is unable to be released, varied or modified without the concurrence of Newcastle City Council.

Condition reason: to require registration of a section 88B instrument.

101. Section 88B Instrument - public right of carriageway over publicly accessible private land

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), a notation is to be made on a survey plan and accompanying instrument under Section 88B of the *Conveyancing Act 1919* setting out the terms of the required public right of carriageway to be created over the publicly accessible private land, and be inclusive of an associated public lift located between Newcomen and Laing Streets, and such is to be lodged with the Newcastle City Council for certification and be subsequently registered with NSW Land Registry Services.

The instrument is to provide that the required public right of carriageway to be created over the publicly accessible private land is unable to be released, varied or modified without the concurrence of Newcastle City Council.

Condition reason: to require registration of a section 88B instrument.

102. Section 88B Instrument - right of public access

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building) a notation is to be made on a survey plan and accompanying instrument under Section 88B of the *Conveyancing Act 1919* setting out the terms of the required Right of Public Access identified as E3 on the approved draft stratum plan prepared by LTS Issue A dated 31 October 2024 and located on the corner of Morgan and Laing Streets, such is to be lodged with the Newcastle City Council for certification and be subsequently registered with NSW Land Registry Services.

The instrument is to provide that the Right of Public Access is unable to be released, varied or modified without the concurrence of the Newcastle City Council.

Condition reason: to require registration of a section 88B instrument.

103. Section 88B Instrument - public positive covenant in respect to approved public art

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), a public positive covenant is to be registered against the land, pursuant Section 88A of the Conveyancing Act, 1919, and an instrument under Section 88B of the Conveyancing Act, 1919 setting out the terms of the public positive covenant in respect to the following;

- a) The approved public art under this development consent is to be installed, retained and maintained by the owner of the burdened land, at no cost to Newcastle City Council, in accordance with the maintenance plan; and
- b) Proposals to remove, modify, replace or substitute the approved public art and maintenance plan are to be submitted to and be approved in writing by Newcastle City Council.

Condition reason: to require notation and registration of a public positive covenant.

104. Works as executed - through-site connections on private land

A survey plan detailing the constructed finished levels of the through-site connections on privately owned land required by condition 59 of this consent, shall be submitted to and approved by Newcastle City Council prior to issue of any Occupation Certificate or Subdivision Certificate, which ever occur first.

Condition reason: to ensure works as executed levels are as approved.

105. Works as executed - stormwater

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), 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. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

Condition reason: to ensure works as executed levels are as approved.

106. Water management measures complete

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), 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.

Condition reason: to ensure water management measures are as approved.

107. Dilapidation report

Before the issue of each occupation certificate for the development (i.e., whether for part or whole of a building), a post construction dilapidation report prepared by a suitability qualified

person shall be submitted to the principal certifier, to ascertain if any structural damage has occurred to the adjoining buildings, infrastructure and roads. The reports shall be forwarded to Newcastle City Council and will be made available in any private dispute between neighbours regarding damage arising from construction works.

Condition reason: to protect adjoining buildings and infrastructure.

108. Acoustic treatment complete

Before the issue of each occupation certificate for the development (i.e., whether for part or whole of a building), appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Renzo Tonin & Associates, dated 21 February 2024. 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. 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.

Condition reason: to ensure acoustic treatment is as approved.

109. Acoustic treatment complete - noise limiting device

Prior to the issue of an Occupation Certificate for any food and drink premises operating as a licensed venue under the *Liquor Act 2007* an appropriately qualified consultant is to install and set out the ongoing operating requirements of a noise limiting device to meet the noise levels specified in the Renzo Tonin and Associates Acoustic Assessment dated 21 February 2024. Written final certification confirming all treatments have been implemented in accordance with the requirements of the above report is to be submitted to the principal certifier and Newcastle City Council.

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

Condition reason: to ensure acoustic treatment is as approved.

110. Notice of food business

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building) that is relevant to a food business, Newcastle City Council and any other appropriate enforcement agency must be notified of the food business in accordance with the *NSW Food Act 2003* and the Australia New Zealand Food Standards Code - 3.2.2 - Food Safety Practices and General Requirements.

Condition reason: to enable council to ensure compliance with the consent when the business is operating

111. Residential apartment development design statement

Before the issue of each occupation certificate for the development (i.e., whether for part or whole of a building), a statement from a qualified designer shall be submitted to the principal certifier. The statement shall confirm the development has been constructed in accordance with the design quality principles of *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment development).

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

Condition reason: to require a design verification statement.

112. Road Naming and House numbering

Before the issue of each occupation certificate for the development (i.e., whether for part or whole of a building), addressing provided by Newcastle City Council must be correctly implemented

Condition reason: to ensure the necessary road naming and house numbering is implemented in accordance with the NSW Addressing Policy.

113. Car parking requirements

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), on-site parking accommodation is to be provided for:

- a) a total 168 on-site car parking must be provided for Stage 3, comprising:
 - iii) 101 residential car parking spaces (inclusive of a minimum 14 accessible and a minimum 10 EV charging spaces)
 - iv) 11 residential visitor (for Stage 1)
 - v) 6 residential visitor
 - vi) 2 residential common property EV parking spaces
 - vii) 17 commercial / retail (inclusive of a minimum 3 common EV parking spaces)
 - viii) 10 commercial/retail (for Stage 1)
 - ix) 11 commercial/ retail (for Stage 2)
 - x) 4 commercial /retail from Stage 4
 - xi) 5 hotel (for Stage 1)
 - xii) 1 car wash bay
- b) a total 136 on-site car parking must be provided for Stage 4, comprising:
 - vi) 121 residential (inclusive of a minimum 11 accessible and a minimum 10 EV charging spaces)
 - vii) 7 residential visitor
 - viii) 2 residential common property EV parking spaces
 - ix) 5 commercial /retail
 - x) 1 car wash bay

The on-site parking accommodation shall be set out generally in accordance with the details indicated on the approved DA plans except as otherwise provided by the conditions of consent.

Condition reason: to ensure the required minimum number of car parking spaces has been provided

114. Bicycle and motorcycle parking requirements

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), on-site parking accommodation is to be provided for:

- a) a total 109 on-site bicycle parking must be provided for Stage 3, comprising:
 - 90 Residential bicycle (Security Level B)
 - 13 Bicycle Res Visitor (Security Level C)
 - 3 Bicycle Com/Retail (Security B)
 - 3 Bicycle Com/Retail (Security Level C)
- b) a total 124 on-site bicycle parking must be provided for Stage 4, comprising:
 - 105 Residential bicycle (Security Level B)
 - 15 Bicycle Res Visitor (Security Level C)
 - 2 Bicycle Com/Retail (Security B)
 - 2 Bicycle Com/Retail (Security Level C)
- c) In addition to the bicycle parking required in a) and b) above, a further 26 visitor bicycle parking spaces are to be provided across Stage 3 and Stage 4 of the development. These visitor bicycle parking spaces are to cater for the residential visitor car parking deficit within Stage 3 and Stage 4. Visitor bicycle parking is required to be provided at grade near key access points to the development, and in locations with good passive surveillance.
- d) a total 9 on-site motorcycle parking must be provided for Stage 3, comprising:
 - 6 Residential motorbike
 - 3 Com/retail motorbike
- e) a total 8 on-site motorcycle parking must be provided for Stage 4, comprising:
 - 7 Residential motorbike
 - 1 Com/retail motorbike

The on-site parking accommodation shall be set out generally in accordance with the details indicated on the approved DA plans except as otherwise provided by the conditions of consent.

Condition reason: to ensure the required minimum number of bicycle and motorcycle parking spaces has been provided

115. Visitor car park signs and line marking

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), the proposed visitor parking bays are to be clearly indicated by means of signs and/or pavement markings.

Condition reason: To require signage and line-marking for visitor car spaces.

116. Car park marking

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), all parking bays (including visitor and any required loading bays) are to be permanently marked out on the pavement surface. Loading bays and visitor parking facilities must also be clearly indicated by signs.

Condition reason: to require signage and line-marking for visitor car spaces

117. Directional signage on site

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), 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.

Condition reason: to require directional signage.

118. Evidence of correct installation of EV charging

Before the issue of each occupation certificate for the development (i.e., whether for part or whole of a building), the principal contractor or owner-builder must submit to the satisfaction of the principal certifier, certification by a suitably qualified and experienced person that the electric vehicle charger points and/or electric vehicle circuitry, has been installed in accordance with the construction certificate plans and specifications as required by the appropriate conditions of consent that have been included in the determination.

Condition reason: to ensure proposed electric vehicle parking and charging facilities are completed.

119. Art in publicly accessible places

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), details confirming the installation of all publicly accessible art required as part of this consent is submitted to the Principal Certifier and Newcastle City Council.

Condition reason: to ensure publicly accessible art is installed to Newcastle City Council's satisfaction.

120. Fire and life safety upgrade

Prior to issue of an occupation certification, confirmation is to be provided to the principal certifier that the upgrade of existing building facades has been achieved in accordance with the relevant Performance Requirements of Sections C and D of Volume One of the Building Code of Australia, in accordance with condition 54 of this development consent.

Condition reason: to ensure the existing building facades to be retained and incorporated into the development are upgraded to comply with the relevant Performance Requirements of Parts C and D of Volume One of the Building Code of Australia.

121. Maintenance Manual for stormwater

Before the issue of an occupation certificate, 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.

Condition reason: to ensure a Maintenance Manual for all water quality devices is prepared prior to the occupation of the site for the intended use.

122. Heritage Interpretation Plan

Prior to the issue of an occupation certificate, the heritage interpretation plan must be implemented to the written satisfaction Council Heritage Officers. Full details are to be included in the occupation certificate application.

Condition reason: to ensure the heritage interpretation methods are implemented.

123. Heritage 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.

Condition reason: the results of the archaeological excavation are an important part of documenting, reporting on and explaining the results of the excavation and explaining those results to the broader community.

124. Schedule of Conservation Works

Before the issue of each occupation certificate for the development (i.e., whether for part or whole of a building), conservation Works as detailed in the Schedule of Conservation Works are to be implemented to the written satisfaction of Council's Heritage Officer. Full details are to be included in the Occupation Certificate application.

Condition reason: to ensure conservation works are implemented

125. Green Travel Plan

A detailed Green Travel Plan is to be prepared in accordance with Section C1 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2023 and submitted prior to the issue of the Occupation Certificate for implementation upon occupation of the development. The Green Travel Plan shall encourage use of alternative modes of transport and include Public Transport Routes and Bicycle Network Plans. The Green Travel Plan is to be prepared and made available to the new residents and commercial premises tenants. The Public Transport and Bicycle Network Plans are to be installed in common areas prior to the first Occupation Certificate . for the development (i.e., whether for part or whole of a building), being issued.

Condition reason: to ensure Green Travel Plan is prepared an implemented upon occupation of the development.

126. Road safety audit

Prior to the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), a road safety audit of the development is to be undertaken by an accredited auditor with a report prepared and submitted to the written acceptance by Newcastle City Council. Full details to be included in documentation for a Construction Certificate application.

Condition reason: to require a road safety audit to be undertaken.

127. Footway dedication

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), the portion of the site required for road widening, to provide a 3.0m x 3.0m splay at the intersection of Laing Street and Thorn Street, is to be transferred to Newcastle City Council for dedication as road. A survey plan providing for the dedication is to be submitted with an accompanying Subdivision Certificate application for Newcastle City Council certification and such plan is to be registered with NSW Land Registry Services.

Note: All associated survey and legal work is to be undertaken by the developer at the developer's expense.

Condition reason: To require dedication (and registration) of public footway as a road

128. Residential storage

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), each apartment is to be allocated a storage cage of adequate size to meet the storage volume in accordance with condition 47 of this consent.

Condition reason: to ensure apartments are provided the minimum storage volumes required under the Apartment Design Guide.

129. Visible light reflectivity from building materials

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), the registered certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

Condition reason: to ensure that the visible light reflectivity of building materials is appropriate.

OCCUPATION AND ONGOING USE

Condition

130. Operating hours - food and drink premises operating as a licensed venue

During occupation and ongoing use, the hours of operation or trading of any food and drink premises operating as a licensed venue under the *Liquor Act 2007* are to be not more than:

DAY	From	To
Monday	7:00am	12:00am
Tuesday	7:00am	12:00am
Wednesday	7:00am	12:00am
Thursday	7:00am	12:00am
Friday	7:00am	12:00am
Saturday	7:00am	12:00am
Sunday	7:00am	12:00am

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

Condition reason: to limit hours of operation or trading to protect the amenity of the local area.

131. Operating hours - retail premises other than food and drink premises operating as a licensed venue

During occupation and ongoing use, the hours of operation or trading of any retail premises (other than any food and drink premises operating as a licensed venue under the *Liquor Act 2007*) are to be not more than:

DAY	From	To
Monday	7:00am	10:00pm
Tuesday	7:00am	10:00pm
Wednesday	7:00am	10:00pm
Thursday	7:00am	10:00pm
Friday	7:00am	10:00pm
Saturday	7:00am	10:00pm
Sunday	7:00am	10:00pm

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

Condition reason: to limit hours of operation or trading to protect the amenity of the local area.

132. Additional requirements during operating hours

During ongoing use of the premises:

- a) Any amplified entertainment associated with the operation or trading of any retail premises (other than any food and drink premises operating as a licensed venue under the *Liquor Act 2007*) is to be restricted to 7:00am to 6:00pm Monday to Sunday unless a separate application to vary the hours of operation or trading has been submitted to and approved by Newcastle City Council.
- b) The use of all outdoor areas is to be restricted to 7:00am to 6:00pm Monday to Sunday unless a separate application to vary the hours of operation or trading has been submitted to and approved by Newcastle City Council.
- c) Outdoor dining is not permissible on Newcomen Street unless a separate application has been submitted to and approved by Newcastle City Council
- d) No music or amplified sounds other than emergency PA announcements are to be played in the outdoor areas.
- e) All doors and windows associated with any food and drink premises operating as a licensed venue under the *Liquor Act 2007* are to be closed from 10:00pm to 12:00am Monday to Sunday, except to allow for ingress or egress of patrons.
- f) The use of all swimming pools is to be restricted to 7:00am to 10:00pm Monday to Sunday unless a separate application to vary the hours of operation or trading has been submitted to and approved by Newcastle City Council.
- g) The use of any gymnasium is to be restricted to 7:00am to 10:00pm Monday to Sunday unless a separate application to vary the hours of operation or trading has been submitted to and approved by Newcastle City Council.
- h) Noise from amplified music, patrons and staff along with all gym equipment at the indoor

facility shall not be audible in any habitable room in any residential premises between the hours of 10:00pm and 7:00am from Monday to Sunday.

Condition reason: to protect the amenity of the local area.

133. Deliveries and waste collection times for mixed use developments

During ongoing use of development:

- a) Goods deliveries and waste collection from the premises is to be restricted to 7:00am to 10:00pm Monday to Sunday.
- b) The use of the loading docks is to be restricted to 7:00am to 10:00pm Monday to Sunday
- c) The roller doors associated with the loading docks are to be closed when in use

Condition reason: to ensure deliveries to the premises protect the amenity of the local area.

134. Storage of goods during ongoing use

During ongoing use of the premises, all goods must be stored wholly within the premises and must not be stored or displayed outside the premises, including any public place, without council's approval

Condition reason: to ensure goods are stored wholly within the premises and protect the amenity of the local area.

135. Graffiti removal

During ongoing use of the premises, ensure graffiti is removed from the exterior of the building or associated structures, including any fences, site services and retaining/planter bed walls.

Condition reason: to protect and preserve the visual amenity of the surrounding public domain.

136. Noise control

During occupation and ongoing use of the premises, 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 Newcastle City Council 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 Newcastle City Council prior to the expiration of the nominated period.

Condition reason: to limit offensive noise.

137. Air quality

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

Condition reason: to protect air quality.

138. Landscape establishment report

During occupation and ongoing use, a Landscape Establishment Report is to be submitted to the Newcastle City Council following completion of a three-month maintenance period, verifying that satisfactory maintenance of the landscape works has been undertaken and any necessary rectification measures have been carried out.

Condition reason: to ensure landscaping is established.

139. Parking and access maintenance

During occupation and ongoing 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.

Condition reason: to enforce approved parking, loading and traffic measures.

140. Trade Waste

During occupation and ongoing use, any washing, degreasing or steam cleaning of vehicles, plant, engines, mechanical equipment or parts is to be carried out within a wash bay or dedicated cleaning unit connected to the sewers of the Hunter Water Corporation in accordance with an approved Trade Waste Agreement or to a waste collection system for disposal by a licensed waste transport contractor in accordance with the Department of Environment and Climate Change 'Waste Classification Guidelines Part 1: Classifying Waste'. Under no circumstances are such activities to be carried out elsewhere on site.

Condition reason: to enforce approved Trade Waste Agreement or contractor system

141. Art in publicly accessible places - maintenance plan

During occupation and ongoing use, the installed publicly accessible art is to be properly maintained for the life of the development in accordance with the publicly accessible artwork maintenance plan.

Condition reason: to ensure publicly accessible artwork is properly maintained.

142. Managing noise with ongoing acoustic treatment

During ongoing use of the premises, the premises must be operated in accordance with the requirements of the Acoustic Assessment prepared by Renzo Tonin dated 21 February 2024. Where the approved acoustic report recommends ongoing acoustic treatments, an acoustic implementation report from a suitably qualified person must be submitted to council within 6 months of the commencement of operations. The report must confirm the implementation of acoustic treatment and demonstrate the external and internal noise levels satisfy the criteria and relevant project noise goals nominated in accordance with the approved acoustic report.

Condition reason: to protect the amenity of the local area

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

Condition

143. Demolition standards - hazardous waste plan

Before site work and/or demolition work commences, 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 Newcastle City Council and to the demolisher before demolition work commences.

Condition reason: to comply with Australian standards.

144. Dilapidation Report - existing

Before demolition work commences and before the first construction certificate is issued for the development (i.e., whether for part or whole of a building), a dilapidation report is to be prepared by a suitably qualified person and an electronic copy of the dilapidation report is to be submitted to the certifier prior to the issue of the construction certificate. The dilapidation report is to document and contain a photographic record of the condition of the adjoining buildings, infrastructure, and roads.

Condition reason: to require a pre-construction dilapidation report.

145. Toilets on site

Before site work and/or demolition work commences, toilet facilities are to be available or provided at the work site and 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.

Condition reason: to require provision of toilet facilities on site.

146. Hoardings

Before demolition work commences, if 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.

Condition reason: to protect public spaces during demolition.

147. Erosion and sediment control measures

Before site work and/or demolition work commences, erosion and sediment control measures are to be implemented and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan approved 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.

Condition reason: to prevent erosion and control sediment.

148. Erosion and sediment control - vehicle access

Before site work and/or demolition work commences, 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.

Condition reason: to prevent soil erosion.

149. Historical Archaeology(on-site)

- 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 monitoring and excavation of this site. The Applicant must comply with all the conditions of the s.140 approval.
- b) In the event the subject site is found to contain substantially intact State significant archaeological relics which are undocumented and associated with the pre-1840s convict occupation of Newcastle, modification of the detailed design to avoid harm and retain these in situ should be undertaken. This is consistent with previous advice of the Heritage Council of NSW for this site. Additional approval under s.140 of the *Heritage Act 1977* may be required to harm such remains if detailed design cannot be redesigned to avoid harm to these resources in whole or part.
- c) The conclusions and recommendations (Section 9.0) of the 'Historical Archaeological

Assessment' (Report no. R03, by Umwelt, May 2023) are to be implemented. This includes the investigation and research methodology framework outlined in Sections 7.0 and 8.0 of the report.

Condition reason: the subject site has potential to contain historical archaeological relics, which are protected under s.139 of the *Heritage Act 1977*. The Applicant must obtain an approval under s.141 of the *Heritage Act 1977* prior to any harm occurring to relics.

150. Demolition works and retained elements

This consent does not permit the demolition, removal or alteration of any structure except that identified on the approved Demolition Plans and Elevations (Building 3 North), the approved Demolition/Retention Plans and Elevations (Building 4 North), and the approved Façade retention documentation. Removal of existing shopfronts below retained facades shall be limited to those elements identified on the approved demolition plans. A structural engineers report, which details the method of removal and of support of the upper level elements to be retained, shall be submitted to Council for approval prior to any demolition commencing.

Condition reason: to ensure retention of heritage fabric.

DURING DEMOLITION WORK

Condition

151. Demolition standards - Australian Standards

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

Condition reason: to comply with Australian standards.

152. Demolition management

During site work and/or demolition work, works are to be undertaken in accordance with *Australian Standard 2601:2001 - The Demolition of Structures* and the following requirements:

- a) prior to commencement of demolition works a competent person shall determine the presence of hazardous substances impacted by the proposed demolition works in accordance with Section 1.6.1 of AS2601:2001 and where required produce a Hazardous Substances Management Plan
- b) demolition works shall be conducted in accordance with any required Hazardous Substances Management Plan. A copy of the Plan shall be kept on-site for the duration of the proposed development and a copy is to be held in the possession of the landowner.
- c) the removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
- d) a copy of all waste disposal receipts is to be kept in the possession of the landowner and made available to authorised Council Officers upon request.
- e) seven working days' notice in writing is to be given to 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, and
- f) 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.

Condition reason: to comply with Australian standards.

153. **Containing waste**

During site work and/or demolition work, and at a minimum, the following measures are to be implemented:

- 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 wind-blown 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*.

Condition reason: to require waste management on site on site.

154. **Demolition - protecting services**

During demolition work, 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.

Condition reason: to protect services during demolition.

155. **Demolition - material management**

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

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 Newcastle City Council's approval to position the container on the adjacent public road in accordance with Newcastle City Council's adopted Building Waste Container Policy.

Condition reason: to protect public spaces during demolition.

156. **Demolition - maximising reuse**

During demolition work, all demolition material incapable of being re-used in future

redevelopment of the site is to be removed from the site, and the site 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.

Condition reason: to require waste disposal and maximise reuse on site.

157. Demolition - material management

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

Condition reason: to protect public and private spaces during demolition

158. Demolition - waste management

During demolition work, any demolition/waste building materials that are not suitable for recycling are to be disposed of at Newcastle City Council's Summerhill Waste Management Facility or other approved site.

Condition reason: to require waste disposal and maximise reuse on site.

159. Site signage - site and building work

During site work and/or demolition work, 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.

Condition reason: prescribed condition.

160. Excavation and backfilling safety

During site work and/or demolition work, 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.

Condition reason: to protect the public near worksites.

161. Controlling surface water

During site work and/or demolition work, 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.

Condition reason: to protect adjacent properties from additional surface water runoff.

162. Limits on noise

During site work and/or demolition work, generation of 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.

Condition reason: to protect the residential amenity of neighbours.

163. Pollution prevention signage

During demolition work, a Newcastle City Council '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 the Newcastle City Council for the duration of demolition and construction work.

Condition reason: to require pollution prevention signage.

164. Handling excavated waste

During site work and/or demolition work, 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'.

Condition reason: to ensure compliance with State Guidelines.

165. Imported fill material

During site work and/or demolition work, 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*.

Condition reason: to ensure compliance with State Guidelines.

166. Resource recovery Orders

During demolition work, documentation demonstrating 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.

Condition reason: to provide evidence of compliance.

167. Controlling dust

During site work and/or demolition work, 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 shaded cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

Condition reason: to control dust during works.

168. Street trees and any tree on Council land protection

During site work and/or demolition work, all public trees including street trees and any tree on Council land that are required to be retained are to be physically protected in accordance with Newcastle City Council's *Urban Forest Technical Manual*, Part B *Public Trees*.

Note: The tree protection fencing is to remain in place and be maintained until all works have been completed, with no waste materials, washouts, equipment or machinery to be stored within the fenced area.

Condition reason: to protect street trees and any tree on Council land.

ON COMPLETION OF DEMOLITION WORK

Condition

169. Dilapidation report

On completion of demolition work, a post construction dilapidation report prepared by a suitability qualified person shall be submitted to the principal certifier, to ascertain if any structural damage has occurred to the adjoining buildings, infrastructure and roads. The reports shall be forwarded to Newcastle City Council and will be made available in any private dispute between neighbours regarding damage arising from construction works.

Condition reason: to protect adjoining buildings and infrastructure.

REMEDIATION WORK

DURING REMEDIATION WORK

Condition

170. Remedial Action Plan Compliance

During remediation work, the work is to be carried out in accordance with the requirements set out in the submitted Remedial Action Plan (RAP) prepared by Foundation Earth Sciences, dated 18 April 2024.

Condition reason: Remedial Action Plan Compliance

ON COMPLETION OF REMEDIATION WORK

Condition

171. Remediation Validation Report

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), the following documentation is to be submitted to the principal certifier and Newcastle City Council: a validation report prepared by a duly qualified consultant prepared in accordance with the requirements of the Remedial Action Plan (RAP), and State Government legislation and endorsed contaminated land guidelines.

Condition reason: Remediation report.

LAND SUBDIVISION

BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

Condition

172. Subdivision Certificate - digital copies

Before the issue of a subdivision certificate, an application is to be made, supported by a digital copy (.pdf format) of the survey plan of subdivision and associated administration sheets.

Condition reason: to require digital copies.

173. House numbering

Before the issue of a Subdivision Certificate, addressing provided by Newcastle City Council must be correctly implemented.

Condition reason: to ensure the necessary house numbering is implemented in accordance with the NSW Addressing Policy.

174. Communal open space Stage 3

The communal open space of Building 3 North is to be freely available for the use and enjoyment of all residents of Buildings 3 North, Building 3 South, and Building 3 West (proposed lot 35). Communal open space of Building 3 North is under no circumstances to be restricted or limited via subdivision, by-laws or any other mechanism which would impact any of these residents being able to freely use this area. Full details are to be included in documentation for a subdivision certificate application.

Condition reason: the ensure all future residents of Stage 3 will have access to all residential communal spaces within Stage 3, especially where such amenities are located within a different building.

175. Communal open space Stage 4

The communal open space of Building 4 North and Building 4 South (both indoor and outdoor) is to be freely available for the use and enjoyment of all residents of Buildings 4 North and Building 4 South (proposed lot 42). These communal open spaces of Building 4 North and Building 4 South are under no circumstances to be restricted or limited via subdivision, by-laws or any other mechanism which would impact any of these residents being able to freely use this area. Full details are to be included in documentation for a subdivision certificate application.

Condition reason: the ensure all future residents of Stage 4 will have access to all residential communal spaces within Stage 4, especially where such amenities are located within a different building.

176. Section 88B Instrument (easement to drain water)

Before the issue of a subdivision certificate, a notation is to be made on a survey plan and accompanying instrument under Section 88B of the *Conveyancing Act 1919* setting out the terms of the required easement to drain water and such is to be lodged with the Newcastle City Council for certification and be subsequently registered with NSW Land Registry Services.

The instrument is to provide that the easement to drain water is unable to be released, varied or modified without the concurrence of Newcastle City Council.

Condition reason: to require registration of a section 88B instrument.

177. Section 88B Instrument - public right of carriageway over publicly accessible private land

Before the issue of a subdivision certificate, a notation is to be made on a survey plan and accompanying instrument under Section 88B of the *Conveyancing Act 1919* setting out the terms of the required public right of carriageway to be created over the publicly accessible private land, and be inclusive of an associated public lift located between Newcomen and Laing Streets, and such is to be lodged with the Newcastle City Council for certification and be subsequently registered with NSW Land Registry Services.

The instrument is to provide that the required public right of carriageway to be created over the publicly accessible private land is unable to be released, varied or modified without the concurrence of Newcastle City Council.

Condition reason: to require registration of a section 88B instrument.

178. Section 88B Instrument - right of public access

Before the issue of a subdivision certificate, a notation is to be made on a survey plan and accompanying instrument under Section 88B of the *Conveyancing Act 1919* setting out the terms of the required Right of Public Access identified as E3 on the approved draft stratum plan prepared by LTS Issue A dated 31 October 2024 and located on the corner of Morgan and Laing Streets, such is to be lodged with the Newcastle City Council for certification and be subsequently registered with NSW Land Registry Services.

The instrument is to provide that the Right of Public Access is unable to be released, varied or modified without the concurrence of the Newcastle City Council.

Condition reason: to require registration of a section 88B instrument.

179. Section 88B Instrument - public positive covenant in respect to approved public art

Before the issue of a subdivision certificate, appropriate notation is to be placed, pursuant Section 88A of the Conveyancing Act, 1919, on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act, 1919 setting out the terms of a public positive covenant in respect to the following;

- c) The approved public art under this development consent is to be installed, retained and maintained by the owner of the burdened land, at no cost to Newcastle City Council, in accordance with the maintenance plan; and
- d) Proposals to remove, modify, replace or substitute the approved public art and maintenance plan are to be submitted to and be approved in writing by Newcastle City Council.

Condition reason: to require notation and registration of a public positive covenant.

180. Works as executed - through-site connections on private land

A survey plan detailing the constructed finished levels of the through-site connections on privately owned land required by condition 59 of this consent, shall be submitted to and approved by Newcastle City Council prior to issue of any Occupation Certificate or Subdivision Certificate, which ever occur first.

Condition reason: to ensure works as executed levels are as approved.

181. Footway dedication

The portion of the site required for road widening, to provide a 3.0m x 3.0m splay at the intersection of Laing Street and Thorn Street, is to be transferred to Newcastle City Council for dedication as road. A survey plan providing for the dedication is to be submitted with an accompanying Subdivision Certificate application for Newcastle City Council certification and such plan is to be registered with NSW Land Registry Services.

Note: All associated survey and legal work is to be undertaken by the developer at the developer's expense.

Condition reason: To require dedication (and registration) of public footway as a road

STRATA SUBDIVISION

BEFORE ISSUE OF A STRATA CERTIFICATE

Condition

182. Strata application

Before the issue of a strata subdivision certificate, an application is to be made for a Strata Certificate in accordance with the requirements of the *Strata Schemes Development Act 2015*.

Condition reason: to require an application for strata certification.

183. Car parking separate lots

Before the issue of a strata subdivision certificate, details are to be provided demonstrating that car parking spaces have been created as separate lots in the strata plan, with the exception of visitor car parking spaces which are retained as common property in the strata plan. Visitor parking facilities under no circumstances to be subdivided, leased or controlled by or on behalf of particular unit owners, residents or third parties. Full details are to be included in documentation for a strata subdivision certificate application.

Condition reason: to ensure creation of car parking lots and that visitor car spaces are retained.

184. Section 88B Instrument - easements

Before the issue of a strata subdivision certificate, an instrument under Section 88B of the *Conveyancing Act 1919*, setting out the terms of easements as required by this consent, along with related notations on the plan of subdivision, are to be submitted to the Newcastle City Council for certification. Newcastle City Council is to be identified as a party whose consent is required to release, vary or modify easements.

Condition reason: to require registration of a section 88B instrument for easements.

185. House numbering

Before the issue of a Strata Subdivision Certificate, addressing provided by Newcastle City Council must be correctly implemented.

Condition reason: to ensure the necessary house numbering is implemented in accordance with the NSW Addressing Policy.

186. Residential storage

Before the issue of a strata subdivision certificate, each apartment is to be allocated a storage cage of adequate size to meet the storage volume in accordance with condition 47 of this consent.

Condition reason: to ensure apartments are provided the minimum storage volumes required under the Apartment Design Guide.

Advisory Matters

- 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 Newcastle City Council and any other relevant authorities. Newcastle City Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required from any adjoining owner under the provisions of the *Dividing Fences Act 1991*.
- Prior to commencing any building works, the following provisions of Division 6.2 of the Environmental Planning and Assessment Act 1979 are to be complied with:
 - a) 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.
- 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.
- 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, any Occupation Certificate is to be obtained from the Principal Certifier appointed for the proposed development. An application for any 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 (ie '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 (ie 'on-the-spot fine') or prosecution.
- A person who is aware or believes that he or she has discovered or located a relic not identified and considered in the supporting documents for this approval, in any circumstances (including where works are carried out in reliance on an exception under section 139(4)), excavation or disturbance must cease in the affected area(s) and the Heritage Council must be notified in accordance with section 146 of the *Heritage Act 1977*. Depending on the nature of the discovery, additional assessment and approval under the *Heritage Act 1977* may be required prior to the recommencement of excavation in the affected area(s).

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 exception or an excavation permit issued by the Heritage Council of NSW.

- If any Aboriginal objects are discovered which are 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 notified in accordance with section 89A of the *National Parks and Wildlife Act 1974* (NPW Act). Depending on the nature of the discovery, additional assessment and approval under the NPW Act may be required prior to works continuing in the affected area(s). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by Heritage NSW.

Note: Heritage NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.gov.au. An 'Aboriginal object' is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains. It is an offence under the provisions of the *National Parks and Wildlife Act 1974* (NPW Act) for a person to harm or desecrate an Aboriginal object, with defence from prosecution and certain activities exempt as prescribed under the NPW Act.

- The occupier of the premises where a swimming pool or spa pool is situated must notify the relevant local government authority, under the Public Health Act 2010 and Public Health Regulation 2022. Notification is to be provided to Council by going to www.newcastle.nsw.gov.au and downloading a copy of the Public Swimming Pool and Spa Notification form or contact Council's Regulatory Services on (02) 4974 2000. The completed registration form is to be sent

to regulation@ncc.nsw.gov.au.

- The use of the swimming pool and spa pool is to be in accordance with the requirements of the:
 - a) Public Health Act 2010 - (Division 3 Control of public swimming pools and spa pools); and
 - b) Public Health Regulation 2022 - (Part 3 Public swimming pools and spa pools).
- Groundwater shall not be allowed to be discharged into adjoining roads stormwater system, sewerage system etc. 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.
- The occupier of the premises where skin penetration procedures are carried out must notify the relevant local government authority, under the Public Health Act 2010 and Public Health Regulation 2012. Notification is to be provided to Council by going to www.newcastle.nsw.gov.au and downloading a copy of the Skin Penetration Business registration form or contact Council's Regulatory Services on (02) 4974 2525. The completed registration form is to be sent to regulation@ncc.nsw.gov.au before commencement of operation of the business at the premises.
- Fit out and use of the premises is to be in accordance with the requirements of the:
 - a) Public Health Act 2010 - (Division 4 Control of skin penetration procedures); and the
 - b) Public Health Regulation 2022 - (Part 4 Control of skin penetration procedures).