

SCHEDULE OF CONDITIONS

Application No:	DA2019/01169
Land:	Lot 1 DP 826956
Property Address:	309 King Street Newcastle West NSW 2302
Proposed Development:	Mixed use development - demolition of structures, erection of two 14 storey mixed-use buildings with shared basement carparking (286 spaces), comprising seniors housing (114 bed aged care facility and 82 independent living units), residential flat building (166 units), medical centre, food and drink premises (café and restaurant) and retail premises (salon).

SCHEDULE 1

APPROVED DOCUMENTATION

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

Plan No / Supporting Document	Reference / Version	Prepared by	Dated
Site Plan	Drawing No. DA031 V4	Fender Katsalidis	22/05/2020
Ground Level Demolition Plan	Drawing No. DA050 V4	Fender Katsalidis	22/05/2020
Basement Level 2 Floor Plan	Drawing No. DA098 V4	Fender Katsalidis	22/05/2020
Basement Level 1 Floor Plan	Drawing No. DA099 V4	Fender Katsalidis	22/05/2020
Ground Floor Plan	Drawing No. DA100 V4	Fender Katsalidis	22/05/2020
Level 1 Floor Plan	Drawing No. DA101 V4	Fender Katsalidis	22/05/2020
Level 2-3 Floor Plan	Drawing No. DA102 V3	Fender Katsalidis	04/06/2019
Level 4 Floor Plan	Drawing No. DA103 V3	Fender Katsalidis	04/06/2019
Level 5 Floor Plan	Drawing No. DA104 V3	Fender Katsalidis	04/06/2019
Level 6-11 Floor Plan	Drawing No. DA105 V3	Fender Katsalidis	04/06/2019
Level 12-13 Floor Plan	Drawing No. DA106 V3	Fender Katsalidis	04/06/2019
Level 14 Floor Plan	Drawing No. DA106 V4	Fender Katsalidis	22/05/2020
Typical Apartment Layout – Tower A	Drawing No. DA120 V1	Fender Katsalidis	04/06/2019
Typical Apartment Layout – Tower B	Drawing No. DA121 V1	Fender Katsalidis	04/06/2019

North Elevation	Drawing No. DA200 V4	Fender Katsalidis	22/05/2020
South Elevation	Drawing No. DA201 V4	Fender Katsalidis	22/05/2020
West 1 Elevation	Drawing No. DA202 V4	Fender Katsalidis	22/05/2020
East 1 Elevation	Drawing No. DA203 V4	Fender Katsalidis	22/05/2020
West 2 Elevation	Drawing No. DA204 V3	Fender Katsalidis	22/05/2020
East 2 Elevation	Drawing No. DA205 V3	Fender Katsalidis	22/05/2020
West 3 Elevation	Drawing No. DA206 V4	Fender Katsalidis	22/05/2020
Section AA	Drawing No. DA250 V3	Fender Katsalidis	04/06/2019
Section BB	Drawing No. DA251 V2	Fender Katsalidis	04/06/2019
Section CC	Drawing No. DA252 V2	Fender Katsalidis	04/06/2019
Landscaping Masterplan	Drawing No. DA301 V2	Fender Katsalidis	04/06/2019
Through-Site Link Plan	Drawing No. DA302	Fender Katsalidis	04/06/2019
Through-Site Link Section	Drawing No. DA303	Fender Katsalidis	04/06/2019
Level 1 Courtyard Plan - ILU	Drawing No. DA304	Fender Katsalidis	04/06/2019
Level 1 Courtyard Section - ILU	Drawing No. DA305	Fender Katsalidis	04/06/2019
Level 5 Terrace Plan - ILU	Drawing No. DA306	Fender Katsalidis	04/06/2019
Level 14 Plan – Residents Rooftop	Drawing No. DA307	Fender Katsalidis	04/06/2019
Level 14 Section – Residents Rooftop	Drawing No. DA308	Fender Katsalidis	04/06/2019
Ground Level Demolition Plan	Drawing No. DA050 V1	Fender Katsalidis	22/05/2020
Basement Level 2 Floor Plan	Drawing No. DA098 V1	Fender Katsalidis	22/05/2020
Basement Level 1 Floor Plan	Drawing No. DA099 V1	Fender Katsalidis	22/05/2020
Ground Floor Plan	Drawing No. DA100 V1	Fender Katsalidis	22/05/2020
Level 1 Floor Plan	Drawing No. DA101 V1	Fender Katsalidis	22/05/2020

Document	Revision/ Reference	Prepared by	Date
Stormwater Management Plan	Drg. No. 22-20206- C001	GHD	13/07/2020
Acid Sulfate Assessment	Version 1	Douglas Partners	29/10/2019
BASIX Certificate	1026173M	Building Sustainability Assessments	20/09/2019
Geotechnical	Project 81229.06	Douglas Partners	June 2019

Investigation and Targeted Site Investigation (Contamination)			
Green Travel Plan	-	Graph Property Pty Ltd	Received: 06/11/2019
Traffic Impact Assessment	Revision E	Intersect Traffic	14/06/2019
Remediation Action Plan	81229.07 Revision 1	Douglas Partners	21/06/2019
Remediation Action Plan – Supplementary Letter	81229.07	Douglas Partners	01/04/2020
Crime Risk Assessment	-	CHD Partners	June 2018
Noise Impact Assessment	Report No. 17-2090-R2	Reverb Acoustics	August 2018

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

ADMINISTRATIVE CONDITIONS

2. 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:

- a) Subsidence Advisory NSW, ref: TBA19-06597, dated 24 June 2020

A copy of the General Terms of Approval is attached to this determination notice.

3. A total monetary contribution of **\$4,826,976** is to be paid to the City of Newcastle (CN), pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979, such contribution to be payable prior to the issue of the first occupation certificate in respect of the proposed development.

The payment deferral arrangements enabling payment prior to the issue of the first occupation certificate applies from 8 July 2020 to when the COVID-19 prescribed period ends. The payment deferral arrangements cease to apply if a construction certificate has not been issued for the development by 25 September 2022.

Note:

- i. This condition is imposed in accordance with the provisions of the City of Newcastle's Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019.
- ii. The City of Newcastle's Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019 permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement.
- iii. Certifiers are required to obtain documentation from City of Newcastle confirming the payment of infrastructure contributions prior to the issuing of an occupation certificate.
- iv. The amount of contribution payable under this condition has been calculated

on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and, as a guide, these approximate dates are as follows:

<u>Indexation quarters</u>	<u>Approximate release date</u>
September	Late October
December	Late January
March	Late April
June	Late July

Any party intending to act on this consent should contact City of Newcastle's Customer Enquiry Centre for determination of the indexed amount of contribution on the date of payment.

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

ENGINEERING AND PUBLIC DOMAIN

4. On-site car parking accommodation is to be provided for a minimum of 288 car parking vehicles (includes minimum of 24 residential visitor parking, 109 Residential Unit spaces, 10 spaces for medical centre/salon/café & restaurant parking, 106 spaces for independent living units, 17 car spaces for aged care centre out of which 6 is to be dedicated for staff parking) and 1 space for wash bay, 1 ambulance parking bay, 9 motorbike spaces and 146 bicycle parking (Class 2) and 22 bicycle parking (class 3) being set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012 and State Environmental Planning Policy (SEPP) (Housing for Seniors and People with a Disability) 2004. Full details are to be included in documentation for a Construction Certificate application.
5. The off-street car parking and access grades is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking, AS/NZS 2890.2:2004 - Off-street commercial vehicle facilities and AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities. Full details are to be included in documentation for a Construction Certificate application.
6. Motorbike parking spaces to be minimum 1.2m x 2.5m in accordance with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Full details are to be included in documentation for a Construction Certificate application.
7. The proposed vehicular access from King Street is to be designed to comply with AS/NZS 2890.2:2004 - Off-street commercial vehicle facilities for access by Small Rigid Vehicles (SRV). The proposed driveway entry access width on King Street to the east will need to be increased by approximately 1m and the separation median island width will require to be amended to ensure the SRV do not impact on the safety of exiting vehicles. Full details are to be included in documentation for any Construction Certificate application.
8. All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of a depth to suit design traffic and be sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers. Details are to be included in documentation for a Construction Certificate application.

9. A commercial vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:
- a) Constructed in accordance with City of Newcastle's A1300 - Driveway Crossings Standard Design Details.
 - b) The full width of footpath pavement should be continuous without any kerb returns with maximum gradient of 2.5% along the development frontages.
 - c) Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2m, in the 2.0m by 2.5m splay within the property boundary, each side of the driveway entrance.
 - d) The proposed driveway is to be a minimum of 3.0m clear of the trunk of any tree within the road reserve.
 - e) The proposed driveway is to be a minimum of 750mm clear of the centre of any pole or obstruction within the road reserve and 1.0m clear of any drainage pit.

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

10. The Developer must design and construct the following public domain and traffic works within the public road reserves along King Street, Bull Street and Ravenshaw Street frontage, at no cost to Council, and in accordance with the City Centre Public Domain Technical Manual, Newcastle City Council guidelines and design specifications. The public domain and traffic works are generally as follows:
- a) Full width foot paving as per Council City Centre Technical Manual
 - b) Installation of new kerb and gutter, drainage infrastructure and associated road works
 - c) New driveway crossing and removal of redundant driveways
 - d) Provision of new street furniture including bins, seats and bicycle rings etc and any public artworks within the road reserve
 - e) Stormwater discharge connections from the development site (Bull St drainage) and associated road drainage works (including drainage works associated with the provision of the pedestrian crossings)
 - f) New Street trees as per Council City Centre Technical Manual including any required tree volts for planting
 - g) Street Lighting upgrade in accordance with AS1158 and to Smart City requirements (includes provision of Smart City poles) in the vicinity of the development.
 - h) Upgrade existing bus stop on King Street with two shelters and seats in accordance with Council/DDA standards. Potential relocation of the bus stop near the existing driveway of club to avoid trees.
 - i) Installation of any line marking, parking and mandatory signs
 - j) Pedestrian crossing and associated kerb extensions on King St/Ravenshaw St intersection and associated civil and road works.
 - k) Raised pedestrian crossing, kerb extensions, blisters, street lighting and associated road and streetscape works on Bull Street.

- l) A separate signposting and line marking plan for the proposed on-street parking changes on King St, Ravenshaw St and Bull St frontages is to be prepared and submitted to Council. The parking plans should include the relocation of the existing bus stop on King St, proposed drop-off/loading zones, pedestrian crossing on Bull St adjoining the proposed through site link, pedestrian crossings at Ravenshaw St/King St corner and impact on current metered parking spaces. The changes to the on-street parking are subject to approval from NCTC Item 507 dated 16/11/2020.

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

11. A separate application must be lodged and consent obtained from City of Newcastle for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993* (NSW). The consent must be obtained, or other satisfactory arrangements confirmed in writing from Council, before the issue of a Construction Certificate.
12. The height clearance for the proposed vehicular access and proposed roller door height at Level 0 which leads to the basement parking areas is to be **minimum 3.5m** clear to allow for minimum height clearance for small rigid vehicles in accordance with AS/NZS 2890.2:2004 - Off-street commercial vehicle facilities. Full details are to be included in documentation for a Construction Certificate application.
13. On-street loading zone and on-street parking changes within the road reserve is to be detailed with the Section 138 Roads Act application generally as approved by the Newcastle City Traffic Committee (NCTC) Item 507 dated 16/11/2020. Full details are to be included in documentation under a separate Section 138 Roads Act Application and formal approval from City of Newcastle is to be attained prior to the issue of any construction certificate.
14. Suitable traffic management devices in the form of give way to pedestrian sign, line markings, safety mirrors and speed signs are to be installed in an appropriate location within the site. Opposing traffic flows on the car park ramps and the right of carriageway are to be separated by provision of appropriate safety barrier. Such device to be constructed in accordance with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Full details are to be included in documentation for a Construction Certificate application.
15. The Developer designing and constructing the following drainage works in connection with the proposed development within the Bull Street public road reserve, adjacent to the site, at no cost to City of Newcastle and in accordance with Council's guidelines and design specifications:

- a) New street drainage with a minimum pipe size of 375mm diameter

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

16. All stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable, as indicated on the Stormwater Drainage plans prepared by GHD (Drg. Nos. 22-19424-C001 to C007, dated 12/08/2020). Full details are to be included in

documentation for a Construction Certificate application.

17. Prior to the issue of any Construction Certificate a residential waste collection bin storage area is to be designed with consultation of City of Newcastle's Waste & Commercial Management team along Bull St frontage of the site within 10m-15m walking vicinity of the proposed Loading Zone on Bull St (Note: the loading zone can be relocated if required subject to consultation with Council) for potential waste collection by Council.

The residential waste collection storage area is to be appropriately sized and designed to accommodate for all residential bin collections (including accessibility design) generally in accordance with City of Newcastle DCP requirements and the industry standards (including EPA's Better Practice Guide for Resource Recovery in Residential Developments - 2019 Revision). The waste collection storage area is to be located in close proximity of lifts to service residential units. The waste collection bin storage area is to be designed to the written satisfaction of City of Newcastle's Waste & Commercial Management prior to the issue of any construction certificate. Council's written correspondence is to be provided to the Principal Certifier prior to issue of any Construction Certificate.

18. Prior to the release of the Construction Certificate the applicant shall submit a comprehensive waste management report in accordance with the estimated domestic waste generation rates in the EPA's Better Practice Guide for Resource Recovery in Residential Developments - 2019 Revision. The report shall address the storage and disposal of commercial and residential waste (including aged care facility) and in accordance with the conditions of this consent. The report shall include a list of recommendations, including but not limited to: sound insulated chute and/or additional garbage storage areas that are located in close proximity to the residential units. The recommendations of the report shall be included on the construction certificate drawings and shall be completed to the written satisfaction of City of Newcastle's Waste & Commercial Management team.
19. The proposed lighting including car park lighting is to be designed, positioned, and installed, including appropriate shielding and orientation of the lighting fixture, as to not give rise to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding properties in accordance with Australian Standard AS 4282: 1997 Control of the obtrusive effects of outdoor lighting. CCTV cameras are to be installed around the perimeter of the site at appropriate locations for security and surveillance. Full details are to be included in the documentation for a Construction Certificate application.

UTILITIES, SERVICES AND APPROVALS

20. The developer must submit a NECF-01 'Preliminary Enquiry' form to Ausgrid prior to issue of any Construction Certificate.
21. Provision is to be made on the site for the installation of a 'kiosk' type electricity substation should such be required by the electricity authority and any such 'kiosk' being located in accordance with that authority's requirements.
22. Detailed civil plans relating to the chamber substation ventilation are required to be submitted to the writing satisfaction of Ausgrid showing how the duct will be reworked for the ventilation system that is proposed to be altered. Any proposed changes need to be to the satisfaction of Ausgrid and must be adequate, fit for purpose and all penetrations to fire rated walls and ceilings are to be in accordance with current standards.
23. The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service

mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's compliance certificate (refer s.50 *Hunter Water Act 1991*) is to be included in documentation for a Construction Certificate application.

24. Working drawings and specifications of the proposed building are to be submitted to the Subsidence Advisory NSW for approval prior to an application for a Construction Certificate and any requirements of the Board are to be included in the documentation for a Construction Certificate application.

Note: Subsidence Advisory NSW advises that it will be necessary for the working drawings to be certified by a qualified Structural Engineer to the effect that the proposed building works will be safe, serviceable and repairable having regard to the following mine subsidence parameters:

- a) Design pot hole of nominal diameter 5000 mm,
 - b) Work as executed drawing to be submitted to the Board, certified by a qualified Structural Engineer that all improvements have been constructed in compliance with the plans approved by the Board,
 - c) No cavity or internal brick walls,
 - d) Absolute maximum height of foundation brickwork not to exceed 1.5 metres,
 - e) For brick veneer construction, the design to incorporate special features into the building (panellised brickwork and/or control joints etc) and,
 - f) Raft or infill slabs.
25. The applicant is required to engage an electrical consultant or contractor to complete an online application to AUSGRID for the connection of the approved development to the adjacent electricity network infrastructure.
 26. The person having the benefit of this consent will need to apply with Water NSW under the *Water Management Act 2000* for a Groundwater Licence prior to the commencement of any extraction of groundwater. A copy of the Groundwater Licence will need to be provided to City of Newcastle prior to the issue of any Construction Certificate.

BUILDING

27. The building is to be provided with access for persons with disabilities, to the extent necessary to comply with the Commonwealth's *Disability (Access to Premises - Buildings) Standards 2010*. Details are to be included in documentation for a Construction Certificate application.
28. The construction or erection of appropriate swimming pool safety fences and gates and all associated work is to be carried out in accordance with the Swimming Pool Act 1992 (NSW) and Regulations. Full details are to be included in the documentation for a Construction Certificate application.
29. A Waste Management Plan is to be prepared detailing the strategy for managing waste during the construction of the approved development in accordance with Section 7.08 Waste Management of Newcastle DCP 2012 and the Waste Management Technical Manual.
30. The swimming pool/spa water recirculation and filtration system installation shall comply with Australian Standard 1926.3:2010 - Swimming pool safety - Water recirculation systems. Full details are to be included in the documentation for a Construction Certificate application.
31. The proposed awnings are to be designed to meet the requirements of Element 7.10 '*Street Awnings and Balconies*' of Newcastle Development Control Plan 2012. Details are to be included in documentation for a Construction Certificate application.

32. Any private structure on or over the public road reserve, including balconies and awnings, being the subject of a separate consent from Council, under Section 138 of the Roads Act 1993, prior to commencement. In this regard structural engineering design plans and specifications for the works are required to be prepared by a suitably qualified practising structural engineer with experience and competence in the related field and submitted in documentation for a Construction Certificate application.

ENVIRONMENTAL HEALTH

33. The design and construction of the proposed development is to be in accordance with the relevant requirements of the *Australian Standard 4674-2004 Design, Construction and Fit-Out of Food Premises*. Full details are to be included in the documentation for the Construction Certificate application.
34. The acoustic performance of all mechanical plant and equipment associated with the building being assessed by an appropriately qualified acoustic consultant prior to the issue of any required Construction Certificate. Appropriate acoustic treatment as recommended by the acoustic consultant being designed prior to the issue of a Construction Certificate. Written certification from an appropriately qualified acoustic consultant being submitted to the Principal Certifier prior to issue of an Occupation Certificate confirming that noise from all mechanical plant and equipment achieves the required acoustic attenuation to comply with the conditions of consent and the requirements of the Protection of the Environment Operations Act 1997.
35. The recommendations of the acoustic consultant are to be implemented in the construction of the development. Written certification from the acoustic consultant confirming that the recommended acoustic treatments have been implemented is to be submitted to the Principal Certifier prior to the occupation of the premises.

PLANNING AND DESIGN

36. A Design Verification Statement from a qualified designer shall be submitted to the Certifying Authority. The statement shall confirm the Construction Certificate plans and specifications achieve or improve the design quality of the development for which consent is granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development. Full details are to be included in the documentation for the first Construction Certificate for the residential flat development.

Note: 'Qualified Designer' means a person registered as an architect in accordance with the Architects Act 2003. This condition is imposed in accordance with Clauses 143A of the *Environmental Planning and Assessment Regulation 2000*.

37. In accordance with the terms and conditions of the Competition Waiver Agreement (Dated 14 August 2018) the applicant shall obtain written approval from the Design Excellence Panel prior to the release of any Construction Certificates or tender documentation for the project.
38. Written verification is required to be submitted to the Principal Certifier by a suitably qualified professional confirming that the approved aged care facility and independent living units have been designed in accordance with the relevant Australian Standards for accessibility as outlined in clause 41 State Environmental Planning Policy (Seniors Housing). Design should be undertaken in accordance with the recommendations of the Access Review (prepared by Morris Goding Access Consulting, dated 27 June 2019).
39. Written verification is required to be submitted to the Principal Certifier by a suitably qualified professional confirming that the construction of the development has been undertaken in compliance with the recommendations of the Crime Risk Assessment (prepared by CHD partners and dated June 2018) and the principles of Crime

Prevention Through Environmental Design, including requirements for lighting and installation of CCTV.

40. All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required under the conditions of this consent are required to be detailed on a comprehensive landscape design plan and specification. The required comprehensive landscape design plan and specifications is to be in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:
- a) cross sections through the site where appropriate
 - b) proposed contours or spot levels
 - c) botanical names
 - d) quantities and container size of all proposed trees
 - e) shrubs and ground cover
 - f) details of proposed soil preparation
 - g) details of proposed soil preparation
 - h) mulching and staking
 - i) treatment of external surfaces and retaining walls where proposed
 - j) drainage, location of taps and
 - k) appropriate maintenance periods.

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

41. A wind tunnelling report is to be prepared by an appropriate qualified and experience engineer. This report is to be prepared in accordance with AS1170.2 and should consider the impact on the building, the environment and pedestrian movements surrounding the development. Architectural and landscape plans will need to reflect the recommendations of the wind tunnelling report and amended plans and the wind tunnelling report is to be provided to the Principal Certifier prior to issue of any Construction Certificate (excluding any construction certificate for remediation works or demolition). A copy of the wind tunnelling report is to be provided to Council.
42. A public art feature shall be designed for the site in consultation with City of Newcastle. The public artwork is to have a minimum value of **1% (\$1,608,992)** of the capital cost of the development. The final details of all artworks within the site and associated costing are to be submitted to Council's Public Art Reference Group for written approval prior to the issue of a Construction Certificate.

The written approval be obtained prior to commencement of above-ground works/ground level slabs and the approved artwork(s) be installed prior to the use of the first Occupation Certificate. This feature is to provide visual interest for pedestrians and interpret or reflect the local setting, landscape setting and/or cultural setting of the Newcastle area. The feature is to be designed to ensure long-term durability and be resistant to vandalism

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

BUILDING AND SITE REQUIREMENTS

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

- Saturday, 8:00 am to 1:00 pm.

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

44. The work site is to be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
45. All building work must be carried out in accordance with the provisions of the National Construction Code.
46. Toilet facilities are to be available or provided at the work site before works begin and be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet is to:

- a) Be a standard flushing toilet connected to a public sewer, or
 - b) Have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - c) Be a temporary chemical closet approved under the *Local Government Act 1993*.
47. A rigid and durable sign is to be erected on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:
 - 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 for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
 - 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.

48. City of Newcastle's '*Prevent Pollution*' sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary, so it is clearly visible to the public, or at other locations on the site as otherwise directed by the City of Newcastle, for the duration of demolition and construction work.

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

49. If construction / demolition work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence is to be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
50. An application is to be made to and approved by the City of Newcastle for the erection of a hoarding or part closure of the footway prior to construction being commenced.

Such overhead structure or protective fence is to comply with the *Work Health and Safety Act 2011*, *Work Health and Safety Regulation 2011* and any relevant approved industry code of practice. Notice of intention of commencement is to be given to SafeWork NSW.

51. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.
52. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:
 - a) Control over discharge of stormwater and containment of run-off and pollutants leaving the site is to be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins and controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover; and
 - b) Erosion and sediment control measures are to be designed in accordance with the requirements of the *Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1* (the 'Blue Book') published by Landcom, 2004.
53. Prior to the commencement of work, a 3.0m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand or soil is not to be stockpiled on the all-weather vehicle access.
54. 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.
55. Waste management is to be implemented in accordance with the Waste Management Plan submitted with the Construction Certificate. At a minimum, the following measures are to be implemented during the construction phase:
 - a) A waste container of at least one cubic metre capacity is to be provided, maintained and regularly serviced from the commencement of operations until the completion of the building, for the reception and storage of waste generated by the construction of the building and associated waste;
 - b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets;
 - c) Provision is to be made to prevent windblown rubbish leaving the site; and
 - d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

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

DEMOLITION AND EARTHWORKS

56. Building demolition is to be planned and carried out in accordance with *Australian Standard 2601:2001 - The Demolition of Structures*.
57. 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 City of Newcastle and to the demolisher prior to commencement of work.
58. Demolition works are to be undertaken in accordance with *Australian Standard 2601:2001 - The Demolition of Structures* and the following requirements:
 - a) Demolition works are to be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan is to be kept on site for the duration of the proposed development;
 - b) The removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the required class of Asbestos Licence, issued by SafeWork NSW;
 - c) A copy of all waste disposal receipts are to be kept on site for the duration of the proposed development and made available to authorised City of Newcastle officers upon request;
 - d) Seven working days' notice in writing is to be given to the City of Newcastle and the owners/occupiers of neighbouring premises prior to the commencement of any demolition work. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor. Notification to owners/occupiers of neighbouring premises is also to include City of Newcastle's contact telephone number (4974 2000) and the SafeWork NSW telephone number (4921 2900); and
 - e) On sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.
59. The demolisher is to ensure that all services (ie water, telecommunications, gas, electricity, sewerage etc), are disconnected in accordance with the relevant authority's requirements prior to demolition.
60. 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 City of Newcastle's approval to position the container on the adjacent public road in accordance with City of Newcastle's adopted Building Waste Container Policy.
61. All demolition material incapable of being re-used in future redevelopment of the site is to be removed from the site and the site being cleared and levelled.

Note: Where reusable building materials are to be stored on site for use in future building works, such materials are to be neatly stacked at least 150 mm above the ground.

62. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
63. Any demolition/waste building materials that are not suitable for recycling are to be disposed of at City of Newcastle's Summerhill Waste Management Facility or other approved site.
64. 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.
65. If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent is to, at that person's own expense:
 - a) Protect and support the adjoining premises from possible damage from the excavation, and
 - b) Where necessary, underpin the adjoining premises to prevent any such damage.

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 requirements not applying.

66. If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved method of preventing movement of the soil are to be provided. 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 City of Newcastle reserves, including the road reserve, is not permitted.
67. Any excavated material to be removed from the site is to be assessed and classified in accordance with the NSW Environment Protection Authority's '*Waste Classification Guidelines Part 1: Classifying Waste*' and be transported and disposed of in accordance with the provisions of the *Protection Of The Environment Operations Act 1997* and the *Protection Of The Environment (Waste) Regulation 2014*.
68. 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*

PLANNING

69. A Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries, is to be submitted to the Principal Certifier before construction is commenced.
70. A survey certificate prepared by a Registered Surveyor is to be submitted to the Principal Certifier upon completion of the floor slab formwork, before concrete is poured, to verify that the siting of the building in relation to adjacent boundaries is in accordance with the development consent.
71. Certification is to be prepared by a Registered Surveyor and submitted to the Principal

Certifier at the stages of construction indicated:

- a) On completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels.
 - b) On completion of each subsequent floor level, confirming that the floor levels are in accordance with the approved levels.
 - c) When the roof has been completed, confirming that the building does not exceed the approved levels.
72. All external items of air conditioning plant are to be screened or positioned in such a manner as to not detract from the visual presentation of the building.
73. The person having the benefit of the consent, must notify any contractors and persons involved in undertaking subsurface disturbance works, that it is an offence under Section 86 of the National Parks and Wildlife Act 1974 to harm or desecrate an Aboriginal object unless that harm or desecration is subject of an approved Aboriginal Heritage Impact Permit (AHIP).
- During construction works should any Aboriginal relics be discovered then all excavations or disturbance to the area shall cease immediately and the NSW Biodiversity Conservation Division (BCD), shall be informed in accordance with Section 89A of the National Parks and Wildlife Act 1974.
- Note: All necessary approvals from the NSW Biodiversity Conservation Division (BCD) shall be obtained and a copy provided to City of Newcastle prior to works recommencing.
74. The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
75. An archival photographic record is to be undertaken of the existing garage, including the interiors, prior to the issue of a construction certificate. 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 City of Newcastle with the documentation for the construction certificate. 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

76. The swimming pool surrounds and/or paving is to be constructed in a manner so as to ensure water from the pool overflow does not discharge onto neighbouring properties. All backwash/pool wastewater is to be piped/drained to the sewer of Hunter Water Corporation in accordance with the requirements of Hunter Water Corporation.

ENVIRONMENTAL HEALTH

77. The premises are to be constructed, including the installation of all equipment, fixtures and fittings, in accordance with the requirements of *Australian Standard 4674:2004 - Design, construction and fit-out of food premises*.

78. Remediation must be carried out in accordance with Section 7 of the Remediation Action Plan (prepared by Douglas Partners dated 21 June 2019).

Any soils identified as exceeding the validation criteria during the remediation works as specified by the Remediation Action are to be removed offsite. Under no circumstances is onsite remediation to be carried out.

79. Prior to any site works commencing, the Developer preparing a Construction Management Plan (CMP) such to be designed and implemented to manage all environmental aspects associated with the construction works, including off site impacts such as transport to and from the site. Two copies of the CMP are to be provided to the Principal Certifier and the CMP is to be maintained on site during all site works and be made available to Authorised Officers upon request. The CMP is to include but not be limited to:
- a) A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
 - b) A soil and water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water and groundwater. Procedures should be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
 - c) A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions.
 - d) A waste minimisation strategy that aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
 - e) A community relations plan that aims to inform local residents and other local stakeholders of the proposed nature and timeframes for construction activities together with contact details for site management.
 - f) A noise management strategy detailing measures to minimise the impact of the construction phase on the amenity of the locality, in accordance with Australian Standard AS 2436, 1981 'Guide to Noise control on Construction, Maintenance and Demolition Sites'. Noise monitoring during the construction phase should be incorporated into the program.
 - g) A site management strategy for dealing with any identifying potential for Acid Sulphate Soils (ASS) to be encountered and measures and techniques to be followed in the event that ASS is encountered.

CAR PARKING

80. On-site car parking accommodation is to be provided for a minimum of a minimum of 288 car parking vehicles (includes minimum of 24 residential visitor parking, 109 Residential Unit spaces, 10 spaces for medical centre/salon/café & restaurant parking, 106 spaces for independent living units, 17 car spaces for aged care centre out of which 6 is to be dedicated for staff parking) and 1 space for wash bay, 1 ambulance parking bay, 9 motorbike spaces and 146 bicycle parking (Class 2) and 22 bicycle parking (class 3) and such being set out generally in accordance with the details indicated on the submitted plans except as otherwise provided by the conditions of consent.
81. All parking bays are to be permanently marked out on the pavement surface.
82. The proposed visitor parking bays are to be clearly indicated by means of signs and/or pavement markings and shall remain as common property under any future strata scheme.

ENGINEERING AND ASSETS

83. Nine street trees along King Street, three street trees along Ravenshaw Street, and 14 street trees along Bull Street, are to be planted as compensation for the removal of the two mature 'Longon Plane' street trees. A fee, to be determined by contacting City of Newcastle's City Greening Services, is to be paid to the City of Newcastle for the required compensatory planting and evidence of the payment of the required fee is to be included in documentation for an Occupation Certificate application.

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

84. 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.
85. Prior to commencement of site works the developer must submit, to the written satisfaction of City of Newcastle, a Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase.

Note: 1: The plan will be required to be referred to the Roads & Traffic Authority for separate approval.

Note 2: The required plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve. The plan is to be prepared in accordance with Australian Standard 1742.3 – 2002.

86. Provision must be made for safe, continuous movement of traffic and pedestrians in public roads and erecting traffic warning signs conforming to the Roads and Traffic Authority's General Specifications (RTA Spec. Part G10 "Control of Traffic" and RTA Spec. 3355). Traffic control is to be carried out only by flagmen with certification that they have been trained in accordance with Australian Standard 1742.3 - 2002.
87. Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to City of Newcastle by a Surveyor registered under the *Surveying and Spatial Information Act 2002* (NSW).
88. 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.
89. Temporary ground anchors are to be designed and installed along the road reserve and adjoining properties to protect the existing properties. The design of the temporary ground anchors is to be carried out by qualified and practicing structural and geotechnical engineers. Approval is to be attained from the relevant Roads Authority for installation of the temporary ground anchors prior to the start of any bulk excavation works. The temporary ground anchors are to be destressed and any timber is to be removed to the satisfaction and requirements of the relevant Roads Authority.

UTILITIES

90. There are existing overhead electricity network assets on the corner of Bull and Ravenshaw Streets, adjacent the development site. Workcover Code of Practice 2006 – Work Near Overhead Powerlines outlines the minimum safety separation requirements between these mains/poles to structures within the development

throughout the construction phase. Any relocation of overhead mains required to maintain minimum safety clearances is at the cost of the person having the benefit of this consent.

91. The development is in proximity to underground electricity assets. In addition to DBYD searches a ground search is to be conducted to locate electricity assets immediately prior to commencing work to check for updates of installed utilities. During construction work is to be undertaken in accordance with Ausgrid's Network Standard 156 – Working near or around underground cables. Any alterations to Ausgrid's underground electricity main will be contestable works and funded by the person having the benefit of this consent.
92. A title search of the development site is to be completed prior to commencement of works to identify any existing electricity easements. If easements are present, Ausgrid must assess the proposed activity within the easement.

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

ENGINEERING

93. All works within the road reserve required by this consent are to be completed prior to the issue of an Occupation Certificate.
94. Any redundant existing vehicular crossing is to be removed at no cost to the City of Newcastle. The road reserve and kerb is to be restored to the City of Newcastle's satisfaction. Works are to be completed prior to the issuing of an Occupation Certificate for the proposed development.
95. A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, are to be submitted to the Principal Certifier and to the City of Newcastle prior to the issue of an Occupation Certificate. The plans are to be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
96. A Maintenance Manual for all water management devices (quantity and quality) is to be prepared in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual. The Maintenance Manual is to address maintenance issues concerning the water management devices including routine monitoring and regular maintenance. Establishment of the water management devices in accordance with the Maintenance Manual is to be completed prior to the issue of an Occupation Certificate.
97. A post construction dilapidation report prepared by a suitability qualified person is to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate, to ascertain whether any physical damage, caused by the construction work, has occurred to the adjoining buildings, infrastructure and roads. The report is also to be forwarded to the City of Newcastle and will be made available in any private dispute between neighbours regarding damage arising from construction works.

PLANNING

98. All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to the issue of an Occupation Certificate. Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to the City of Newcastle with Occupation Certificate documentation.

99. A design verification statement from a qualified designer shall be submitted to the Principal Certifier prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first. The statement shall confirm the development has been constructed in accordance with the quality principles set out in Part 2 of State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development. Note: 'Qualified Designer' means a person registered as an architect in accordance with the Architects Act 2003. This condition is imposed in accordance with Clauses 154A of the Environmental Planning and Assessment Regulation 2000.

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

100. A Landscape Practical Completion Report is to be submitted to the Principal Certifier prior to the issue of the Final Occupation Certificate. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.
101. The premises are to be identified by the provision of house and street numbers on the building exterior and mailbox, respectively, such that they are clearly visible from the road frontage. The minimum numeral heights shall be:
- a) Exterior of the building = 75mm and
 - b) Group mailbox - street number = 150mm / house number = 50mm
102. Appropriate arrangements being made for the collection of garbage (recyclable and non-recyclable) from within the development and such arrangements being in place prior to the occupation of the premise the subject of this development application. The arrangements are to be to the written satisfaction of the City of Newcastle. Under no circumstances are garbage bins to be presented to King Street, Ravenshaw Street or Bull Street for kerbside collection.
103. A operational fire sprinkler system is to be installed within the residential care facility in accordance with the relevant Australian Standards and National Construction Code.
104. Lighting is to be provided to all entrances and exits of the premises and is to be designed, positioned, and installed, including appropriate shielding and orientation of the lighting fixture, as to not give rise to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding properties. All lighting must comply with AS 1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'. Full details are to be included in the documentation for a Construction Certificate application.
105. Technical Surveillance (CCTV) is to be installed in accordance with relevant Australian Standards and the recommendations of the NSW Police contained within correspondence dated 20 November 2019.

ENVIRONMENTAL HEALTH

106. Acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Reverb Acoustics, dated August 2018. Written final certification verifying that 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 the City of Newcastle prior to the issue of an Occupation Certificate. Note: The acoustic consultant may need to be involved during the construction process, in order to ensure that final certification is achieved.

107. Following completion of the remediation work, a validation report being prepared by a suitably qualified consultant in accordance with the relevant Environment Protection Authority Guidelines and submitted to the Principle Certifying Authority and City of Newcastle prior to the issuing of an Occupation certificate.
108. Prior to issue of an Occupation Certificate, the food business must notify the relevant enforcement agency, under the *Food Act 2003* and (for licensed food businesses) under the *Food Regulation 2010*.

If notification is to be provided to City of Newcastle please visit www.newcastle.gov.au and download a copy of the 'Council Food Business Notification Form' or contact City of Newcastle's Regulatory Services on (02) 4974 2525.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

ENVIRONMENTAL HEALTH

109. The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997*. Should City of Newcastle consider that offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustical consultant recommending acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant, verifying that the recommended acoustic measures have been satisfactorily implemented, will be required to be submitted to City of Newcastle prior to the expiration of the nominated period.
110. The use and occupation of the premises is not to give rise to the emission of any 'air impurity' as defined under the *Protection of the Environment Operations Act 1997*, that interferes unreasonably with the amenity of neighbouring premises and/or other sensitive receivers. Should City of Newcastle consider that unreasonable levels of air impurities have been emitted from the premises, the owner/occupier will be required to engage a suitably qualified consultant to recommend measures to control emission of air impurities to an acceptable level and such measures will be required to be implemented within a nominated time period. Furthermore, written certification from the suitably qualified consultant will be required to be submitted to City of Newcastle, confirming that air impurity emissions from the premises do not interfere unreasonably with the amenity of neighbouring premises and/or other sensitive receptors, before the expiration of the nominated period.
111. Any liquid wastes from the premises, other than stormwater are to be either discharged to the sewers of the Hunter Water Corporation in accordance with an approved Trade Waste Agreement or collected and disposed of by a licensed waste transport contractor in accordance with the Department of Environment and Climate Change 'Waste Classification Guidelines Part 1: Classifying Waste'.

ENGINEERING

112. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.
113. On-site car parking accommodation is to be provided for a minimum of 288 car parking vehicles (includes minimum of 24 residential visitor parking, 109 Residential Unit spaces, 10 spaces for medical centre/salon/café & restaurant parking, 106 spaces for independent living units, 17 car spaces for aged care centre out of which 6 is to be dedicated for staff parking) and 1 space for wash bay, 1 ambulance parking bay, 9

motorbike spaces and 146 bicycle parking (Class 2) and 22 bicycle parking (class 3).

114. 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.
115. Hours of operation for the security door providing access to the ground level car park and loading and unloading area to be restricted to 9 PM to 7 AM, ensuring that the cars have clear access to ground level parking facilities between 7 AM to 9 PM.
116. A Green Travel Plan for the development is to be prepared and implemented prior to occupation of the development. The Green Travel Plan is to be in accordance with Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012 and the draft Green Travel Plan submitted with the development application.

PLANNING

117. The hours of operation or trading of the following premises are limited as follows:

Hair Salon – Building A

Day	Start	Finish
Monday	7:00am	6:00pm
Tuesday	7:00am	6:00pm
Wednesday	7:00am	6:00pm
Thursday	7:00am	6:00pm
Friday	7:00am	6:00pm
Saturday	7:00am	6:00pm
Sunday	7:00am	6:00pm

Medical Centre – Building A

Day	Start	Finish
Monday	7:00am	6:00pm
Tuesday	7:00am	6:00pm
Wednesday	7:00am	6:00pm
Thursday	7:00am	6:00pm
Friday	7:00am	6:00pm
Saturday	7:00am	6:00pm
Sunday	7:00am	6:00pm

Café – Building B

Day	Start	Finish
Monday	7:00am	6:00pm
Tuesday	7:00am	6:00pm
Wednesday	7:00am	6:00pm
Thursday	7:00am	6:00pm
Friday	7:00am	6:00pm
Saturday	7:00am	6:00pm
Sunday	7:00am	6:00pm

Restaurant – Building B

Day	Start	Finish
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 the City of Newcastle.

118. Waste collection from the proposed development being restricted to between 7:00am and 6:00pm daily.
119. A Landscape Establishment Report is to be submitted to City of Newcastle 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 to a high professional standard; copy of report format attached.
120. No goods or advertising signs are to be displayed or allowed to stand on the public footpath or street.
121. Lighting and CCTV is to be maintained and operational throughout the life of the development.

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 both City of Newcastle and any other relevant authorities. City of Newcastle and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Any proposed business identification sign or advertising sign is to be designed in accordance with the provisions of Newcastle Development Control Plan 2012 and be the subject of a separate Development Application that is to be approved prior to the sign being erected or placed in position, except when such signage meets 'exempt development' criteria.
- Prior to commencing any building works, the following provisions of Part 6 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 the City of Newcastle is to be notified of the appointment; and
 - c) The City of Newcastle is to be given at least two days notice of the date intended for commencement of building works.
- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* (NSW) to act in a manner causing, or likely to cause, harm to the

environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.

- 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.
- A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- An annual Fire Safety Statement in the form described in Clause 175 of the *Environmental Planning and Assessment Regulation 2000* is to be submitted to the City of Newcastle and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of New South Wales Fire Brigades. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979*, which may be subject to a penalty infringement notice (i.e. 'on-the-spot fine') or prosecution.
- The owner of the premises on which a swimming pool/spa is situated is to ensure that the pool details are entered into the *State Swimming Pool Register*. The register is accessible at www.swimmingpoolregister.nsw.gov.au.
- The proposed development will require the provision of new street numbers for the delivery of services and goods. The allocated house numbers are:

Unit/ Dwelling/ Lot Number on plan	Council Allocated Street Addresses			
	House Number	Street Name	Street Type	Suburb
TOWER A				
Ground Floor				
Salon	2/313	King	Street	Newcastle
Medical Centre	1/313	King	Street	Newcastle
Level 1				
I.L. Lobby	118/313	King	Street	Newcastle
A101	101/313	King	Street	Newcastle
A102	102/313	King	Street	Newcastle
A103	103/313	King	Street	Newcastle
A104	104/313	King	Street	Newcastle
A105	105/313	King	Street	Newcastle
A106	106/313	King	Street	Newcastle
A107	107/313	King	Street	Newcastle

A108	108/313	King	Street	Newcastle
A109	109/313	King	Street	Newcastle
A110	110/313	King	Street	Newcastle
A111	111/313	King	Street	Newcastle
A112	112/313	King	Street	Newcastle
A113	113/313	King	Street	Newcastle
A114	114/313	King	Street	Newcastle
A115	115/313	King	Street	Newcastle
A116	116/313	King	Street	Newcastle
A117	117/313	King	Street	Newcastle
Level 2				
A201	201/313	King	Street	Newcastle
A202	202/313	King	Street	Newcastle
A203	203/313	King	Street	Newcastle
A204	204/313	King	Street	Newcastle
A205	205/313	King	Street	Newcastle
A206	206/313	King	Street	Newcastle
A207	207/313	King	Street	Newcastle
A208	208/313	King	Street	Newcastle
A209	209/313	King	Street	Newcastle
A210	210/313	King	Street	Newcastle
A211	211/313	King	Street	Newcastle
A212	212/313	King	Street	Newcastle
A213	213/313	King	Street	Newcastle
A214	214/313	King	Street	Newcastle
A215	215/313	King	Street	Newcastle
A216	216/313	King	Street	Newcastle
A217	217/313	King	Street	Newcastle
A218	218/313	King	Street	Newcastle
A219	219/313	King	Street	Newcastle
A220	220/313	King	Street	Newcastle
A221	221/313	King	Street	Newcastle
A222	222/313	King	Street	Newcastle
A223	223/313	King	Street	Newcastle
A224	224/313	King	Street	Newcastle
A225	225/313	King	Street	Newcastle
A226	226/313	King	Street	Newcastle
A227	227/313	King	Street	Newcastle
A228	228/313	King	Street	Newcastle
A229	229/313	King	Street	Newcastle
A230	230/313	King	Street	Newcastle
A231	231/313	King	Street	Newcastle

Level 3				
A301	318/313	King	Street	Newcastle
A302	317/313	King	Street	Newcastle
A303	316/313	King	Street	Newcastle
A304	315/313	King	Street	Newcastle
A305	314/313	King	Street	Newcastle
A306	313/313	King	Street	Newcastle
A307	312/313	King	Street	Newcastle
A308	311/313	King	Street	Newcastle
A309	310/313	King	Street	Newcastle
A310	309/313	King	Street	Newcastle
A311	308/313	King	Street	Newcastle
A312	307/313	King	Street	Newcastle
A313	306/313	King	Street	Newcastle
A314	305/313	King	Street	Newcastle
A315	304/313	King	Street	Newcastle
A316	303/313	King	Street	Newcastle
A317	302/313	King	Street	Newcastle
A318	301/313	King	Street	Newcastle
A319	331/313	King	Street	Newcastle
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Level 4				
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Level 6				
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Level 7				
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Level 8				
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Level 9				
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Level 10				
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Level 11				
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Level 12				
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Level 13				
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A1306	1306/313	King	Street	Newcastle
A1307	1307/313	King	Street	Newcastle
TOWER B				
Ground Floor				
Cafe	1/311	King	Street	Newcastle
Restaurant	2/311	King	Street	Newcastle
Level 1				
Tower Residential Lobby	122/311	King	Street	Newcastle
B101	101/311	King	Street	Newcastle
B102	102/311	King	Street	Newcastle
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Level 2				
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Level 3				
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B1306	1306/311	King	Street	Newcastle
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B1308	1308/311	King	Street	Newcastle

END OF CONDITIONS

SCHEDULE 1

Subsidence Advisory NSW – General Terms of Approval

GENERAL	
Plans, Standards and Guidelines	
1.	<p>These General Terms of Approval (GTAs) only apply to the development described in the plans and associated documentation relating to DA2019/01169 and provided to Subsidence Advisory NSW.</p> <p>Any amendments or subsequent modifications to the development may render these GTAs invalid.</p> <p>If the proposed development is amended or the development consent modified, Subsidence Advisory NSW must be notified to determine if any variations to these GTAs are required.</p>
2.	<p>This approval expires 5 years after the date the approval was granted if construction work has not physically commenced.</p>
PRIOR TO COMMENCEMENT OF CONSTRUCTION	
3.	<p>Submit a proposal to remove the risk of mine subsidence by a suitable means, such as grouting. This shall be substantiated by finite element analysis of the workings based on data derived from the geotechnical field investigations. Submit for acceptance by Subsidence Advisory NSW prior to commencing work a:</p> <ol style="list-style-type: none"> Grout Design; including grout locations (dimensioned in plan and elevation), and design parameters for any residual mine subsidence. Grout Implementation Plan; including a site plan (showing property boundaries within 200m of the site), grout locations (dimensioned in plan and elevation), proposed bore locations, and grout designer's endorsement. Grout Verification Plan; showing the location of verification holes and the grout designer's endorsement. <p>Any assumptions applied to the numerical modelling shall be subject to verification (using empirical or analytical methods) and a sensitivity analysis.</p> <p>Arrange for an independent peer review of the grouting design and implementation plan by a suitably qualified engineer acceptable to Subsidence Advisory NSW.</p> <p>On completion of grouting submit a Grout Verification Output Report endorsed by the grout designer and site verification engineers for compliance with the accepted Grouting Plan.</p>
4.	<p>Submit plans prior to construction with a letter from a qualified structural engineer that the improvement will remain "safe, serviceable and any damage from mine subsidence shall be limited to 'very slight' in accordance with AS2870 (Damage Classification), and readily repairable". The subsidence parameters should be clearly stated</p>
5.	<p>Submit an "Engineering Impact Statement" prior to commencement of detailed design for acceptance by SA NSW, which shall identify the:</p> <ol style="list-style-type: none"> Mine Subsidence Parameters used for the design. Main building elements and materials.

	<p>c. Risk of damage due to mine subsidence</p> <p>d. Design measures proposed to control the risks.</p> <p>e. Provide certification that the design will ensure the improvement remains "safe, serviceable and any damage from mine subsidence shall be limited to 'very slight' in accordance with AS2870 (Damage Classification), and readily repairable".</p> <p>f. Comment on the:</p> <ul style="list-style-type: none"> likely building damage in the event of mine subsidence. sensitivity of the design to greater levels of mine subsidence.
6.	Submit detailed design drawings prior to commencement construction with the design measures proposed to control the mine subsidence risk clearly highlighted and the design subsidence parameters clearly marked on the plan
POST CONSTRUCTION	
7.	<p>Establish 4 survey monitoring reference marks on and around the circumference of the building(s) so that building movement can be monitored should mine subsidence occur.</p> <p>At least 2 PMs or SSMs should be used as a benchmark:</p> <p>A plan with the position including Easting, Northing and RL of each monitoring reference marks and original RLs are to be forwarded to Subsidence Advisory NSW.</p>
8.	Upon completion of construction, work-as-executed certification by a qualified engineer will be required by Subsidence Advisory NSW confirming that construction was in accordance with the plans accepted by Subsidence Advisory NSW.

Dispute Resolution

If you are dissatisfied with the determination of this application an appeal may be formally submitted with the Chief Executive Officer for an independent internal review. The application must be made in writing and must provide reasons why the determination should be changed.