ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

ITEM-17 DA 2016/00820 - 14 AND 16 UNION STREET TIGHES HILL - ERECTION OF TWO ATTACHED TWO STOREY DWELLINGS ASSOCIATED SITE WORKS AND ONE LOT INTO TWO LOT SUBDIVISION

Attachment A: Plans and elevations of proposed amended development / as amended - 14 & 16 Union Street, Tighes Hill
Attachment B: Draft Schedule of Conditions - 14 & 16 Union Street, Tighes Hill
Attachment C: Processing Chronology - 14 & 16 Union Street, Tighes Hill

ITEM-18 DA 2015/0540 - 18 NERIGAI CLOSE ELERMORE VALE - ERECTION OF TWENTY FIVE ATTACHED TWO STOREY DWELLINGS, ASSOCIATED WORKS AND TWENTY SIX LOT STRATA SUBDIVISION

Attachment B: Draft Schedule of Conditions - 18 Nerigai Close, Elermore Vale - DA2015/0540
Attachment C: Processing Chronology - 18 Nerigai Close, Elermore Vale - DA2015/0540

ITEM-19 DA 2016/00893 - 122-124 PARRY STREET NEWCASTLE WEST - DEMOLITION OF BUILDINGS, ERECTION OF 8 STOREY MIXED USE DEVELOPMENT WITH 31 RESIDENTIAL UNITS, ONE GROUND FLOOR COMMERCIAL UNIT, 45 PARKING BAYS TO GROUND FLOOR AND BASEMENT, & ASSOCIATED SITE WORKS

Attachment A: Plans and elevations of proposed development - 122 and 124 Parry Street, Newcastle West
Attachment B: Draft Schedule of Conditions - 122 and 124 Parry Street, Newcastle West
Attachment C: Processing Chronology - 122 and 124 Parry Street, Newcastle West
Attachment D: Landscape Plan - 122 and 124 Parry Street, Newcastle West

DISTRIBUTED UNDER SEPARATE COVER
PROJECT:
PROPOSED DUAL OCCUPANCY

ADDRESS:
14 & 16 UNION STREET TIGHES HILL

DRAWN NO.:

DATE:
30.09.16

CLIENT:
MJ

DRAWING ID:
3000

www.murrayjames.com.au
SITE PLAN
SCALE 1:200 @ A3

LOCATION PLAN
NTS

NOTES
1. All work shall be in strict accordance with the building code of Australia, S.A. S.A. codes, ordinances, instructions, and any other relevant building approvals.
2. All engineering and site work to be in strict accordance with the building code of Australia, S.A. S.A. codes, ordinances, instructions, and any other relevant building approvals.
3. All site work to be in strict accordance with the building code of Australia, S.A. S.A. codes, ordinances, instructions, and any other relevant building approvals.
4. All site work to be in strict accordance with the building code of Australia, S.A. S.A. codes, ordinances, instructions, and any other relevant building approvals.
5. All site work to be in strict accordance with the building code of Australia, S.A. S.A. codes, ordinances, instructions, and any other relevant building approvals.
6. All site work to be in strict accordance with the building code of Australia, S.A. S.A. codes, ordinances, instructions, and any other relevant building approvals.
7. All site work to be in strict accordance with the building code of Australia, S.A. S.A. codes, ordinances, instructions, and any other relevant building approvals.
8. All site work to be in strict accordance with the building code of Australia, S.A. S.A. codes, ordinances, instructions, and any other relevant building approvals.
9. All site work to be in strict accordance with the building code of Australia, S.A. S.A. codes, ordinances, instructions, and any other relevant building approvals.
10. All site work to be in strict accordance with the building code of Australia, S.A. S.A. codes, ordinances, instructions, and any other relevant building approvals.
(A) EASEMENT FOR THE DRAINAGE OF STORMWATER - VARIABLE WIDTH
(B) RIGHT OF WAY BENEFITING LOT 3 & LOT 4
(C) RIGHT OF WAY BENEFITING LOT 1 & LOT 3
(D) RIGHT OF WAY BENEFITING LOT 1 & LOT 4
(E) EASEMENT FOR EAVE OVERHANG

SUBDIVISION PLAN
SCALE 1:200 @ A3
* PRELIMINARY PLAN OF SUBDIVISION INC. EASEMENTS
TO BE CONFIRMED BY L.D.S.

PROJECT: PROPOSED DUAL OCCUPANCY

DRAWN: MJ
DATE: 30.09.16

CLIENT:

COMPANY:

ADDRESS: 14 & 16 UNION STREET TIGHE'S HILL

BOUNDARY 7.535
BOUNDARY 51.245
BOUNDARY 28.050
BOUNDARY 40.580
BOUNDARY 44.640

LOT 1
304.93m²

LOT 2
444.47m²

LOT 3
372.4m²

LOT 4
367.2m²

0 2 4 6 8 10 1:100 1:200

B Tighes Hill drawing

www.murrayjames.com.au
PROPOSED STORMWATER MANAGEMENT PLAN
LOTS 37 & 38 DP 32507
BEING NO 1416 UNION STREET, TIGHES HILL, NEWCASTLE

1.5m

DETENTION SYSTEM TO DETAIL SHOWN BELOW

SITE PLAN
SCALE 1:125

LOT 1
301.2m²
LOT 3
708.6m²
LOT 2
448.2m²

RE: EASEMENT TO DRAIN WATER VARIABLE WIDTH

PLAN

DETENTION SYSTEM

SECTION 'A'- 'A'

DETENTION SYSTEM TO DETAIL SHOWN BELOW

TYPICAL RAINWATER TANK SYSTEM

NOTES:

1. LOCATION OF TANK & TYPES CAN BE VARIED AT OWNERS DIRECTION.
2. ALL WORKS IN ACCORDANCE WITH AS.3500, COUNCIL & HWC REQUIREMENTS.
3. PROPRIETARY RAINWATER TANK INSTALLED TO MANUFACTURERS DETAILS. TANKS LINKED IN SERIES TO PROVIDE MINIMUM CAPACITY AS INDICATED ON SITE PLAN.
4. ENSURE TOP OF TANK NO HIGHER THAN 0.5m BELOW EAVES AND GUTTER. (MAY REQUIRE PARTIAL EXCAVATION IN GROUND)
5. DETENTION CAPACITY 5.0m³ (4.8m² REQUIRED)
6. DETENTION SYSTEM TO DETAIL SHOWN BELOW
7. ALL STORMWATER PIPES TO BE 100Ø UPVC SEWER GRADE UNO, INSTALLED AND JOINTED TO MANUFACTURERS RECOMMENDATIONS

DETENTION SYSTEM CAPACITY 5.0m³

TYPICAL SECTION DETENTION SYSTEM

TO BE INSTALLED IN ACCORDANCE TO NCC DCP 2015
TECHNICAL MANUAL SPECIFICATIONS SECTION 5.3.5

(ATH) - EASEMENT TO DRAIN WATER VARIABLE WIDTH

SECTION 'A'- 'A'

DETENTION SYSTEM

TYPICAL SECTION DISPERSION TRENCH

PROPOSED STORMWATER MANAGEMENT PLAN
LOTS 37 & 38 DP 32507
BEING NO 1416 UNION STREET, TIGHES HILL, NEWCASTLE

Surveying • Planning • Engineering
PO Box 83 THE JUNCTION NEW 2309
Ph: (02) 4963 5520 Fax: (02) 4963 5521
E-mail: mail@lds.net.au
ABN 42 110 897 928
PLANT SCHEDULE

<table>
<thead>
<tr>
<th>Image</th>
<th>ID</th>
<th>Qty</th>
<th>Common Name</th>
<th>Botanical Name</th>
<th>Scheduled Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trees</td>
<td>Li 4'H</td>
<td>2</td>
<td>Hopi Crepe Myrtle</td>
<td>Lagerstroemia indica x fauriei 'Hopi'</td>
<td>300mm</td>
</tr>
<tr>
<td>Shrubs</td>
<td>Ga 5'</td>
<td>3</td>
<td>Gardenia augusta 'Femony'</td>
<td>Gardenia augusta 'Femony'</td>
<td>200</td>
</tr>
<tr>
<td>Grasses</td>
<td>Li 1'T</td>
<td>26</td>
<td>Sawgrass 'Tanaka'</td>
<td>Lomandra longifolia 'Tanaka'</td>
<td>150mm</td>
</tr>
<tr>
<td>Climbers</td>
<td>Aa</td>
<td>11</td>
<td>Common Maidenhair</td>
<td>Adiantum aethiopicum</td>
<td>150mm</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>51</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Additional notes:
4. 0.4% of site area (Landscape Area) will be dedicated to the planting and mulching of trees, shrubs, and ground covers on a continuous basis.
5. 0.5% of site area (Landscape Area) will be dedicated to the planting and mulching of trees, shrubs, and ground covers on a continuous basis.
6. 0.6% of site area (Landscape Area) will be dedicated to the planting and mulching of trees, shrubs, and ground covers on a continuous basis.
7. 0.7% of site area (Landscape Area) will be dedicated to the planting and mulching of trees, shrubs, and ground covers on a continuous basis.
8. 0.8% of site area (Landscape Area) will be dedicated to the planting and mulching of trees, shrubs, and ground covers on a continuous basis.
9. 0.9% of site area (Landscape Area) will be dedicated to the planting and mulching of trees, shrubs, and ground covers on a continuous basis.
10. 1.0% of site area (Landscape Area) will be dedicated to the planting and mulching of trees, shrubs, and ground covers on a continuous basis.

Initial draft for review by architect and client - Final for submission.
BUILDING ENVELOPE

PROJECT:
PROPOSED DUAL OCCUPANCY

ADDRESS:
14 & 16 UNION STREET TIGHES HILL

SCALE: NTS

DRAWN:
MJ

DATE:
30.09.16

ISSUE:
10

ADDRESS:
p.o.box 1176
newcastle
nsw 2300

PHONE:
(02) 4926 1185

FAX:
(02) 4926 1182

www.murrayjames.com.au
DEFERRED COMMENCEMENT

This is a deferred commencement approval under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended). This consent does not become operative until the requirements listed below (Schedule 1) of this consent have been satisfied.

Upon compliance with the issues under Schedule 1, and written confirmation from Council to that effect, the consent shall become operative from the date of endorsement included in the written notification subject to the conditions listed in Schedule 2 and any other conditions arising from the requirement of Schedule 1.

SCHEDULE 1

This consent does not operate until:

1. Compliance with all conditions of the Notice of Development Consent dated 15 April 2016 as modified on 29 April 2016 and 19 August 2016, issued in relation to development application 2015/01284 for a subdivision of Lot 38 DP 32507 and Lot 37 DP 32507 into three lots, including but not limited to the following:

   a) The completion of all subdivision civil works,
   b) The issue of a Subdivision Certificate by The Council of The City of Newcastle,
   c) The creation and registration of all necessary easements and restrictions, and
   d) The registration of all titles with NSW Land and Property Information.

Documentary evidence of compliance is to be provided to The Council of The City of Newcastle within 12 months of the date of this Notice of Determination.
SCHEDULE 2

REASONS FOR CONDITIONS

1. The conditions of this consent have been imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 (NSW). The conditions relate to any matter referred to in Section 79C(1) of relevance to the development the subject of the consent and are imposed to ensure that the development is undertaken in an orderly manner, with acceptable impacts on the natural and built environment.

APPROVED DOCUMENTATION

2. 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.

<table>
<thead>
<tr>
<th>Plan No / Supporting Document</th>
<th>Reference / Version</th>
<th>Prepared by</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Plan - 01</td>
<td>B</td>
<td>Murray James</td>
<td>30.09.16</td>
</tr>
<tr>
<td>Floor Plans - 02 &amp; 03</td>
<td>B</td>
<td>Murray James</td>
<td>30.09.16</td>
</tr>
<tr>
<td>Elevation Plans - 04 &amp; 05</td>
<td>B</td>
<td>Murray James</td>
<td>30.09.16</td>
</tr>
<tr>
<td>Section Plans - 06 &amp; 07</td>
<td>B</td>
<td>Murray James</td>
<td>30.09.16</td>
</tr>
<tr>
<td>Driveway Levels Plan - 08</td>
<td>B</td>
<td>Murray James</td>
<td>30.09.16</td>
</tr>
<tr>
<td>Subdivision Plan - 11</td>
<td>B</td>
<td>Murray James</td>
<td>30.09.16</td>
</tr>
<tr>
<td>3D Images Plan - 12</td>
<td>B</td>
<td>Murray James</td>
<td>30.09.16</td>
</tr>
<tr>
<td>Landscape Plan - 1</td>
<td>B</td>
<td>Dirty Girl Designs</td>
<td>30.09.16</td>
</tr>
<tr>
<td>Stormwater Management Plans - 1 &amp; 2</td>
<td>D</td>
<td>Land Development Solutions</td>
<td>07.09.16</td>
</tr>
<tr>
<td>Arborist Report</td>
<td>-</td>
<td>Abacus Tree Services</td>
<td>28.10.16</td>
</tr>
<tr>
<td>BASIX Certificate - 744077M</td>
<td>2.3</td>
<td>Building Sustainability Assessments</td>
<td>14.07.16</td>
</tr>
</tbody>
</table>

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

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

3. A total monetary contribution of $7,488.21 is to be paid to Council, pursuant to Section 94A of the Environmental Planning and Assessment Act 1979, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.

Note:

a) This condition is imposed in accordance with the provisions of The City of Newcastle S94A Development Contributions Plan 2009 (updated version operational from 15 March 2011). A copy of the plan may be inspected at Council’s Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.
b) The City of Newcastle S94A Development Contributions Plan 2009 permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement. Refer to the s94A Development Contributions Plan 2009.

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

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

<table>
<thead>
<tr>
<th>Indexation quarters</th>
<th>Approx release date</th>
</tr>
</thead>
<tbody>
<tr>
<td>September</td>
<td>Late October</td>
</tr>
<tr>
<td>December</td>
<td>Late January</td>
</tr>
<tr>
<td>March</td>
<td>Late April</td>
</tr>
<tr>
<td>June</td>
<td>Late July</td>
</tr>
</tbody>
</table>

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

4. The proposed garage door openings are to be a minimum width of 4.8m clear. Full details are to be included in documentation for a Construction Certificate application.

5. Parking spaces and access for residences on the site are to be designed to comply 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.

6. All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. The driveways are to be constructed in accordance with AS2890 - (Off street parking) and Council design specifications. Full details are to be included in documentation for a Construction Certificate application.

7. Kerbing or dwarf walls having a minimum height of 100mm are to be constructed along the edge of all garden or lawn areas adjacent to driveways and parking bays sufficient to discourage the encroachment of vehicles thereon. Full details are to be included in documentation for a Construction Certificate application.

8. Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2m in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance 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.

9. Roof water from the proposed new work is to be directed to the proposed water tanks (minimum capacity 4,000L per dwelling) and being reticulated there from to any new toilet cisterns and cold water washing machine taps, 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 installed in accordance with Australian Standard...
AS 3500, the relevant plumbing regulations and the requirements of the Hunter Water Corporation. Full details are to be included in documentation for a Construction Certificate application.

10. Overflows from the roof water tank and any additional discharge controls (if required) are to be directed to a properly constructed dispersion trench measuring 600mm x 600mm x 9.5m in length. The required dispersion trench is to be constructed in accordance with Element 7.06 ‘Stormwater’ of Newcastle Development Control Plan 2012. Full details are to be included in documentation for a Construction Certificate application.

11. All stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 ‘Stormwater’ of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable, as indicated on the stormwater management concept plan prepared by Land Development Solutions (Job No. 5162, Dwg No. 1, Sheet 1 of 2, Rev. D, Dated 07.09.16). Full details are to be included in documentation for a Construction Certificate application.

12. All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls, full details are to be included in documentation for a Construction Certificate application.

13. 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) mulching and staking
   h) treatment of external surfaces and retaining walls where proposed
   i) drainage, location of taps and
   j) appropriate maintenance periods.

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

14. The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation’s compliance certificate (refer s50 Hunter Water Act 1991) is to be included in documentation for a Construction Certificate application.
15. The applicant is to comply with the requirements of the Hunter Water Corporation in respect of any building or structure proposed to be erected over any services or drain under the Corporation's control. Details addressing any requirements of the Hunter Water Corporation are to be included in documentation for a Construction Certificate application.

16. Adequate facilities are to be provided within the proposed individual private courtyards, or in another adequately screened location, for the storage of garbage. Full details are to be included in documentation for a Construction Certificate application.

17. A group type mailbox is to be provided at the street frontage in accordance with the requirements of Australia Post, clearly displaying individual unit numbers and the required house number. Full details are to be included in the documentation for a Construction Certificate application.

18. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on an Erosion and Sediment Control Plan that is to be submitted for approval with the Construction Certificate application. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

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

20. All downpipes discharging to the rainwater tank are to have pre-storage insect, debris and vermin control (e.g. 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 and a backflow prevention device is to be installed in the tank overflow outlet before connecting to the stormwater drainage system. 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 (e.g. capped relief access points at the lowest level of stormwater drainage). Full details are to be included in documentation for a Construction Certificate application.

21. The window serving the study room within the south elevation of Unit 2 (facing no.12 Union Street) is to be amended to a highlight window having a minimum sill height of 1.5m above the finished floor level of the proposed room. Full details are to be included in documentation for a Construction Certificate application.

22. All onsite stormwater detention or water quality treatment systems are to be individually identified and sign posted in accordance with Council’s Stormwater and Water Efficiency for Development Technical Manual (Updated April 2015). Full details are to be included in documentation for a Construction Certificate application.

23. A durable sign, made from etched brass and similar is to be installed on the side wall of the sand filter chamber to indicate its intended purpose and to mark the level to which sand should be placed consistent with Council's requirements, see Figure 4.3.3, Stormwater and Water Efficiency for Development Technical Manual (Updated April 2015). Full details are to be included in documentation for a Construction Certificate application.

24. All filter media used in stormwater treatment measures is to meet the current specifications of the Bioretention Filter Media Guidelines produced by the Facility for Advancing Water Biofiltration or demonstrated equivalent and verified by a soil laboratory registered by the National Association of Testing Authorities. Full details are to be included in documentation for a Construction Certificate application.
CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE

25. 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 (NSW), or

c) Be a temporary chemical closet approved under the Local Government Act 1993 (NSW).

26. At a minimum, the following waste management measures shall be implemented during the construction phase:

a) A waste container of at least one cubic metre capacity shall 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) Appropriate 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 (NSW).

27. 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 Certifying Authority 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, but must be removed when the work has been completed.

28. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
29. In the case of residential building work for which the *Home Building Act 1989* (NSW) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.

30. All excavations and backfilling are to be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.

31. If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided and adequate provision must be made for drainage.

32. All building materials, plant and equipment is to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves including the road reserve is not permitted.

33. 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 Certifying Authority before construction is commenced.

34. A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 Roads Act 1993 (NSW), before the commencement of works.

35. 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.

36. 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.

37. Council’s ‘PREVENT POLLUTION’ sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary so it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of demolition and construction work.

Note: Council’s ‘PREVENT POLLUTION’ sign can be obtained by presenting your development application receipt at Council’s Customer Enquiry Counter at 282 King Street Newcastle.

38. 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’.

39. 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*. 
40. Documentation demonstrating the compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption must be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Exemption. This documentation must be provided to Council officers or the Principal Certifying Authority on request.

41. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the ‘Blue Book’) published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

42. Prior to the commencement of work, a 3m wide all weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.

43. All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are limited to:

   a) Restricting topsoil removal
   b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion
   c) Alter or cease construction work during periods of high wind and
   d) Erect green or black shadecloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

44. Proposed landscape works are to be carried out generally in accordance with the details indicated on the submitted landscape design plan except as required to be modified under the terms of this consent.

45. The existing dividing fence on the southern boundary with no.12 Union Street is to be extended in height and/or otherwise being suitably modified or rebuilt in consultation with the adjoining owners involved to provide the equivalent of a 1.8 m high lapped timber paling fence and at full cost to the Developer, notwithstanding the provisions of the Dividing Fences Act 1991 (NSW).

   Note: Any disputation which may arise between the developer and the adjoining property owners in respect of this matter is to be resolved in accordance with the provisions of the Dividing Fences Act 1991 (NSW).

46. Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to Council by a Surveyor registered under the Surveying and Spatial Information Act 2002 (NSW).

47. The development and required tree protection zone being carried out in accordance with AS 4970 (2009) and the recommendations set out in the Arborist Report prepared by Abacus Tree Services dated 28 October 2016.

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

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

49. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council’s satisfaction prior to the completion of demolition work or prior to the issue of any occupation certificate in respect of development involving building work.

50. All works within the road reserve required by this consent are to be completed prior to the issue of a Final Occupation Certificate.

51. Any redundant existing vehicular crossing is to be removed at no cost to Council. The road reserve and kerb being restored to, Council’s satisfaction, to match the existing infrastructure. Works are to be completed prior to the issuing of a Final Occupation Certificate for the proposed development.

52. A copy of the stormwater drainage design plans approved with the Construction Certificate with ‘work as executed’ levels indicated, shall be submitted to the Principal Certifying Authority and to The City of Newcastle prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

53. The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.

54. A Landscape Practical Completion Report is to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.

55. An application is to be made for a Subdivision Certificate. The application is to be supported by a survey plan of subdivision, seven copies thereof and a Section 50 Certificate from the Hunter Water Corporation.

56. Reciprocal rights of carriageway and easements for services are to be created over the access corridor serving Lots 3 and 4 in favour of Lot 1.

57. The vehicular access on proposed Lots 3 and 4 for the existing dwelling on Lot 1 (no.16 Union Street) is to be constructed prior to issue of a Subdivision Certificate.

58. An appropriate notation is to be placed on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act 1919 (NSW) being submitted to Council setting out the terms of easements as required by this consent. Council in addition to the owner of the land benefited by the easement is to be a party whose consent is needed to release or vary easements.

59. Written evidence of approval by the Mine Subsidence Board is to be obtained and submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

60. The approved residential development on the site is to be completed to at least lock-up stage prior to the issue of the Subdivision Certificate.
Lock-up stage is taken to mean the stage at which a building’s external wall cladding and roof covering is fixed and external doors and windows are fixed (even if those doors and windows are only temporary).

61. 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

62. Reciprocal rights of carriageway and easements for services are to be created over the access corridor serving Lot 3 in favour of Lot 4.

63. Reciprocal rights of carriageway and easements for services are to be created over the access corridor serving Lot 4 in favour of Lot 3.

64. The Developer designing and constructing the following works in the public road reserve, across 14 Union Street and 16 Union Street frontages, adjacent to the site, at no cost to Council and in accordance with Council’s guidelines and design specification, such works to be implemented prior to any occupation of the premises:

   a) Full width footway paving concrete in accordance with NCC Standard Drawing A1402.

   b) Kerb and gutter reconstruction in accordance with NCC Standard Drawings - A1000 Series.

In this regard the separate approval from Council must be obtained for all works within the public road reserve, pursuant to Section 138 of the Roads Act 1993, prior to commencement. 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 civil engineer with experience and competence in the related field and submitted to Council for approval with the Section 138 application.

Such works are to be implemented prior to the issuing of any Occupation Certificate for the proposed development.

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

65. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.

66. All vehicular movement to and from the site is to be in a forward direction.

67. 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.

68. The premises are allocated the following street addresses in accordance with Council’s House Numbering Policy and the Surveying and Spatial Regulation.
Council allocated street addresses

<table>
<thead>
<tr>
<th>Unit/dwelling number on plan</th>
<th>Unit</th>
<th>Street number</th>
<th>Street name</th>
<th>Street type</th>
<th>Suburb</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 1</td>
<td>-</td>
<td>16</td>
<td>Union Street</td>
<td>Street</td>
<td>Tighes Hill</td>
</tr>
<tr>
<td>Lot 2</td>
<td>-</td>
<td>14</td>
<td>Union Street</td>
<td>Street</td>
<td>Tighes Hill</td>
</tr>
<tr>
<td>Lot 3</td>
<td>-</td>
<td>18A</td>
<td>Union Street</td>
<td>Street</td>
<td>Tighes Hill</td>
</tr>
<tr>
<td>Lot 4</td>
<td>-</td>
<td>18B</td>
<td>Union Street</td>
<td>Street</td>
<td>Tighes Hill</td>
</tr>
</tbody>
</table>

69. A Maintenance Manual for all water quality devices is 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.

ADVISORY MATTERS

A. Retaining walls not clearly noted on the approved plans or outside of the parameters of ‘exempt development’ as specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (NSW) are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to the retaining wall taking place.

B. An application is to be submitted to Council for the removal or pruning of any trees located more than three metres from the dwelling, wall measured from the centre of the trunk to the footings of the dwelling, excluding carports and pergolas.

C. 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.

D. Any necessary alterations to public utility installations are to be at the developer/demolisher’s expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.

E. Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required of any adjoining owner under the provisions of the Dividing Fences Act 1991 (NSW).

F. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (NSW) (the ‘Act’) are to be complied with:

i) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act

ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and

iii) Council is to be given at least two days’ notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the...
Act.

G. Development applications are not assessed against the provisions of the Building Code of Australia. A Section 96 modification under the *Environmental Planning and Assessment Act 1979* (NSW) 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.

H. Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000* (NSW).

I. 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.

J. Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979* (NSW), which may be subject to a penalty infringement notice (‘on-the-spot fine’) or prosecution.

**END OF CONDITIONS**
ATTACHMENT C - PROCESSING CHRONOLOGY  
DA 2016/00820 - 14 & 16 Union Street, Tighes Hill

27 July 2016 - Application lodged with Council (includes General Terms of Approval from Mine Subsidence Board and Hunter Water Corporation).

03 August - 17 August 2016 - Public Notification / Advertised in Newcastle Herald.

14 August & 17 August 2016 - One public submission submitted (provided in 3 separate emails).

05 September 2016 - Further information requested.

08 September 2016 - Application called-in by Councillor Osborne and Councillor Doyle

04 October 2016 - Additional information submitted (amended architectural, engineering and landscape plans).

02 November 2016 - Additional information submitted (arborist report).
The builder shall check and verify all dimensions and verify all errors and omissions to the architect prior to undertaking any works. Do not scale the drawings. Drawings shall not be used for construction purposes until issued by the architect for construction. Calculations are indicative only and shall not be used to calculate quantities for tender, supply or manufacture. This drawing is copyright and cannot be reproduced in whole or in part via any medium without written permission of the author.

PLOT DATE 11/07/2016

TREELIGHT DEVELOPMENT GROUP

18 NERIGAI CLOSE, ELERMORE VALE, NSW, 2287

7 Hynes St Fortitude Valley P.O Box 1974 New Farm QLD 4005 Australia

+61 7 3852 5100

www.tonic.cc
REASONS FOR CONDITIONS

1. The conditions of this consent have been imposed in accordance with Section 80A of the *Environmental Planning and Assessment Act 1979* (NSW). The conditions relate to any matter referred to in Section 79C(1) of relevance to the development the subject of the consent and are imposed to ensure that the development is undertaken in an orderly manner, with acceptable impacts on the natural and built environment.

APPROVED DOCUMENTATION

2. 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.

<table>
<thead>
<tr>
<th>Plan No / Supporting Document</th>
<th>Version</th>
<th>Prepared by</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>DA_101 Proposed Master Plan</td>
<td>P</td>
<td>TONIC</td>
<td>11/07/2016</td>
</tr>
<tr>
<td>DA_102 Site Setback and Tree Layout Plan</td>
<td>J</td>
<td>TONIC</td>
<td>04/05/2015</td>
</tr>
<tr>
<td>DA_002 Perspectives</td>
<td>K</td>
<td>TONIC</td>
<td>11/07/2016</td>
</tr>
<tr>
<td>DA_201 Block A &amp; B Ground Floor Plan</td>
<td>L</td>
<td>TONIC</td>
<td>29/01/2016</td>
</tr>
<tr>
<td>DA_202 Block A &amp; B First Floor Plan</td>
<td>L</td>
<td>TONIC</td>
<td>29/01/2016</td>
</tr>
<tr>
<td>DA_203 Block A &amp; B Roof Plan</td>
<td>L</td>
<td>TONIC</td>
<td>29/01/2016</td>
</tr>
<tr>
<td>DA_204 Block C &amp; D &amp; E Ground Floor Plan</td>
<td>L</td>
<td>TONIC</td>
<td>29/01/2016</td>
</tr>
<tr>
<td>DA_205 Block C D &amp; E First Floor Plan</td>
<td>L</td>
<td>TONIC</td>
<td>29/01/2016</td>
</tr>
<tr>
<td>DA_206 Block C D &amp; E</td>
<td>L</td>
<td>TONIC</td>
<td>29/01/2016</td>
</tr>
<tr>
<td>DA_207 Block F Floor Plan</td>
<td>L</td>
<td>TONIC</td>
<td>29/01/2016</td>
</tr>
<tr>
<td>DA_208 Block F Roof Plan</td>
<td>L</td>
<td>TONIC</td>
<td>29/01/2016</td>
</tr>
<tr>
<td>DA_209 Unit Types GFA - Typical</td>
<td>B</td>
<td>TONIC</td>
<td>29/01/2016</td>
</tr>
<tr>
<td>DA_401 Street Elevation A</td>
<td>J</td>
<td>TONIC</td>
<td>04/05/2015</td>
</tr>
<tr>
<td>DA_402 Street Elevation B</td>
<td>J</td>
<td>TONIC</td>
<td>04/05/2015</td>
</tr>
<tr>
<td>DA_403 Street Elevation C</td>
<td>J</td>
<td>TONIC</td>
<td>04/05/2015</td>
</tr>
<tr>
<td>DA_404 Street Elevation D</td>
<td>J</td>
<td>TONIC</td>
<td>04/05/2015</td>
</tr>
<tr>
<td>Document</td>
<td>Author</td>
<td>Date</td>
<td></td>
</tr>
<tr>
<td>----------</td>
<td>--------</td>
<td>------------</td>
<td></td>
</tr>
<tr>
<td>DA_405 Street Elevation E</td>
<td>TONIC</td>
<td>04/05/2015</td>
<td></td>
</tr>
<tr>
<td>DA_406 Side Elevations</td>
<td>TONIC</td>
<td>06/11/2015</td>
<td></td>
</tr>
<tr>
<td>DA- 401 Sections A</td>
<td>TONIC</td>
<td>04/05/2015</td>
<td></td>
</tr>
<tr>
<td>DA_402 Sections B</td>
<td>TONIC</td>
<td>04/05/2015</td>
<td></td>
</tr>
<tr>
<td>DA_403 Section C</td>
<td>TONIC</td>
<td>04/05/2015</td>
<td></td>
</tr>
<tr>
<td>DA_407.1 Colours Schedule</td>
<td>TONIC</td>
<td>04/05/2015</td>
<td></td>
</tr>
<tr>
<td>Landscape Plans LP01 - LP07</td>
<td>MOIR</td>
<td>07/05/2015</td>
<td></td>
</tr>
<tr>
<td>Landscape Design Report</td>
<td>MOIR</td>
<td>07/05/2015</td>
<td></td>
</tr>
<tr>
<td>Vegetation Strategy Plan LP01 - LP05</td>
<td>TONIC</td>
<td>01/05/2015</td>
<td></td>
</tr>
<tr>
<td>Flora and Fauna Assessment</td>
<td>General Flora and Fauna (GFF)</td>
<td>03/2014</td>
<td></td>
</tr>
<tr>
<td>Threatened Plant Survey</td>
<td>General Flora and Fauna (GFF)</td>
<td>05/12/2015</td>
<td></td>
</tr>
<tr>
<td>Arboricultural Impact Assessment</td>
<td>MOIR</td>
<td>21/01/2016</td>
<td></td>
</tr>
<tr>
<td>Bushfire Threat Assessment Report</td>
<td>Monteath &amp; Powys</td>
<td>April 2015</td>
<td></td>
</tr>
<tr>
<td>CPTED Report</td>
<td>Monteath &amp; Powys</td>
<td>April 2015</td>
<td></td>
</tr>
<tr>
<td>Traffic &amp; Parking Assessment</td>
<td>Intersect Traffic</td>
<td>July 2014</td>
<td></td>
</tr>
<tr>
<td>Geotechnical Engineers Report</td>
<td>FORUM</td>
<td>28/01/2015</td>
<td></td>
</tr>
<tr>
<td>Site Waste Minimisation &amp; Management Plan</td>
<td>FOOTPRINT WASTE</td>
<td>06/05/2015</td>
<td></td>
</tr>
<tr>
<td>E01 - Floodstudy Flood Impact Assessment and Associated Flood Study Data Ref.</td>
<td>NORTHROP</td>
<td>04/04/2016</td>
<td></td>
</tr>
<tr>
<td>B01 - Stormwater Management Strategy &amp; Flood Investigation</td>
<td></td>
<td>01/05/2016</td>
<td></td>
</tr>
<tr>
<td>C01DA - Concept Sediment &amp; Erosion Control Plan</td>
<td></td>
<td>01/05/2016</td>
<td></td>
</tr>
<tr>
<td>C02DA - Concept Stormwater Management &amp; Levels Plan (Mark-Up for Discussion)</td>
<td>B</td>
<td>02/06/2016</td>
<td></td>
</tr>
<tr>
<td>C03DA - Civil Details</td>
<td></td>
<td>01/05/2015</td>
<td></td>
</tr>
<tr>
<td>Email by Angus Brien (Northrop) - Overland Flow</td>
<td>Email by Angus Brian (Northrop) - overland</td>
<td>02/06/2016</td>
<td></td>
</tr>
</tbody>
</table>
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.

INTEGRATED REFERRAL CONDITIONS

3. At the commencement of building works, and in perpetuity, the entire property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

4. Dwelling No. 21 shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection2006'.

5. Dwelling No's 1, 12, 22 and 23 shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'


8. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank of the tributaries of Ironbark Creek.

9. The consent holder must prepare or commission the preparation of:
   i. Detailed Civil & Stormwater Construction Plans
   ii. Vegetation Management Plan
   iii. Erosion and Sediment Control Plan
   iv. Works Schedule

10. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DPI Water’s guidelines located at www.water.nsw.gov.au/ Water-Licensing/Approvals.
   i. Vegetation Management Plans
   ii. Laying pipes and cables in watercourses
   iii. Riparian Corridors
iv. In-stream works
v. Outlet structures
vi. Watercourse crossings

11. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.

12. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the DPI Water.

13. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.

14. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.

15. The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to DPI Water as and when required.

16. The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by DPI Water.

17. The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by DPI Water.

18. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by DPI Water.

19. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.

20. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.

21. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

22. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.

23. The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect, maintain and enhance/re-establish the riparian corridors for the length of the site directly affected by the controlled activity in accordance with a plan approved by DPI Water. The vegetated riparian corridor must be consistent with DPI Water guidelines for both the 1st and 2nd order streams on the property.
24. Working drawings and specifications of the proposed building are to be submitted to the NSW Mine Subsidence Board for approval prior to an application for a Construction Certificate and any requirements of the Board are to be included in the documentation for a Construction Certificate application.

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

25 A total monetary contribution of $43,000 is to be paid to Council, pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.

Note:

a) This condition is imposed in accordance with the provisions of *The City of Newcastle S94A Development Contributions Plan 2009* (updated version operational from 15 March 2011). A copy of the plan may be inspected at Council’s Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.

b) The City of Newcastle S94A Development Contributions Plan 2009 permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement. Refer to the s94A Development Contributions Plan 2009.

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

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

<table>
<thead>
<tr>
<th>Indexation quarters</th>
<th>Approx release date</th>
</tr>
</thead>
<tbody>
<tr>
<td>September</td>
<td>Late October</td>
</tr>
<tr>
<td>December</td>
<td>Late January</td>
</tr>
<tr>
<td>March</td>
<td>Late April</td>
</tr>
<tr>
<td>June</td>
<td>Late July</td>
</tr>
</tbody>
</table>

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

26. On-site parking accommodation is to be provided for a minimum of 10 visitor vehicles, 25 bicycle spaces (one within each unit), 3 visitor bicycle spaces and 2 motorbike parking spaces vehicles and such be set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 ‘Traffic, Parking and Access’ of Council’s adopted Newcastle Development Control Plan 2012. Full details are to be included in documentation for a Construction Certificate application.

27. The proposed garage door openings are to be a minimum width of 2.7m clear. Full details are to be included in documentation for a Construction Certificate application.
28. The car park is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities. Full details are to be included in documentation for a Construction Certificate application.

28. Opposing traffic flows on car park ramps are to be separated by the provision of an appropriate kerb and/or safety barrier. Full details are to be included in documentation for a Construction Certificate application.

29. All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. Full details are to be included in documentation for a Construction Certificate application.

30. Kerbing or dwarf walls having a minimum height of 100mm are to be constructed along the edge of all garden or lawn areas adjacent to driveways and parking bays sufficient to discourage the encroachment of vehicles thereon. Full details are to be included in documentation for a Construction Certificate application.

31. Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2m in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance 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.

32. Roof water from the proposed new work is to be directed to the proposed water tank and being reticulated there from to any new toilet cisterns and cold water washing machine taps, 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 installed in accordance with Australian Standard AS 3500, the relevant plumbing regulations and the requirements of the Hunter Water Corporation. Full details are to be included in documentation for a Construction Certificate application.

33. Overflows from the roof water tank and any additional discharge controls (if required) are to be directed to Council’s drainage system by means of an interallotment drainage line or underground pipe directly to the street gutter. Full details are to be included in documentation for a Construction Certificate application.

34. All stormwater runoff from the proposed development being managed in accordance with the requirements of Section 7.06 ‘Stormwater’ of Newcastle Development Control Plan 2012, as indicated on the stormwater management strategy, Flood Impact Statement report and concept stormwater plans and stormwater management report prepared by Northrop Consulting Engineers Job No. NL140273. Drawings numbers as listed in the approved drawing list. The drainage outlet for the units on the southern boundary is to be discharged to the Biofiltration swale. Full details are to be included in documentation for any Construction Certificate application.

35. All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls, full details are to be included in documentation for a Construction Certificate application.

36. The emergency overland flowpath located between Units 22 & 23 is to be shaped to contain any overland stormwater flow along the course of the easement and is to be...
kept clear of obstruction at all times. The proposed overland flowpath and the drainage system along the northern boundary as indicated on the plan prepared by Northrop Consulting Engineers Job No. NL140273 Dwg No. C02DA Rev B (Mark-up by Northrop) dated 02/06/2016 is to be designed with rock lining to minimum Newcastle City Council standards and specifications. Appropriate energy dissipater rock lining and scour protection will need to be provided to ensure that the design flows rate matches the pre-development flow rate. The design of the overland flowpath, civil works and drainage infrastructure design is to be consulted and agreed with Council. Full details are to be included in documentation for any Construction Certificate application. (Note: the consultation process can be done in conjunction with the Roads Act Section 138 Type 2 application for the design of the new road, drainage outlet design and public domain plan works).

37. The floor level of all proposed buildings or building additions is to be as indicated in the plan prepared by Northrop Consulting Engineers Job No. NL140273 Dwg No. C02DA Rev B (Mark-up by Northrop) dated 02/06/2016 and as per the Flood impact Statement Ref No. NL140273_E01_Floodstudy Rev A dated 04/04/2016 and being indicated on plans for any Construction Certificate application. The finished floor levels are to be certified by a registered Surveyor prior to the placement of the floor material and a copy of the Surveyor’s Certificate is to be forwarded to the Principal Certifying Authority.

38. The whole of the proposed structure below known flood level as indicated on the plan prepared by Northrop Consulting Engineers Job No. NL140273 Dwg No. C02DA Rev B (Mark-up by Northrop) dated 02/06/2016 is to be constructed in materials and finishes that are resistant to damage from floodwaters/tidal waters. Any new machinery or equipment, electrical circuitry or fitting, storage unit or similar items likely to be damaged by floodwaters/tidal waters being installed above the said height or alternatively being of materials and functional capability resistant to the effects of floodwaters/tidal waters. Full details are to be included in documentation for any Construction Certificate application.

39. An appropriate flood emergency response plan is to be prepared by independent consulting engineers, experienced in flood management and put in place by the applicant prior to occupation of this site for the intended use. Such plan is to be effectively updated and maintained by the occupiers; to include an education and awareness component for the workforce and detailed evacuation procedures to interface with the Bureau of Meteorology’s flood warning system and the local State Emergency Services plan (where appropriate) and to include provisions for any third parties likely to be involved.

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

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

Considerations should include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. As much as possible, the plan is to be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources. Full details are to be included in documentation for a Construction Certificate application.
40. Suitable floodways are to be provided within the site, as outlined in the engineering
details and calculations submitted in support of the Development Application, sufficient
to allow floodwaters to pass freely through the site. Plans indicating full details of the
required floodways and the design of such are to be included in documentation for a
Construction Certificate application.

41. Any landscaping within the proposed development is to be designed and positioned in
such a manner as to ensure that the designated floodways, on overland flowpaths, are
not obstructed. Full details are to be included in documentation for a Construction
Certificate application.

42. Fences are to be constructed in a high quality presentation style of attractive
appearance and of sufficient height to afford adequate privacy to residents in
accordance with the performance criteria and provisions of Newcastle Development
Control Plan 2012. Full details are to be included in the documentation for a
Construction Certificate application.

43. The applicant is to comply with all requirements of the Hunter Water Corporation
regarding the connection of water supply and sewerage services, including the
payment of any required cash contribution towards necessary amplification of service
mains in the locality as a result of the increased intensity of land use proposed. A copy
of the Corporation's compliance certificate (refer s50 Hunter Water Act 1991) is to be
included in documentation for a Construction Certificate application.

44. Any garbage storage facility is to be screened from the street. Full details are to be
included in the documentation for a Construction Certificate application.

45. A group type mailbox is to be provided at the street frontage in accordance with the
requirements of Australia Post, clearly displaying individual unit numbers and the
required house number. Full details are to be included in the documentation for a
Construction Certificate application.

46. Erosion and sediment control measures are to be implemented prior to the
commencement of works and be maintained during the period of construction in
accordance with the details set out on an Erosion and Sediment Control Plan that is to
be submitted for approval with the Construction Certificate application. Controls are not
to be removed until the site is stable with all bare areas supporting an established
vegetative cover.

47. The proposed floodlighting of the premises is to be designed, positioned, and installed,
including appropriate shielding and orientation of the lighting fixture, as to not give rise
to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding
properties in accordance with Australian Standard 4282:1997 - Control of the obtrusive
effects of outdoor lighting. Full details are to be included in the documentation for a
Construction Certificate application.

48. A dilapidation report prepared by a suitability qualified person shall be submitted to the
Certifying Authority prior to the issue of the Construction Certificate. The dilapidation
report shall document and photograph the current structural condition of the adjoining
buildings, infrastructure and roads.

49. The developer shall contact Council’s City Greening Services to arrange for the
removal and planting of a new street tree, by Council, prior to the commencement of
any work.

50. All new internal access roads (private roads) and associated structures including
pavement design, kerb and gutter, drainage, street lighting etc. are to be designed by
an appropriately qualified and experienced civil/structural/hydraulic/geotechnical
engineer. The road pavement design, drainage and associated civil works are to be
designed for a minimum of 50 year life. The design criteria as follows:
a) Access road to be designed as per the Rural Fire Service (RFS) Guide - Planning for Bushfire Protection 2006.

b) A minimum carriageway width of 6.5 metres with design loads to be as RFS requirement or Council specification, whichever is higher.

(Note: this requirement has been clarified with RFS on 20/10/2016 and the "Carriageway" means the road devoted to use of vehicles. Footway areas are separate to Carriageway.

c) A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches.

d) A turning circle with a minimum 12 metre outer radius.

e) Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.

f) The minimum distance between the inner and outer curves is 6 metres.

g) The cross fall does not to exceed 10 degrees.

h) Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

i) Be signposted to prohibit parking along the carriageway.

j) The provision of water, electricity and gas shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

k) Driveway entry to the development from the Nerigai Cl extension to be designed as a standard driveway layout with minimum 6.5m wide opening.

l) Road to be designed as a slow environment. Use of different sustainable material pallets may other alternative universal urban design principles should achieve a better outcome.

Full details including geotechnical investigation for road pavement design (consideration to be given for construction vehicles) are to be certified by the relevant engineers and to be provided to the Principle Certifying Authority prior to issue of any construction certificate.

51. All downpipes discharging to the rainwater tanks are to have pre-storage insect, debris and vermin control (e.g. 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 and a backflow prevention device is to be installed in the tank overflow outlet before connecting to the stormwater drainage system. 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 (e.g. capped relief access points at the lowest level of stormwater drainage).

52. A structural engineer is to determine the location and depth of the proposed On Site Detention and certify that it will not adversely affect any building foundation footings or road structure when the tank is empty. Stormwater Management Plan is to be designed in accordance with current NDCP Section 7.06 Stormwater Management and Newcastle City Council's Stormwater and Water Efficiency Technical Manual. Full details are to be included with documentation for a construction certificate.
53. A structural engineer is to determine the location and depth of the proposed On Site Detention and certify that it will not adversely affect any building foundation footings or road structure when the tank is empty. Stormwater Management Plan is to be designed in accordance with current NDCP Section 7.06 Stormwater Management and Newcastle City Council's Stormwater and Water Efficiency Technical Manual. Full details are to be included with documentation for a construction certificate.

54. All onsite stormwater retention/detention and water quality treatment systems are to be individually identified and sign posted in accordance with Council’s Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). Adequate measures for safety and protection of the water quality devices are to be designed. Full details are to be included in documentation for a Construction Certificate application.

55. For the purpose of applying the provisions of the Building Code of Australia for class 1, 2, 3, 4, 9a (health care) and 9c (aged care) buildings, it is advised that the proposed building is located in a Flood Hazard Area and the:

   a) Defined Flood Level (DFL) is as per the Flood impact Statement Ref No. NL140273_E01_Floodstudy Rev A dated 04/04/2016
   b) Flood Hazard Level as indicated on the plan prepared by Northrop Consulting Engineers Job No. NL140273 Dwg No. C02DA Rev B (Mark-up by Northrop) dated 02/06/2016  (Freeboard is 500mm above DFL)

   Maximum Flow Velocity of floodwaters for the Defined Flood Event is as per the Flood impact Statement Ref No. NL140273_E01_Floodstudy Rev A dated 04/04/2016

56. Prior to the issue of a Construction Certificate, the proponent preparing and submitting to the Principal Certifying Authority and Council an Environmental Management Plan (EMP) for construction works on the site, such to be kept on site and made available to authorised Council officers upon request. The EMP 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 particular reference to control techniques and operational limits under adverse meteorological conditions.

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

57. 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 (NSW), or

   c) Be a temporary chemical closet approved under the Local Government Act 1993 (NSW).
58. Building demolition is to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures.

59. Waste management shall be implemented in accordance with the approved Waste Management Plan. At a minimum, the following measures shall be implemented during the construction phase:

   a) A waste container of at least one cubic metre capacity shall 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) Appropriate 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 (NSW).

60. If construction / demolition work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

61. An application is to be made to and approved by Council for the erection of a hoarding or part closure of the footway prior to construction being commenced. Such overhead structure or protective fence shall comply with the Work Health and Safety Act 2011 (NSW), Work Health and Safety Regulation 2011 (NSW) and any relevant approved industry code of practice. Notice of intention of commencement must be given to WorkCover New South Wales.

62. 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 Certifying Authority 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, but must be removed when the work has been completed.

63. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
64. In the case of residential building work for which the *Home Building Act 1989* (NSW) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.

65. All excavations and backfilling are to be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.

66. 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 must, at the 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 does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the requirements not applying.

67. A survey certificate prepared by a Registered Surveyor is to be submitted to the Principal Certifying Authority upon completion of the floor slab formwork, before concrete is poured, to ensure that the siting of the building in relation to adjacent boundaries is in accordance with the development consent.

68. Certification is to be prepared by a Registered Surveyor and submitted to the Principal Certifying Authority on completion of the retaining wall construction confirming that the location of the wall/walls is consistent with the approved location.

69. A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 Roads Act 1993 (NSW), before the commencement of works.

70. Any proposed paving works within the public footway are to be in accordance with the requirements of Council’s specification (Form PLE/S009).

   Note: It will be necessary for the Developer to notify water, telecommunications, gas and electricity authorities of the proposed paving works in order to enable the various authorities to carry out and complete any necessary repairs and/or amplification to their respective services before such works are commenced.

71. Prior to commencement of site works the developer is to submit to Council for approval a Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase.

72. The Construction Traffic Management Plan is to be prepared by a Roads & Maritime Services accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3:2009 - Manual of uniform traffic devices - traffic control for works on roads. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.

73. 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.

74. On-site car parking accommodation is to be provided for a minimum of 10 visitor vehicles, 25 bicycle spaces (one within each unit) 3 visitor bicycle spaces and 2
motorbike parking spaces 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.

75. The proposed visitor parking bays and pedestrian paths are to be clearly indicated by
means of signs and/or pavement markings and/or use of different materials/design.

76. 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.

77. 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.

78. Council’s ‘PREVENT POLLUTION’ sign is to be erected and maintained in a
conspicuous location on or adjacent to the property boundary so it is clearly visible to
the public or at other locations on the site as otherwise directed by Council for the
duration of demolition and construction work.

Note: Council’s ‘PREVENT POLLUTION’ sign can be obtained by presenting your
development application receipt at Council’s Customer Enquiry Counter at 282 King
Street Newcastle.

79. 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

80. 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

81. Documentation demonstrating the compliance with the conditions of the appropriate
Resource Recovery Order and Resource Recovery Exemption must be maintained for
any material received at the site and subsequently applied to land under the conditions
of the Resource Recovery Order and Exemption. This documentation must be provided
to Council officers or the Principal Certifying Authority on request.

82. Erosion and sediment control measures are to be implemented prior to the
commencement of works and maintained during the period of demolition and/or
construction in accordance with the requirements of Managing Urban Stormwater: Soils
Controls are not to be removed until the site is stable with all bare areas supporting an
established vegetative cover.

83. 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 must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins and controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover. Erosion and sediment control measures are to be designed in accordance with the requirements of the Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004.

84. Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to Council by a Surveyor registered under the Surveying and Spatial Information Act 2002 (NSW).

85. 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.

86. All retaining walls to be designed by a suitably qualified professional engineer with suitable provision made for drainage. The design should consider and demonstrate that the retaining wall can withstand the impact form flooding (including debries and scouring). Full details of the retaining wall design are to be included in documentation for any Construction Certificate.

87. A suitably qualified professional engineer is to inspect and certify that the retaining walls have been constructed in accordance with the retaining wall design with written confirmation to be submitted to the certifying authority prior to the issue of an occupation certificate for the proposed development.

88. A suitably qualified ecologist to be on-site during tree clearing to manage the identification, management and protection of flora and in particular, fauna, which are located on the site.

89. All vegetated areas outside the boundaries of the proposed development being kept free from disturbance of machinery, parked vehicles and waste material.

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

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

91. All garbage and recycling waste is be collected by a private waste contractor. Final details from the private contractor, indicating vehicle movement to and from the site and hours/days of collection are to be submitted to Council prior to the issue of an Occupation Certificate.

Note: Section 496 (1) of the Local Government Act 1993 (NSW) states "a council must make and levy an annual charge for the provision of domestic waste management services for each parcel of rateable land for which the service is available". Council will charge the domestic waste management service levy, notwithstanding that the waste is collected by a private contractor.

92. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to
be carried out to Council’s satisfaction prior to the completion of demolition work or prior to the issue of any occupation certificate in respect of development involving building work.

93. The developer is to design and construct the proposed new road connection and extend Kerry Av and Nerigai Cl generally in accordance with the concept plan prepared by Tonic Project No. 14-03019 Dwg No. DA_101 Rev P dated 11/07/2016 adjacent to the site at no cost to Council and in accordance with Council’s guidelines, design specification and Technical Manual:

Public Domain Works

i. New road pavement connecting Kerry Avenue to Nerigai Close (ensuring that design for life of 50 years could be achieved and loading to be to Rural Fire Service (RFS) Guide - Planning for Bushfire Protection 2006 or Newcastle City Council specification, whichever is greater) Ensure that adjoining property driveways and proposed new driveway design is included.

ii. New kerb and gutter at either side of the roadway and extend the scope of works to match the existing roadway.

iii. Provision of new drainage for the connecting road and modification of the existing drainage to the existing roads as necessary to finish the road connections.

iv. Installation of new footpath to connect to existing footpath along Nerigai Close, Linking to the footpath to Robina Close and Kerry Avenue

v. Install new street trees in accordance with Council requirements (as necessary) and adjust service pit levels to match new footpath/roadway.

vi. Install street lighting for the new road and upgrading of existing lighting as necessary to meet Ausgrid requirements and P4 lighting category as per AS1158 and to Council specifications.

vii. Design of the proposed access driveway to the property and adequate street lighting at the driveway entry.

viii. Provision for new services and existing services to be considered.

ix. Providing the mandatory signage plan and line marking (note: NCC Traffic Committee endorsement will be required prior to installation of the signs and line markings).

x. Consulting any neighbours directly affected from the design of the proposed infrastructure.

xi. Allowing for any necessary consultation and notification to adjoining neighbours prior to start of construction.

xii. Arrange to pay any required bonds as necessary (to be discussed with Council) to ensure that the proposed works are bonded and will be completed to Council satisfaction. This can be discussed during the construction stage.

Detailed public domain plan including civil, structural, pavement and lighting design, details, survey, cross sections and longitudinal are to be submitted to Council for review and approval as part of the S138 Road Act Type 2 application prior to the issue of any construction certificate.

The Public Domain works are to be implemented and construction works are to be completed to Council satisfaction prior to the issue of any Occupation Certificate.
(Note: the dedication of the road reserve will need to be done prior to Occupation certificate).

In this regard the separate approval from Council must be obtained for all works within the public road reserve, pursuant to Section 138 of the Roads Act 1993, prior to any construction certificate. 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 civil engineer with experience and competence in the related field and submitted to Council for approval with the Section 138 application.

Note: An additional fee will be required by Council for the assessment of engineering plans submitted for the public road works. In this regard the developer is advised to confer with Council’s Development & Building Services Section in order to confirm this fee.

94. Any redundant existing vehicular crossing is to be removed at no cost to Council. The road reserve and kerb being restored to, Council’s satisfaction, to match the existing infrastructure. Works are to be completed prior to the issuing of a Final Occupation Certificate for the proposed development.

95. The required floodways are to be the subject of an appropriate ‘restriction as to user’ notation registered against the title of the land pursuant to Section 88B of the Conveyancing Act 1919 (NSW) prior to the issuing of an Occupation Certificate for the proposed development, such to provide:

   a) The obstruction in any manner of the open ‘floodway’ under the occupied buildings as shown on the approved building plan, to be prohibited and

   b) Internal fencing, including adjustments to boundary fences within the overland flowpath are to be of open mesh or rod style construction.

The required restriction as to user is to be lodged with Council for certification by the General Manager and be registered with NSW Government Land & Property Information the issuing of an Occupation Certificate for the proposed development. The instrument is to provide that the restriction as to user is unable to be released, varied or modified without the concurrence of The Newcastle City Council.

96. An easement to drain water over the existing stormwater pipeline and overland flowpath within the subject property is to be created. Such easement is to be in favour of Council and created prior to the issue of any Occupation Certificate for the proposed development.

Note: All associated survey and legal expenses will be undertaken by Council at Council’s expense upon receipt of written request by the owner but Council will not bear the cost of private surveys.

97. A copy of the stormwater drainage design plans approved with the Construction Certificate with ‘work as executed’ levels indicated, shall be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

98. The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.

99. A clear warning notice is to be erected and maintained at all points of entry to the site advising that the premises is subject to flooding and that caution should be observed at times of heavy or prolonged rainfall, being installed prior to issue of an Occupation
Certificate. Such notice is to also provide advice regarding the availability of further detail in respect of possible flooding, including an appropriate telephone number.

100. A Landscape Practical Completion Report is to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.

101. A post construction dilapidation report prepared by a suitability qualified person shall be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate, to ascertain if any structural damage has occurred to the adjoining buildings, infrastructure and roads. The reports shall be forwarded to Council and will be made available in any private dispute between neighbours regarding damage arising from construction works.

102. The portion of the site required for road widening to provide the connection between Kerry Avenue and Nerigai Close is to be transferred to Council for dedication as road. A suitable survey plan providing for the dedication is to be submitted with an accompanying Subdivision Certificate Application for Council certification and such plan is to be registered with the NSW Government Land & Property Information prior to the issuing of an Occupation Certificate for the proposed development.

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

103. An appropriate notation is to be placed on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act 1919 (NSW) being submitted to Council setting out the terms of easements as required by this consent. Council in addition to the owner of the land benefited by the easement is to be a party whose consent is needed to release or vary easements.

104. Written evidence of arrangements being made with the Hunter Water Corporation for the provision of water supply and sewerage and with the electricity authority for the provision of overhead or underground electricity supply is to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

105. Written evidence of arrangements being made with the telecommunications authority for the provision of underground telephone services to the lots is to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

106. Written evidence of approval by the Mine Subsidence Board is to be obtained and submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

107. An application is to be made for a Strata Certificate in accordance with the requirements of Division 4 of the Strata Scheme (Freehold Development) Act 1973 (NSW).

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

108. The landscaped areas are to be kept free of parked vehicles, stored goods, garbage or waste material and being permanently maintained.

109. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.

110. All vehicular movement to and from the site is to be in a forward direction.
111. 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.

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

<table>
<thead>
<tr>
<th>Unit Number on architectural site plan</th>
<th>Council Allocated Street Address(es)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>House Number</td>
</tr>
<tr>
<td>1</td>
<td>12/18</td>
</tr>
<tr>
<td>2</td>
<td>11/18</td>
</tr>
<tr>
<td>3</td>
<td>10/18</td>
</tr>
<tr>
<td>4</td>
<td>9/18</td>
</tr>
<tr>
<td>5</td>
<td>8/18</td>
</tr>
<tr>
<td>6</td>
<td>7/18</td>
</tr>
<tr>
<td>7</td>
<td>6/18</td>
</tr>
<tr>
<td>8</td>
<td>5/18</td>
</tr>
<tr>
<td>9</td>
<td>4/18</td>
</tr>
<tr>
<td>10</td>
<td>3/18</td>
</tr>
<tr>
<td>11</td>
<td>2/18</td>
</tr>
<tr>
<td>12</td>
<td>1/18</td>
</tr>
<tr>
<td>13</td>
<td>13/18</td>
</tr>
<tr>
<td>14</td>
<td>14/18</td>
</tr>
<tr>
<td>15</td>
<td>15/18</td>
</tr>
<tr>
<td>16</td>
<td>16/18</td>
</tr>
<tr>
<td>17</td>
<td>17/18</td>
</tr>
<tr>
<td>18</td>
<td>18/18</td>
</tr>
<tr>
<td>19</td>
<td>19/18</td>
</tr>
<tr>
<td>20</td>
<td>20/18</td>
</tr>
<tr>
<td>21</td>
<td>21/18</td>
</tr>
<tr>
<td>22</td>
<td>22/18</td>
</tr>
<tr>
<td>23</td>
<td>23/18</td>
</tr>
<tr>
<td>24</td>
<td>24/18</td>
</tr>
<tr>
<td>25</td>
<td>25/18</td>
</tr>
</tbody>
</table>

ADVISORY MATTERS

A. Retaining walls not clearly noted on the approved plans or outside of the parameters of ‘exempt development’ as specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (NSW) are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to the retaining wall taking place.

B Any necessary alterations to public utility installations are to be at the developer/demolisher’s expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.

C Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required of any adjoining owner under the provisions of the Dividing Fences Act 1991 (NSW).
D. Prior to commencing any construction works, the following provisions of the *Environmental Planning and Assessment Act 1979* (NSW) (the 'Act') are to be complied with:

   a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act

   b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and

   c) Council is to be given at least two days' notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.

E. Development applications are not assessed against the provisions of the Building Code of Australia. A Section 96 modification under the *Environmental Planning and Assessment Act 1979* (NSW) 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

F. Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000* (NSW).

G. 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.

H. Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979* (NSW), which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.

END OF CONDITIONS
### ATTACHMENT C - PROCESSING CHRONOLOGY

**DA 2015/0540 - 18 Nerigai Close, Elermore Vale**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>01 June 2015</td>
<td>Application lodged with Council.</td>
</tr>
<tr>
<td>26 June 2015</td>
<td>General Terms of Approval received from Mine Subsidence Board.</td>
</tr>
<tr>
<td>18 September 2015</td>
<td>General Terms of Approval received from Department of Primary Industries (Water) in response to original proposal.</td>
</tr>
<tr>
<td>01 October 2015</td>
<td>Further information requested.</td>
</tr>
<tr>
<td>11 February 2016</td>
<td>Additional information submitted.</td>
</tr>
<tr>
<td>08 July 2016</td>
<td>General Terms of Approval received from NSW Rural Fire Service in response to original proposal.</td>
</tr>
<tr>
<td>11 July 2016</td>
<td>Amended Plan submitted to include roadway (with footpath) to connect Kerry Avenue to Nerigai Close.</td>
</tr>
<tr>
<td>13 July - 27 July 2016</td>
<td>Public Notification (Amended Plans)</td>
</tr>
<tr>
<td>18 October 2016</td>
<td>Public Voice Meeting</td>
</tr>
<tr>
<td>20 October 2016</td>
<td>General Terms of Approval received from NSW Rural Fire Service in response to amended road connection.</td>
</tr>
<tr>
<td>14 November 2016</td>
<td>General Terms of Approval received from NSW Department of Primary Industries (Water) in response to amended road connection.</td>
</tr>
</tbody>
</table>
Ravenshaw Street Elevation

1:200
Ravenshaw Street Elevation

122 - 124 PARRY STREET NEWCASTLE
COLOUR ELEVATIONS 1
122 - 124 PARRY STREET NEWCASTLE
3D VIEWS
ATTACHMENT B - DRAFT SCHEDULE OF CONDITIONS
DA2016/00893 - 122-124 PARRY STREET NEWCASTLE WEST

REASONS FOR CONDITIONS

1. The conditions of this consent have been imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 (NSW). The conditions relate to any matter referred to in Section 79C(1) of relevance to the development the subject of the consent and are imposed to ensure that the development is undertaken in an orderly manner, with acceptable impacts on the natural and built environment.

APPROVED DOCUMENTATION

2. 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.

<table>
<thead>
<tr>
<th>Plan No / Supporting Document</th>
<th>Reference / Version</th>
<th>Prepared by</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Plan</td>
<td>Project No 11248</td>
<td>EJE Architects</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rev: A Drg A100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Elevations</td>
<td>Project No 11248</td>
<td>EJE Architects</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rev: A Drg A101</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height Plan Analysis</td>
<td>Project No 11248</td>
<td>EJE Architects</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rev: A Drg A102</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Basement Floor</td>
<td>Project No 11248</td>
<td>EJE Architects</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rev: A Drg A103</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ground Floor</td>
<td>Project No 11248</td>
<td>EJE Architects</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rev: B Drg A104</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level 1</td>
<td>Project No 11248</td>
<td>EJE Architects</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rev: A Drg A105</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level 2</td>
<td>Project No 11248</td>
<td>EJE Architects</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rev: A Drg A106</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level 3</td>
<td>Project No 11248</td>
<td>EJE Architects</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rev: A Drg A107</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level 4</td>
<td>Project No 11248</td>
<td>EJE Architects</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rev: B Drg A108</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level 5</td>
<td>Project No 11248</td>
<td>EJE Architects</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rev: A Drg A109</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level 6</td>
<td>Project No 11248</td>
<td>EJE Architects</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rev: B Drg A109</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level 7</td>
<td>Project No 11248</td>
<td>EJE Architects</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rev: A Drg A111</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parry Street Elevation</td>
<td>Project No 11248</td>
<td>EJE Architects</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rev: A Drg A201</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ravenshaw Street Elevation</td>
<td>Project No 11248</td>
<td>EJE Architects</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rev: A Drg A202</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SE Elevation</td>
<td>Project No 11248</td>
<td>EJE Architects</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rev: A Drg A203</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NE Elevation</td>
<td>Project No 11248</td>
<td>EJE Architects</td>
<td></td>
</tr>
</tbody>
</table>
In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

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

3. A total monetary contribution of $248,473.54 is to be paid to Council, pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.

Note:
a) This condition is imposed in accordance with the provisions of *The City of Newcastle S94A Development Contributions Plan 2009* (updated version operational from 15 March 2011). A copy of the plan may be inspected at Council’s Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.

b) The City of Newcastle S94A Development Contributions Plan 2009 permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement. Refer to the s94A Development Contributions Plan 2009.

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

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

<table>
<thead>
<tr>
<th>Indexation quarters</th>
<th>Approx release date</th>
</tr>
</thead>
<tbody>
<tr>
<td>September</td>
<td>Late October</td>
</tr>
<tr>
<td>December</td>
<td>Late January</td>
</tr>
<tr>
<td>March</td>
<td>Late April</td>
</tr>
<tr>
<td>June</td>
<td>Late July</td>
</tr>
</tbody>
</table>

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

4. The proposed verandah / awning is to be designed in a manner that is consistent with Element 7.10 ‘Street Awnings and Balconies’ of the Newcastle Development Control Plan 2012. Full details are to be included in documentation for a Construction Certificate application.

5. On-site parking accommodation is to be provided for a minimum of 45 cars and 4 motor cycles. A minimum of 2 spaces including a designated service vehicle space is to be allocated for the commercial premises and a minimum of 4 spaces is to be allocated and delineated as visitor car parking. This parking is to be set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 ‘Traffic, Parking and Access’ of Council’s adopted Newcastle Development Control Plan 2012 and the plans submitted with the development application. Full details are to be included in documentation for a Construction Certificate application.

6. The car park is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities. Full details are to be included in documentation for a Construction Certificate application.

7. All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. Full details are to be included in documentation for a Construction Certificate application.
8. The visitor parking bays are to be constructed in paving bricks or in a suitable alternative visually unobtrusive paving material which contrasts in colour and texture with that used in the construction of the driveway. Full details are to be included in documentation for a Construction Certificate application.

9. Kerbing or dwarf walls having a minimum height of 100mm are to be constructed along the edge of all garden or lawn areas adjacent to driveways and parking bays sufficient to discourage the encroachment of vehicles thereon. Full details are to be included in documentation for a Construction Certificate application.

10. Overflows from the roof water tank and any additional discharge controls (if required) are to be directed to Council’s drainage system by means of an interallotment drainage line or underground pipe directly to the street gutter. Full details are to be included in documentation for a Construction Certificate application.

11. All stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 ‘Stormwater’ of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable, as indicated on the stormwater management concept plan prepared by Lindsay & Dynan Project 12942 Drawings DA01 to DA05 Revision B dated 01/09/16 except as amended by this consent. Full details are to be included in documentation for a Construction Certificate application.

12. 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) mulching and staking
   h) treatment of external surfaces and retaining walls where proposed
   i) drainage, location of taps and
   j) appropriate maintenance periods.

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

13. The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation’s compliance certificate (refer s50 Hunter Water Act 1991) is to be included in documentation for a Construction Certificate application.
14. Adequate facilities are to be provided within the proposed individual private courtyards, or in another adequately screened location, for the storage of garbage. Full details are to be included in documentation for a Construction Certificate application.

15. A group type mailbox is to be provided at the street frontage in accordance with the requirements of Australia Post, clearly displaying individual unit numbers and the required house number. Full details are to be included in the documentation for a Construction Certificate application.

16. 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 the documentation for the Construction Certificate application.

17. A dilapidation report prepared by a suitability qualified person shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate. The dilapidation report shall document and photograph the current structural condition of the adjoining buildings, infrastructure and roads.

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

19. Residential vehicular crossings are to be constructed across the road reserve in Parry Street and Ravenshaw Street, in accordance with the following criteria:
   a) Constructed in accordance with Council’s A1300 - Driveway Crossings Standard Design Details.
   b) The driveway crossing, within the road reserve, shall be a maximum of 6 metres wide.
   c) Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 metre, in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance.
   d) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve.
   e) The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.

   These works are not approved until consent under Section 138 of the Roads Act 1993 (NSW) has been granted by Council. An application under Section 138 must be applied for and approved before the issue of a Construction Certificate.

20. A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 of the Roads Act 1993 (NSW), before the issue of a Construction Certificate.


22. 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.

23. Prior to the release of the Construction Certificate the applicant shall submit a comprehensive waste management report in accordance with the better practice guide for Waste Management in Multi-unit Dwellings by the Department of Environment and Climate Change June 2008. The report shall address the storage and disposal of commercial and residential waste. 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 and are accessible to waste vehicles. The recommendations of the report shall be included on the construction certificate drawings. It is recommended that you liaise with Council Waste Service Unit to ensure that the site is accessible to Council’s Waste Services.

24. The developer is to design and construct the following works within the Ravenshaw Street and Parry Street frontage adjacent to the site at no cost to Council and in accordance with Council’s guidelines and design specification:

   a) Public Domain Works

      i. Full width reconstruction of the existing concrete footpaving to asphalt with brick paver banding and suitable six (6) street trees in accordance with Council’s Guidelines and specifications.

   Detailed public domain plan including longitudinal and cross sections is to be provided to Council for review and approval as part of the S138 Road Act Type 2 application.

   Such works are to be implemented prior to the issuing of an Occupation Certificate for the proposed development.

25. All on-site stormwater detention or water quality treatment systems are to be individually identified and sign posted in accordance with Council’s Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). Full details are to be included in documentation for a Construction Certificate application.

   i. The ground floor level of the proposed building is not to be below 3.50m AHD (except for the basement carpark being at RL 0.75 m AHD) and being indicated on plans for a Construction Certificate application. The finished floor levels are to be certified by a registered Surveyor prior to the placement of the floor material and a copy of the Surveyor’s Certificate is to be forwarded to the Principal Certifying Authority.

   ii. The whole of the proposed structure below RL 3.50m AHD to be constructed in materials and finishes that are resistant to damage from floodwaters/tidal waters. Any new machinery or equipment, electrical fixtures (such as power points, light fittings and switches), storage units or similar items likely to be damaged by floodwaters/tidal waters being installed above the said height or alternatively being of materials and functional capability resistant to the effects of floodwaters/tidal waters. Full details are to be included in documentation for a Construction Certificate application.

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE
26. 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* (NSW), or

c) Be a temporary chemical closet approved under the *Local Government Act 1993* (NSW).

27. A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with Australian Standard 2601:2001 - The Demolition of Structures. A copy of the Hazardous Substances Management Plan is to be provided to Council (marked to Attention: Compliance Services) and the demolisher prior to commencement of work.

28. The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:

a) Demolition works shall be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan shall be kept on-site for the duration of the proposed development

b) The removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW

c) A copy of all waste disposal receipts are to be kept on-site for the duration of the proposed development and made available to authorised Council Officers upon request

d) Seven working days' notice in writing is to be given to Council and the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor. Notification to owners/occupiers of neighbouring premises shall also include Council’s contact telephone number (49742000) and the Workcover Authority of NSW telephone number (49212900) and

e) On sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.

29. 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.

30. 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, application must be made for Council’s approval to position the container on the adjacent public road in accordance with Council’s adopted
Building Waste Container Policy.

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

32. Any demolition/waste building materials that are not suitable for recycling are to be disposed of at Council’s Summerhill Waste Management Facility or other approved site.

33. Waste management shall be implemented in accordance with the approved Waste Management Plan. At a minimum, the following measures shall be implemented during the construction phase:

   a) A waste container of at least one cubic metre capacity shall 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) Appropriate 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 (NSW).

34. 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 Certifying Authority 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, but must be removed when the work has been completed.

35. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

36. In the case of residential building work for which the Home Building Act 1989 (NSW) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.

37. All excavations and backfilling are to be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.
38. If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided and adequate provision must be made for drainage.

39. All building materials, plant and equipment is to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves including the road reserve is not permitted.

40. A residential vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:

- a) Constructed in accordance with Council’s A1300 - Driveway Crossings Standard Design Details
- b) In the case of a single car garage/parking space, the driveway crossing, within the road reserve, shall be a maximum of 3 metres wide
- c) In the case of a double car garage/parking space, the driveway crossing, within the road reserve, shall be a maximum of 4.5 metres wide
- d) 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.

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 applied for and approved before the commencement of works.

41. A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 Roads Act 1993 (NSW), before the commencement of works.

42. Prior to commencement of site works the developer is to submit to Council for approval a Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase.

43. The Construction Traffic Management Plan is to be prepared by a Roads & Maritime Services accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3:2009 - Manual of uniform traffic devices - traffic control for works on roads. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.

44. The proposed four 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.

45. All parking and loading bays are to be permanently marked out on the pavement surface, with loading bays and visitor parking facilities being clearly indicated by signs.
46. 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.

47. 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.

48. Council's ‘PREVENT POLLUTION’ sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary so it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of demolition and construction work.

Note: Council's 'PREVENT POLLUTION' sign can be obtained by presenting your development application receipt at Council's Customer Enquiry Counter at 282 King Street Newcastle.

50. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

51. Prior to the commencement of work, a 3m wide all weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.

52. All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but are not limited to:

   a) Restricting topsoil removal
   b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion
   c) Alter or cease construction work during periods of high wind and
   d) Erect green or black shadecloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

53. Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to Council by a Surveyor registered under the Surveying and Spatial Information Act 2002 (NSW).

54. 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.

55. All public trees that are required to be retained must be physically protected in accordance with the City of Newcastle Urban Forest Technical Manual ‘Section 8.0 Protection Measures’.
The tree protection fencing must remain in place and maintained until all works have been completed, with no waste materials, washouts, equipment or machinery to be stored within the fenced area.

56. Demolition and construction works are to be carried out in accordance with the Plan of Management provided within the Phase 1 preliminary site investigation report (August 2016) prepared by WSP Parsons Brinkerhoff Pty Ltd.

57. A Construction Environmental Management Plan is to be drafted and complied with in accordance with the details provided Phase 1 preliminary site investigation report (August 2016) prepared by WSP Parsons Brinkerhoff Pty Ltd. A copy of the Plan is to be kept on site such that it can be made available to authorised Council officers upon request.

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

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

59. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council’s satisfaction prior to the completion of demolition work or prior to the issue of any occupation certificate in respect of development involving building work.

60. All works within the road reserve required by this consent are to be completed prior to the issue of a Final Occupation Certificate.

61. Any redundant existing vehicular crossing is to be removed at no cost to Council. The road reserve and kerb being restored to, Council’s satisfaction, to match the existing infrastructure. Works are to be completed prior to the issuing of a Final Occupation Certificate for the proposed development.

62. A copy of the stormwater drainage design plans approved with the Construction Certificate with ‘work as executed’ levels indicated, shall be submitted to the Principal Certifying Authority and to The City of Newcastle prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

63. A Landscape Practical Completion Report is to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.

64. Prior to issue of an Occupation Certificate, the food business must notify the relevant enforcement agencies, under the Food Act 2003 (NSW) and (for licensed food
businesses) under the *Food Regulation 2010* (NSW). Notification is to be provided to Council and the NSW Food Authority.


65. 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

66. All garbage and recycling waste is be collected by a private waste contractor. Final details from the private contractor, indicating vehicle movement to and from the site and hours/days of collection are to be submitted to Council prior to the issue of an Occupation Certificate.

Note: Section 496 (1) of the *Local Government Act 1993* (NSW) states "a council must make and levy an annual charge for the provision of domestic waste management services for each parcel of rateable land for which the service is available". Council will charge the domestic waste management service levy, notwithstanding that the waste is collected by a private contractor.

67. A design verification statement from a qualified designer shall be submitted to the Principal Certifying Authority 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.

68. All adjustments to and/or relocation of existing regulatory signage on Ravenshaw Street and Parry Street necessary as part of this development, shall be at no cost to Council and in accordance with Council requirements with such works being implemented prior to the occupation of the premises.

Note: The provision of additional regulatory signage and alterations to existing regulatory signage will need to be referred to the Newcastle City Traffic Committee for approval prior to installation. A separate application to the committee will be required.

69. A copy of the stormwater drainage design plans approved with the Construction Certificate with ‘work as executed’ levels indicated, shall be submitted to the Principal Certifying Authority and to The City of Newcastle prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

70. The water management measures as indicated on the stormwater management plans prepared by Lindsay & Dynan Project 12942 Drawings DA01 to DA05 Revision B dated
01/09/16 and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

71. The hours of operation or trading of the premises are to be not more than from:

<table>
<thead>
<tr>
<th>DAY</th>
<th>START</th>
<th>FINISH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday</td>
<td>7:00 am</td>
<td>9:00 pm</td>
</tr>
<tr>
<td>Tuesday</td>
<td>7:00 am</td>
<td>9:00 pm</td>
</tr>
<tr>
<td>Wednesday</td>
<td>7:00 am</td>
<td>9:00 pm</td>
</tr>
<tr>
<td>Thursday</td>
<td>7:00 am</td>
<td>9:00 pm</td>
</tr>
<tr>
<td>Friday</td>
<td>7:00 am</td>
<td>9:00 pm</td>
</tr>
<tr>
<td>Saturday</td>
<td>7:00 am</td>
<td>9:00 pm</td>
</tr>
<tr>
<td>Sunday</td>
<td>8:00 am</td>
<td>9:00 pm</td>
</tr>
</tbody>
</table>

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

72. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.

73. All vehicular movement to and from the site is to be in a forward direction.

74. 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.

75. 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

76. Seating is to be provided in accordance with the approved plans. Tables are not to be removed or shifted to increase standing area.

77. The maximum number of persons permitted in the internal part of the restaurant is to be restricted to a total of 30 persons. A sign must be displayed in a prominent position in the building stating the maximum number of persons that are permitted in the building.

78. The premises are allocated the following street addresses in accordance with Council’s House Numbering Policy and the Surveying and Spatial Regulation.

<table>
<thead>
<tr>
<th>Unit Number on plan</th>
<th>Council Allocated Street Address(es)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>House Number</td>
</tr>
<tr>
<td>Ground Floor</td>
<td>1/122</td>
</tr>
</tbody>
</table>
ADVISORY MATTERS

79. Retaining walls not clearly noted on the approved plans or outside of the parameters of ‘exempt development’ as specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (NSW) are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to the retaining wall taking place.

80. An application is to be submitted to Council for the removal or pruning of any trees located more than three metres from the dwelling, wall measured from the centre of the trunk to the footings of the dwelling, excluding carports and pergolas.

81. 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.

82. Any necessary alterations to public utility installations are to be at the developer/demolisher’s expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
83. Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required of any adjoining owner under the provisions of the *Dividing Fences Act 1991* (NSW).

84. Prior to commencing any construction works, the following provisions of the *Environmental Planning and Assessment Act 1979* (NSW) (the ‘Act’) are to be complied with:

   a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act

   b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and

   c) Council is to be given at least two days’ notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.

85. Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000* (NSW).

86. 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.

87. Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979* (NSW), which may be subject to a penalty infringement notice (‘on-the-spot fine’) or prosecution.

END OF CONDITIONS
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 August 2016</td>
<td>Development application lodged with Council.</td>
</tr>
<tr>
<td>23 August 2016</td>
<td>Public exhibition (14 days).</td>
</tr>
<tr>
<td>21 September 2016</td>
<td>Referred to Council's Urban Design Consultative Group for comments.</td>
</tr>
<tr>
<td>26 September 2016</td>
<td>Applicant advised of issues raised after technical assessment of the application and in public submissions.</td>
</tr>
<tr>
<td>12 October 2016</td>
<td>Response received from applicant regarding public submissions and internal assessment.</td>
</tr>
<tr>
<td>15 October 2016</td>
<td>Public Voice</td>
</tr>
</tbody>
</table>
Site - General Description

This landscape design report has been prepared in accordance with the Newcastle Development Control Plan 2012 (DCP), the Newcastle Local Environmental Plan 2012 (LEP) and State Environmental Planning Policy 65 (SEPP 65) requirements.

The project site is located at 123-134 Parry Street in Newcastle West, NSW. The site is bounded by Parry Street on the southeast, Ravenshaw Street on the northwest, an existing commercial property on the northerm, and a commercial property (Carpet Court) beside an existing 8 storey shop-top housing development adjacent to the site on the west. The southwest side of the site has an existing walkway outlook to the sporting fields and recreation areas of National Park.

The site area is approximately 1.265m².

Several single storey commercial buildings currently occupy the site.

Existing vegetation is limited to a single street tree (a Lilly Pilly) on Ravenshaw Street and a single street tree (a Weeping Bottlebrush) on Parry Street. These trees are outside of the development, but will be replaced to accommodate an improved streetscape.

Three additional Lilly Pilly trees are located in a narrow, raised planter along the Parry Street frontage. These will be removed along with the planter.

The site is located in R4 - High Density Residential zoned as defined in the LEP.

Proposed Development

The proposed development is an 8 storey shop-top housing development, which consists of a communal space on the ground floor with 31 residential units above. Split level parking in the basement internal to the building is also provided. Entry and exit drives to the parking are located off Parry Street and Ravenshaw Street. The proposed landscaping includes street planting, a communal courtyard on level 1, and a 'greening buffer' on level 6.

Proposed Landscape Works and Objectives

The proposed landscape aims to improve the amenity of the site and the surrounding community, and enhance communal livability for residents. The design plan meets the City of Newcastle planning objectives and SEPP 65 requirements through the consideration of environmental, ecological concerns and public amenity. The landscape responds to these items by incorporating the following:

- The use of durable materials
- Planting that complements the existing character of the surrounding development
- Streetscape design that reinforces and enhances the heritage of the area
- Low maintenance plant selections
- Low water use plants
- Native plant species

Streetscape improvements include 3 planting areas along Ravenshaw Street and 2 planting areas along Parry Street. Each planter will contain 3 trees with low shrub and a groundcover planting. These landscape improvements aim to create a pedestrian friendly environment along Parry Street and will visibly soften the building. CPED principles are applied to allow visual surveillance and increase the safety of the residents and users of the building.

The primary landscaping is located on the communal courtyard on level 1. The landscape design supports tall species and screen planting to provide separation between the communal areas and private balconies/patios on the same level, and the site boundary on the northeast. The planters within these areas are designed with varying soil depths to accommodate the soil volumes required by the trees, shrubs and ground covers planted within them. This space has substantial planting in lieu of non-trafficable deep planting beds that would ordinarily form a buffer between adjoining properties at ground level. The trafficable areas in the courtyard, of stone paving and courts, are set back to accommodate areas of street soil mounts and planters. The design also enhances all-season, day-night, lightability through the incorporation of water features for relaxation and small intimate spaces which can accommodate a range of outdoor furniture and mood lighting.

The planting on level 6 includes a 'greening buffer' along the northeastern edge of a private balcony. This will offer visual screening as well as wind buffering to create a pleasing micro climate on the balcony.

Hardwards

The hardworks for the project include reinstating the street level footpath in keeping with Council’s public domain plans and the heritage of the neighbouring. The commercial space and entry to the apartments are highlighted with bluestone pavers. These provide visual and tactile cues to increase awareness and accentuate these locations.

The hardworks internal to the site are located on the level 1 courtyard. The materials will complement the architecture of the building and consist mainly of bluestone paving with hardwood timber decks as accents. Planter walls will be an off-white colour to match the building to provide a unified theme throughout.

In response to the site conditions, the main design principles are illustrated in the diagram below.

Landscape Plan

Consultants Declaration:

I/We, [Name], have prepared the documentation and hold qualifications to meet the requirements of The City of Newcastle for this category of development as outlined in the Newcastle Development Control Plan 2012 and guidelines relevant for this development.

Qualification: Registered Landscape Architect, AIIPA
Member no: 20551

MARA Consulting Pty Ltd
Design Communication
PO Box 123, December, 2250
Ph: 02 4933 3333
Fax: 02 4933 3334
E: mara@maraconsulting.com.au
W: maraconsulting.com.au

Site:
123-134 Parry Street, Newcastle West, NSW
Client:
KDC Pty Ltd
Date:
31 August 2016
Revision:
C
Drawing No:
L02

The copyright of this work remains the property of Mara Consulting Pty Ltd.
Landscape Plan
Level 1

Revisions

<table>
<thead>
<tr>
<th>Issue</th>
<th>Details</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Preliminary Issue</td>
<td>14.07.16</td>
</tr>
<tr>
<td>B</td>
<td>DA Issue</td>
<td>20.07.16</td>
</tr>
<tr>
<td>C</td>
<td>Client Revisions</td>
<td>05.08.16</td>
</tr>
</tbody>
</table>

Note:
1. All built-in planters shall be irrigated with an automatic irrigation system.
2. All built-in planters shall contain a chain within them.
3. Refer to engineer's and architect's drawings for final level information.
4. Overhead pergolas to be powder coated steel construction. Colour to match architectural features.
PLANTING SCHEDULE: Communal Courtyard (Level 1)

Botanical Name | Common Name | Pot Size
--- | --- | ---
**Trees**
Acer freemanii 'Armstrong' | Red Maple | 45 L
Camellia 'Nuccio's Gem' | Nuccio's Gem Camellia | 25 L
*Skimmia* 'Antiqua' | Soft Tree Fern | 25 L
Laurus nobilis | Bay Tree | 25 L
Magnolia 'Little Gem' | Little Gem Magnolia | 45 L
Pittosporum eugenioides | Pittosporum | 45 L
Plumaria rubra | Frangipani | 45 L

** Shrubs**
Acacia cognata 'Cousin Itt' | Cousin Itt Acacia | 2.5 L
Bamboo multiplex 'Alphonse Karr' | Alphonse Karr Bamboo | 2.5 L
Gardenia 'Florida' | Florida Gardenia | 5 L
Nandina domestica | Nandina | 5 L

**Hedge Plants**
*Artemisia* 'Alpina Magic' | Dwarf Lily Pilly | 5 L
Buxus sempervirens | English Box | 5 L
Camellia sp. | Camellia | 25 L
Murraya paniculata | Orange Jessamine | 25 L
Nandina domestica 'Pygmaea' | Dwarf Nandina | 5 L

**Accent Plants**
*Acer palmatum var. dissectum* | Japanese Maple | 25 L
*Asplenium scolopendrium* | Birds Nest Fern | 25 L
*Alocasia imperialis* | Imperial Broadleaf | 25 L
*Begonia elegans* 'Silver Lady' | Silver Lady Fern | 5 L
*Hibiscus tiliaceus* 'Tricolor' | Mauritius Hemp | 25 L
*Medinilla kirsia* | The Pink Shrub Tree | 25 L
*Strychnos nux-vomica* | Giant Bird of Paradise | 25 L

**Groundcover and Grasses**
Adiantum raddianum 'Valley Mist' | Native Maidenhair fern | 2.5 L
Alyssum saxatilis | Breckleweed | 2.5 L
*Begonia jacinthifolia* | Giant Tuf Lily | 2.5 L
Lilac 'Evergreen Giant' | Dwarf Mat Rush | 2.5 L
*Lamondia 'Tinkie' | Dwarf Panda Bamboo | 2.5 L
*Pogonatherum panicum* | Native Violet | 2.5 L

**Landscape Plan Planting**

---

Revisions

<table>
<thead>
<tr>
<th>Revision</th>
<th>Details</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Preliminary Issue</td>
<td>14.07.16</td>
</tr>
<tr>
<td>B</td>
<td>OK Issue</td>
<td>20.07.16</td>
</tr>
<tr>
<td>C</td>
<td>Client Revision</td>
<td>03.08.16</td>
</tr>
</tbody>
</table>

The copyright of this work remains the property of Mara Consulting Pty Ltd.