
Application No:	DA2019/00348
Land:	Lot 1 DP 1250295
Property Address:	282 King Street, Newcastle NSW 2300
Proposed Development:	Tourist and visitor accommodation (adaptive reuse as a boutique hotel) alterations and additions and signage

SCHEDULE 1

APPROVED DOCUMENTATION

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

Plan no/Supporting Document	Reference/Version	Prepared by	Dated
Site Plan - Porte Cochere	A003 Revision B as amended in red	EJE Architecture	8/07/2019
Site Plan - Proposed	A01.2 Revision E as amended in red	EJE Architecture	26/06/2019
Sub-Basement Level 2 Floor Plan	A03 Revision J	EJE Architecture	20/03/2019
Sub-Basement Level 1 Floor Plan	A04 Revision J	EJE Architecture	20/03/2019
Basement Level Floor Plan	A05 Revision K	EJE Architecture	21/03/2019
Ground Level Floor Plan	A06 Revision T as amended in red	EJE Architecture	26/06/2019
Mezzanine Level Floor Plan	A07 Revision N	EJE Architecture	20/03/2019
Level 1 Floor Plan	A08 Revision N	EJE Architecture	20/03/2019
Level 2 Floor Plan	A09 Revision N	EJE Architecture	20/03/2019
Level 3 Floor Plan	A10 Revision M	EJE Architecture	20/03/2019
Level 4 Floor Plan	A11 Revision M	EJE Architecture	20/03/2019
Level 5 Floor Plan	A12 Revision P	EJE Architecture	20/03/2019
Level 6 Floor Plan	A13 Revision N	EJE Architecture	20/03/2019
Level 7 Floor Plan	A14 Revision N	EJE Architecture	20/03/2019
Rooftop Level Floor Plan	A15 Revision Q	EJE Architecture	20/03/2019
Plant Level Floor Plan	A16 Revision K	EJE Architecture	20/03/2019
Roof Plan	A17 Revision H	EJE Architecture	20/03/2019
North Elevation	A21 Revision H	EJE Architecture	27/06/2019
East Elevation	A22 Revision H	EJE Architecture	27/06/2019
South Elevation	A23 Revision H	EJE Architecture	27/06/2019

West Elevation	A24 Revision H	EJE Architecture	27/06/2019
Section A-A	A25 Revision J	EJE Architecture	20/02/2019
Stormwater Management Plan	A33 Revision C as amended in red	EJE Architecture	20/03/2019
Erosion & Sediment Control Plan	A34 Revision C as amended in red	EJE Architecture	20/03/2019
3D Perspective 1 - Dusk from South-East	A35 Revision F as amended in red	EJE Architecture	27/06/2019
3D Perspective 2 - Night from North	A36 Revision F as amended in red	EJE Architecture	27/06/2019
3D Perspective 3 - Porte Cochere	A37 Revision D	EJE Architecture	20/03/2019
Signage Details	A38 Revision C as amended in red	EJE Architecture	21/03/2019
Schedule of Materials	A39 Revision D as amended in red	EJE Architecture	20/03/2019
Statement of Environmental Effects	Revision 02 Final	City Plan	25/03/2019
Amended Clause 4.6 Variation Request	Revision 03 Final (Amended)	City Plan	9/07/2019
Statement of Heritage Impact	001-SOHI-005 Rev A	David Campbell	March 2019
Traffic Impact Assessment	P001419 / Ver02	SECA Solutions	21/03/2019
Survey Plans Sheets 1 & 2	19/ 207 /Rev 1	Monteath & Powys	30/05/2019
Operational Waste Management Brief	Rev 4	TTM	22/03/2019
AHIMS Search	-	Office of Environment & Heritage	11/03/2019
BCA Report	City of Newcastle - DA (Rev 1)	Newcert	5/06/2019
Mine Subsidence Impact Statement	-	Northrop	9/07/2019
Mine Subsidence Peer Review	NOR-016/1	Ditton Geotechnical Services Pty Ltd	30/06/2019

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

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

2. The proposed 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. The design will need to consider the existing light poles and the impact of any infrastructure. Under awning lighting is to be provided to the area in accordance with AS1158 and City of Newcastle's City Centre Public Domain Manual. The design of the awning should allow for street tree planting and the glazed awning is not to generate more than a low level of reflectivity of sun glare. Drainage components such as downpipes are to be concealed where possible. Full details are to be included in documentation for a Construction Certificate application.

Note: A separate Section 138 *Roads Act 1993* application will be required with respect to parts of the awning that extend over a public road.

3. Traffic management devices in the form of safety mirrors, Stop and Give Way to pedestrian signs, Line markings and driveway safety light indicators are to be installed within the property at the Burwood Street driveway entry. Such devices are to be constructed in accordance with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Full details are to be included in documentation for a Construction Certificate application.
4. All equipment for the proposed external lift at the King Street frontage below the known flood level (3.90m Australian Height Datum) is to be constructed in materials and finishes that are resistant to damage from floodwaters. Any new machinery or equipment, electrical circuitry or fitting, storage unit or similar items likely to be damaged by floodwaters being installed above the said height or alternatively being of materials and functional capability resistant to the effects of floodwaters. Full details are to be included in documentation for a Construction Certificate application.
5. The proposed lighting of the premises, including sign illumination, is to be designed, positioned, and installed, including appropriate shielding and orientation of the lighting fixture, so as to not give rise to obtrusive light, interfere with traffic or pedestrian 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.
6. A dilapidation report, prepared by a suitability qualified person, is to be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The dilapidation report is to document and include photographs of the current condition of the adjoining areas of King Street, Burwood Road, Wheeler Place and Wheeler Plaza around the development. An electronic copy of the dilapidation report is to be provided to City of Newcastle.
7. The developer is to design and construct the following works in connection with the proposed development, within the public road reserve, at no cost to City of Newcastle and in accordance with City of Newcastle's guidelines and design specifications:
 - a) Porte cochere design on the King Street frontage generally in accordance with the Newcastle City Traffic Committee meeting minutes Item No.103 dated 15/07/2019. The design to include civil works, parking signs, line marking, proposed street tree removal and installation and relocation of any services and associated works.
 - b) Civil works associated with the Porte Cochere including roadworks, kerb and gutter realignment, drainage construction.
 - c) Relocation of the public phone booth. Separate approval may be required from the telephone booth owners and City of Newcastle.
 - d) Footpath paving along King Street and Burwood Street.
 - e) Design of street lighting on King Street / Burwood Street frontages including any lighting of the publicly accessible areas surrounding the building.

Engineering design plans and specifications for the works being undertaken within the public road reserve are to be prepared by a suitably qualified practising civil engineer with experience and competence in the related field and submitted to City of Newcastle for approval pursuant to Section 138 of the *Roads Act 1993*.

The consent is to be obtained, or other satisfactory arrangements confirmed in writing from City of Newcastle, before the issue of a Construction Certificate.

8. The building is to be upgraded to comply with the Performance Requirements of parts C, D, E & F of Volume One of the Building Code of Australia. Full details are to be included in the application for a Construction Certificate.
9. All hotel signage is to be located within the boundaries of the site. In this regard, the proposed pylon sign in Wheeler Place is to be relocated to within the boundaries of the site. Relevant details demonstrating compliance with this condition are to be incorporated into plans submitted with the application for a Construction Certificate.
10. In order to clarify the terms of this consent, the approved design of the porte cochere is depicted on the Site Plan - Porte Cochere numbered A003 Revision B, dated 8/07/2019 and prepared by EJE Architecture. All other plans showing the porte cochere are to be modified to be consistent with the approved design to ensure no conflict between plans submitted with the application for a Construction Certificate.
11. The Developer designing and constructing the following works in connection with the proposed development within Wheeler Place, at no cost to City of Newcastle and in accordance with City of Newcastle's guidelines and design specifications:
 - a) Detailed design including structural design, lighting design, public art and other associated works for the proposed seating.
 - b) Civil works associated with the installation of the public seating, including pavement works, lighting, tactile indicators and hand railings.
 - c) Relocation of existing bicycle hub to an appropriate location in, or in close proximity to, Wheeler Place, as determined by City of Newcastle. The cost of all works associated with the relocation including electrical works to be borne by the developer.

Design plans and specifications for the works being undertaken are required to be prepared by a suitably qualified practising landscape/structural/architect with experience and competence in the related field and submitted to City of Newcastle for approval. Written consent must be obtained, or other satisfactory arrangements confirmed in writing from City of Newcastle, before the issue of any Construction Certificate.

12. A total monetary contribution of \$164,440.00 is to be paid to City of Newcastle, 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.

Notes:

- 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 City of Newcastle's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.
- b) The City of Newcastle S94A Development Contributions Plan 2009 permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement. Refer to the s94A Development Contributions Plan 2009.
- c) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

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

Indexation quarters	Approx release date
September	Late October
December	Late January
March	Late April
June	Late July

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

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. On-site parking accommodation is to be provided for a minimum of 51 vehicles, 15 bicycle parking and 3 motorbike parking spaces and meet the minimum parking layout standards indicated in Element 7.03 '*Traffic, Parking and Access*' of City of Newcastle's adopted Newcastle Development Control Plan 2012. Details are to be included in documentation for a Construction Certificate application.
15. Adequate facilities are to be provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements being made for regular removal and disposal of same. The required garbage facility is to be suitable for the accommodation of City of Newcastle approved wheel type bins or bulk waste containers. Full details are to be included in documentation for a Construction Certificate application.
16. All stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 '*Stormwater*' of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable, as indicated on the stormwater management concept plan prepared by EJE Architecture Project No. 12478, Drawing No. A33 Revision C, dated 20/03/2019. Full details are to be included in documentation for a Construction Certificate application.
17. No tree removal is approved as a part of this development consent. Consent for any proposed tree removal is to be sought and approved under separate application to, and following consultation with, City of Newcastle's City Greening Services. If approved, any tree removal would be carried out by City of Newcastle at the developer's expense.
18. No proposed tree planting outside of the boundaries of the development site is approved under this development consent. All future tree planting sought by the developer to be carried out in the public domain around the development site will be subject to approval by City of Newcastle's City Greening Services and at the developer's expense. The tree selection and location of future street tree planting will be determined by City of Newcastle's City Greening Coordinator in accordance with the City of Newcastle's '*Street Tree Master Plan*'. The location of compensatory tree planting for any future tree removal may not be in the immediate proximity of the site.
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.

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

20. Prior to the commencement of works, a Construction Traffic and Parking Management Plan is to be submitted to and approved by City of Newcastle. This plan is to set out the measures to be employed in order to minimise the impacts of construction traffic and construction parking demand on the surrounding area as well as maintain ongoing traffic efficiency and road safety throughout the demolition and construction phases of the development.
21. Prior to the commencement of works, an archival photographic record of the exterior of the building is to be prepared and submitted to City of Newcastle.
22. A separate application is to be lodged and consent obtained from City of Newcastle for all works within the road reserve pursuant to Section 138 *Roads Act 1993*, before the commencement of works.
23. Stormwater is to be conveyed to the existing property stormwater drains by way of a sealed pipe system. The existing drains are to be checked for adequacy and cleared of any obstructions.
24. Toilet facilities are to be available or provided at the work site before works begin and be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet is to:

- a) Be a standard flushing toilet connected to a public sewer, or
 - b) Have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - c) Be a temporary chemical closet approved under the *Local Government Act 1993*.
25. All building work must be carried out in accordance with the provisions of the National Construction Code.
 26. All building materials, plant and equipment are 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 City of Newcastle reserves including the road reserve is not permitted.
 27. 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.

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

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

29. 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.

30. All public trees adjacent to the site within the King Street road reserve and within Wheeler Plaza that are not the subject of a separate consent for removal must be physically protected in accordance with the City of Newcastle Urban Forest Technical Manual '*Section 8.0 Protection Measures*'.

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

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

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

33. 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 City of Newcastle and the demolisher prior to commencement of work.

34. 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.

35. An application is to be made to and approved by City of Newcastle for the erection of a hoarding or part closure of the footway prior to construction being commenced. Such overhead structure or protective fence is to comply with the *Work Health and Safety Act 2011*, *Work Health and Safety Regulation 2011* and any relevant approved industry code of practice. Notice of intention of commencement is to be given to SafeWork NSW.

36. The work site is to be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

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. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:
 - a) Control over discharge of stormwater and containment of run-off and pollutants leaving the site is to be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins and controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover. 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.
39. All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are limited to:
 - a) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion)
 - b) Alter or cease construction work during periods of high wind and
 - c) 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.
40. Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to City of Newcastle by a Surveyor registered under the *Surveying and Spatial Information Act 2002*.
41. 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 SafeWork NSW.
 - c) A copy of all waste disposal receipts are to be kept on-site for the duration of the proposed development and made available to authorised City of Newcastle Officers upon request
 - d) Seven working days' notice in writing is to be given to City of Newcastle 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 City of Newcastle's contact telephone number (49742000) and SafeWork NSW telephone number (49212900) and

- e) On sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.
- 42. 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.
- 43. All demolition material incapable of being re-used in future redevelopment of the site is to be removed from the site and the site being cleared and levelled.

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

- 44. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
- 45. Waste management is to 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*.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- 46. 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.
- 47. Prior to the issuing of the Final Occupation Certificate, an easement burdening the site and benefitting City of Newcastle is to be created over the portion of the site covered by the public seating and stairs fronting onto Wheeler Place to allow public access for the full extent of the public seating and stairs up to the outer the edge of the cafe terrace. The terms of the easement are not to be modified without the consent of City of Newcastle. All costs associated with the creation of the easement are to be borne by the developer.
- 48. 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 City of Newcastle'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.

49. All works within the road reserve required by this consent are to be completed prior to the issue of a Final Occupation Certificate.
50. 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 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.
51. A maintenance plan for the proposed awning is to be prepared with the aim of ensuring its continuing structural integrity and attractive appearance. The maintenance plan is to include a regime of regular inspection of structural components, regular maintenance of guttering and downpipes and regular cleaning and replacement of defective lighting or other deteriorated components of the awning. A copy of the maintenance plan is to be submitted to the Principal Certifying Authority and to City of Newcastle prior to the issue of an Occupation Certificate.
52. The relevant terms of this development consent are to be incorporated into an operational Plan of Management of the hotel relating to all aspects of the ongoing operation of the hotel use including, but not limited to, hours of operation, waste management including storage and collection, servicing and deliveries, management of the porte cochere, baggage handling between the porte cochere and the hotel, maintenance and cleaning, complaint management, security, staffing, staff training, emergency evacuation, facilitating the access and use of the hotel and its facilities by disabled persons, enforcement of the maximum patron caps applicable to the bar, lounge, restaurant and private dining areas and, management of intoxicated persons on or near the premises. The Plan of Management is to be submitted with the application for an Occupation Certificate.
53. The premises are to be identified by the provision of house numbers on the building exterior and mailbox such that they are clearly visible from the road frontage.

The minimum numeral height shall be 75mm.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

54. The ongoing operation of the hotel is to be in accordance with the Plan of Management required by Condition 8 of this consent for the lifetime of the development. All staff are to be made aware of and trained regarding the terms of the Plan of Management.
55. On-site car parking accommodation is to be provided for a minimum of 51 vehicles, 15 bicycles and 3 motorbikes 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.
56. Subject to City of Newcastle granting formal permission, the cast bronze Armorial Bearings of the City of Newcastle atop the revolving door at the main entrance to the building is to be preserved in situ in order to inform visitors of the history of the building.
57. The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:
 - (a) the system must record continuously at all times;
 - (b) recordings must be in digital format and at a minimum of six frames per second;
 - (c) any recorded image must specify the time and date of the recorded image;

- (d) the system's cameras must cover the following areas: i) all entry and exit points on the premises, ii) the footpath and external publicly accessible spaces immediately adjacent to the premises, and iii) all publicly accessible areas (other than toilets) within the premises.
- (e) the licensee must keep all recordings made by the CCTV system for at least 30 days;
- (f) the licensee must ensure that the CCTV system is accessible at all times by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage; and
- (g) the licensee must provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

58. The maximum patron numbers for the food and drink facilities within the hotel are not to exceed the following:

Restaurant - 113 seats
 Bar/Lounge - 63 seats
 Private Dining and Board Room - 14 seats

59. The hours of operation for the hotel use are approved as 24 hours per day seven days per week, with the exception of the following associated uses:

- The hours of operation for the ground floor cafe use are to be not more than from 5am to 10pm daily.
- The hours of operation for the bar, lounge, restaurant and private dining room are to be not more than from 5am to 3am on the following day.

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

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

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

Should City of Newcastle consider offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustical consultant recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant confirming the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to City of Newcastle prior to the expiration of the nominated period.

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

Should City of Newcastle consider that unreasonable levels of air impurities have been emitted from the premises, the owner/occupier will be required to engage a suitably qualified consultant to recommend measures to control emissions of air impurities to an acceptable level and such measures being implemented within a nominated time period. Furthermore, written certification from the suitably qualified consultant will be required to be submitted to City of Newcastle confirming that air impurity emissions from the premises do not interfere unreasonably with the amenity of neighbouring premises

and/or other sensitive receptors before the expiration of the nominated period.

63. 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. Such areas are not to be used for the storage of goods or waste materials.
64. Any liquid wastes from the premises, other than stormwater are to be either discharged to the sewers of the Hunter Water Corporation in accordance with an approved Trade Waste Agreement or collected and disposed of by a licensed waste transport contractor in accordance with the Department of Environment and Climate Change 'Waste Classification Guidelines Part 1: Classifying Waste'.
65. No goods or advertising signs are to be displayed or allowed to stand on the public footpath or street.
66. The required awning maintenance plan is to be implemented for the lifetime of the awning.

ADVISORY MATTERS

- Development applications are not assessed against the provisions of the National Construction Code. An application to modify the application under the *Environmental Planning and Assessment Act 1979* will be required if design amendments that cause the proposal to be inconsistent with the development consent are necessary to comply with the provisions of the Building Code of Australia.
- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both City of Newcastle and any other relevant authorities. City of Newcastle and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Prior to commencing any building works, the following provisions of Division 6.2 of the *Environmental Planning and Assessment Act 1979* are to be complied with:
 - a) A Construction Certificate is to be obtained; and
 - b) A Principal Certifier is to be appointed for the building works and City of Newcastle is to be notified of the appointment; and
 - c) City of Newcastle is to be given at least two days' notice of the date intended for commencement of building works.
- A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building and/or on the land and include a separate list of any fire safety measures that already exist at the premises. The lists must describe the extent, capability and basis of design of each of the measures.
- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal 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*.
- A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

- An annual Fire Safety Statement in the form described in Clause 175 of the *Environmental Planning and Assessment Regulation 2000* is to be submitted to City of Newcastle and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of New South Wales Fire Brigades. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979*, which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- 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.

END OF CONDITIONS

SCHEDULE 2

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; Newcastle Local Environmental Plan 2012 and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012.
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.
- The proposed height of buildings development standard variation, made under Clause 4.6 of the Newcastle Local Environmental Plan 2012, have been considered and accepted.

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

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