ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

ITEM 1 DAC 18/02/20 - DA 2019/00962 - 65 GIPPS STREET, CARRINGTON ALTERATIONS AND ADDITIONS TO DWELLING HOUSE

Attachment A - Submitted Plans
Attachment B - Draft Schedule of Conditions
Attachment C - Processing Chronology

ITEM 2 DAC 18/02/20 - DA2018/00968 - 37 ALFRED STREET NEWCASTLE EAST ALTERATIONS AND ADDITIONS TO DWELLING

Attachment A - Submitted Plans
Attachment B - Draft Schedule of Conditions
Attachment C - Processing Chronology

ITEM 3 DAC 18/02/20 - DA2002.1583.01 - 31 THROSBY STREET WICKHAM MODIFICATION TO DEMOLITION OF WAREHOUSE AND ERECTION OF TWO X THREE-STOREY, THREE BEDROOM DWELLINGS - CHANGES TO FLOOR PLANS, ROOF DESIGN, FACADE TREATMENT AND FENCING

Attachment A - Submitted Plans
Attachment B - Draft Schedule of Conditions
Attachment C - Processing Chronology

ITEM 4 DAC 18/02/20 - DA2018/01251 - 150 DARBY STREET, COOKS HILL MIXED USE DEVELOPMENT

Attachment A - Submitted Plans
Attachment B - Draft Schedule of Conditions
Attachment C - Processing Chronology

ITEM 5 DAC 18/02/20 - DA2019/00062.01 - 8 LINGARD STREET, MEREWETHER MODIFICATION - CHANGE TO PARKING NUMBERS AND LAYOUT - CONSENT CONDITIONS

Attachment A - Submitted Plans
Attachment B - Draft Schedule of Conditions
Attachment C - Processing Chronology

ITEM 6 DAC 18/02/20 - DA2003/2991.01 - 89 PARK AVENUE, KOTARA MODIFY - OUTSIDE CORE TRADING HOURS AND ACCESS

Attachment A - Submitted Plans
Attachment B - Draft Schedule of Conditions
Attachment C - Processing Chronology

ITEM 7 DAC 18/02/20 - DA2017/00681.01 - 18 GREY STREET, WICKHAM MIXED USE DEVELOPMENT - MODIFICATION - ADDITIONS COMMUNAL ROOF TOP TERRACE

Attachment A - Submitted Plans
Attachment B - Draft Schedule of Conditions
Attachment C - Processing Chronology
ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

ITEM 1  DA2019/00962 - 65 GIPPS STREET CARRINGTON

Alterations and additions to dwelling house

Attachment A - Submitted Plans
Attachment B - Draft Schedule of Conditions
Attachment C - Processing Chronology
DEVELOPMENT APPLICATIONS COMMITTEE MEETING

18 February 2020

DAC 18/02/2020

DA2019/00962 - 65 Gipps Street Carrington

Attachment A: Submitted Plans
Gipps Street
LOT 2, DP12197
65 GIPPS STREET, CARRINGTON, NSW, 2294
Development Application
August, 2019

ARCHITECTURAL CONSULTANT
CURIous PRACTICE
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Unit 1, no. 14 Town Street
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Carrington NSW 2294

mobile
0412 086 882

e-mail
warren@curiouspractice.com

website
www.curiouspractice.com


CURIOUS PRACTICE

ACKNOWLEDGEMENT OF COUNTRY
Curious Practice respectfully acknowledges the traditional custodians: the Pambalong clan of the Awakabal people on whose traditional land we live and take part in our community.

NOTES
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NOT FOR CONSTRUCTION

EXISTING GROUND FLOOR PLAN
1:100

EXISTING FIRST FLOOR PLAN
1:100

NOTES
Work to figured dimensions. Do not scale drawings.
Check dimensions and levels on site prior to the ordering of materials or completion of workshop drawings. If in doubt ask. Report all errors and omissions. All dimensions are in millimetres.

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Gipps Street
Removing single storey lightweight rear addition
Remove all associated structure & finishes
Retain existing door opening in brick wall

Gipps Street
1:100
Lot 2 TP ns. 32187
14 Gipps Street
Carrington, NSW, 2294

1063_DA1_A - Gipps Street
NOT FOR CONSTRUCTION

GROUNDFLOOR PLAN

FIRST FLOOR PLAN

CURIOS PRACTICE

Unit 1, 14 Thorn Street
Newcastle NSW 2300
P.O. Box 113, Carrington NSW 2294
mail@curiouspractice.com
www.curiouspractice.com

Gipps Street

1969
Lot 2 DP 12197,
Gipps Street
Carrington NSW 2294

Proposed Plans

drawn by
Warren Haasnoot
CURIOUS PRACTICE

Unit 1, 14 Thorn Street
Newcastle NSW 2300
P.O. Box 113, Carrington NSW 2294
mail@curiouspractice.com
www.curiouspractice.com

NOTES

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REF. 1969_Gipps Street

Gipps Street

FIRST FLOOR PLAN

1:100

GROUND FLOOR PLAN

1:100

NOT FOR CONSTRUCTION
NOT FOR CONSTRUCTION

GIPPS ST

NORTH ELEVATION
SCALE 1:100

NOTES
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NSW 2294
mailto:curiouspractice.com
www.curiouspractice.com

Gipps Street
1969
Lot 2 DP nos. 32197,
Gipps Street,
Carrington, NSW, 2294

client
Ryan Rosier
65 Gipps St Carrington NSW 2294

address

contact

project no.

site address

1069_DA1-A - Gipps Street

NOTES
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Gipps Street
1969
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Gipps Street,
Carrington, NSW, 2294

client
Ryan Rosier
65 Gipps St Carrington NSW 2294

address

contact

project no.

site address

1069_DA1-A - Gipps Street

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No modifications proposed to Gipps St (street front) Elevation

EAST ELEVATION
SCALE 1:100

Gipps Street
1969
Lot 5, DP no. 32197,
65 Gipps Street,
Carrington, NSW, 2294

client
address

Ryan Rosier
65 Gipps St Carrington NSW 2294

curiouspractice.com

NOTES

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NOT FOR CONSTRUCTION

WEST ELEVATION
SCALE 1:100

Gipps Street
1969
Lot 2 TP no. 32197,
63 Gipps Street
Carrington, NSW 2294

Ryan Rosier
63 Gipps St Carrington NSW 2294

WEST ELEVATION
NOT FOR CONSTRUCTION

SECTION A
SCALE 1:100

BASIX NOTES

Insulation Requirements
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that additional insulation is not required where the area of new construction is less than 2m². Insulation specified in not required for parts of altered construction where insulation already exists.

Refer basis certificate for schedule of construction and insulation requirements.

Glazing Requirements
The applicant must install the windows, glazed doors, and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.

For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.

Overlooking building or vegetation must be of the height and distance from the centre and the base of the window and glazed door as specified in the ‘overshadowing’ column in the basis table.

Refer basis certificate for glazing requirements of windows, doors, skylights and glazed roof.
NOT FOR CONSTRUCTION

NOTES

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NOT FOR CONSTRUCTION

NOTES

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9am 21st June
Proposed

12pm 21st June
Proposed

3pm 21st June
Proposed

Gipps Street
1969
Lot 62 CP no. 32197,
65 Gipps Street
Carrington, NSW, 2294

Ryan Rosier
65 Gipps St Carrington NSW 2294

Shadow Analysis
A
10/07/19
DA1
Warran Haasnoot

CURIOUS PRACTICE
Unit 1, 14 Thorn Street
Newcastle NSW 2300
PO Box 113, Carrington
NSW 2294
mail@curiouspractice.com
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A902
NOT FOR CONSTRUCTION

NOTES
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Gipps Street
1989
Lot 2 DP no. 32187,
65 Gipps Street,
Carrington, NSW, 2294

client
Ryan Rosier
65 Gipps St Carrington NSW 2294

NOTES
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1. PROPOSED SINGLE STOREY ADDITION
2. EXISTING TWO STOREY BRICK DWELLING WITH CUSTOM ORB ROOF
3. PROPOSED DECK
4. SEDIMENT FENCE TO BOUNDARIES SHOWN IN ACCORDANCE WITH SD4-8 FOR EROSION PREVENTION AND SEDIMENT CONTROL.
5. SANDBAG OR GEOTEXTILE SOCK FILLED WITH NO FINES GRAVEL, PLACED IN INVERT OF GUTTER.
6. LOCATION FOR SAND AND SOIL, ENSURE WELL COVERED WHEN NOT IN USE IN ACCORDANCE WITH SD4-1 FOR EROSION PREVENTION AND SEDIMENT CONTROL.

7. DESIGNATED AREA FOR STOCKPILE AND TEMPORARY STORAGE AREA FOR BUILDING PRODUCTS & MATERIALS
8. DESIGNATED AREA FOR WASHDOWN OF EQUIPMENT.
9. LOCATION FOR WASTE CONTAINER FOR BUILDING WASTE
10. ALL LOOSE BUILDING MATERIAL REMOVED AS PRODUCED
11. COLLECT WATER OFF NEW ROOFS AND NEW STORMWATER DRAINAGE LINES, PROVIDE TO DISCHARGE CONTROL STORAGE AND DISCHARGE TO EXISTING STREET KERB.
12. SITE ACCESS THROUGH EXISTING ENTRY DOOR

NOTES

GENERAL NOTES

- DENOTES PROPOSED STORMWATER PIPE & DRAINAGE LINES
- DENOTES LINE OF GEOTEXTILE SEDIMENT FENCING
- EXISTING FENCING

- GENERALLY FLAT SITE WITH INDETERMINABLE SIT FALL IN ALL DIRECTIONS. REDIRECT OR COLLECT ANY STORMWATER RUNOFF TO ANY NEIGHBOURING PROPERTY.

- STABILISED SURFACE AND SECURE ACCESS IN ACCORDANCE WITH STANDARD DESIGN SD6-14 OF THE ‘BLUE BOOK’ FOR EROSION PREVENTION AND SEDIMENT CONTROL, WITH PCA & CONTRACTORS DETAILS. NO VEHICULAR ACCESS TO SITE.

- All drainage to comply with Section 7.06 Stormwater of Council’s Development Control Plan 2013 and the Stormwater and Water Efficiency Technical Manual.
MATERIALS SCHEDULE

CURIOUS PRACTICE
Unit 1, 14 Thorn Street
Newcastle NSW 2300
PO Box 113, Carrington
NSW 2294
mail@curiouspractice.com
www.curiouspractice.com

WALL CLADDING - 1 (FC.01)
Fibre cement sheet

WALL CLADDING - 2 (FC.02)
Alternate wall cladding, colour tbc

ROOF SHEETING (MRS)
Colorbond Custom crb Roofing - light colour

STRUCTURE (ST)
Exposed timber roof structure

LANDSCAPING
Low maintenance landscaping

JAMES HARDIE EXTERNAL CLADDING (JHC)
Hardie Smart boundary wall system, finish tbc

WINDOWS & DOORS
AWS MAGNUM suite, light finish

FLOOR 1 (TM.01)
Timber strip floor boards
DA2019/00962 - 65 Gipps Street Carrington

Attachment B: Draft Schedule of Conditions
DRAFT SCHEDULE OF CONDITIONS

Application No: DA2019/00962
Land: Lot 2 DP 12197
Property Address: 65 Gipps Street Carrington NSW 2294
Proposed Development: Dwelling House - Alterations and additions

SCHEDULE 1

APPROVED DOCUMENTATION

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

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<td>Aug 2019</td>
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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 COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE

2. 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.

3. 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).

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

5. 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 and the demolisher prior to commencement of work.

6. 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.

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

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

9. 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).

10. Any black glassy slag excavated during earthworks and which will not be covered by building structures or reburied on site, is to be removed for disposal at the Summerhill Waste Management Centre or another approved waste disposal site. Any such action is to be confirmed by the submission of evidence of disposal to the Principal Certifying Authority, eg. copy of docket from disposal centre.

11. 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.

12. 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.

13. All building work must be carried out in accordance with the provisions of the National Construction Code.
14. 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.

15. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the development consent must, at the person’s own expense:
   (a) protect and support the building, structure or work from possible damage from the excavation, and
   (b) where necessary, underpin the building, structure or work to prevent any such damage.

The above requirements do not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

16. 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.

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

The sign can be obtained by presenting your development application receipt at Council’s Customer Enquiry Counter, Wallsend Library or the Master Builders Association Newcastle.

18. 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.

19. During construction works, an assessment of acid sulfate soil potential is to be undertaken in the area of excavation. If acid sulfate soils are found to be present, soils are to be treated in accordance with the New South Wales Acid Sulfate Soil Management Advisory Committee’s ‘*Acid Sulfate Soil Manual*’.

20. 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 be maintained until all works have been completed, with no waste materials, washouts, equipment or machinery to be stored within the fenced area.

21. 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.

22. 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.

23. All roof and surface waters are to be conveyed to the street gutter by way of a sealed pipe system, extending through the footway to Council requirements, in accordance with Element 7.06 ‘Stormwater’ of Newcastle Development Control Plan 2012.

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

24. 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.

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

26. Prior to the issue of an Occupation Certificate, smoke alarms shall be installed in the existing dwelling, in accordance with the provisions of the National Construction Code.

ADVISORY MATTERS

- For the purpose of applying the provisions of the National Construction Code for Class 1 buildings, it is advised that the proposed building is located in a Flood Hazard Area and the:
  a) Defined Flood Level (DFL) is 2.2m Australian Height Datum (AHD)
  b) Flood Hazard Level is 2.5m AHD (Freeboard is 300mm above DFL)
  c) Maximum Flow Velocity of floodwaters for the Defined Flood Event is 0.2m/s

- It is recommended that, prior to commencement of work, the free national community service ‘Dial before you Dig’ be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.

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

- It is an offence under the provisions of the Protection of the Environment Operations Act 1997 (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice (‘on-the-spot fine’) or prosecution.

- 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.

- 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.
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 Council is to be notified of the appointment; and

c) Council is to be given at least two days notice of the date intended for commencement of building works.

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).

**END OF CONDITIONS**

**SCHEDULE 2**

**REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS**

The determination decision was reached for the following reasons:

- Council has considered and accepted the variation to development standards made under Clause 4.6 of the Newcastle Local Environmental Plan 2012. The variation to the floor space ratio is considered acceptable in the particular circumstances of this case as the proposed development will not generate significant impacts for the neighbouring properties.
- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Newcastle Local Environmental Plan 2012* (NLEP) and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012 (NDCP).
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.
REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED
The following conditions are applied to:

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

18 February 2020

DAC 18/02/2020

DA2019/00962 - 65 Gipps Street Carrington

Attachment C: Processing Chronology

DISTRIBUTED UNDER SEPARATE COVER
**PROCESSING CHRONOLOGY**

DA2019/00962 - 65 Gipps Street Carrington

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>2 September 2019</td>
<td>Application lodged</td>
</tr>
<tr>
<td>24 September 2019</td>
<td>Public notification of application (14 days)</td>
</tr>
<tr>
<td>11 December 2019</td>
<td>Discussion with applicant regarding Development Applications Committee meeting, reports and schedule</td>
</tr>
<tr>
<td>20 February 2020</td>
<td>Application scheduled to proceed to Development Applications Committee meeting.</td>
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ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

ITEM 2       DA2018/00968 - 37 ALFRED STREET NEWCASTLE EAST

Alterations and additions to dwelling

Attachment A - Submitted Plans
Attachment B - Draft Schedule of Conditions
Attachment C - Processing Chronology
DEVELOPMENT APPLICATIONS COMMITTEE MEETING

18 February 2020

DAC 18/02/2020

DA2018/00968 - 37 Alfred Street Newcastle East

Attachment A: Submitted Plans

DISTRIBUTED UNDER SEPARATE COVER
DRAWING NO.:
DEVELOPMENT APPLICATION
PROJECT NO:
DA-02
DEMOLITION PLANS
DRAWING TITLE:
PROJECT NAME
SCARBOROUGH
37 ALFRED STREET NEWCASTLE EAST

LEVEL 1 DEMOLITION PLAN
1:50

EXISTING OUTHOUSE TO BE PROTECTED & RETAINED
DEMOLISH EXISTING KITCHEN/BATH/ LAUNDRY FLOORS, WALLS & ROOFS AS SHOWN DASHED
EXISTING GAS HOT WATER UNIT TO BE RELOCATED

REMOVE METER BOX TO BE RELOCATED
REMOVE EXISTING WINDOW & REAR WALL, RE-SUPPORT EXISTING FLOOR FRAMING TO ENGINEER’S DETAILS
EXISTING STUD WALL TO BE REMOVED SHOWN DASHED
EXISTING STAIRS TO BE REMOVED SHOWN DASHED
EXISTING CHIMNEY AS SHOWN DASHED (NOTE CHIMNEY ALREADY REMOVED ABOVE ROOF LEVEL)

REMOVE EXISTING KITCHEN/BATH/ LAUNDRY FLOORS, WALLS & ROOFS AS SHOWN DASHED
EXISTING GAS HOT WATER UNIT TO BE RELOCATED
EXISTING ROOFS TO BE DEMOLISHED SHOWN DASHED
EXISTING STUD WALL TO BE REMOVED
EXISTING STAIRS TO BE REMOVED SHOWN DASHED
EXISTING CHIMNEY AS SHOWN DASHED (NOTE CHIMNEY ALREADY REMOVED ABOVE ROOF LEVEL)

CREATE VOID IN EXISTING FLOOR FRAMING FOR NEW STAIR
REMOVE EXISTING WINDOW & REAR WALL, RE-SUPPORT ROOF FRAMING TO ENGINEER’S DETAILS
EXISTING STUD WALL TO BE REMOVED SHOWN DASHED
EXISTING STAIRS TO BE REMOVED SHOWN DASHED
REMOVE EXISTING CHIMNEY AS SHOWN DASHED (NOTE CHIMNEY ALREADY REMOVED ABOVE ROOF LEVEL)

REMOVE EXISTING WALL & WINDOWS TO REINSTATE ORIGINAL VERANDAH
REMOVE FLOOR COVERINGS TO EXPOSE ORIGINAL DECKING
EXISTING STUD WALL TO BE REMOVED SHOWN DASHED
REPLACE EXISTING WALL IN SAME LOCATION TO ACCOMODATE CAVITY SLIDER
CREATE VOID IN EXISTING FLOOR FRAMING FOR NEW STAIR
REMOVE EXISTING WALL & WINDOWS TO REINSTATE ORIGINAL VERANDAH

LEVEL 2 DEMOLITION PLAN
1:50

EXISTING OUTHOUSE TO BE PROTECTED & RETAINED
DEMOLISH EXISTING KITCHEN/BATH/ LAUNDRY FLOORS, WALLS & ROOFS AS SHOWN DASHED
EXISTING GAS HOT WATER UNIT TO BE RELOCATED

REMOVE METER BOX TO BE RELOCATED
REMOVE EXISTING WINDOW & REAR WALL, RE-SUPPORT EXISTING FLOOR FRAMING TO ENGINEER’S DETAILS
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CREATE VOID IN EXISTING FLOOR FRAMING FOR NEW STAIR
REMOVE EXISTING WALL & WINDOWS TO REINSTATE ORIGINAL VERANDAH

PROJECT NAME:
SCARBOROUGH
37 ALFRED STREET NEWCASTLE EAST

DEMO #:
00.5 2.5 1

ISSUE AMENDMENT DATE
The builder shall check and verify all dimensions, and verify all errors and omissions with the Architect. Do not scale... prior to undertaking any work onsite and that further issues of this drawing include a copy of the Safe Design Report.
The builder shall check and verify all dimensions, and verify all errors and omissions with the Architect. Do not scale drawing prior to undertaking any work onsite and that further issues of this drawing include a copy of the Safe Design Report.

**ELEVATIONS**

**Drawing Title:**

SCARBOROUGH

**Project Name:**

37 ALFRED STREET NEWCASTLE EAST

**Issue Amendment Date:**

The following amendments have been made:

- 2-1
- 37 ALFRED STREET
- 39 ALFRED STREET
- 35 ALFRED STREET
- 8,650 LEVEL 1 FLOOR
- 11,965 LEVEL 2 FLOOR
- 16,900 EXISTING RIDGE
- REMOVE EXISTING WALL ENCLOSING SUNROOM. REINSTALL VERANDAH. DETAIL OF BALUSTRADE & TIMBER FRAMED FRENCH DOORS TO MATCH NEIGHBOURING TERRACE AT 33 ALFRED STREET
- EXISTING VERANDAH ROOF AND STRUCTURE TO BE RETAINED
- EXISTING ROOF & PARAPET WALL TO BE RETAINED
- NEW TIMBER FRAMED REAR WALL OF 2-STOREY ADDITION, SELECTED LIGHT-WEIGHT GLADDING
- ALUMINIUM FRAMED WINDOW AS SCHEDULED
- NEW TIMBER FRAMED FRENCH DOORS TO MATCH NEIGHBOURING TERRACE AT 33 ALFRED STREET
- INSERT NEW TIMBER DOOR LEAF WITH GLAZED PANELS TO EXISTING DOOR FRAME
- INSERT NEW OPERABLE SKYLIGHT INTO EXISTING ROOF PLANE
- HALF-ROUND GUTTER AT EDGE OF PROPOSED ADDITION ROOF, CONNECT NEW DOWNSPUE TO EXISTING STORMWATER SYSTEM
- NOT TWO SLIDING PANELS SLIDE PAST ADJACENT WALL SURFACE INTO GAP BETWEEN OUTHOUSE & NEW ADDITION
- HALF-ROUND GUTTER AT EDGE OF PROPOSED ADDITION ROOF, CONNECT NEW DOWNSPUE TO EXISTING STORMWATER SYSTEM
- EXISTING OUTHOUSE TO BE PROTECTED & RETAINED
- PROPOSED DECK AT LEVEL OF OUTHOUSE SLAB, REFER DA-01 FOR SETOUT
- NEW TIMBER FRAMED REAR WALL OF 2-STOREY ADDITION, SELECTED LIGHT-WEIGHT CLADDING
- ALUMINIUM FRAMED WINDOW AS SCHEDULED
- 2-2
- 2 SOUTH ELEVATION 1:50
- 1 ALFRED STREET ELEVATION 1:50
- 1-4
- 1:50
The builder shall check and verify all dimensions, and verify all errors and omissions with the architect. Do not scale drawings prior to undertaking any work onsite and that further issues of this drawing include a copy of the Safe Design Report.

**Project Name**: SCARBOROUGH

**Project No**: DA-06

**Drawing Title**: EAST ELEVATION

**Drawing No**: 497

**Status**: 497

**Drawn to Scale**: 1:50

**Project Address**: 37 ALFRED STREET NEWCASTLE EAST

**Issue Amendment Date**: 26/09/17

**New Balustrade to Match Neighbours**

**Existing Roof to Be Retained**

**8,650 Level 1 Floor**

**16,800 Existing Ridge**

**11,965 Level 2 Floor**

**Half-round Gutter as Specified. Note Connect New Downpipe to Alfred St. Kerb, Refer Stormwater Plan**

**Block Veneer Wall Set 15mm Inside Boundary. Face Finish**

**Existing Outhouse to Be Protected & Retained**

**Note: Aluminium Framed Sliding Door Panels Slide into Gap Between Outhouse & New Addition When Open**

**Half-round Gutter as Specified, Note Connect New Downpipe to Alfred St. Kerb, Refer Stormwater Plan**

**New Balustrade to Match Neighbours**

**Existing Roof to Be Retained**

**Roof-line of Existing Kitchen/L’Dry/Bath Structure Shown Dashed**

**1EAST ELEVATION 1:50**

**A ISSUE TO CLIENT 26/09/17**

**B ISSUE FOR CLIENT APPROVAL 03/07/18**

**C DA ISSUE 13/08/18**

**D AMENDED DA ISSUE 10/09/19**

**Client's Version**

**BBN**

**BOURNE + BLUE ARCHITECTURE**

**WWW.BOURNEBLUE.COM.AU**

**PO BOX 295, NEWCASTLE, NSW 2300**

**T 02 4929 1450**

**F 02 4927 1623**

**ABN 95 114 746 897 NOMINATED NSW REGISTERED ARCHITECT SHANE BLUE REGISTRATION NO. 5689**
EXISTING WALLS TO BE REMOVED
NEW BALUSTRADE DETAIL TO MATCH NEIGHBOURS
EXISTING FLOOR TO BE RETAINED, SAND & POLISH EXISTING FLOORBOARDS
REMOVE FLOOR COVERINGS TO EXPOSE ORIGINAL DECKING
INSERT NEW FRENCH DOOR IN EXISTING WALL
NEW KITCHEN JOINERY TO FUTURE DETAIL

2.00°

6m REAR SETBACK LINE FOR HEIGHTS GREATER THAN 4.5m AS DESCRIBED IN THE DCP
METAL ROOF SHEETING OVER ROOF STRUCTURE TO ENGINEER'S DETAILS
NOTE: ROOF TUCKS IN BELOW EXISTING EAVES
HALF-ROUND GUTTER AS SPEC. NOTE CONNECT NEW DOWNPIPES TO ALFRED STREET KERB, REFER STORMWATER PLAN
NEW TIMBER FRAMED WALL, LIGHT-WEIGHT CLADDING
HALF-ROUND GUTTER AS SPEC. NOTE CONNECT NEW DOWNPIPES TO ALFRED STREET KERB, REFER STORMWATER PLAN
NEW TIMBER FLOOR FRAMING TO ENGINEER'S DETAILS
NEW TIMBER FRAMED WALL, LIGHT-WEIGHT CLADDING
HALF-ROUND GUTTER AS SPEC. NOTE CONNECT NEW DOWNPIPES TO ALFRED STREET KERB, REFER STORMWATER PLAN
NEW BALUSTRADE TO COMPLY WITH NCC
INSERT NEW STAIR
NEW BALUSTRADE TO COMPLY WITH NCC
NEW CONCRETE SLAB & FOOTINGS TO ENGINEER'S DETAILS
EXISTING WALLS TO BE RETAINED
EXISTING FLOOR TO BE RETAINED, SAND & POLISH EXISTING FLOORBOARDS
NEW TIMBER FLOOR FRAMING TO ENGINEER'S DETAILS
NEW KITCHEN JOINERY TO FUTURE DETAIL

SECTION AA 1:50

ISSUE TO CLIENT 26/09/17
ISSUE FOR CLIENT APPROVAL 03/07/18
AMENDED DA ISSUE 13/08/18
AMENDED DA ISSUE 10/09/19

PROJECT NAME: SCARBOROUGH
37 ALFRED STREET NEWCASTLE EAST

BOURNE + BLUE ARCHITECTURE
WWW.BOURNEBLUE.COM.AU
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8,650 LEVEL 1 FLOOR
11,965 LEVEL 2 FLOOR
16,900 EXISTING RIDGE

203x862 EXTENT OF ORIGINALLY PROPOSED ADDITION SHOWN IN RED
600x862 NEW KITCHEN JOINERY TO FUTURE DETAIL
203x862 6m REAR SETBACK LINE FOR HEIGHTS GREATER THAN 4.5m AS DESCRIBED IN THE DCP
203x862 METAL ROOF SHEETING OVER ROOF STRUCTURE TO ENGINEER'S DETAILS
203x862 NOTE: ROOF TUCKS IN BELOW EXISTING EAVES
203x862 HALF-ROUND GUTTER AS SPEC. NOTE CONNECT NEW DOWNPIPES TO ALFRED STREET KERB, REFER STORMWATER PLAN
203x862 NEW TIMBER FRAMED WALL, LIGHT-WEIGHT CLADDING
203x862 HALF-ROUND GUTTER AS SPEC. NOTE CONNECT NEW DOWNPIPES TO ALFRED STREET KERB, REFER STORMWATER PLAN
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203x862 NEW TIMBER FRAMED WALL, LIGHT-WEIGHT CLADDING
203x862 HALF-ROUND GUTTER AS SPEC. NOTE CONNECT NEW DOWNPIPES TO ALFRED STREET KERB, REFER STORMWATER PLAN
203x862 NEW BALUSTRADE TO COMPLY WITH NCC
203x862 INSERT NEW STAIR
203x862 NEW BALUSTRADE TO COMPLY WITH NCC
203x862 NEW CONCRETE SLAB & FOOTINGS TO ENGINEER'S DETAILS
203x862 EXISTING WALLS TO BE RETAINED
203x862 NEW TimBER FLOOR FRAMING TO ENGINEER'S DETAILS
203x862 INSERT NEW FRENCH DOOR IN EXISTING WALL
203x862 REMOVE FLOOR COVERINGS TO EXPOSE ORIGINAL DECKING
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203x862 NEW TIMBER FLOOR FRAMING TO ENGINEER'S DETAILS
203x862 NEW KITCHEN JOINERY TO FUTURE DETAIL

SECTION AA

10m HEIGHT LINE

EXISTING WALLS TO BE REMOVED
NEW BALUSTRADE DETAIL TO MATCH NEIGHBOURS
EXISTING FLOOR TO BE RETAINED, SAND & POLISH EXISTING FLOORBOARDS
REMOVE FLOOR COVERINGS TO EXPOSE ORIGINAL DECKING
INSERT NEW FRENCH DOOR IN EXISTING WALL
NEW BALUSTRADE TO COMPLY WITH NCC
INSERT NEW STAIR
NEW CONCRETE SLAB & FOOTINGS TO ENGINEER'S DETAILS
NEW TIMBER FLOOR FRAMING TO ENGINEER'S DETAILS
NEW KITCHEN JOINERY TO FUTURE DETAIL

2.00°

EXTENT OF EXISTING 2-STOREY FORM OF 35 ALFRED STREET BEYOND
NEW TIMBER FRAMED WALL, LIGHT-WEIGHT CLADDING
HALF-ROUND GUTTER AS SPEC. NOTE CONNECT NEW DOWNPIPES TO ALFRED STREET KERB, REFER STORMWATER PLAN
NEW TIMBER FRAMED WALL, LIGHT-WEIGHT CLADDING
HALF-ROUND GUTTER AS SPEC. NOTE CONNECT NEW DOWNPIPES TO ALFRED STREET KERB, REFER STORMWATER PLAN
NEW TIMBER FLOOR FRAMING TO ENGINEER'S DETAILS
NEW TIMBER FRAMED WALL, LIGHT-WEIGHT CLADDING
HALF-ROUND GUTTER AS SPEC. NOTE CONNECT NEW DOWNPIPES TO ALFRED STREET KERB, REFER STORMWATER PLAN
EXISTING STORMWATER ARRANGEMENTS

NOTE: 100% OF STORMWATER IS CURRENTLY UN-MANAGED.

73.7m² UN-MANAGED STORMWATER: REAR LEAN-TO ROOFS (32.14m²) & (OUTHOUSE ROOF 2.66m²) AS SHOWN HATCHED LIGHT BLUE + PAVING AREA (19.52m²) AS SHOWN HATCHED ORANGE

NOTE: NO PERVIOUS AREA

NOTE: THERE DO NOT APPEAR TO BE ANY STORMWATER PITS LOCATED IN THE EXISTING REAR PAVED AREA OR IN THE ADJACENT REAR LANE.

STORMWATER PLAN - EXISTING

STORMWATER PLAN - PROPOSED
The builder shall check and verify all dimensions, and verify all errors and omissions with the Architect. Do not scale... prior to undertaking any work onsite and that further issues of this drawing include a copy of the Safe Design Report.

BOURNE + BLUE
ARCHITECTURE

SHADOW DIAGRAMS - JUNE 21

1:200
The builder shall check and verify all dimensions, and verify all errors and omissions with the Architect. Do not scale drawings prior to undertaking any work onsite and that further issues of this drawing include a copy of the Safe Design Report.

SHADOW DIAGRAMS - MARCH/SEPTEMBER 21

1:200
DEVELOPMENT APPLICATIONS COMMITTEE MEETING

18 February 2020

DAC 18/02/2020

DA2018/00968 - 37 Alfred Street Newcastle East

Attachment B: Draft Schedule of Conditions

DISTRIBUTED UNDER SEPARATE COVER
SCHEDULE 1

APPROVED DOCUMENTATION

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

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<th>Plan No / Supporting Document</th>
<th>Reference / Version</th>
<th>Prepared by</th>
<th>Dated</th>
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<td>497 (issue C)</td>
<td>Bourne and Blue Architecture</td>
<td>10/09/2019</td>
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<td>497 (issue D)</td>
<td>Bourne and Blue Architecture</td>
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<td>Level 2 Plan</td>
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<td>10/09/2019</td>
</tr>
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<td>497 (issue D)</td>
<td>Bourne and Blue Architecture</td>
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<td>Bourne and Blue Architecture</td>
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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 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.

3. A privacy screen with a minimum height of 1.7m (measured above finished floor level) must be provided along the western edge of the level 1 side deck. The privacy screen
is to have a maximum area of 25% openings, is permanently fixed and made of durable materials. Full details to be submitted with the Construction Certificate Application.

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

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

5. 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.

6. 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.

7. 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.

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

9. 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.

10. 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.

11. 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.

12. All building work must be carried out in accordance with the provisions of the National Construction Code.

13. 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.

14. 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.

15. 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.

16. All roof and surface waters are to be conveyed to the street gutter by way of a sealed pipe system, extending through the footway to Council requirements, in accordance with Element 7.06 ‘Stormwater’ of Newcastle Development Control Plan 2012.

17. 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.

18. Council’s ‘Prevent Pollution’ sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary so it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of demolition and construction work.
The sign can be obtained by presenting your development application receipt at Council’s Customer Enquiry Counter, Wallsend Library or the Master Builders Association Newcastle.

19. 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.

20. The following waste management measures are to be implemented during construction:

   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 wind blown rubbish leaving the site and

   d) footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

Note: Fines may be issued for pollution/littering offences under the Protection of the Environment Operations Act 1997 (NSW)

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

21. 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.

22. 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.

23. 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.

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

- The carrying out of the development may be affected by the ‘declared racing area’ under the Motor Racing (Sydney and Newcastle) Act 2008. The ability for works to occur on the site or within the road reserve in the vicinity of the property may be impacted between the first week in October and end of December each year that motor racing is conducted in the area. Further consultation is required in the nominated area during this period with the possibility of access restrictions being imposed. For further information and assistance please contact the City’s Major Events Team at events@ncc.nsw.gov.au <mailto:events@ncc.nsw.gov.au>.

- 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.

- It is recommended that, prior to commencement of work, the free national community service ‘Dial before you Dig’ be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.

- Any necessary alterations to public utility installations are to be at the developer/demolisher’s expense and to the requirements of both Council and any other relevant authorities. Council 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 Council is to be notified of the appointment; and

c) Council is to be given at least two days notice of the date intended for commencement of building works.

- 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).

- 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.
• 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**
SCHEDULE 2

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

• The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; Newcastle Local Environmental Plan 2012 (NLEP) and applicable State Environmental Planning Policies.
• The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012 (NDCP).
• The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
• The proposed development has appropriate management and mitigation of impacts through conditions of consent.
• The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
• The proposed development is a suitable and planned use of the site and its approval is within the public interest.
• Council has considered and accepted the proposed development standard variation made under Clause of the Newcastle Local Environmental Plan 2012. The proposed Floor Space Ratio variation of 7% is considered acceptable in the particular circumstances of this case as the variation will not significantly overshadow the neighbouring properties, obstruct significant view corridors, and result in negative privacy issues.
• Any issues raised in submission have been taken into account in the assessment report and where appropriate conditions of consent have been included in the determination.

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

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

18 February 2020

DAC 18/02/2020

DA2018/00968 - 37 Alfred Street Newcastle East

Attachment C: Processing Chronology

DISTRIBUTED UNDER SEPARATE COVER
**PROCESSING CHRONOLOGY**

**DA2018/00968 - 37 Alfred Street Newcastle East**

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<td>Application presented to Public Voice Committee meeting</td>
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<td>Application presented to Development Approvals Committee meeting (no motion put forward to determine application)</td>
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<td>Amended plans received</td>
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<td>13/09/2019</td>
<td>Public notification</td>
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<td>20/02/2020</td>
<td>Application scheduled to proceed to Development Applications Committee meeting.</td>
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ITEM 3  DA2002/1583.01 - 31 THROSBY STREET WICKHAM

Modification to demolition of warehouse and erection of two x three-storey, three-bedroom dwellings - Changes to floor plans, roof design, façade treatment and fencing

Attachment A - Submitted Plans
Attachment B - Draft Schedule of Conditions
Attachment C - Processing Chronology
DEVELOPMENT APPLICATIONS COMMITTEE MEETING

18 February 2020

DAC 18/02/2020

DA2002/1583.01 - 31 Throsby Street Wickham

Attachment A: Submitted Plans

DISTRIBUTED UNDER SEPARATE COVER
Throsby Street Dual Occupancy

Clause 4.55 Modification

Project Location:
31 Throsby Street Wickham 2293

Client:
John Hersee

Drawing Catalogue: (survey by others)

DA-000  Cover Page
DA-001  Site Analysis Plan
DA-002  Site Plan
DA-050  Perspectives
DA-051  Perspectives
DA-052  Perspectives
DA-053  Rooftop Terrace Analysis
DA-100  Ground Floor Plan
DA-101  First Floor Plan
DA-102  Second Floor Plan
DA-103  Rooftop Terrace Plan
DA-300  North Elevation
DA-301  South Elevation
DA-302  East & West Elevations
DA-303  Throsby Street Elevation
DA-400  Section A-A
DA-401  Section B-B
DA-402  Section C-C
DA-403  Section D-D
DA-404  Section E-E
DA-500  Shadow Diagrams - JUN 21st
DA-501  Shadow Diagrams - JUN 21st
DA-502  Shadow Diagrams - DEC 21st
DA-900  Sediment Control

Subject Site - NTS

Location - NTS

Site Information

Client  John Hersee
Site Address  31 Throsby Street Wickham 2293

LGA  Newcastle
Land Zoning  B4
Precinct  Wickham
FSR/Site Coverage  1.5
Maximum Height  10 meters

Flood Area  TBC
Mine Subsidence Area  Yes
Bushfire Area  TBC
Heritage Area  TBC
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**LEGEND**

- Furlong Lane
- Union Street
- Throsby Street
- Sewer Main
- Not Located by Survey
- Adjoining Residential Flat Building
- Existing Development Application for Dual Occupancy (Partially Commenced) DA2002/1583 & DA2002/1583/02

**ANALYSIS NOTE**

- Summer Sunrise - 4:43 am
- Summer Sunset - 7:03 pm
- Winter Sunrise - 6:58 am
- Winter Sunset - 4:55 pm
- Southern Prevailing Winds
- North East Cooling Summer Winds
- North East Cooling Winter Winds
- Analysis Note
- Noise Analysis
- Sun Analysis

**INTERFACE TO SIGNIFICANT STREET FRONTAGES WITHIN THE WICKHAM PRECINCT. UPDATE FACADES AND EXTERNAL APPEARANCE TO BETTER SUIT TODAY'S OBJECTIVES**

**INTERFACE TO NEW RESIDENTIAL FLAT BUILDINGS PROVIDE QUALITY AMENITY/PRIVACY**

**POSSIBLE LOCATION WITHIN PREVIOUSLY PROPOSED COURTYARD AREAS TO PROVIDE MURAL/STREET ART SUITABLE TO THE WICKHAM PRECINCT**

**CREATE MORE INTERACTIVE COURTYARDS AND CONSIDER STREET INTERACTION/CONNECTION, PROVIDE AMENITY FOR CASUAL SURVEILLANCE AND VISUAL INTEREST TO THE STREETSCAPE**

**SAFETY**

- Site Analysis Plan

**W-01 SITE ANALYSIS 1:250**

**Project**
Throsby Street Dual Occupancy
31 Throsby Street Wickham 2293

**Client**
John Hersee

**Drawing**
Site Analysis Plan

**Drawing No.**
DA-001

**Scale**
As Shown @ A3

**Project Number**
1905

**Assumed R.L. 2,000**

**Revision**

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<td>D</td>
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<td>08.12.19</td>
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**ASSUMED R.L. 2,000**

AMENDED EXTERNAL FACADES TO BETTER REFLECT CURRENT PRECINCT APPEARANCE AND LOCAL INTENT.
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ASSUMED R.L. 2,000

INDICATIVE CURRENT STREETSCAPE AND BUILT FORMS TO OUTLINE RECONSIDERED DESIGN INTENT

FENCING TO CONTRIBUTE TO CURRENT STREETSCAPE AND BUILT FORMS
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CONTRIBUTORY LANDSCAPING OUTCOME USE PROPRIETRY PLANTER BOXES

PROVIDE SCREENING TO ENHANCE PRIVACY AND SEPARATION BETWEEN PROPOSED TERRACE AND THE NEIGHBOURING APARTMENT TERRACES

PARAPET WALL OF NEIGHBOURING BUILDING

PROPOSED TERRACE STRUCTURE CONTRIBUTES TO OCCUPANT AMENITY AND PRIVACY OUTCOMES

LOWER PROPOSED TERRACE THAN THAT OF NEIGHBOURING TERRACE ENHANCES SEPARATION

QUALITY LANDSCAPE AND SCREENING OUTCOME WILL MITIGATE ANY PRIVACY CONCERNS BETWEEN LOTS

TRANSPARENT MASSING TOWARD STREET FRONTAGES

NEIGHBOURING TERRACE
SOLID ROOF STRUCTURE

ASSUMED R.L. 2.000

QUALITY LANSCAPE AND SCREENING OUTCOME WILL MITIGATE ANY PRIVACY CONCERNS BETWEEN LOTS

LOWER PROPOSED TERRACE THAN THAT OF NEIGHBOURING TERRACE ENHANCES SEPARATION

TRANSPARENT MASSING TOWARD STREET FRONTAGES

PROPOSED TERRACE STRUCTURE CONTRIBUTES TO OCCUPANT AMENITY AND PRIVACY OUTCOMES

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Ground Floor Plan

Scale: 1:100

Throsby Street Dual Occupancy
31 Throsby Street Wickham 2293

Client: John Hersee

Drawing No: DA-100

Project Number: 1905

Revision Description
A Clause 4.4 Modification 21.03.19
B Modification - Amended 15.10.19
C Modification - Amended 12.11.19
D Modification - Amended 08.12.19
E Modification - Amended Ref. 08.12.20

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All dimensions are in millimetres and are for construction unless otherwise indicated. Dimensions are intended to be used in the preparation of new drawings and are not to be reproduced for any other project or purpose. Dimensions are intended to be used in the preparation of new drawings and are not to be reproduced for any other project or purpose.

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GARDEN BEDS ADDED DECREASING THE TRAFFICABLE AREA OF THE TERRACES THUS ENHANCING SEPARATION + PRIVACY.
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**South Elevation**

**Assumed R.L. 2,000**

**Revision**

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**Scale**

As Shown @ A3

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**Drawing No.**

DA-301
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Clause 4.6
Modification - Amended 19.03.19
- ALL TIMBER BEAMS & POSTS EXPOSED TO OUTSIDE ELEMENTS ARE TO BE TREATED PINE OF APPROPRIATE GRADE OR SUITABILITY OF TIMBER WITH A HIGH RESISTANCE TO TERMITES, SEALED & FINISHED CORRECTLY, CHECK LOCAL AUTHORITIES STANDARD OF PRACTICE.
- PRE-FABRICATED FRAME TO MANUFACTURERS SPECIFICATION AND IN ACCORDANCE WITH AS 1684 [NATIONAL TIMBER FRAMING CODE], ALSO BRAZED TO CORRECT WIND RATING IN ACCORDANCE WITH AS 4055 [WIND LOADS FOR HOUSING], BUILDER TO DETERMINE WIND RATING.
- INSTALLATION OF WET AREA WATERPROOFING WHERE MOISTURE/WATER ARE CONCERNED INCLUDING ROOF/SHOWER/CONCRETE SLAB IN CONSTRUCTION OF THE DWELLING ARE TO BE SUITABLY FLASHED AND TREATED IN ACCORDANCE WITH AS 3740 AND RELEVANT STANDARDS.
- ALL TREATMENT IN ACCORDANCE WITH AS 3660.1 NEW BUILDING WORK.
- ALL BEAMS TO PITCHING POINTS e.g. BULKHEADS TO FRAMING MANUFACTURERS SPECIFICATION.

CONFIRM EXISTING BUILDING DIMENSIONS & LEVELS PRIOR TO & DURING CONSTRUCTION

SECTION NOTES:

- ALL TIMBER BEAMS & POSTS EXPOSED TO OUTSIDE ELEMENTS ARE TO BE TREATED PINE OF APPROPRIATE GRADE OR SUITABILITY OF TIMBER WITH A HIGH RESISTANCE TO TERMITES, SEALED & FINISHED CORRECTLY, CHECK LOCAL AUTHORITIES STANDARD OF PRACTICE.
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ASSUMED R.L. 2,000

SECTION NOTES:
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- PRE-FABRICATED FRAME TO MANUFACTURERS SPECIFICATION AND IN ACCORDANCE WITH AS 1684 [FIRE PROOFING MATERIALS].
- EARLY STAGE DRAWING DASHED BUILDING ENVELOPE
- INSTALLATION OF WATERTIGHT WATERPROOFING WHERE MOISTURE/PRESENT AND EXISTING INCLUDING ROOF/SHOWER/CONCRETE SLAB IN CONSTRUCTION OF THE DWELLING ARE TO BE SUITABLY FLASHED AND TREATED IN ACCORDANCE WITH AS 3740 AND RELEVANT STANDARDS.
- ALL TREATMENT IN ACCORDANCE WITH AS 3600.1 NEW BUILDING WORK.
- ALL BAYS TO PITCHING POINTS & BIBLEHEADS TO FOLLOW MANUFACTURER SPECIFICATION.

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Clauses 4 & 4 Modification
A  21/03/19
B  15/10/19
C  10/12/19
D  28/01/20
E  08/02/20
F  21/06/20

Assumed R.L. 2.000

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Sediment and erosion control

All erosion and sediment control measures to be installed prior to site disturbance.

The project manager to inform all contractors and sub-contractors of their obligations under the erosion and sediment control plan.

Topsoil from all areas that will be disturbed to be stripped and stockpiled at the nominated site.

All sediment control structures to be inspected by site supervisor after each rainfall event for structural damage and all trapped sediment to be removed from the site.

Sediment and erosion control shall be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the superintendent’s satisfaction.

A single all weather access way will be provided at the front of the property consisting of 50-75 aggregate or similar material at a minimum thickness of 150 laid over needle-punched geotextile fabric and constructed prior to commencement of works.

The contractor shall ensure that no spoil or fill encroaches upon adjacent areas for the duration of works.

The contractor shall ensure that kerb inlets and drains receiving stormwater shall be protected at all times during development. Kerb inlet sediment traps shall be installed along the immediate vicinity along the street frontage.

Sediment fencing shall be secured by post (where metal star pickets are used plastic safety caps shall be used) at 3000 intervals with geotextile fabric embedded 200 in soil.

All topsoil stripped from the site and stockpiled does not interfere with drainage lines and stormwater inlets and will be suitably covered with an impervious membrane material and screened by sediment fencing.

Soil conservation

Prior to commencement of construction provide ‘sediment fence’, ‘sediment trap’ and washout area to ensure the capture of water borne material generated from the site.

Maintain the above during the course of construction, and clear the sediment trap after each storm.

Sediment trap

1000 x 1000 wide 500 deep pit, located at the lowest point to the trap sediment.

Vehicle access to site

Vehicle access to the building site should be restricted to a single point so as to reduce the amount of soil deposited on the street pavement.

Building material stockpiles

All stockpiles of building material such as sand and soil must be protected to prevent scours and erosion, they should never be placed in the street gutter where they will wash away with the first rainstorm.

Sandbag kerb sediment trap

In certain circumstances extra sediment trapping may be needed in the street gutter.

Sediment fence

Provide sediment fence on downslope boundary as shown on plan. Fabric to be buried below ground at lower edge.

Vehicle access to site

Vehicle access to the building site should be restricted to a single point so as to reduce the amount of soil deposited on the street pavement.

Stabilise stockpile surface

Verify all dimensions & scale from drawings.

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NOT FOR CONSTRUCTION

ASSESSMENT R.L. 2.000

Sediment fence

Provide sediment fence on downslope boundary as shown on plan. Fabric to be buried below ground at lower edge.

Vehicle access to site

Vehicle access to the building site should be restricted to a single point so as to reduce the amount of soil deposited on the street pavement.

Building material stockpiles

All stockpiles of building material such as sand and soil must be protected to prevent scours and erosion, they should never be placed in the street gutter where they will wash away with the first rainstorm.

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In certain circumstances extra sediment trapping may be needed in the street gutter.
DEVELOPMENT APPLICATIONS COMMITTEE MEETING

18 February 2020

DAC 18/02/2020

DA2002/1583.01 - 31 Throsby Street Wickham

Attachment B: Draft Schedule of Conditions

DISTRIBUTED UNDER SEPARATE COVER
**DRAFT SCHEDULE OF CONDITIONS**

**Application No:** DA2002/1583.01  
**Land:** Lot 1 DP 797752  
**Property Address:** 31 Throsby Street Wickham NSW 2293  
**Proposed Development:** Changes to floor plans, roof design, facade treatment and fencing

---

**MODIFICATION DETAILS**

**A. Amended conditions**

Condition 1

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

<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>DA-002 Rev C</td>
<td>Shade Design</td>
<td>12/11/19</td>
</tr>
<tr>
<td>Ground Floor</td>
<td>DA-100 Rev C</td>
<td>Shade Design</td>
<td>12/11/19</td>
</tr>
<tr>
<td>First Floor</td>
<td>DA-101 Rev C</td>
<td>Shade Design</td>
<td>12/11/19</td>
</tr>
<tr>
<td>Second Floor</td>
<td>DA-102 Rev C</td>
<td>Shade Design</td>
<td>12/11/19</td>
</tr>
<tr>
<td>Rooftop Terrace</td>
<td>DA-103 Rev C</td>
<td>Shade Design</td>
<td>12/11/19</td>
</tr>
<tr>
<td>North Elevation</td>
<td>DA-300 Rev C</td>
<td>Shade Design</td>
<td>12/11/19</td>
</tr>
<tr>
<td>South Elevation</td>
<td>DA-301 Rev C</td>
<td>Shade Design</td>
<td>12/11/19</td>
</tr>
<tr>
<td>East &amp; West Elevations</td>
<td>DA-302 Rev C</td>
<td>Shade Design</td>
<td>12/11/19</td>
</tr>
<tr>
<td>Throsby Street Elevation</td>
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<td>12/11/19</td>
</tr>
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<td>Section B-B</td>
<td>DA-401 Rev C</td>
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<td>Section C-C</td>
<td>DA-402 Rev C</td>
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<td>Section D-D</td>
<td>DA-403 Rev C</td>
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<td>Section E-E</td>
<td>DA-404 Rev C</td>
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<td>12/11/19</td>
</tr>
<tr>
<td>Sediment Control</td>
<td>DA-900 Rev C</td>
<td>Shade Design</td>
<td>12/11/19</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.

**SCHEDULE 1**

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

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</thead>
<tbody>
<tr>
<td>Site Plan, Elevations, Floor Plan (unit 50A)</td>
<td>Sheet 1 of 2</td>
<td>Victor Topic and Associates PTY LTD</td>
<td>January 2019</td>
</tr>
<tr>
<td>Elevations, Sections (unit 50A)</td>
<td>Sheet 2 of 2</td>
<td>Victor Topic and Associates PTY LTD</td>
<td>January 2019</td>
</tr>
<tr>
<td>Floor Plans (unit 50B)</td>
<td>Sheet 2 of 4</td>
<td>Victor Topic and Associates PTY LTD</td>
<td>November 2014</td>
</tr>
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<td>Driveway Concept Plan</td>
<td>DRG no. 265-19</td>
<td>CSG Engineers Pty Ltd</td>
<td>Received 18/06/19</td>
</tr>
<tr>
<td>Strata Subdivision Plan</td>
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<td>Victor Topic and Associates PTY LTD</td>
<td>November 2014</td>
</tr>
<tr>
<td>BASIX</td>
<td>A339496</td>
<td>Building Sustainability Assessments</td>
<td>5 Feb 2019</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.
2 Conditions Requiring Payment of a Monetary Contribution Dedication of Land / Carrying Out of Off Site Works

2.1 A total monetary contribution of $21,531.00 being paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act, towards the provision of the following public amenities and public services within the locality, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development:

a) Community facilities $1,963.00  
b) Open space and recreation $18,824.00  
c) Foreshore promenade $127.00  
d) Section 94 management $390.00  
e) Traffic management $227.00  

Note:  
i) This condition is imposed in accordance with the provisions of the Newcastle City Council Contributions Plan No 1, 2001 operational from 8 October 2001. 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].

ii) The amount of contribution payable under this condition has been calculated on the basis of current costs as at the date of consent and is to be indexed at the time of actual payment in accordance with the “Consumer Price Index” weighted average of eight capital cities published by the Australian Bureau of Statistics each quarter. Any party intending to act on this consent should contact Council’s s94 Coordinator, City Strategy Group, for determination of the indexed amount of contribution as at the date of payment.)

Reason: To assist Council in the provision of public facilities and services within the locality in response to the additional demand likely to be generated by the increased dwelling density proposed.

2.2 A residential type vehicular crossing 2.7 m wide being constructed across the public footway at each of the proposed driveway entrance/exit points at no cost to Council and in accordance with Council’s A017 Series (Concrete Vehicular Crossings) design specifications and such crossing being properly maintained.
Reason: To ensure that any such proposed works do not disrupt existing natural stormwater flows in the vicinity.

3.3 All roof and surface waters being conveyed to the street gutter by way of a sealed pipe system, extending through the footway to Council requirements. Full details are to be included in documentation for a Construction Certificate application.

Reason: To prevent damage to property and to prevent the creation of unhealthy or dangerous conditions.

3.4 The Developer instituting appropriate erosion protection and soil stabilisation measures in association with the proposed site works. Such measures to be designed in accordance with the requirement of the Department of Land and Water Conservation. Full details to be included in the documentation for a Construction Certificate application.

Reason: To control soil erosion and prevent sedimentation of surrounding lands both private and public.

3.5 All proposed courtyard, garden and lawn areas indicated on the submitted plan or otherwise required under the conditions of this consent, being comprehensively landscaped. The required landscape works to incorporate a minimum of two appropriate taller growing tree specimens in respect of each dwelling such to be nominated on plans submitted with a Construction Certificate application.

Reason: To ensure that adequate and appropriate provision is made for landscaping of the site in association with the proposed development to enhance the external appearance of the premises and to contribute to the overall landscape quality of the locality.

3.6 The applicant complying with all requirements of the Hunter Water Corporation Ltd 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 certificate of compliance is to be included in documentation for a Construction Certificate application.

Reason: To ensure that water supply and sewerage services are properly connected to the proposed development in the public interest.

3.7 Adequate facilities being provided within the proposed individual private courtyards for the storage of garbage. Full details are to be included in documentation for a Construction Certificate application.

Reason: To ensure adequate garbage storage and removal arrangements in the interest of public health, safety and sanitation and to ensure that the required on-site garbage storage facilities do not unreasonably detract from the overall appearance of the proposed development.
Reason: To ensure the provision of adequate clearly defined and properly constructed means of all-weather vehicular access to the site in order to encourage the use of on-site parking facilities and in the interest of maximising vehicular and pedestrian safety and convenience.

2.3 Any redundant existing vehicular crossings being removed at no cost to Council and the public footway and kerb being restored to match the existing infrastructure.

Reason: To clarify site access arrangements in the interest of traffic and pedestrian safety, as well as road efficiency, to maximise kerbside parking opportunity and to ensure that reinstatement work is undertaken to an appropriate standard.

2.4 Any necessary alterations to public utility installations being at the Developer/Demolisher’s expense and to the requirements of both Council and the appropriate authorities.

Reason: To ensure that any required alterations to public utility infrastructure are undertaken to acceptable standards and without demands on public sector resources.

2.5 Any proposed work within the public road, including pipe or vehicular crossings, requires the separate approval from the road authority prior to the commencement of such works.

Note: For public roads where Council is the road authority, this approval can be obtained by telephoning Council’s Depot on 4974 6000 to request a Road Opening Approval.

Reason: To ensure that works within a public road are suitably authorised.

3 Conditions Requiring Inclusion of Details in Documentation for a Construction Certificate Application / Matters to be Resolved Prior to Certification of Survey Plans / Matters to be Resolved Prior to Occupation of the Premises

3.1 The proposed driveway/s, being 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.

Reason: To facilitate the use of vehicular access and parking facilities and to minimise any associated noise and dust nuisance.

3.2 Any alteration to natural surface levels on the site being undertaken in such a manner as to ensure that no surface water is drained onto or impounded on adjoining properties. Full details are to be included in documentation for a Construction Certificate application.
3.3 All roof and surface waters being conveyed to the street gutter by way of a sealed pipe system, extending through the footway to Council requirements. Full details are to be included in documentation for a Construction Certificate application.

**Reason:** To prevent damage to property and to prevent the creation of unhealthy or dangerous conditions.

3.4 The Developer instituting appropriate erosion protection and soil stabilisation measures in association with the proposed site works. Such measures to be designed in accordance with the requirement of the Department of Land and Water Conservation. Full details to be included in the documentation for a Construction Certificate application.

**Reason:** To control soil erosion and prevent sedimentation of surrounding lands both private and public.

3.5 All proposed courtyard, garden and lawn areas indicated on the submitted plan or otherwise required under the conditions of this consent, being comprehensively landscaped. The required landscape works to incorporate a minimum of two appropriate taller growing tree specimens in respect of each dwelling such to be nominated on plans submitted with a Construction Certificate application.

**Reason:** To ensure that adequate and appropriate provision is made for landscaping of the site in association with the proposed development to enhance the external appearance of the premises and to contribute to the overall landscape quality of the locality.

3.6 The applicant complying with all requirements of the Hunter Water Corporation Ltd 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 certificate of compliance is to be included in documentation for a Construction Certificate application.

**Reason:** To ensure that water supply and sewerage services are properly connected to the proposed development in the public interest.

3.7 Adequate facilities being provided within the proposed individual private courtyards for the storage of garbage. Full details are to be included in documentation for a Construction Certificate application.

**Reason:** To ensure adequate garbage storage and removal arrangements in the interest of public health, safety and sanitation and to ensure that the required on-site garbage storage facilities do not unreasonably detract from the overall appearance of the proposed development.
4 Conditions Requiring the Submission of Future Applications to Council or The Approval of Other Authorities

4.1 Compliance with the requirements of the Hunter Water Corporation Ltd in respect of any building or structure proposed to be erected over any services or stormwater drain under the Corporation’s control.

Reason: To protect the Corporation’s infrastructure from site development works.

5 General Conditions

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

Reason: To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

5.2 The proposed development incorporating those recommendations contained in the Acoustic Assessment prepared by Hunter Acoustics.

Reason: To ensure adequate acoustic measures are implemented having regard to the location of the site relative to noise generating sources.

5.3 All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

Reason: To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

5.4 All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

5.5 If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land (including any public road or place), the person causing the excavation to be made:

a) must preserve and protect the building from damage, and

b) if necessary, must underpin and support the building in an approved manner, and

c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of
intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

**Reason:** To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

5.6 Construction / demolition work noise that is audible at other premises is to be restricted to the following times:

- Monday to Friday, 7.00 am to 6.00 pm
- Saturday, 8.00 am to 1.00 pm

No construction/demolition work noise is permitted on Sundays or Public Holidays

**Reason:** To prevent 'offensive noise' from construction/demolition sites in accordance with the Environmental Protection Authority Guidelines.

5.7 All public footways, footpaving, kerbs, gutters and road pavement damaged during the works being restored to match existing conditions at the Developer's/Demolisher's expense.

**Reason:** To ensure that the required restoration is undertaken to acceptable standards and without demands on public sector resources.

5.8 Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected being relocated at no cost to Council by a surveyor registered under the Surveyor's Act.

**Reason:** To ensure that existing permanent survey marks which may be affected by the development are appropriately reinstated.

5.9 The owner/demolisher ensuring that all services (ie water, telecommunications, gas, electricity, sewerage etc, are disconnected in accordance with the relevant authority's requirements prior to demolition.

**Reason:** To prevent damage to reticulation systems and ensure maintenance of public health standards.

5.10 Building demolition being planned and carried out in accordance with Australian Standard AS2601:1991 (The Demolition of Structures).

**Reason:** To minimise the risk of injury or damage to property as a result of the proposed demolition.
Any building waste containers used in association with the proposed demolition being 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.

**Reason:** To ensure that such containers are so positioned as to not endanger pedestrian or vehicular traffic movement.

5.11 The owner/demolisher ensuring that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.

**Reason:** To ensure that the proposed demolition is undertaken in a manner that does not intrude upon adjacent public or private property.

5.12 Any demolition/waste building materials being disposed of at Council's Waste Disposal Depot or other approved site.

**Reason:** To prevent indiscriminate dumping or use of demolition/waste building material for purposes of unauthorised land fill.

5.13 All building or site works or other written undertaking or obligation indicated in the submitted plans and supporting documentation or otherwise required under the terms of this consent being carried out or implemented prior to occupation of the premises.

**Reason:** To ensure compliance with the provisions of the Environmental Planning and Assessment Act 1979.

5.14 If the work involved in the erection / demolition of the building:

a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

b) building involves the enclosure of 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.

**Reason:** To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

5.15 The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
5.16 A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is carried out:

   a)   stating that unauthorised entry to the work site is prohibited, and

   b)   showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

**Reason:** To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

5.17 The placing of building materials or the carrying out of building operations upon or from Council's footway or roadway is prohibited unless prior consent in writing is obtained from Council.

**Reason:** To maintain pedestrian passage and public safety.

6 **General Terms of Approval to be Obtained from Other Authorities**

6.1 Working drawings and specifications of the proposed building being submitted to the NSW Mine Subsidence Board for approval prior to an application for a Construction Certificate and compliance with any requirements of the Board.

**Reason:** To ensure that structural stability of the proposed development having regard to underground mine workings.

7 **Advisory Matters**

7.1 Application may be made to Council or to an Accredited Certifier for the issuing of a Construction Certificate and/or to be the Principal Certifying Authority monitoring compliance with the approval and issuing any relevant documentary evidence or certificate(s).

Council officers can provide these services and further information can be obtained from Council by telephoning 02 - 4929 9351.

**Reason:** To advise of choices with respect to competitive building control services.

7.2 Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (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 form 7 of schedule 1 to the Regulations.

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 and Form 7 of Schedule 1 to the Regulations.

Reason: To advise of matters to be resolved prior to the commencement of work.

END OF CONDITIONS

SCHEDULE 2

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS
The determination decision was reached for the following reasons:

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

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED
The following conditions are applied to:

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

18 February 2020

DAC 18/02/2020

DA2002/1583.01 - 31 Throsby Street Wickham

Attachment C: Processing Chronology

DISTRIBUTED UNDER SEPARATE COVER
### PROCESSING CHRONOLOGY

**DA2002/1583.01 - 31 Throsby Street Wickham**

<table>
<thead>
<tr>
<th>Date</th>
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<td>11 April 2019</td>
<td>Application lodged</td>
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<tr>
<td>23 April 2019</td>
<td>Public notification</td>
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<tr>
<td>23 May 2019</td>
<td>Request for additional information sent to applicant</td>
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<tr>
<td>20 June 2019</td>
<td>Additional information received</td>
</tr>
<tr>
<td>26 July 2019</td>
<td>Request for additional information sent to applicant</td>
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<tr>
<td>15 August 2019</td>
<td>Additional information received from applicant</td>
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<tr>
<td>30 August 2019</td>
<td>Request for additional information</td>
</tr>
<tr>
<td>15 October 2019</td>
<td>Additional information received</td>
</tr>
<tr>
<td>8 November 2019</td>
<td>Request for additional information sent to applicant</td>
</tr>
<tr>
<td>4 December 2019</td>
<td>Referred to Development Assessment Panel</td>
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<tr>
<td>6 December 2019</td>
<td>Request for additional information sent to applicant</td>
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<tr>
<td>8 January 2020</td>
<td>Additional information received</td>
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</table>
ITEM 4 DA2018/01251 - 150 DARBY STREET COOKS HILL

Mixed use, one commercial and 9 shop top houses

Attachment A - Submitted Plans
Attachment B - Draft Schedule of Conditions
Attachment C - Processing Chronology
DEVELOPMENT APPLICATIONS COMMITTEE MEETING

18 February 2020

DAC 18/02/2020

DA2018/01251 - 150 Darby Street Cooks Hill

Attachment A: Submitted Plans
<table>
<thead>
<tr>
<th>Base</th>
<th>Description</th>
<th>Date</th>
<th>Date</th>
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<tr>
<td>A</td>
<td>Amendments to Office model</td>
<td>1/10/19</td>
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<tr>
<td>B</td>
<td>Amendments to Office model</td>
<td>3/10/19</td>
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</tr>
<tr>
<td>A</td>
<td>Development Application</td>
<td>27/10/19</td>
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</table>
No.146: 1+2 Storey Rendered Brick Building

No.154: 2 Storey Brick Building

Public Road

Concrete Footpath

COMMERCIAL Area 112m²

Lobby

Storage

Fire Stair

Lift

Garbage

Unisex

Bicycles (vertical racks x10)

Double Car Stacker 4 Cars - 5.0m wide

WOHR PARKLIFT 440-2.0

Double Car Stacker 4 Cars - 4.8m wide

WOHR PARKLIFT 440-2.0

Double Car Stacker 4 Cars - 4.9m wide

WOHR PARKLIFT 440-2.0

Boundaries

BOUNDARY 128° 09' 00" 24.340
BOUNDARY 128° 19' 00" 10.470
BOUNDARY 128° 12' 05" 34.780
BOUNDARY 38° 11' 20" 12.285
BOUNDARY 308° 05' 00" 34.740

GROUND FLOOR

GARBAGE ROOM ALTERNATIVE LAYOUT
No.146: 1+2 Storey Rendered Brick Building

No.154: 2 Storey Brick Building

Public Road

Concrete Footpath

COMMERCIAL Area 112m²

UP: PARKING
RL: 8.000

BOUNDARY: 128° 09' 00"

BOUNDARY: 128° 19' 00"

BOUNDARY: 128° 15' 00"

BOUNDARY: 128° 15' 00"

GROUND FLOOR
GARBAGE ROOM ALTERNATIVE LAYOUT
DEVELOPMENT APPLICATIONS COMMITTEE MEETING

18 February 2020

DAC 18/02/2020

DA2018/01251 - 150 Darby Street Cooks Hill

Attachment B: Draft Schedule of Conditions

DISTRIBUTED UNDER SEPARATE COVER
Application No: DA2018/01251

Land: SP 88552, Lot 1 SP 88552, Lot 2 SP 88552
Lot 3 SP 88552, Lot 4 SP 88552

Property Address: 150 Darby Street Cooks Hill NSW 2300

Proposed Development: Mixed use development, comprising of one commercial unit and 9 residential units

SCHEDULE 1

APPROVED DOCUMENTATION

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

<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>A0002 Rev: C</td>
<td>Macphall &amp; Sproul Architects</td>
<td>August 2018</td>
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<tr>
<td>Ground and First Floor Plan</td>
<td>A0003 Rev: C</td>
<td>Macphall &amp; Sproul Architects</td>
<td>August 2018</td>
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<tr>
<td>Floor Plans</td>
<td>A0004 Rev: C</td>
<td>Macphall &amp; Sproul Architects</td>
<td>August 2018</td>
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<tr>
<td>Elevations</td>
<td>A0005 Rev: C</td>
<td>Macphall &amp; Sproul Architects</td>
<td>August 2018</td>
</tr>
<tr>
<td>Sections</td>
<td>A0006 Rev: C</td>
<td>Macphall &amp; Sproul Architects</td>
<td>August 2018</td>
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<tr>
<td>Stormwater Management Plan</td>
<td>Project No NE180225 Rev: A</td>
<td>ACOR Consultants</td>
<td>Oct 2018</td>
</tr>
<tr>
<td>Statement of Environmental Effects</td>
<td></td>
<td>Think Planners</td>
<td>Aug 2018</td>
</tr>
<tr>
<td>Statement of Heritage Impact</td>
<td></td>
<td>Martine Craswell</td>
<td>June 2019</td>
</tr>
<tr>
<td>Acoustic Report</td>
<td>Ref: 630.12429-R01</td>
<td>SLR consultants</td>
<td>Sep 2018</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

2. A total monetary contribution of $33,611.40 is to be paid to Council, pursuant to Section 7.12 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>
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</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.

3. 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.

4. On-site parking accommodation is to be provided for a minimum of thirteen (13) cars, one (1) motorcycle, eleven (11) bicycles 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.

5. 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.
6. 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 relevant Construction Certificate.

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.

7. The car parking and vehicular access 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.

8. Install, operate and maintain a garage roller door opening audible/flashing beacon warning system to alert pedestrians and cyclists on footpath. Install and maintain two (2) convex safety mirrors near the garage roller door within property boundary to improve visibility of pedestrians and cyclists on footpath. Full details are to be included in documentation for a Construction Certificate application.

9. 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.

10. Roof water is to be directed to the proposed water tank with a minimum capacity of 10,000 litres and be reticulated to any new toilet cisterns and cold water washing machine taps. A mains water top-up system is to be installed to maintain a minimum water depth of 100mm within the tank. Alternatively, an electronically activated mechanical valve device is to be installed to switch to mains water when the water level in the tank falls below the minimum depth. The water tank and plumbing are to be installed in accordance with the Plumbing Code of Australia. Full details are to be included in documentation for a Construction Certificate application.

11. 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.

12. 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) The driveway crossing, within the road reserve, shall be a maximum of 4.5 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 lodged and consent obtained, or other satisfactory arrangements confirmed in writing from Council, before the issue of a Construction Certificate.

13. 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.

14. 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.

15. The Developer designing and constructing the following works in connection with the proposed development within the Darby Street and unnamed laneway road reserves, adjacent to the site, at no cost to Council and in accordance with Council’s guidelines and design specifications:

   a) Reconstruct new pedestrian footway across Darby Street site frontage;
   b) Reconstruct kerb and gutter across Darby Street site frontage;
   c) Removal of raised concrete footpath to facilitate new entrance to development carpark within unnamed laneway and provide transition ramps on either side;
   d) Road shoulder pavement, as required.

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

16. The car lift system in the proposed carpark shall be the Wohr Parklift 440-2.0 double lift model, or suitable equivalent approved by the Certifying Authority. Full details are to be included in documentation for a Construction Certificate application.

17. The acoustic performance of all mechanical plant and equipment associated with the building being assessed by an appropriately qualified acoustic consultant prior to the issue of any required Construction Certificate. Appropriate acoustic treatment as recommended by the acoustic consultant being designed prior to the issue of a Construction Certificate.

18. Adequate ventilation being provided to the residential units in accordance with the requirements of the Building Code of Australia, whilst maintaining the required level of acoustic attenuation as detailed in Table 9 of the acoustic report prepared by SLR Consulting dated September 2018 (Ref 630.12429 -R01). Full details are to be included in the documentation for a Construction Certificate application.

19. The sound insulation requirements of F5 “Sound Transmission and Insulation” of the *National Construction Code 2016 (NCC)* must be achieved. Full details are to be included in the documentation for a Construction Certificate application.
20. 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.

21. 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 Macphall & Sproul Architects (Drawing No. 15.14 A0003, Revision B dated 3 April 2019). Full details are to be included in documentation for a Construction Certificate application.

22. 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 landscape plan and specification. The plan and specifications is to be prepared in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:

   a) cross sections through the site 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.

23. 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. Details are to be included in documentation for a Construction Certificate application.

24. 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.

25. 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.
26. The car parking and vehicular access 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.

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

27. 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.

28. 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

29. 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.

30. On-site car parking accommodation is to be provided for a minimum of thirteen (13) cars, one (1) motorcycle, eleven (11) bicycles 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.

31. 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’.

32. 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.

33. 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.

34. 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).

35. Building demolition is to be planned and carried out in accordance with Australian

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
42. 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).

43. 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.

44. 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.

45. 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.

46. 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.

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.

49. 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.

50. 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).

51. All building work must be carried out in accordance with the provisions of the National Construction Code.

52. 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.

53. 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.

54. 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.

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

55. 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.

56. Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by SLR Consulting, dated September 2018. Written final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation Certificate.

Note: The acoustic consultant may need to be involved during the construction process in order to ensure final certification is achieved.
57. The proposed mechanical stack parking systems shall be regularly serviced and maintained to the requirements set out by the manufacturer of the system. In this regard the owner or the occupier of the building is to enter into an annual service and maintenance contract with the manufacturer’s service agent for the life of the system. A copy of the initial service and maintenance contract is to be provided to Council prior to issue of an Occupation Certificate.

In the event of permanent failure of the system (which is unable to be remedied by servicing), the owner of the building is to immediately replace the mechanical stack parking system.

58. Written certification from an appropriately qualified acoustic consultant being submitted to the Principal Certifying Authority prior to issue of an Occupation Certificate confirming that noise from all mechanical plant and equipment achieves the required acoustic attenuation to comply with the conditions of consent and the requirements of the Protection of the Environment Operations Act 1997 and Noise Policy for Industry 2017.

59. 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.

60. 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.

61. 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.

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

63. 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.

64. 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.

65. 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.

66. 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

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

67. 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 (NSW).

Should Council 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 Council prior to the expiration of the nominated period.

68. 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 (NSW), that interferes unreasonably with the amenity of neighbouring premises and/or other sensitive receivers.

Should Council consider that unreasonable levels of air impurities have been emitted from the premises, the owner/occupier will be required to engage a suitably qualified consultant to recommend measures to control 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 Council confirming that air impurity emissions from the premises do not interfere unreasonably with the amenity of neighbouring premises and/or other sensitive receptors before the expiration of the nominated period.

69. All vehicular queuing for use of the car stacker system is to occur within the site and all vehicular movement to and from the site is to be in a forward direction.

70. Install and maintain an ‘All Traffic-Right Only (R2-14)’ sign near the garage roller door within property boundary facing exiting vehicles.

71. Waste management (recyclable and non-recyclable) is to be collected from the carpark refuse storage area, as identified on the approved plans, serviced from Darby Street and returned directly to the refuse storage area. Under no circumstances are garbage bins to be presented to Darby Street for kerbside collection or remain at kerbside after collection.
ADVISORY MATTERS

• 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.

• 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.

• 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.

• 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 Council is to be notified of the appointment; and
  c) Council is to be given at least two days notice of the date intended for commencement of building works.

END OF CONDITIONS
SCHEDULE 2

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

• The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Newcastle Local Environmental Plan 2012* (NLEP) and applicable State Environmental Planning Policies.

• The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012 (NDCP).

• The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.

• The proposed development is a suitable and planned use of the site and its approval is within the public interest.

• Public submissions have been considered in the assessment of the application.

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

• Confirm and clarify the terms of Council’s determination;
• Provide for the ongoing management of the development.
DAC 18/02/2020

DA2018/01251 - 150 Darby Street Cooks Hill

Attachment C: Processing Chronology
**PROCESSING CHRONOLOGY**

**DA2018/01251 – 150 DARBY STREET COOKS HILL**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 November 2018</td>
<td>Application lodged</td>
</tr>
<tr>
<td>5 November 2018</td>
<td>Public notification</td>
</tr>
<tr>
<td>8 January 2019</td>
<td>Applicant advised of issues raised after assessment of the application and through public submissions</td>
</tr>
<tr>
<td>3 April 2019</td>
<td>Additional information received from applicant</td>
</tr>
<tr>
<td>17 April 2019</td>
<td>Second visit to Urban Design Consultative Group</td>
</tr>
<tr>
<td>18 August 2019</td>
<td>Public Voice Meeting</td>
</tr>
<tr>
<td>2 October 2019</td>
<td>Applicant provided a detailed response to some of issues raised during Public Voice</td>
</tr>
<tr>
<td>17 October 2019</td>
<td>Additional information received from the applicant – amended ground floor parking and garbage storeroom</td>
</tr>
</tbody>
</table>
ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

ITEM 5 DA2019/00062.01 - 8 LINGARD STREET MEREWETHER

Change to parking numbers and layout, consent conditions

Attachment A - Submitted Plans
Attachment B - Draft Schedule of Conditions
Attachment C - Processing Chronology
DEVELOPMENT APPLICATIONS COMMITTEE MEETING

18 February 2020

DAC 18/02/2020

DA2019/00062.01 - 8 Lingard Street Merewether

Attachment A: Submitted Plans

DISTRIBUTED UNDER SEPARATE COVER
DEVELOPMENT APPLICATIONS COMMITTEE MEETING

18 February 2020

DAC 18/02/2020

DA2019/00062.01 - 8 Lingard Street Merewether

Attachment B: Draft Schedule of Conditions
S4.55 MODIFIED CONDITIONS

1. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of 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>Proposed Site Plan</td>
<td>DA020 Revision D</td>
<td>HSPC Architects</td>
<td>20/02/2019</td>
</tr>
<tr>
<td>Proposed Floor Plan – Level B2</td>
<td>DA030 Revision C</td>
<td>HSPC Architects</td>
<td>10/09/2019</td>
</tr>
<tr>
<td>Proposed Floor Plan – Level B1</td>
<td>DA031 Revision C</td>
<td>HSPC Architects</td>
<td>10/09/2019</td>
</tr>
<tr>
<td>Proposed Floor Plan – Level Ground / Upper Ground</td>
<td>DA032 Revision K</td>
<td>HSPC Architects</td>
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</tr>
<tr>
<td>Proposed Floor Plan – Level 1</td>
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<td>Elevations – Sheet 2</td>
<td>DA201 Revision F</td>
<td>HSPC Architects</td>
<td>1/05/2019</td>
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<tr>
<td>Sections – Sheet 1</td>
<td>DA250 Revision F</td>
<td>HSPC Architects</td>
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<td>Material Board</td>
<td>DA550 Revision C</td>
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<td>Signage Details</td>
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<td>HSPC Architects</td>
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<td>Statement of Environmental Effects</td>
<td>Job No. 18571</td>
<td>KDC</td>
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<td>Issue F</td>
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<td>Validation Report</td>
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<td>Practical</td>
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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.

19. On-site parking accommodation is to be provided for a minimum of 84 vehicles, out of which 34 car spaces are to be allocated to the approved development at 6-8 Lingard Street, Merewether and 50 car spaces are to be allocated for the exclusive use of the development at 23 Merewether Street, Merewether (Lingard Hospital) in accordance with Condition 4(A) of the development consent for DA2015/10349. The surplus parking is not required to be allocated and can be shared between 6-8 Lingard Street, Merewether and 23 Merewether Street, Merewether. A minimum of 10 bicycle parking spaces (Class 2) and 3 motorbike parking spaces is to be provided. The parking plan is to clearly indicate the 34 allocated car parking spaces for 6-8 Lingard Street, Merewether and the 50 allocated car parking spaces for 23 Merewether Street, Merewether. The 10 bicycle spaces and 3 motorbike spaces are to be set out generally in accordance with the minimum layout standards indicated in Element 7.03 ‘Traffic, Parking and Access’ of Council’s adopted Newcastle Development Control Plan 2012. The ambulance parking bay is to be designed generally as indicated on the approved architectural plans. Details are to be included in documentation for a Construction Certificate application.

S.4.55 CONDITIONS TO BE DELETED

55. Consistent with the terms of this development consent, Basement Level 2 must only be used for the purposes of storage and not the parking of vehicles for the lifetime of this development unless this consent is formally modified by application to remove this condition.
65. A gate, barrier or bollards are to be installed at the entrance to Basement Level 2 to prevent vehicular access to this level and unauthorised use of this level for the purposes of car parking.

SCHEDULE 1

APPROVED DOCUMENTATION

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

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<td>Practical Environmental Solutions</td>
<td>September 2017</td>
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<td>Revised Clause 4.6 Variation Justification</td>
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<td>KDC</td>
<td>22 February 2019</td>
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<td>Crime Prevention Through</td>
<td></td>
<td>KDC</td>
<td>18 January 2019</td>
</tr>
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CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

2. 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. The fencing at the north-western boundary adjacent to the driveway entry is to be setback 2.5m to allow for sightlines for exiting vehicles. Full details are to be included in documentation for a Construction Certificate application.

3. 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.

4. The Developer designing and constructing the following works in connection with the proposed development within the Lingard Street public road reserve, adjacent to the site, at no cost to Council and in accordance with Council’s guidelines and design specifications:
   a) Construction of a new driveway for the ambulance bay and associated works
   b) Changing the parking signs to provide a loading bay and associated signs as endorsed by the Newcastle City Traffic Committee Meeting Minutes for Item 69, dated 20/05/2019.

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

5. A Parking Management Plan is to be provided to Council for approval prior to the release of any Construction Certificate detailing a breakdown and the location of the allocated staff, patients and visitors car parking spaces for the whole development, including the 50 off-street parking spaces required for 23 Merewether Street, Merewether (Lingard Hospital) in accordance with Condition 4(A) of the development consent for DA2015/10349. The Plan is to also include ongoing maintenance, on-site signage and management measures, communication measures and incentives to actively encourage staff to park on-site and not in the surrounding residential streets.

6. The projecting fin wall located at the centre of the Lingard Street elevation is to be reduced in height such that it is the same maximum height as the parapet roof (RL 15.750m) and does not exceed the maximum height development standard of 10m. Relevant details are to be included in all relevant architectural plans prior to release of the Construction Certificate.

7. The 'Main Entry' vertical signage proposed at the corner of the building adjacent to the main pedestrian entry is to be deleted and replaced with a horizontally orientated under-awning sign and/or a horizontally orientated awning fascia sign that is prominently located and complements the design and finished colours of the other signage and the building. Relevant details are to be included in the plans and details submitted with the application for the Construction Certificate.

8. The 'Lingard Private' building identification signage is to be illuminated in such a way so as to not result in excessive glare to motorists, pedestrians or adjoining development such that it would have a detrimental impact on safety or general amenity. Relevant details demonstrating compliance with this condition are to be submitted with the application for the Construction Certificate.

9. The design of the landscaped works is to be amended to ensure that all proposed landscaping is contained within the boundaries of the site. A revised landscape plan is to be submitted with the application for the Construction Certificate.

10. A total monetary contribution of $49,604.26 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
defered 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.

11. 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. Details are to be included in documentation for a
    Construction Certificate application.

12. 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 Council approved
    wheel type bins or bulk waste containers. Full details are to be included in
documentation for a Construction Certificate application.

13. All proposed driveways, parking bays, loading bays and vehicular turning areas are to
    be constructed with a basecourse of 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 to Council design specifications. Full details are to be included
    in documentation for a Construction Certificate application.

14. 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 Northrop Engineers Job No. NL170254, dated 18/01/2019. Full details are to be included in documentation for a Construction Certificate application.

15. All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required under the conditions of this consent are required to be detailed on a landscape plan and specification. The plan and specifications is to be prepared in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:

   a) cross sections through the site 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.

16. 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.

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

   a) Constructed in accordance with Council’s A1300 - Driveway Crossings Standard Design Details.
   b) Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 metre, in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance
   c) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve
   d) The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.

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

19. On-site parking accommodation is to be provided for a minimum of 84 vehicles, out of which 34 car spaces are to be allocated to the approved development at 6-8 Lingard Street, Merewether and 50 car spaces are to be allocated for the exclusive use of the development at 23 Merewether Street, Merewether (Lingard Hospital) in accordance with Condition 4(A) of the development consent for DA2015/10349. The surplus parking is not required to be allocated and can be shared between 6-8 Lingard Street, Merewether and 23 Merewether Street, Merewether. A minimum of 10 bicycle parking spaces (Class 2) and 3 motorbike parking spaces is to be provided. The parking plan is to clearly indicate the 34 allocated car parking spaces for 6-8 Lingard Street, Merewether and the 50 allocated car parking spaces for 23 Merewether Street, Merewether. The 10 bicycle spaces and 3 motorbike spaces are to be set out generally in accordance with the minimum layout standards indicated in Element 7.03 ‘Traffic, Parking and Access’ of Council’s adopted Newcastle Development Control Plan 2012. The ambulance parking bay is to be designed generally as indicated on the approved architectural plans. 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

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

21. 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’.

22. 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.

23. 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.

24. Prior to any site works commencing, the Developer preparing a Construction Management Plan (CMP) such to be designed and implemented to manage all environmental aspects associated with the construction works, including off site impacts such as transport to and from the site. Two copies of the CMP are to be provided to the Principal Certifying Authority and the CMP is to be maintained on site during all site works and be made available to Authorised Officers upon request. The CMP is to include but not be limited to:
• A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.

• A soil and water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water and groundwater. Procedures should be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.

• A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions.

• A waste minimisation strategy that aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.

• A community relations plan that aims to inform local residents and other local stakeholders of the proposed nature and timeframes for construction activities together with contact details for site management.

• A noise management strategy detailing measures to minimise the impact of the construction phase on the amenity of the locality, in accordance with Australian Standard AS 2436, 1981 ‘Guide to Noise control on Construction, Maintenance and Demolition Sites’. Noise monitoring during the construction phase should be incorporated into the program.

25. 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.

26. 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.

27. 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.

28. 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).

29. 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.

30. 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.

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

32. 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.

33. All building work must be carried out in accordance with the provisions of the National Construction Code.

34. 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.

35. 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.

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

   The sign can be obtained by presenting your development application receipt at Council’s Customer Enquiry Counter, Wallsend Library or the Master Builders Association Newcastle.

37. 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.

38. 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.

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) 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.

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 Council by a Surveyor registered under the Surveying and Spatial Information Act 2002 (NSW).

41. 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.

42. 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.

43. 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.

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

44. Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Muller Acoustic Consulting, dated 17 January 2017. Written final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to the Principal Certifying Authority and Council prior to the
issue of an Occupation Certificate.

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

45. 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 use for the 50 off-street car parking spaces which have been allocated for the exclusive use by the development at 23 Merewether Street, Merewether (Lingard Hospital) in accordance with Condition 4(A) of the development consent for DA2015/10349 and as required by this consent. The accompanying instrument under Section 88B of the Conveyancing Act 1919 is to provide that the 50 car parking spaces are unable to be released, varied or modified without the concurrence of Newcastle City Council.

46. 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.

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

48. 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.

49. 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.

50. 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.

51. The lots making up the site are to be consolidated into one allotment prior to the issuing of the Final Occupation Certificate.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

52. For the lifetime of the development, on-site parking accommodation is to be provided for a minimum of 84 vehicles, out of which 34 car spaces are to be allocated to the approved development at 6-8 Lingard Street, Merewether and 50 car spaces are to be allocated for the exclusive use of the development at 23 Merewether Street, Merewether (Lingard Hospital) in accordance with Condition 4(A) of the development consent for DA2015/10349. A minimum of 10 bicycle parking spaces (Class 2) and 3 motorbike parking spaces is to be provided. The 10 bicycle spaces and 3 motorbike spaces are to be set out generally in accordance with the minimum layout standards indicated in Element 7.03 ‘Traffic, Parking and Access’ of Council’s adopted Newcastle Development Control Plan 2012. An ambulance parking bay is to be provided.
53. The Parking Management Plan required by Condition 5 is to be implemented for the lifetime of the development.

54. The illumination of the 'Lingard Private' building identification signage and all other building signage is to be limited to opening hours and delivery hours only, being 5am to 10pm Mondays to Fridays.

55. DELETED

56. Any loading or unloading activities involving the transportation of contaminated medical waste, linen or medical gasses across a public footpath and any part of the road reserve are to be carried out in a responsible and professional manner and, at appropriate times so as to avoid likely exposure of these materials to the public and, in regard to the medical waste and linen, such materials must be transported in a sealed container across these public places.

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

58. Unless a separate application to vary hours of operation has been submitted to and approved by Council, the operating hours of the day surgery facility and consulting suites are not to be more than from 7am to 6pm Mondays to Fridays and, deliveries are not to be undertaken outside the hours of 5am and 10pm Mondays to Fridays.

59. 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 (NSW). Should Council 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 Council prior to the expiration of the nominated period.

60. 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 (NSW), that interferes unreasonably with the amenity of neighbouring premises and/or other sensitive receivers.

Should Council consider that unreasonable levels of air impurities have been emitted from the premises, the owner/occupier will be required to engage a suitably qualified consultant to recommend measures to control 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 Council confirming that air impurity emissions from the premises do not interfere unreasonably with the amenity of neighbouring premises and/or other sensitive receptors before the expiration of the nominated period.

61. Designated approved 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.

62. 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’.

63. 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.

64. The proposed customer/staff parking bays are to be permanently marked out on the pavement surface and being clearly indicated by means of signs and/or pavement markings.

65. DELETED

ADVISORY MATTERS

• It is recommended that, prior to commencement of work, the free national community service ‘Dial before you Dig’ be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.

• Any necessary alterations to public utility installations are to be at the developer/demolisher’s expense and to the requirements of both Council and any other relevant authorities. Council 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 Council is to be notified of the appointment; and

  c) Council is to be given at least two days notice of the date intended for commencement of building works.

• A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building and/or on the land and include a separate list of any fire safety measures that already exist at the premises. The lists 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 (NSW).

• A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of 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 (NSW) is to be submitted to Council 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* (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.

• 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
SCHEDULE 2

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

• The clause 4.6 variation request relating to the maximum building height development standard has merit and is worthy of support in relation to the plant room.
• The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; Newcastle Local Environmental Plan 2012 (NLEP) and applicable State Environmental Planning Policies.
• The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012 (NDCP).
• The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
• The proposed development has appropriate management and mitigation of impacts through conditions of consent.
• The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
• The proposed development is a suitable and planned use of the site and its approval is within the public interest.

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

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

18 February 2020

DAC 18/02/2020

DA2019/00062.01 - 8 Lingard Street Merewether

Attachment C: Processing Chronology

DISTRIBUTED UNDER SEPARATE COVER
PROCESSING CHRONOLOGY

DA2019/00062.01 - 8 Lingard Street Merewether

16/10/2019 - Modification application submitted
28/10/2019 - Confirmation with applicant that variation to FSR exceeds staff delegation
26/11/2019 - Applicant advised that the application will go to the February 2020 DAC meeting.
Development Applications Committee
18 February 2020

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

ITEM 6 DA2003/2991.01 - 89 PARK AVENUE KOTARA

Modify - outside core trading hours and access

Attachment A - Submitted Plans
Attachment B - Draft Schedule of Conditions
Attachment C - Processing Chronology
DEVELOPMENT APPLICATIONS COMMITTEE MEETING

18 February 2020

DAC 18/02/2020

DA2003/2991.01 - 89 Park Avenue Kotara

Attachment A: Submitted Plans
NOTES:
· This document describes a Design Intent only.
· Written dimensions take precedence over scaling and are to be checked on site.
· Refer to all project documentation before commencing work.
· Refer any discrepancies to the Project Design Manager.
· Copyright is retained by Scentre Design and Construction.
· Written authority is required for any reproduction.
DEVELOPMENT APPLICATIONS COMMITTEE MEETING

18 February 2020

DAC 18/02/2020

DA2003/2991.01 - 89 Park Avenue Kotara

Attachment B:  Draft Schedule of Conditions

DISTRIBUTED UNDER SEPARATE COVER
DRAFT SCHEDULE OF CONDITIONS

Application No: DA2003/2991.01
Land: Lot 19 DP 876517
Property Address: 89 Park Avenue Kotara NSW 2289
Proposed Development: Modify Condition 2.17 to extend the closing times of the Cynthia Street and Lexington Parade driveways until 10.00pm, every day

S4.55 MODIFIED CONDITION

2.17 a) The Cynthia Street driveways and the southern driveway in Lexington parade are to be closed to traffic by means of a locked gate at 6:00pm each evening, except Thursdays, on which day such driveways are to be closed to traffic after 9:30pm. Appropriate signage is to be placed at these driveways indicating the driveway closing time.

b) Notwithstanding (a) above, the use of Cynthia Street driveways and the southern driveway in Lexington parade may operate to 10:00pm Mondays to Sundays, for a trial period of one year from the date of issue of this modification. During the trial period, noise monitoring is to be conducted by an appropriately qualified acoustic consultant to determine traffic noise impacts at the most affected residential receivers on Lexington Parade. The monitoring is to be conducted for a period of no less than seven days during the month of November and again in December. The said consultant is to prepare a report in accordance with the assessment and reporting methodology outlined in Appendix B of the DECCWNSW Road Noise Policy – measurements and preparing a noise assessment report. The report must also compare the monitoring results with noise level predictions provided in the report by Acoustic Logic dated 24/01/2020 (Document Reference 20190449.2/2401A/R8/VF).

c) A further application may be lodged to continue the operating hours outlined in (b) above. Council’s consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the findings of the acoustic assessment report outlined in (b) above.

All other conditions remain unchanged
MODIFIED NOTICE OF DETERMINATION

Modified Application No: DA2003/2991.01

SCHEDULE 1

1 GENERAL

1.1 The proposed development being carried out strictly in accordance with the details set out on the amended plans numbered P-KO-DA-02 and P-KO-DA - 09 to – DA 11 dated August 19 2004, P-KO-DA-03 to DA –08 dated October 15 2004, DA 13 to DA15 dated August 2004 and DA 16 dated December 2003, the Applicant’s written submissions and details on the Application form, except as otherwise provided by the conditions of this consent.

Note: Any proposal to modify the terms or conditions of this consent whilst still maintaining substantially the same development to that approved, will require the submission of a formal application for Council’s consideration in accordance with the provisions of Section 96 of the Environmental Planning and Assessment Act, 1979.

Reason: To confirm and clarify the terms of Council’s approval.

1.2 The applicant and shopping centre management participating in any Community Consultative Group established by Newcastle City Council. The purpose of the Community Consultative Group would be to address any concerns which might arise during the construction phase of the development as well as any ongoing operating issues relating to the management of the shopping centre.

Reason: To ensure that any concerns arising within the community as a result of the carrying out of the proposed works or from the future operation of the Shopping Centre are able to be conveniently and appropriately addressed.

1.3 The management agreeing to allow Council parking officers to enter the site and enforce parking restrictions within the carpark at the Centre, notably in respect of designated parking bays for people with disabilities.

Reason: To ensure the efficient and appropriate use of on-site parking facilities, particularly for people with disabilities.

1.4 The Applicant and Shopping Centre Management undertake an environmental improvement program to reduce their environmental impact. This program should include a 'phase-out' of plastic bag use and a reduction in energy consumption and be publicly reported to Council each year.

Reason: To minimise the environmental impact of the development and promote the principles of ecologically sustainable development.

1.5 Management establish a program to permit registered charities to obtain donations in the confines of the centre.

Reason: To allow registered charities to use the Centre to obtain donations.
1.6 A Community Liaison Officer being appointed two months prior to construction works commencing on the site to act as a point of contact for adjacent residents throughout the construction phase of the development. The Community Liaison Officer is to be engaged until construction works are completed. Contact information is to be provided to residents via a letterbox drop, community newsletter and signage within the Shopping Centre.

**Reason:** To ensure a convenient channel of communication is established between nearby residents and the Developer, that nearby residents are informed of construction works and that any issues raised are responded to promptly.

1.7 Final architectural detailing, including a schedule of finishes and colours for the exterior of the building, being submitted to Council for approval prior to the issue of a Construction Certificate. Colours to be used on external finishes are generally to be ‘earth’ tones.

**Reason:** To ensure that the external appearance of the development is satisfactory within the existing streetscape and having regard to the visual amenity of adjacent residents.

1.8 A reticulated water supply complying with AS2419 being provided to the proposed development.

**Reason:** To comply with the requirements of the NSW Rural Fire Service in relation to bushfire control and to minimise risk to persons, property and the environment from possible future bushfire.

1.9 The applicant complying with all requirements of the Hunter Water Corporation Ltd 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 certificate of compliance is to be included in documentation for a Construction Certificate application.

**Reason:** To ensure that water supply and sewerage services are properly connected to the proposed development in the public interest.

1.10 Any liquid wastes from the premises, other than stormwater being discharged to the sewers of the Hunter Water Corporation Ltd in accordance with that authority’s requirements.

**Reason:** To prevent environmental pollution and to ensure observance of appropriate public health standards.

1.11 There being no interference with the amenity of the neighbourhood by reason of the emission of any vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.

**Reason:** To prevent environmental pollution, to ensure observance of appropriate public health standards and to protect the existing amenity of the neighbourhood.
1.12 Any proposed floodlighting of the premises being so positioned, directed and shielded as to not interfere with traffic safety or detract from the amenity of the adjacent premises.

**Reason:** To ensure that the proposal does not interfere with traffic safety and to protect the existing amenity of the neighbourhood.

1.13 No flashing, chasing or scintillating lighting or promotional material of a visually intrusive nature being installed or displayed on the exterior of the premises.

**Reason:** To ensure compliance with the provisions of Council's adopted Outdoor Advertising Sign Code and to protect the existing amenity of the neighbourhood.

1.14 No goods or advertising signs being displayed or allowed to stand on the public footpath or street.

**Reason:** To avoid interference with pedestrian traffic flow and to protect the visual amenity of the neighbourhood.

1.15 Any proposed business identification sign or advertising sign, that is not classified as 'Exempt Development' under the Newcastle Local Environmental Plan 2003, being designed in accordance with the provisions of Council's adopted Outdoor Advertising Sign Code and being the subject of a separate Development Application approved prior to erection or placement in position.

**Reason:** To advise of the necessity to submit further applications to Council in respect of proposed signage in order that any such proposals may be properly assessed in accordance with relevant heads of consideration under the Environmental Planning and Assessment Act, 1979.

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

**Reason:** To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

1.17 Soil erosion and sedimentation being controlled and contained within the allotment boundaries to the standards of the 'Managing Urban Stormwater, Soils and Construction' (“Blue Book”) by Landcom. Control measures are to be maintained at maximum operational capacity until the land is effectively rehabilitated and stabilised after construction.

**Reason:** To control erosion and prevent sedimentation, flooding and pollution of land and waters downstream from the property.

1.18 Council’s “PREVENT POLLUTION” sign being erected and maintained in a conspicuous location on or adjacent to the property boundary so that it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of 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 or at the Master Builders Association office.
1.19 The entire building being upgraded to conform with the current requirements of Parts C, D, E, G and H of the Building Code of Australia. Full details are to be submitted with the required Construction Certificate application.

**Reason:** To increase industry and community awareness of developer's obligations to prevent pollution and to assist in ensuring compliance with the statutory provisions of the Protection of the Environment Operations Act 1997.

1.20 The building being provided with adequate means of access for persons with disabilities in order to comply with the Building Code of Australia and the Disability Discrimination Act 1992.

In this regard, the applicant is to submit a design detail which has been certified by a qualified Access Advisor* with the application for a Construction Certificate.

**Note:**
1) Compliance with the Building Code of Australia only can still leave a building professional or building owner in contravention of the Disability Discrimination Act 1992.

2) * A qualified Access Advisor is a current member of Association of Consultants in Access Aust Inc 326 Autumn Street, HERNE HILL, VIC. 3218. Ph (03) 5221 2820 www.access.asn.au

3) A qualified Access Advisor should carry current and relevant public liability and public indemnity insurances for the practice of their trade.

**Reason:** To ensure compliance with the provision of the Environmental Planning and Assessment Act, 1979 and the Building Code of Australia and the Disability Discrimination Act 1992 in relation to the provision of equity in access for disabled persons.

1.21 Adequate separately accessible toilet facilities being provided for persons with disabilities in accordance with Part F of the Building Code of Australia. Full details are to be included in the documentation for a Construction Certificate application.

**Reason:** To ensure compliance with appropriate public health and hygiene standards.

1.22 If the work involved in the erection / demolition of the building:

   a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
b) building involves the enclosure of 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.

Reason: To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

1.23 A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is carried out:

a) stating that unauthorised entry to the work site is prohibited, and

b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

Reason: To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

1.24 The placing of building materials or the carrying out of building operations upon or from Council's footway or roadway is prohibited unless prior consent in writing is obtained from Council.

Reason: To maintain pedestrian passage and public safety.

1.25 All building or site works or other written undertaking or obligation indicated in the submitted plans and supporting documentation or otherwise required under the terms of this consent being carried out or implemented prior to occupation of the portion of the premises the subject of this application.

Reason: To ensure compliance with the provisions of the Environmental Planning and Assessment Act 1979.

2 ENGINEERING ASPECTS

2.1 The intersection of Park Avenue and Northcott Drive, including the traffic control signals, being upgraded to the requirements of Council and the RTA. In this regard, the Developer is required to enter into a Works Authorisation Deed with the RTA for the necessary works prior to the issue of a Construction Certificate for the proposed development. The intersection works are to be completed prior the issue of an Occupation Certificate.

Reason: To ensure that the traffic generating impact of the proposed development is mitigated by means of an appropriate an intersection upgrade, so as to provide for the future operational efficiency of the public road system in the vicinity of the site.

2.2 The traffic signals at the intersection of Park Avenue and Lexington Parade being modified to incorporate the additional right turn traffic, including busses into the
proposed direct entry off Lexington Parade, with provision for pedestrian movement on all legs. Modifications are to be to the requirements of the RTA.

**Reason:** To ensure sufficient vehicle storage capacity exists to allow the right turn into Lexington Parade to satisfy demand as much as is practicable.

2.3 The proposed fast up-ramp off Park Avenue at the north eastern corner of the site being a minimum of 6m wide and being gated at Park Avenue to prevent further traffic entering the ramp if the need arises. Appropriate signage is to be provided at this entrance to indicate the number of parking spaces that are available on the mezzanine floor and to redirect traffic away from this entry when the need arises. The Developer is to further consult with the RTA and Council regarding the installation of the required sign and gate.

**Reason:** To prevent queues from the car park ramp interfering with and / or creating dangerous conditions at the Park Avenue / Northcott Drive intersection.

2.4 The proposed driveway at the southern end of Lexington Parade being further widened and constructed at grade with no dish crossing, kerb layback or raised footpath crossing. Pedestrian movements at this point are to be catered for with a suitable pedestrian walkway on the south side of the car park ramp and a refuge approximately twelve metres east of the Lexington Parade road through lane. The barrier lines on Lexington Parade are to be moved to the centreline of the pavement. Additional stormwater drainage on the uphill side of the entry, and at the created sag point within the Centre, is required to be connected to the main stormwater system within the site. An appropriate easement in favour of Council is to be created for the new stormwater drains.

**Reason:** To eliminate obstructions to vehicles entering the car park at this location in order to reduce traffic impacts on Lexington Parade.

2.5 The proposed direct entry at the northern end of Lexington Parade being constructed at grade with no dish crossing, kerb layback or raised footpath crossing. Additional stormwater drainage on Lexington Parade, up hill of the driveway, is required to be connected to the existing Lexington Parade stormwater drainage system.

**Reason:** To eliminate obstructions to vehicles entering the car park at this location in order to reduce traffic impacts on Lexington Parade.

2.6 The proposed driveway on Northcott Drive being constructed at grade to a minimum 9.2m wide with 8m radius kerb returns. The driveway is to have stop control at the exit lane and the entry and exit movements are to be separated by a raised median minimum 1200mm wide. The raised median is to have a break and refuge for pedestrian movements. The internal driveway is to be extended through to the third row of parking and is to be given priority over other internal traffic.

**Reason:** To comply with relevant Australian Standards and to prevent the queuing of vehicles onto Northcott Drive whilst maintaining an appropriate level of pedestrian safety and amenity.
2.7 The Developer constructing full width concrete foot paving from the limit of landscaping to the back of kerb such that the minimum foot paving width is 3 metres for the full Park Avenue frontage of the Shopping Centre.

**Reason:** To ensure the provision of adequate pedestrian footpath width in a high pedestrian movement area.

2.8 The Developer is to provide a pedestrian refuge on Lexington Parade near the south-western corner of the site at a suitable location convenient to the bus stop and with adequate sight distance to vehicles. Minor relocation of the bus stop may be required and the applicant is to consult with Council and Newcastle Buses as to the final location. The applicant is to construct an appropriate pedestrian path and entry into the shopping centre mall from this location.

**Reason:** To improve the pedestrian connectivity to the outside of the shopping centre.

2.9 A pedestrian pathway being constructed through the car park on the south-eastern side of the shopping centre to connect Hudson Park to the Food Court area.

**Reason:** To improve pedestrian connectivity between the Shopping Centre and the adjacent public parkland.

2.10 A pedestrian pathway being constructed through the car park on the eastern side of the shopping centre to connect the bus stop on Northcott Drive to the ground floor Shopping Mall area.

**Reason:** To improve the pedestrian connectivity between the Shopping Centre and public transport facilities.

2.11 The proposed pedestrian pathway under the fast up ramp off Park Avenue being designed with appropriate regard to pedestrian safety, discouraging pedestrian movement across the ramp and providing adequate casual surveillance and territorial reinforcement in accordance with the principles of “Crime Prevention Through Environmental Design” (CEPTD) advocated by the NSW Police Service.

**Reason:** To ensure the provision of appropriate levels of pedestrian safety and amenity.

2.12 The footpath at the Lexington Parade frontage of the site, between Park Avenue and a point opposite Princeton Avenue, being removed and an appropriate pedestrian entry being established into the site from the pedestrian crossing phase at the intersection of Park Avenue and Lexington Parade.

**Reason:** To discourage pedestrian movement across the driveway entrance at the northern end of Lexington Parade.

2.13 The pedestrian crossing from the Woolworths undercroft carparking area to the internal stairs leading to the Woolworths foyer is the being deleted and replaced with an appropriate pedestrian refuge treatment that assigns priority to vehicles rather than pedestrians.
2.14 All on-site pedestrian facilities not within the building being provided with an appropriate awning or covered way.

**Reason:** To reduce the probability of vehicles queuing onto Park Avenue and to discourage pedestrian movements from this location in favour of the main pedestrian entry off Park Avenue.

2.15 The proposed loading dock off Cynthia Street being screened from the public road by the provision of a solid wall that extends from ground level to the base of the suspended slab above the dock.

**Reason:** To protect residences in Cynthia Street from noise associated with the operation of the proposed new loading dock.

2.16 Appropriate provision being made for adequate staff parking within the shopping centre, including during peak trading times. Staff parking is not to be excluded from particular areas and, accordingly, signs restricting staff parking from particular areas are to be removed. The parking area under Woolworths is to be designated for staff only.

**Reason:** To reduce the demand for on street parking in Cynthia Street and surrounding areas and to minimise congestion and possible vehicle/pedestrian conflict at the pedestrian crossing near the Woolworths undercroft area.

2.17a) Modified DA2003/2991.01

The Cynthia Street driveways and the southern driveway in Lexington parade are to be closed to traffic by means of a locked gate at 6:00pm each evening, except Thursdays, on which day such driveways are to be closed to traffic after 9:30pm. Appropriate signage is to be placed at these driveways indicating the driveway closing time.

b) Notwithstanding (a) above, the use of Cynthia Street driveways and the southern driveway in Lexington parade may operate to 10:00pm Mondays to Sundays, for a trial period of one year (1 year) from the date of issue of this modification. During the trial, noise monitoring is to be conducted by an appropriately qualified acoustic consultant to determine traffic noise impacts at the most affected residential receivers on Lexington Parade. The monitoring is to be conducted for a period of no less than 7 days during the month of November and again in December. The said consultant is to prepare a report in accordance with the assessment and reporting methodology outlined in Appendix B of the DECCWNSW Road Noise Policy – measurements and preparing a noise assessment report. The report must also compare the monitoring results with noise level predictions provided in the report by Acoustic Logic dated 24/01/2020 (Document Reference 20190449.2/2401A/R8/VF).

c) A further application may be lodged to continue the operating hours outlined in (b) above not less than 30 days before the end of the trial period. Council’s consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the findings of the acoustic assessment report outlined in (b) above.
**Reason:** To limit the possibility of invasive or offensive noise impacting upon the amenity of the adjacent residential area.

2.18 Opposing traffic flows on car park ramps being 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.

**Reason:** To minimise vehicular conflict and accident potential within the car park and thereby facilitate operational efficiency.

2.19 The Developer providing a set down and pick up facility accommodating up to three cars at one time in as position convenient to the Cinema entrance, such facility to be clearly indicated by means of appropriate line marking and signage.

**Reason:** To provide a safe drop off and pick up point for the unloading of children and persons with a disability from vehicles at a convenient point near the cinema entrance.

2.20 Disabled parking being provided at locations convenient to the entry points to the Shopping Malls in accordance with the relevant Australian Standards.

**Reason:** To comply with standard requirements for disabled parking.

2.21 Bicycle parking in accordance with Austroads ‘Guide to Traffic Engineering Practice, Part 14 – Bicycles’ being provided at a location convenient to the entrance of the shopping mall.

**Reason:** To provide for and encourage the use of bicycles as a means of transport to and from the Centre.

2.22 Centre management making arrangements for bus parking within the site boundaries at the request of bus companies or as the demand arises. The designated bus parking area is to be designed using appropriate turning templates to ensure accessibility by busses.

**Reason:** To encourage the parking of busses on site.

2.23 Appropriate lighting being provided for the carpark, connecting pathways and the on-site bus stop, in accordance with AS 1158 'Lighting' and AS 4282: 1997 'Control of the Obtrusive Effects of Outdoor Lighting', such to be installed prior to the issue of an Occupation Certificate.

**Reason:** To ensure that adequate and appropriate lighting facilities are provided for the proposed development in the interest of public convenience, safety and security.

2.24 Commercial type vehicular crossings being constructed across the public footway at each of the proposed driveway entrance/exits at no cost to Council and in accordance with Council’s A017 Series (Concrete Vehicular Crossings) design specifications and such crossing being properly maintained.

**Reason:** To ensure the provision of adequate clearly defined and properly constructed means of all-weather vehicular access to the site in order...
to encourage the use of on-site parking facilities and in the interest of maximising vehicular and pedestrian safety and convenience.

2.25 Any redundant existing vehicular crossings being removed at no cost to Council and the public footway and kerb being restored to match the existing infrastructure.

**Reason:** To clarify site access arrangements in the interest of traffic and pedestrian safety, as well as road efficiency, to maximise kerbside parking opportunity and to ensure that reinstatement work is undertaken to an appropriate standard.

2.26 Clear openings between car park columns for single parking spaces being a minimum width of 2.7m and for double parking spaces a minimum width of 5.0m. Full details are to be included in documentation for a Construction Certificate application.

**Reason:** To ensure that all parking spaces are conveniently accessible and to thereby encourage use of on-site parking facilities and minimise the extent of any overflow parking within adjacent streets.

2.27 The minimum height between the car park floor surface and the lowest overhead obstruction being 2.3m.

**Reason:** To ensure safe and convenient use of the car park by the public, including persons driving vans and recreational vehicles and to thereby encourage its use and to minimise the extent of any overflow parking within adjacent streets.

2.28 All proposed driveways, parking bays, loading bays and vehicular turning areas being 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. Pavement design details are to be engineer certified.

**Reason:** To facilitate the use of vehicular access and parking facilities and to minimise any associated noise and dust nuisance.

2.29 All vehicular turning movements at driveways and internally within the Shopping Centre being designed in accordance with the Australian Standard vehicular templates with generous clearances.

**Reason:** To ensure that all parking spaces are conveniently accessible and to thereby encourage use of on-site parking facilities and minimise the extent of any overflow parking within adjacent streets.

2.30 The vehicular entrance and exit driveways and the direction of traffic movement within the site being clearly indicated by means of reflectorised signs and pavement markings.

**Reason:** To ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking spaces and driveway access and in the interest of traffic safety and convenience.
2.31 All parking and loading bays being permanently marked out on the pavement surface with loading bays being clearly identified by signs.

**Reason:** To adequately delineate parking and loading bays in the interest of the operational efficiency of on-site parking and loading facilities.

2.32 The Developer and the contractor complying with all their obligations under the Occupational Health and Safety Act. In this regard, the Developer is to ensure that works are conducted and carried out in accordance with that Act.

**Reason:** To ensure compliance with occupational health and safety requirements, including protecting Council’s liability for works conducted either within or outside the public road reserve.

2.33 Application being 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 Construction Safety Act 1912 and Regulation 1950. Notice of intention of commencement must be given to Workcover New South Wales.

**Reason:** To maintain pedestrian passage and public safety.

2.34 The Developer making good any damage caused to public roads or associated structures, including drains, kerb & gutter and footpath, as a result of the development works.

**Reason:** To ensure that any damage to existing infrastructure which occurs as a result of the proposed development is repaired to an acceptable standard at the Developer's expense.

2.35 The Developer being responsible for all adjustments to and/or relocation of public utilities. Any necessary alterations being at the Developer's expense and to the requirements of the appropriate authorities.

**Reason:** To ensure that adjustments to services are undertaken to appropriate standards and without cost to public sector resources.

2.36 Design details of works proposed within the existing road reserve, and entrance driveways complying with the relevant Council, RTA and Australian standards. In this regard, details of such works are to be included on civil engineering drawings and a separate approval is to be obtained pursuant to S138 of the Roads Act 1993. In some cases the Developer may be required to enter into a Works Authorisation Deed with the RTA. This condition is to be satisfied prior to issue of Construction Certificate in respect of the building works.

**Reason:** To ensure works in existing public roads are completed to the standards of the respective road authority.

2.37 The Contractor making provision for safe, continuous movement of traffic and pedestrians in public roads and erecting traffic warning signs conforming to the Roads and Traffic Authority's General Specifications (RTA Spec. Part G10 “Control of Traffic” and RTA Spec.3355). Traffic control is to only be carried out by flagmen with certification that they have been trained in accordance with Australian Standard 1742.3 – 1996.
Reason: To ensure the proposed development does not unreasonably interfere with the convenience or safety of the general public.

2.38 A Construction Traffic Management Plan being submitted to Council and approved prior to the issue of the Construction Certificate. Such plan is to detail the provision of adequate parking on site for the continued operation of the Shopping Centre during construction and the management of traffic internally around the site.

Reason: To ensure the construction period does not create unreasonable demands on the public road network, including on street parking, and that traffic movement around the site is not unreasonably obstructed during construction.

2.39 A Line Marking and Sign Posting Plan for traffic management within the adjacent public roads during the construction phase, including direction signage, being prepared and submitted to Council and the RTA for approval prior to issue of the Construction Certificate for the proposed development.

Reason: To ensure the traffic control devices (linemarking and signage) are appropriately signposted and necessary warrants are obtained and are enforceable.

2.40 Vehicles being loaded or unloaded standing wholly within the premises and within loading bays designated on the submitted plans or as otherwise provided in accordance with the conditions of this consent and under no circumstances are vehicles to be loaded or unloaded at the kerbside, across the public footpath or in a manner which obstructs vehicular access to the site.

Reason: To ensure that the proposed development does not give rise to street loading or unloading operations or obstruction of internal driveways with consequent accident potential and reduction in road and driveway efficiency.

2.41 Stormwater being collected and either detained or retained on site by means of an appropriate detention or retention system designed in accordance with the provisions of Council’s DCP 50 and being conveyed to the existing property drainage by means of a sealed pipe system. Full design details in this regard are to be submitted for approval with the Construction Certificate application. The existing drains are to be checked for adequacy and cleared of any obstructions with confirmation in this regard included in the stormwater design detail.

Reason: To ensure that concentrated stormwater is managed in an appropriate manner.

2.42 An appropriate flood warning system and associated emergency response plan being devised and implemented for the site having regard to the nature of the existing flood risk. The applicant is to work co-operatively with Council officers in permanently reducing the flood risk in the future as extraneous issues are resolved.

Reason: To reduce risk to the public resulting from flooding.
2.43 Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected being relocated at no cost to Council by a surveyor registered under the Surveyor’s Act.

**Reason:** To ensure that existing permanent survey marks which may be affected by the development are appropriately reinstated.

2.44 A copy of the Construction Certificate and associated approved plans and a copy of the Development Consent being kept on-site at all times during construction works.

**Reason:** To facilitate the supervision and monitoring of the proposed works.

3 ENVIRONMENTAL MANAGEMENT

**Construction / Demolition Phase**

3.1 Appropriate acoustic treatment being implemented during the demolition, excavation and construction phases of the development in accordance with the recommendations set out in the Demolition/Construction Noise and Vibration Assessment report prepared by The Acoustic Group dated 27 August 2004.

**Reason:** To ensure that appropriate noise control measures are implemented in order to protect the existing amenity of the neighbourhood.

3.2 Construction works being undertaken in accordance with Australian Standard AS 2436 - Guide to Noise Control on Construction, Maintenance and Demolition Sites and NSW EPA guidelines. Should Council consider offensive noise is being emitted as a result of the proposed works, the developer will be required to cease the noise generating activity immediately and institute appropriate noise control measures in accordance with the Australian Standard, to the satisfaction of Council, prior to recommencement of such works on site.

**Reason:** To minimise offensive noise from demolition and construction works in accordance with Australian Standard guidelines

3.3 In the event of exceedences of the relevant noise or vibration criteria, the developer ceasing the noise or vibration generating activity immediately and instituting appropriate control measures in consultation with an appropriately qualified acoustic consultant, prior to recommencing the activity.

**Reason:** To prevent and manage exceedences of the relevant noise and vibration criteria.

3.4 Continuous monitoring of noise and/or peak vibration levels being conducted at properties considered to be significantly impacted by noise and/or vibration due to site works, as determined by a suitably qualified consultant or if directed by an authorised Council officer following complaints from neighbouring properties. Such monitoring is to provide real-time feedback to the site supervisor and/or acoustic consultant for the purpose of determining compliance or otherwise with the appropriate criteria.
Reason: To confirm the terms of consent, allow assessment of noise and vibration impacts on neighbouring properties and ensure compliance with the relevant assessment criteria.

3.5 A temporary acoustic screen no less than 2.5m high being installed along the length of the Lexington Parade boundary in accordance with the specifications set out in the report prepared by The Acoustic Group, dated 27 August 2004, for the duration of demolition, excavation and construction works on site, prior to the commencement of such works. Full details of the screen being included with information to be submitted for the required Construction Certificate.

Note: The screen is to be removed at completion of construction works.

Reason: To ensure that appropriate noise control measures are implemented in order to protect the amenity of the neighbourhood.

3.6 A dilapidation survey being conducted by a suitably qualified consultant at any premises considered to be at risk of property damage from site works as determined by the said consultant. A copy of all such survey reports are to be provided to the respective owners prior to the commencement of works.

Reason: To confirm the terms of consent and allow assessment of vibration impacts on neighbouring properties if required.

3.7 No driven piling being carried out on site.

Reason: To confirm the recommendations set out in the report prepared by The Acoustic Group dated 27 August 2004, and minimise the noise and vibration impacts on neighbouring properties.

3.8 No hydraulic hammers being used during construction/demolition works on site.

Reason: To confirm the recommendations set out in the report prepared by The Acoustic Group dated 27 August 2004, and minimise the noise and vibration impacts on neighbouring properties.

3.9 Construction / demolition work that is audible at other nearby premises being restricted to the following standard construction/demolition times, except where specific prior approval for work outside these hours is obtained from Council:

- Monday to Friday, 7.00am to 6.00pm; and
- Saturday, 8.00am to 1.00pm.

No construction / demolition work noise is permitted on Sundays or Public Holidays.

Reason: To prevent ‘offensive noise’ from construction/demolition sites in accordance with Department of Environment and Conservation guidelines.

3.10 Specific prior approval for any work outside the standard construction/demolition times being sought from Council by the submission of an application in the form of a written Notice for After Hours Work at least two weeks prior to the
commencement of the said work. Such an application is to be accompanied by the following:

(i) A detailed description of the proposed work, where it is to be undertaken, why it must be undertaken outside the standard construction / demolition times, the duration of works and a contingency arrangement should the application for after hours works be refused or revoked.

(ii) An acoustic assessment of the proposed works, undertaken by an appropriately qualified acoustic consultant, demonstrating the $L_{A_{eq}}$ noise level of works will not exceed a criteria of background plus 5dB(A) and detailing any required mitigation measures.

(iii) A program to undertake real time acoustic monitoring during works.

(iv) Contact details for an appropriately qualified acoustic consultant who will be on call during the proposed works to review monitoring results, respond to complaints and identify and implement noise control measures as necessary.

(v) A notification plan for potentially effected residents.

**Reason:** To prevent 'offensive noise' from construction/demolition sites in accordance with Department of Environment and Conservation guidelines.

3.11 Any work after hours approved by Council in response to the submission of a Notice for After Hours Work being restricted to the following times:

- Monday to Friday, 6.00pm to 10.00pm; and
- Saturday, 1.00pm to 6.00pm

**Note:** Council may amend or revoke any approval given in relation to a Notice for After Hours Work at any time if in the opinion of an authorised officer the works are creating ‘offensive noise’ as defined by the Protection of the Environment Operations Act 1997.

**Reason:** To ensure any approved after hours construction / demolition works do not interfere significantly with the amenity of the neighbourhood.

3.12 The applicant operating a 24-hour telephone complaints line during the demolition and construction phases of the development for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by vehicle or mobile plant associated with site works. The proponent is to notify Council and neighbouring residential and commercial premises of the complaints line telephone number and proposed program of works by way of letter at least two weeks prior to commencement of works on site and by prominent signage at access points to the site. A log of complaints received on the telephone complaint line and action taken in response is to be made available to Council officers upon request.

**Reason:** To ensure that environmental impacts or incidents arising from site operations are addressed promptly and are properly monitored.

3.13 The applicant providing the owner/occupiers of neighbouring residential and commercial premises with a monthly update of the construction / demolition works program by way of letter following the commencement of works on site. The monthly update is to include contact details for the 24-hour telephone complaints.
3.14 Appropriate control measures being implemented during demolition, excavation and construction works to minimise the generation and off-site transportation of dust, including the use of water sprays on all disturbed and stockpile areas and suspension of operations during conditions conducive to the generation of airborne dust.

**Reason:** To minimise air pollution impacts.

3.15 All material stockpiles being maintained in a manner that will prevent or minimise the emission of dust.

**Reason:** To minimise air pollution impacts.

3.16 The submitted Demolition and Construction Environmental Management Plan being regularly reviewed in accordance with environmental best practice and changing site conditions.

**Reason:** To minimise the environmental impact of works.

3.17 All concreting works on site being undertaken in accordance with Department of Environment and Conservation's Environmental Best Practice Guideline for Concreting Contractors 2002.

**Reason:** To ensure appropriate reuse and disposal of concrete waste and prevent water pollution.

3.18 Any excavated material to be removed from the site being assessed, classified, transported and disposed of in accordance with the NSW EPA Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes.

**Reason:** To prevent environmental pollution and to ensure observance of appropriate health standards.

3.19 Any demolition/waste building material incapable of being reused or recycled being disposed of at Council’s Waste Management Facility or other approved site.

**Reason:** To prevent indiscriminate dumping or use of demolition/waste building material for purposes of unauthorised land fill.

3.20 All metallic waste bins and vehicle trays used for the removal, storage or transport of demolition, excavation or construction material being lined with absorbent matting (eg. conveyor belting insertion rubber).

**Reason:** To minimise potential noise impacts arising from the proposed works.

**Operational Phase**

3.21 The applicant submitting to the Principal Certifying Authority with the required Construction Certificate an Acoustic Design Report and mechanical specifications detailing all new and retained mechanical plant to be installed and
noise control measures to be implemented to achieve the acoustic design criteria, as set out in the report prepared by The Acoustic Group, dated 27 September 2004, at the residential boundary or façade, as appropriate.

Note: Should Council consider that ‘offensive noise’, as defined under the Protection of the Environment Operations Act 1997, has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic consultant’s report recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated time period. Furthermore, written certification from the said consultant confirming that the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council before the expiration of the nominated period.

**Reason:** To ensure that appropriate noise control measures are implemented in order to protect the existing amenity of the neighbourhood.

3.22 Written certification from an appropriately qualified acoustic consultant being submitted to Council prior to occupation of the premises confirming that all new and retained plant meet the acoustic design criteria, as set out in the report prepared by The Acoustic Group, dated 27 September 2004.

Note: Should compliance noise monitoring indicate appropriate noise criteria are not being met, further noise mitigation measures are to be implemented prior to written certification being provided to Council.

**Reason:** To ensure appropriate internal noise levels can be met in order to protect the amenity of the neighbourhood.

3.23 The hours of operation of the proposed extensions the subject of this consent being restricted to between:

- 9.00 am and 5.30 pm Monday to Wednesday;
- 9.00 am and 9.00 pm Thursday;
- 9.00 am and 5.30 pm Friday;
- 9.00 am and 5.00 pm Saturday; and
- 10.00 am and 4.00 pm Sunday.

with the cinemas and Entertainment Leisure Precinct being restricted to between the hours of 9.00am and 12 midnight seven days per week.

**Reason:** To confirm the terms of consent and protect the amenity of the neighbourhood.

3.24 The use of all loading docks associated with the proposed extensions the subject of this consent being restricted to between:

- 7.00 am and 8.00 pm Monday to Wednesday, Friday and Saturday;
- 7.00 am and 9.00 pm Thursday; and
- 8.00 am and 8.00 pm Sunday.

**Reason:** To confirm the terms of consent and protect the amenity of the neighbourhood.
3.25 Absorbent matting being placed on the deck of the loading dock adjacent to Cynthia Street.

**Reason:** To minimise any adverse impact that the proposed development may have upon neighbouring dwellings in terms of noise nuisance.

3.26 The use of tractors and trailers for trolley collection being restricted to between 7.00am and 9.00pm. Trolley collection being carried out manually outside these times.

**Reason:** To minimise any adverse impact that the proposed development may have upon neighbouring dwellings in terms of noise nuisance

### 4 LANDSCAPING

4.1 A monetary contribution of $71,759.00 being paid to Council in accordance with the applicant’s written undertaking towards the provision of landscaping, new picnic tables/seating within Hudson Park and construction of the formalised entry between the Westfield car park and Hudson Park, such contribution to be payable prior to issue of a Construction Certificate in respect of the development.

**Reason:** To ensure the provision of appropriate landscaping to assist in screening the development from Hudson Park and the provision of appropriate solar access to public facilities.

4.2 Detailed landscape design plans for the whole site being submitted for approval prior to issue of a Construction Certificate. The required plans are to include the following:

- Location of protective fencing for trees to be retained;
- Tree protection notes;
- Plant schedules;
- NATSPEC requirements;
- Planting preparation notes;
- Planting details;
- Staging notes; and
- Details of replacement tree planting in the at-grade parking area adjacent to Hudson Park.

**Reason:** To ensure that adequate and appropriate provision is made for landscaping of the site in association with the proposed development, to enhance the external appearance of the premises and to contribute to the overall landscape quality of the locality.

4.3 The following information being provided by a qualified arborist in relation to the trees adjacent to the site’s boundaries prior to the issue of a Construction Certificate:

- An accurate survey of tree locations;
- Assessment by the arborist of the likely impacts of the proposed development on the trees in question;
• The arborist's recommendations regarding which trees can realistically be retained, and which will have to be removed due to conflict with the proposed works; and

• An accurate plan to scale, indicating the location and canopy spread of trees to be retained and trees to be removed along the entire boundary between Hudson Park and the proposed multi-level car park.

Note:  

i) If the arborist recommends the removal of any trees it should only be on the basis of the tree’s demonstrated hazard potential. Council will generally not accept a recommendation for tree removal based on any proposal to locate structures and/or infrastructure in proximity to or on top of any trees.

ii) The arborist is to comment on the implications of constructing the various elements of the proposed development for the medium to long SULE trees. Such elements include installation of above and below ground services to buildings, driveway construction, site drainage, level changes from filling or lowering grades, slab construction and the like. The arborist is to indicate design and process solutions to reducing such impacts wherever possible.

iii) The arborist is to also comment on the implications for the proposed development resulting from retaining trees with a medium to long SULE rating.

Reason: The proposed development is likely to impact on existing mature street trees. It is important that the advice of an independent arborist be sought to establish which trees should be removed and which should be protected. This information should inform the landscape design for the site’s boundaries.

4.4 Street and park trees not being removed, pruned, root pruned or injured without prior consent from Council. The advice of Council’s City Arborist is to be obtained for guidelines on the protection of trees and tree roots prior to commencing construction works.

Reason: To ensure that existing trees within the public domain and their critical roots are protected from mechanical damage, compaction or any other adverse impacts resulting from construction activity.

4.5 During construction existing street trees to be retained in Lexington Parade, Cynthia Street, Park Avenue and in Hudson Park and all other trees likely to be affected by the development, being protected by enclosure with a 1.8m high chainmesh fence. The required fencing is to be erected prior to works commencing on site and is to be retained until all building works are completed. The enclosed area is to remain free of materials, machinery, vehicles or site sheds. A plan is to be submitted showing the locations of protective fencing and prohibited areas with the application for a Construction Certificate.

Reason: To protect the public tree assets and their critical roots from mechanical damage, compaction or any other adverse impacts resulting from construction activity.
4.6 No construction machinery having access over or being used on public land/Hudson Park. No storage or stockpiling of materials is permitted on public land/Hudson Park.

Reason: To protect the adjacent public lands and existing tree assets from mechanical damage, compaction or any other adverse impacts resulting from construction activity.

4.7 Detailed construction information for the proposed Waterhousea planting to be provided at the rear of the retaining wall on Lexington Parade being submitted for approval prior to issue of a Construction Certificate. The required detail is to include:

- Accurate sections through the Waterhousea planting for at least 3 points along the retaining wall, including the highest and lowest points;
- Sections nominating finished RLs for the top of the retaining wall and the existing carpark, with an accurate indication of the proposed soil depth;
- Proposed irrigation and drainage;
- Any engineering considerations necessary for integration of planting with the basement wall (eg. void former, drainage, waterproofing); and
- Proposed maintenance access to this area and an indication of how it will be maintained.

Reason: To ensure that tree planting proposals are properly designed for long term success.

4.8 The mature Brush Box on Lexington Parade are not to be under planted with Star Jasmine or any other groundcover species.

Reason: Under planting established trees in this way is contrary to arboricultural best practise as it can damage the roots.

4.9 A suitable boundary fence being provided on the Hudson Park property boundary to prevent uncontrolled access of people across the Park boundary. Pedestrians accessing the Park are to be directed to the proposed formalised pathway.

Reason: Controlling the movement of pedestrians to and from the Park will reduce further compaction and erosion of the soil at Park boundaries.

4.10 Screen planting, such as native climbers suitable for a shaded environment, being provided against the southern side of the building/car park adjacent to the Hudson Park boundary. Such planting is to be contained wholly within the Westfield site.

Reason: To ensure that adequate and appropriate provision is made for landscaping of the site in association with the proposed development to enhance the external appearance of the premises and to add to the landscape quality of the locality.
4.11 Screen planting along the building on Westfield land being maintained by the Developer to a good standard for the life of the building.

**Reason:** To ensure landscaping is properly maintained in the interest of preserving the visual amenity of the neighbourhood.

4.12 All proposed planting and landscape elements approved on the detailed design plans required by condition 4.2 above being implemented and a Landscape Practical Completion Report be submitted to the Principal Certifying Authority prior to occupation of the premises.

**Reason:** To ensure that landscape works are carried out in accordance with the approval.

4.13 A Landscape Establishment Report is to be submitted to the Principal Certifying Authority following completion of a three (3) month maintenance period, verifying that satisfactory maintenance of the landscape works has been undertaken and any necessary rectification measures have been carried out to a high professional standard.

**Reason:** To ensure that the landscape works are conserved and properly maintained in accordance with approved plans so as to improve the appearance of the premises and the visual quality of the locality.

5 CRIME PREVENTION / SECURITY

5.1 A Security Management Plan being prepared and implemented for the proposed ‘Entertainment and Leisure Precinct’. The Security Management Plan is to be prepared in consultation with Council's Social Planner and/or Community Safety Officer, NSW Police, tenants of the Entertainment Leisure Precinct, a community representative and a representative from a local school/youth organisation. The Security Management Plan is to be submitted with the application for a Construction Certificate and is to include the following details:

a) The development and identification of strategies for the management of the Centre after hours (including noise and movement) to prevent disturbance to the surrounding neighbourhood, minimise crime and anti-social behaviour and develop effective responses to such incidents. These strategies are to be incorporated into a comprehensive ‘Extended Hours Trading Plan’. The Extended Hours Trading Plan is to also include restrictions on access points to the car park after normal trading hours (ie. closure of gates in Lexington Parade and Cynthia Street).

b) Measures recommended by the NSW Police Service to ensure crime prevention, as detailed on the attached Schedule A.

c) Appointment of a Westfield Security Manager to oversee all security staff operating within the Centre. Security personnel are to be appropriately trained and available to the Centre 24-hours a day. Patrolling strategies are to be developed with an increased presence after hours.
**Reason:** To ensure appropriate measures are incorporated into the development to assist in crime prevention.

5.2 Measures recommended by the NSW Police Service to ensure crime prevention, as detailed on the attached Schedule A, being implemented and such to be indicated on the plans submitted with the application for a Construction Certificate.

**Reason:** To ensure appropriate measures are incorporated into the development to assist in crime prevention.

6 **Advisory Matters**

6.1 Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (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 form 7 of schedule 1 to the Regulations.

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 and Form 7 of Schedule 1 to the Regulations.

**Reason:** To advise of matters to be resolved prior to the commencement of work.

6.2 Prior to the occupation 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 erection of the building. An application for an Occupation Certificate must be set out in the form of the relevant part of Form 12 of the Environmental Planning and Assessment Regulations and must be accompanied by the relevant information required by Form 12.

**Reason:** To ensure compliance with Section 109M of the Environmental Planning and Assessment Act 1979, as amended.

6.3 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.

**Reason:** To ensure compliance with Clause 80E of the Environmental Planning and Assessment Regulations.
REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS
The determination decision was reached for the following reasons:

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

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED
The following conditions are applied to:

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

18 February 2020

DAC 18/02/2020

DA2003/2991.01 - 89 Park Avenue Kotara

Attachment C: Processing Chronology

DISTRIBUTED UNDER SEPARATE COVER
PROCESSING CHRONOLOGY
DA2003/2991.01 - 89 Park Avenue Kotara

18 July 2019  -  Modification application lodged
26 July 2019  -  Public notification
19 November 2019  -  Public Voice Committee meeting
20 December 2019  -  Additional traffic and acoustic reports received
24 January 2020  -  Amended acoustic report submitted
ITEM 7 DA2017/00681.01 - 18 GREY STREET WICKHAM

Mixed Use Development - Modification - Additions
communal roof top terrace

Attachment A - Submitted Plans
Attachment B - Draft Schedule of Conditions
Attachment C - Processing Chronology
DEVELOPMENT APPLICATIONS COMMITTEE MEETING

18 February 2020

DAC 18/02/2020

DA2017/00681.01 - 18 Grey Street Wickham

Attachment A: Submitted Plans

DISTRIBUTED UNDER SEPARATE COVER
SECTION AA  1:200

SECTION BB  1:200

PROJECT: MIXED USE DEVELOPMENT
LOCATION: 18 GREY STREET
CLIENT: GREY STREET PTY LTD
PROJECT No: 09 - DA AMEND1
DRAWN: KO
DATE: 1-3-19
ISSUE: C
SECTIONS
SHADOW DIAGRAMS 1:500

9AM JUNE 22 DA APPROVED

9AM JUNE 22 PROPOSED

12PM JUNE 22

12PM JUNE 22 PROPOSED
3PM JUNE 22

3PM JUNE 22 PROPOSED

SHADOW DIAGRAMS 1:500
PLAN OF SUBDIVISION OF
LOT 10 D.P. 1252880

C.P. - DENOTES COMMON PROPERTY
C.Y. - DENOTES COURTYARD

L.G.A.  NEWCASTLE
Locality:  WICKHAM
Reduction Ratio 1:200
Lengths are in metres

Registered
SP
NOTES:
- ALL AREAS ARE APPROXIMATE.
- THE STRATUM OF OF CAR SPACES (C.S.) IS LIMITED IN HEIGHT FROM 3m ABOVE THE UPPER SURFACE OF THEIR RESPECTIVE CONCRETE SURFACE UNLESS WHERE COVERED WITHIN THIS LIMIT.
- THE STRATUM OF THE PATIO (P.) IS LIMITED IN DEPTH TO 3m BELOW AND IN HEIGHT TO 8m ABOVE THE UPPER SURFACE OF THEIR RESPECTIVE UNITS LOWEST GROUND FLOOR CONCRETE SLAB UNLESS WHERE COVERED WITHIN THIS LIMIT.
- THE STRATUM OF THE PLANTER BOX (PLANT) IS LIMITED IN DEPTH TO 3m BELOW AND IN HEIGHT TO 8m ABOVE THE UPPER SURFACE OF THEIR RESPECTIVE UNITS LOWEST GROUND FLOOR CONCRETE SLAB UNLESS WHERE COVERED WITHIN THIS LIMIT.
- THE STRATUM OF THE RAMP (RAMP) IS LIMITED IN DEPTH TO 3m BELOW AND IN HEIGHT TO 8m ABOVE THE UPPER SURFACE OF THEIR RESPECTIVE UNITS LOWEST GROUND FLOOR CONCRETE SLAB UNLESS WHERE COVERED WITHIN THIS LIMIT.
- THE STRATUM OF THE STORAGE CAGE (S.) IS LIMITED IN DEPTH TO 3m ABOVE THE UPPER SURFACE OF THEIR RESPECTIVE CONCRETE SLAB UNLESS WHERE COVERED WITHIN THIS LIMIT.
- ANY SERVICE LINE WITHIN ONE LOT SERVICING ANOTHER LOT IS COMMON PROPERTY.
- ALL COMMON SERVICE LINES ARE COMMON PROPERTY.

- DENOTES RIGHT ANGLE
B.S. - DENOTES BIN STORAGE (COMMON PROPERTY)
BIKE - DENOTES BICYCLE STORAGE (COMMON PROPERTY)
C.P. - DENOTES COMMON PROPERTY
C.S. - DENOTES CAR SPACE (FULLY COVERED)
M. - DENOTES MOTORBIKE SPACE (COMMON PROPERTY)
P. - DENOTES PATIO
PLANT - DENOTES PLANTER BOX
RAMP - DENOTES RAMP
S. - DENOTES STORAGE RACK
V. - DENOTES VISITOR PARKING

PLAN OF SUBDIVISION OF
LOT 10 D.P. 1252880

L.G.A. NEWCASTLE
Locality: WICKHAM
Reduction Ratio 1: 200
Lengths are in metres

SP
FIRST FLOOR

NOTES:
- ALL AREAS ARE APPROXIMATE.
- THE STRATUM OF BALCONY (B.) IS LIMITED IN HEIGHT FROM 3M ABOVE THE UPPER SURFACE OF THEIR RESPECTIVE CONCRETE SURFACE UNLESS WHERE COVERED WITHIN THIS LIMIT.
- ANY SERVICE LINE WITHIN ONE LOT SERVICING ANOTHER LOT IS COMMON PROPERTY.
- ALL COMMON SERVICE LINES ARE COMMON PROPERTY.

B. - DENOTES BALCONY
C.P. - DENOTES COMMON PROPERTY
C.Y. - DENOTES COURTYARD (COMMON PROPERTY)
LIFT - DENOTES LIFT (COMMON PROPERTY)
SER. - DENOTES SERVICES SHAFT (COMMON PROPERTY)
ST. - DENOTES STAIR WELL (COMMON PROPERTY)

L.G.A. NEWCASTLE
Locality: WICKHAM
Reduction Ratio 1: 200
Lengths are in metres

PLAN OF SUBDIVISION OF LOT 10 D.P. 1252880

Registered

SP
SECOND FLOOR

NOTES:
- ALL AREAS ARE APPROXIMATE.
- THE STRATUM OF BALCONY (B.) IS LIMITED IN HEIGHT FROM 3M ABOVE THE UPPER SURFACE OF THEIR RESPECTIVE CONCRETE SURFACE UNLESS WHERE COVERED WITHIN THIS LIMIT.
- ANY SERVICE LINE WITHIN ONE LOT SERVICING ANOTHER LOT IS COMMON PROPERTY.
- ALL COMMON SERVICE LINES ARE COMMON PROPERTY.

B. - DENOTES BALCONY
C.P. - DENOTES COMMON PROPERTY
LIFT - DENOTES LIFT (COMMON PROPERTY)
SER. - DENOTES SERVICES SHAFT (COMMON PROPERTY)
ST. - DENOTES STAIR WELL (COMMON PROPERTY)

PLAN OF SUBDIVISION OF
LOT 10 D.P. 1252880

L.G.A. NEWCASTLE
Locality: WICKHAM
Reduction Ratio: 1:200
Lengths are in metres

Registered
SP
**SP FORM 3.03  STRATA PLAN ADMINISTRATION SHEET**

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<tr>
<th>Surveyor’s Certificate</th>
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<tr>
<td>JASON LEE HARMAN</td>
<td>ALAN SACCARO</td>
</tr>
<tr>
<td>of LAND DEVELOPMENT SOLUTIONS PTY LTD.</td>
<td>being an Accredited Certifier, accreditation number BPB0778</td>
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<tr>
<td>PO BOX 853 THE JUNCTION, NSW 2291</td>
<td>certify that in regards to the strata plan with this certificate, I have made the required inspections and I am satisfied the plan complies with clause 17 Strata Schemes Development Regulation 2016 and the relevant parts of Section 58 or 59 Strata Schemes Development Act 2015.</td>
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<td>being a land surveyor registered under the Surveying and Spatial Information Act 2002, certify that the information shown in the accompanying plan is accurate and each applicable requirement of Schedule 1 of the Strata Schemes Development Act 2015 has been met.</td>
<td><em>(a) This plan is part of a development scheme.</em></td>
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<td>*(b) The building encroaches on a public place and in accordance with section 62(3) Strata Schemes Development Act 2015 the local council has granted a relevant planning approval that is in force for the building with the encroachment or for the subdivision specifying the existence of the encroachment.</td>
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<td>*(c) This certificate is given on the condition contained in the relevant planning approval that lot(s) ^ 21 will be created as utility lots and restricted in accordance with section 63 Strata Schemes Development Act 2015.</td>
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* Strike through if applicable
VALUER’S CERTIFICATE

I, ........................................................................................................ being a qualified valuer, as defined in the *Strata Schemes Development Act 2015*, certify that the unit entitlements shown in the schedule herewith are apportioned in accordance with Schedule 2 *Strata Schemes Development Act 2015*

Signature: .......................................................... Date .........................................................

### SCHEDULE OF UNIT ENTITLEMENT

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### STREET ADDRESS SCHEDULE

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This sheet is for the provision of the following information as required:

- Any information which cannot fit in the appropriate panel of any previous administration sheets
- Statements of intention to create and or release affecting interests in accordance with section 88B Conveyancing Act 1919
- Signatures and seals- see section 22 Strata Schemes Development Act 2015

### STREET ADDRESS SCHEDULE

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Surveyor’s Reference: 5355 SP
DEVELOPMENT APPLICATIONS COMMITTEE MEETING

18 February 2020

DAC 18/02/2020

DA2017/00681.01 - 18 Grey Street Wickham

Attachment B: Draft Schedule of Conditions

DISTRIBUTED UNDER SEPARATE COVER
Application No: DA2017/00681.01
Land: Lot 10 DP 1252880
Property Address: 18 Grey Street Wickham NSW 2293
Proposed Development: Mixed use development - Modification - addition of rooftop communal area

Modified Application No: DA2017/00681.01

REASONS FOR CONDITIONS

1. The conditions of this consent have been imposed in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 (NSW). The conditions relate to any matter referred to in Section 4.15 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 - modified

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>
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<tr>
<td>Bishopopgate and Union Street Elevation</td>
<td>Project No 1102- DA amend_1 Issue: C</td>
<td>O’Connell Architects and design</td>
<td>1/03/19</td>
</tr>
<tr>
<td>Grey Street and Eastern Elevation</td>
<td>Project No 1102- DA_amend1 Issue: C</td>
<td>O’Connell Architects and design</td>
<td>1/09/17</td>
</tr>
<tr>
<td>Union Street 3D View</td>
<td>Project No 1102- DA1 Issue: E</td>
<td>O’Connell Architects and design</td>
<td>1/09/17</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 $105,813.09 is to be paid to Council, pursuant to Section 7.12 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>
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<tr>
<td>September</td>
<td>Late October</td>
</tr>
<tr>
<td>December</td>
<td>Late January</td>
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<td>March</td>
<td>Late April</td>
</tr>
<tr>
<td>June</td>
<td>Late July</td>
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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 to meet the requirements of Element 7.10 ‘Street Awnings and Balconies’ of the Newcastle Development Control Plan 2012. 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 22 cars and two visitor parking spaces. 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. 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. 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. 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 generally indicated on the Stormwater Plan prepared by Land Development Solutions (Job No. 5355, Drawing No 1, Edition A, dated 29/03/17). Full details are to be included in documentation for a Construction Certificate application which needs to address the following identified issues.

i. Sizing the overflow pipe to the street drainage for the design storm event as per the DCP.

II. Providing a pressure relief arrangement in the rainwater storage tank for larger storm events.
11. The occupiable floor level of the proposed building being not below the Flood Hazard Level (i.e. reduced level 2.55m Australian Height Datum) 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.

12. The occupiable floor level of the proposed building being not below the Flood Hazard Level (i.e. reduced level 2.55m Australian Height Datum) 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.

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 landscape plan and specification. The plan and specifications is to be prepared in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:

   a) cross sections through the site 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. 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.

16. 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.

17. 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. The required works include:

a. Carpark entry driveway off Grey Street (minimum 3.8m wide).
b. Carpark exit driveway onto Bishopgate Street (minimum 5m wide)
c. Footpath works designed to satisfy the requirements of the following standards as provided in Council's City Centre Public Domain Technical Manual (September 2014 or as amended).
   i. Union Street - Pavement Type 3 - Bluestone pavers and concrete.
   ii. Grey and Bishopsgate Streets - Pavement Type 5 - Bluestone pavers and asphalt.
d. Street Trees - (8) Syzygium paniculata (Dwarf Lilly Pilly) or approved equivalent.
e. Stormwater discharge from the site to the street.
f. Any proposed alterations to existing street furniture or signs.

18. Signage being provided within the basement, at the carpark exit onto Bishopgate Street, requiring vehicles to turn left into the one way street. Full details are to be included in documentation for a Construction Certificate application.

19. 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 relevant 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.

20. Prior to the release of the Construction Certificate the applicant shall comply with the recommendations of Ausgrid (Refer to attached letter dated 4 July 2017).

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

21. 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).

22. 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.
23. 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.

24. 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.

25. 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.

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

27. 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.

28. 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).

29. 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.

30. 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.

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

32. 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.

33. 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.

34. 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.

35. 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.

36. 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 is to be applied for and approved before the commencement of any construction works on the site the subject of this development application.

37. 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.

38. 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.

39. The proposed visitor parking bays are to be clearly indicated by means of signs and/or pavement markings.

40. 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.

41. 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.

42. 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’.

43. 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.

44. 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.

45. 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.

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. 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.

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 any Interim/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. 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.

54. 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

55. Written final certification confirming noise emissions from the mechanical plant installed satisfy the applicable noise criterion as set out in the report prepared by Spectrum Acoustics, dated 8 March 2017, is to be submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation Certificate.

56. 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).

57. 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.

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

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

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<tr>
<th>DAY</th>
<th>START</th>
<th>FINISH</th>
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<tbody>
<tr>
<td>Monday</td>
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<td>Tuesday</td>
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<td>Friday</td>
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unless a separate application to vary the hours of operation or trading has been submitted to and approved by Council.

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

60. 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.

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. 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/ Dwelling/ Lot Number on plan</th>
<th>Council Allocated Street Addresses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>House Number</td>
</tr>
<tr>
<td>Proposed commercial unit</td>
<td>1/9</td>
</tr>
<tr>
<td>Proposed commercial unit</td>
<td>2/9</td>
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<td>Proposed unit</td>
<td>101/9</td>
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<tr>
<td>Proposed unit</td>
<td>209/9</td>
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63. The proposed visitor parking bays are to be clearly indicated by means of signs and/or pavement markings. The (2) two visitor parking spaces are to be allocated to common property under any strata scheme.
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.

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.

It is recommended that, prior to commencement of work, the free national community service ‘Dial before you Dig’ be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.

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

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

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.

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).

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.

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
DEVELOPMENT APPLICATIONS COMMITTEE MEETING

18 February 2020

DAC 18/02/2020

DA2017/00681.01 - 18 Grey Street Wickham

Attachment C: Processing Chronology

DISTRIBUTED UNDER SEPARATE COVER
### PROCESSING CHRONOLOGY

**DA2017/00681.01 - 18 Grey Street Wickham**

<table>
<thead>
<tr>
<th>Date</th>
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<tbody>
<tr>
<td>31 July 2019</td>
<td>Amended development application lodged with Council</td>
</tr>
<tr>
<td>14 August 2019</td>
<td>Public Exhibition (14 days)</td>
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<tr>
<td>11 September 2019</td>
<td>Further information requested</td>
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<tr>
<td>12 September 2019</td>
<td>Applicant provided additional information</td>
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</table>