



**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**DAC 18/08/2020 – DA2018/00797 – 31-35 HUDSON STREET,  
HAMILTON – DEMOLITION OF STRUCTURES, ERECTION OF FIVE  
STOREY MIXED USE DEVELOPMENT – INCLUDING RESIDENTIAL  
FLAT BUILDING AND COMMERCIAL PREMISES**

<b>PAGE 3</b>	<b>ITEM-25</b>	<b>Attachment A:</b>	Submitted Plans
<b>PAGE 19</b>	<b>ITEM-25</b>	<b>Attachment B:</b>	Draft Schedule of Conditions
<b>PAGE 35</b>	<b>ITEM-25</b>	<b>Attachment C:</b>	Processing Chronology

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**ITEM-25      Attachment A:      Submitted Plans**

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# HAMILTON MIXED-USE DEVELOPMENT

33-35 HUDSON ST, HAMILTON NSW 2303

DEVELOPMENT APPLICATION



Perspective



## Drawing List

A3 Drawings

GENERAL	DA - 000
Cover Sheet	DA - 001
Regulatory Environment	DA - 002
Site Plan / Analysis	DA - 003
PLANS	DA - 100
Basement Plan	DA - 101
Ground Floor Plan	DA - 102
Typical Floor Plan	DA - 103
Fourth Floor Plan	DA - 104
Roof Plan	DA - 105
ELEVATIONS	DA - 200
Elevations	DA - 201
SECTIONS	DA - 300
Section A	DA - 301
PERSPECTIVES	DA - 400
Perspectives	DA - 401
Perspectives	DA - 402
SCHEDULES	DA - 500
External Finishes	DA - 501
SEPP 65 Compliance	DA - 502
Door Schedule	DA - 503
Door Schedule	DA - 504
Window Schedule	DA - 505
Window Schedule	DA - 506
SHADOW DIAGRAMS	DA - 600
Shadow Diagrams - June	DA - 601
Shadow Diagrams - Sept	DA - 602

## Legend

CB	CONCRETE BLOCK WORK
COL	COLUMN
CONC.	CONCRETE
CT	CERAMIC TILE
D	DOOR
DP	DOWN PIPE
F	FRIDGE
FC	FIBRE CEMENT SHEETING
FCL	FINISHED CEILING LEVEL
FG	FIXED GLASS
FFL	FINISHED FLOOR LEVEL
FHR	FIRE HOSE REEL
FL	FLUORESCENT LIGHT
FW	FLOOR WASTE
GB	GLASS BALUSTRADE
GBG	GARBAGE CHUTE
GPO	POWER OUTLET
HB	HAND BASIN
HWU	HOT WATER UNIT
LV	LOUVRE
MR	METAL ROOF SHEET
MIR	MIRROR
MRPB	MOISTURE RESISTANT PLASTERBOARD
PB	PLASTER BOARD - PAINTED
PF	PAINT FINISH
RD	RECESSED DOWNLIGHT
RDR	CEMENT RENDER
RS	ROLLER SHUTTER DOOR
SB	SOLID BALUSTRADE
SD	SMOKE DETECTOR
SG	SLIDING GLASS
SGD	SLIDING GLASS DOOR
SK	SKIRTING
SNK	SINK
SS	SANDSTONE
STD	STRIP DRAIN
STR	STORE
SWG	SWING GLASS DOOR
T	TIMBER
TC	TIMBER CLADDING
TR	TOWEL RAIL
V	NON-DUCTED VENT
W	WINDOW
WC	WATER CLOSET

## Notes

- ALL DIMENSIONS TO BE CHECKED AND CONFIRMED ON SITE.
- ALL BUILDING WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS, THE BUILDING CODE OF AUSTRALIA AND APPROVED PLANS.
- BUILDER SHALL MAKE GOOD ALL DISTURBED AREAS ADJACENT TO THE WORKS ON COUNCIL PROPERTY.
- ALL CONCRETE FOOTINGS, FLOOR SLABS, COLUMNS & ROOF FRAMING TO STRUCTURAL ENGINEER'S DETAIL.
- ALL STORM WATER REQUIREMENTS CIVIL, EXTERNAL RL AND DRIVEWAY LEVELS TO HYDRAULIC ENGINEER'S DETAILS IF REQUIRED.
- ALL LANDSCAPE AREAS, EXISTING TREES, DRIVEWAY, TO LANDSCAPE PLANS IF REQUIRED.

DEVELOPMENT APPLICATION

# REGULATORY ENVIRONMENT

The following planning documents apply to mixed use development in Newcastle Council. The key controls are summarised below.

- Newcastle Local Environmental Plan 2012
- Newcastle Development Control Plan 2012
- SEPP 65 - Apartment Design Guide

## LEP & MAPPING

Zone: B4 - Mixed Use  
 FSR: 2:1  
 Height: 14m  
 Flood Zone: No  
 Acid Sulfate Soils: Class 4

## DCP

### SETBACKS

Front: To match neighbouring properties  
 Rear: Refer SEPP 65  
 Side: Refer SEPP 65

### LANDSCAPING

Landscaped Area: 20% of total site area = 400m<sup>2</sup>  
 Proposed: 21% of total site area = 441m<sup>2</sup>  
 Deep Soil: 10% of total site area = 200m<sup>2</sup>  
 Proposed: 12% of total site area = 241m<sup>2</sup>

### PARKING

1 space per dwelling  
 0.2 visitor spaces per dwelling  
 1 motorcycle space per 20 car spaces  
 1 bicycle space per dwelling

## SEPP 65:

### SEPERATION:

Up to 12m (4 Storeys): 6m for habitable rooms and balconies  
 3m for non-habitable rooms

### APARTMENT SIZE:

1 Bedroom: 50m<sup>2</sup> min.  
 2 Bedroom: 70m<sup>2</sup> min

## SITE:

Total Site Area: 2023.6m<sup>2</sup>  
 Allowable GFA: 4047.2m<sup>2</sup>  
 No. Apartments per Level: 8  
 No. Levels: 5  
**Total No. Apartments: 40**  
**Commercial Space: 111m<sup>2</sup>**

## APARTMENT BREAKDOWN:

**GROUND FLOOR:**  
 4 x 1 Bedroom Apartments  
 4 x 2 Bedroom Apartments

**TYPICAL FLOOR:**  
 8 x 2 Bedroom Apartments  
 No. Typical Floors: 3

**FOURTH FLOOR:**  
 4 x 1 Bedroom Apartments  
 4 x 2 Bedroom Apartments

**TOTAL:**  
 8 x 1 Bedroom Apartments  
 32 x 2 Bedroom Apartments

## AREAS:

Ground Floor Plate Area: 857.75m<sup>2</sup>  
 Typical Floor Plate Area: 809.75m<sup>2</sup> x 3 = 2429.25m<sup>2</sup>  
 Fourth Floor Plate Area: 620.75m<sup>2</sup>

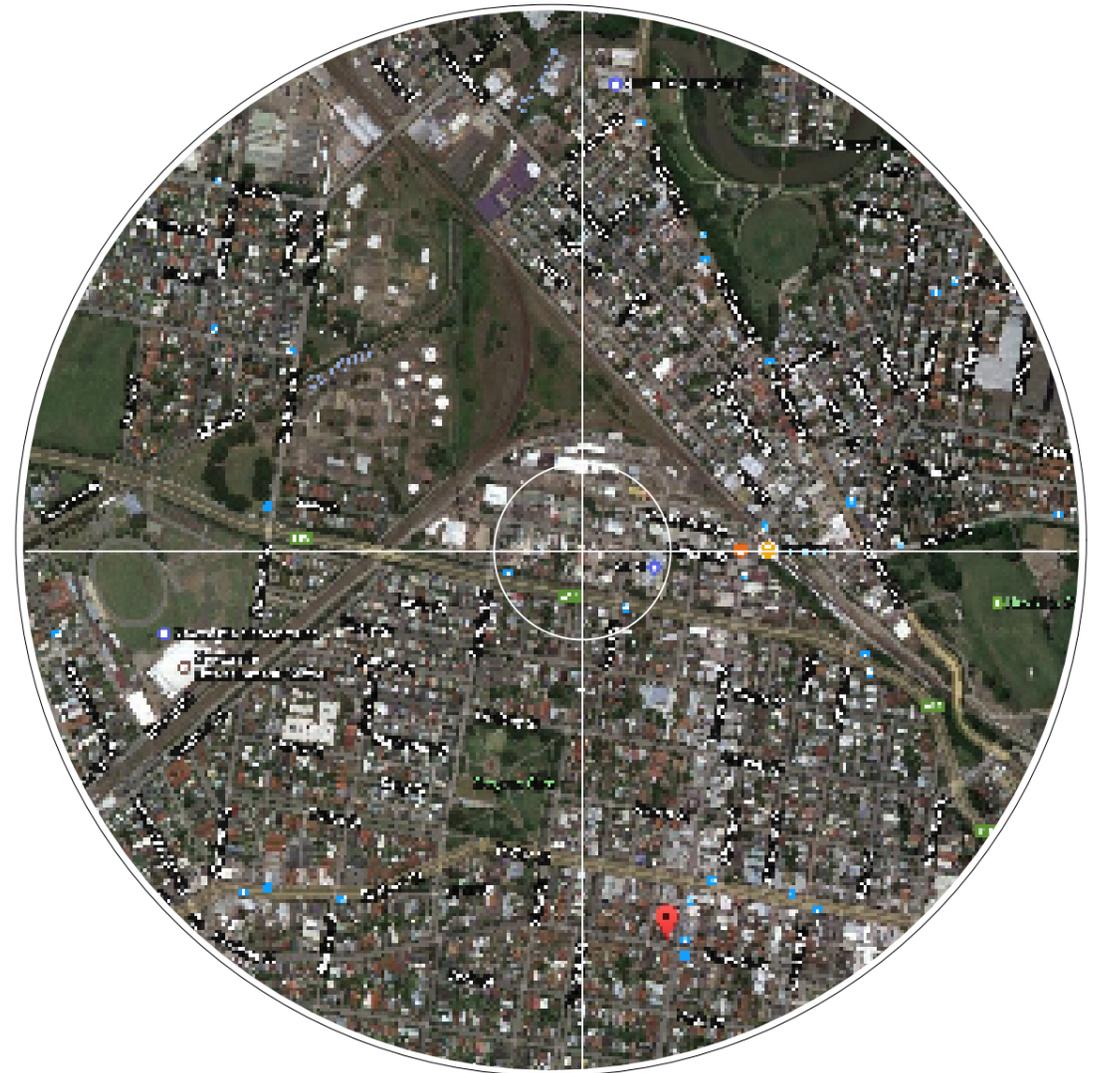
**Proposed GFA: 3907.75m<sup>2</sup>**  
**Proposed FSR: 1.93 : 1**

## PARKING:

Spaces Per Dwelling: 1  
 No. Dwellings: 40  
 Spaces Required: 40  
 Visitor Spaces Per Dwelling: 0.2  
 Visitor Spaces Required: 8

Commercial Spaces Required: 3 (1 per 50m<sup>2</sup>)  
 Commercial Spaces Provided: 2 (Commercial space is 111m<sup>2</sup>)

**Total Spaces Required: 51**  
**Total Spaces Provided: 51**



## ZONING

B1	Neighbourhood Centre
B2	Local Centre
B3	Commercial Core
B4	Mixed Use
B5	Business Development
B6	Enterprise Corridor
E1	National Parks and Nature Reserves
E2	Environmental Conservation
E3	Environmental Management
E4	Environmental Living
IN1	General Industrial
IN4	Working Waterfront
R1	General Residential
R2	Low Density Residential
RE1	Public Recreation
RE2	Private Recreation
RU1	Primary Production
RU2	Rural Landscape
RU3	Forestry
RU5	Village
SP1	Special Activities
SP2	Infrastructure
UL	Unzoned Land
W1	Natural Waterways

## FLOOR SPACE RATIO

A	0.20
D	0.50
E	0.55
F	0.60
H	0.70
I	0.75
J	0.80
K	0.85
L	0.90
N	1.0
O	1.1
P	1.25
S	1.5
T	2.0
U	2.75
V	3.0
W	4.0

Refer to Clause 4.4

## BUILDING HEIGHT

Maximum Building Height (m)

V	8.5
K	10
L	11
M	12
N	14
P1	17
P2	18
Q	20
R	21
S	24
T	27
U	30
V	35
X	45
RA	60
AB	90

Refer to Clause 7.9

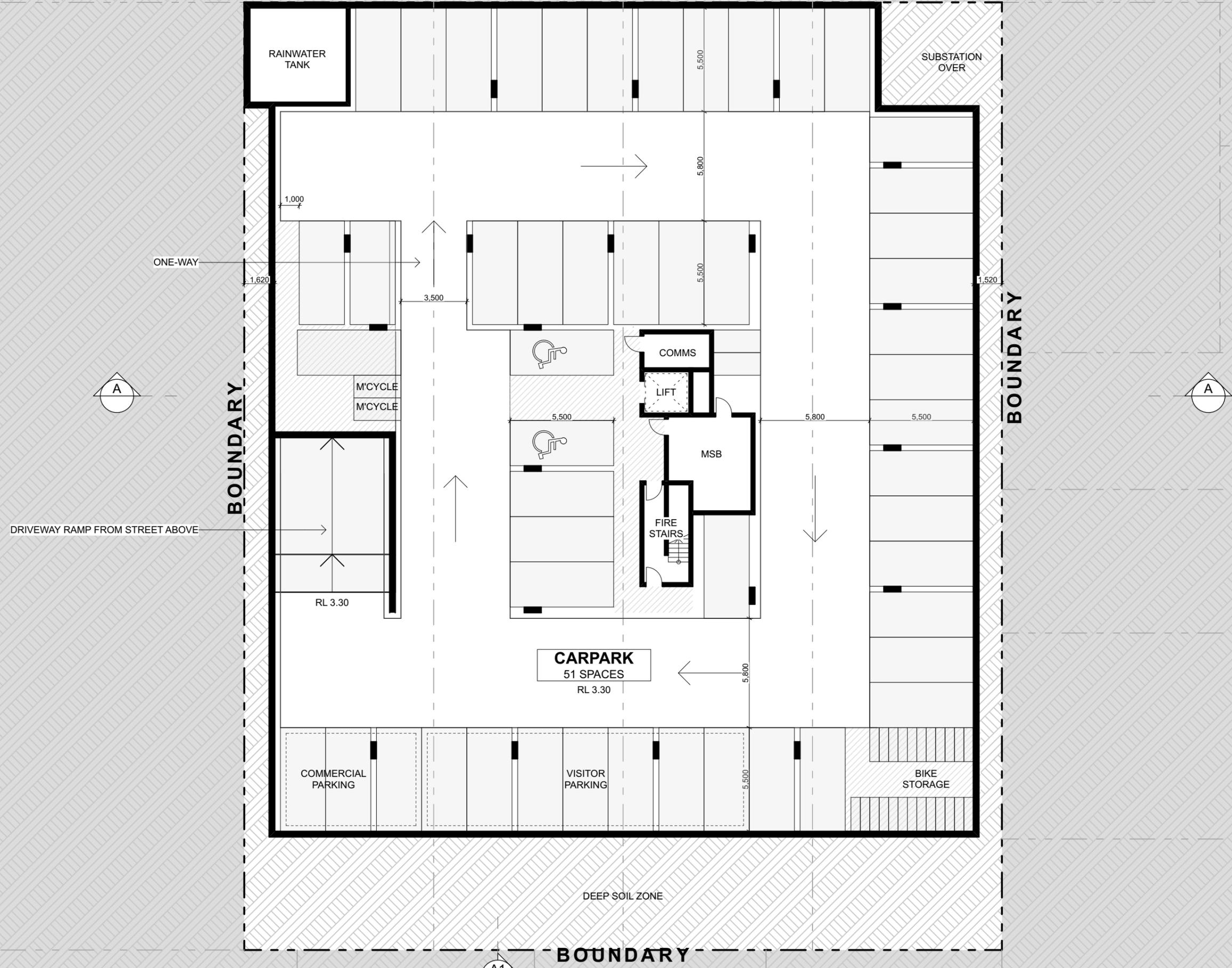
## ACID SULFATE SOIL

1	Class 1
2	Class 2
3	Class 3
4	Class 4
5	Class 5

DESIGN DEVELOPMENT



# BOUNDARY



DEVELOPMENT APPLICATION

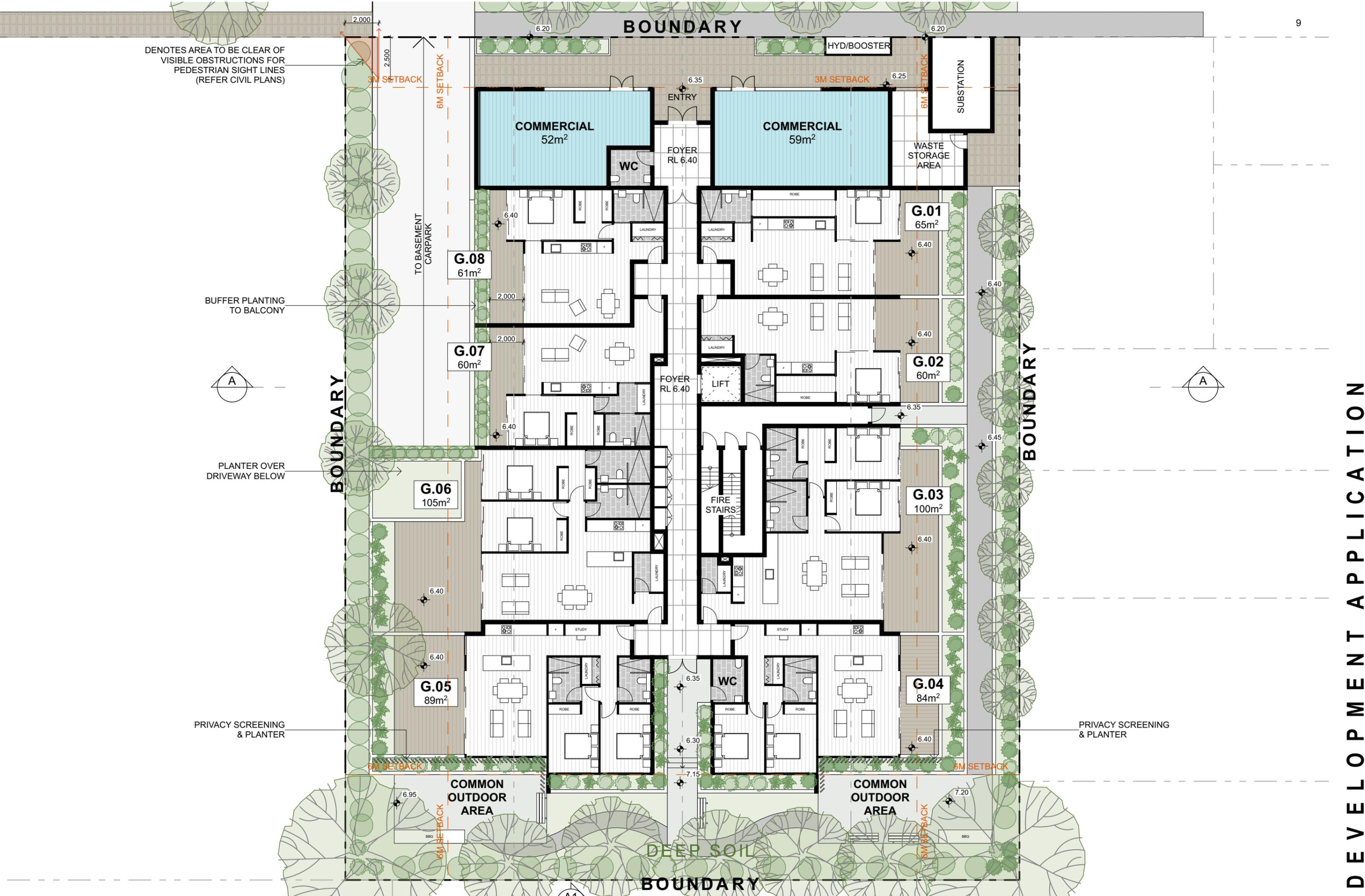
DENOTES AREA TO BE CLEAR OF VISIBLE OBSTRUCTIONS FOR PEDESTRIAN SIGHT LINES (REFER CIVIL PLANS)

BUFFER PLANTING TO BALCONY

PLANTER OVER DRIVEWAY BELOW

PRIVACY SCREENING & PLANTER

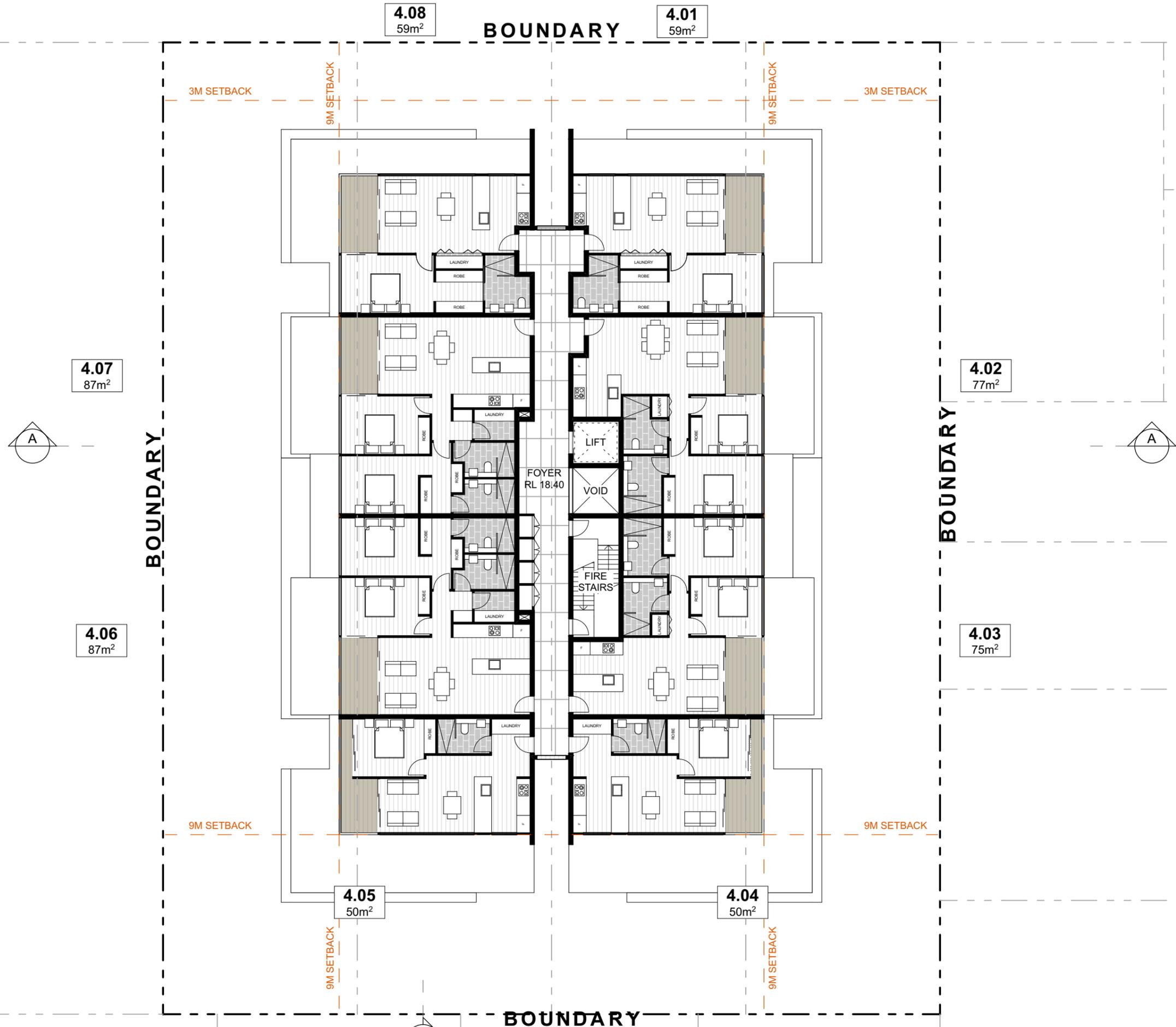
PRIVACY SCREENING & PLANTER



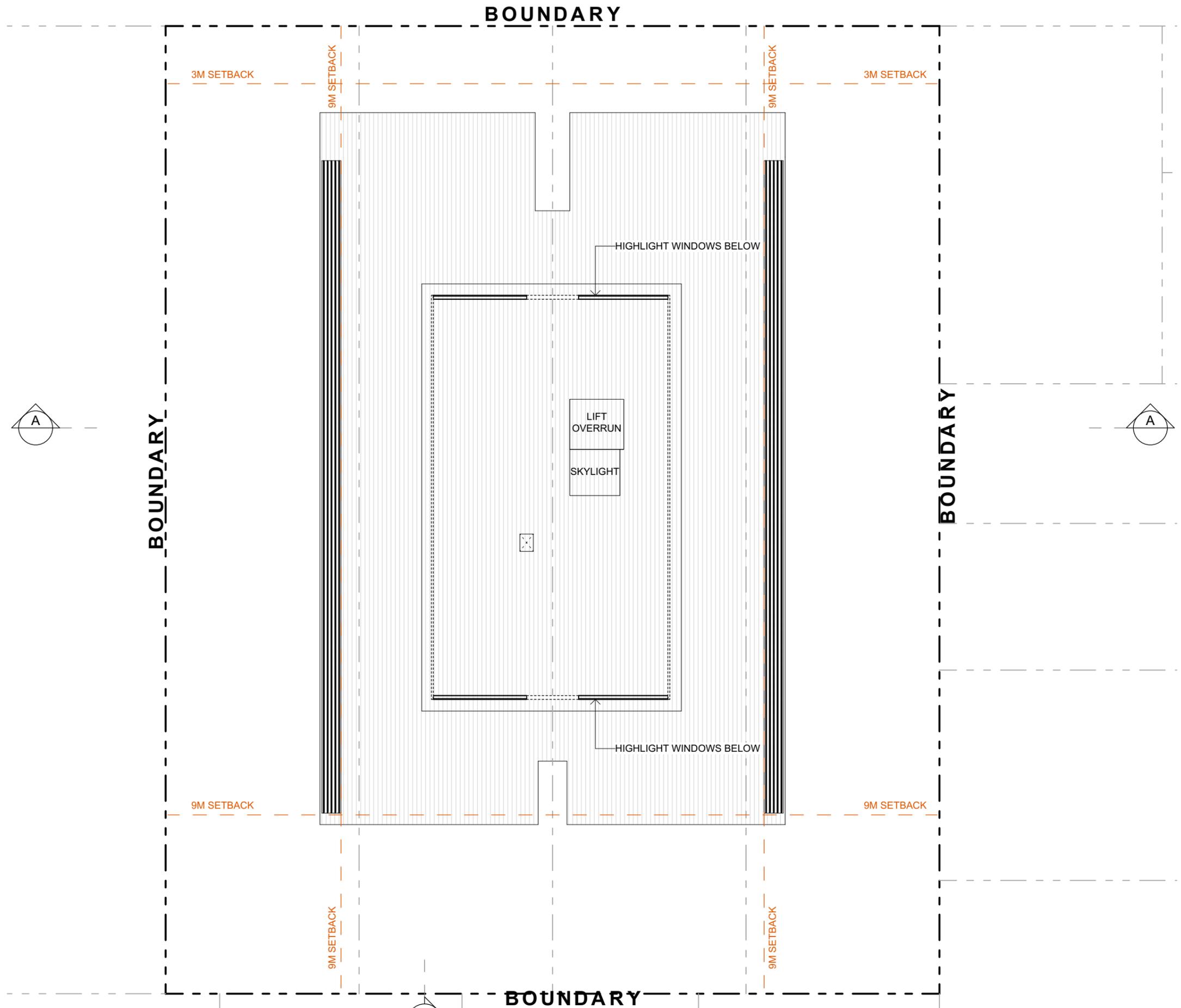
DEVELOPMENT APPLICATION



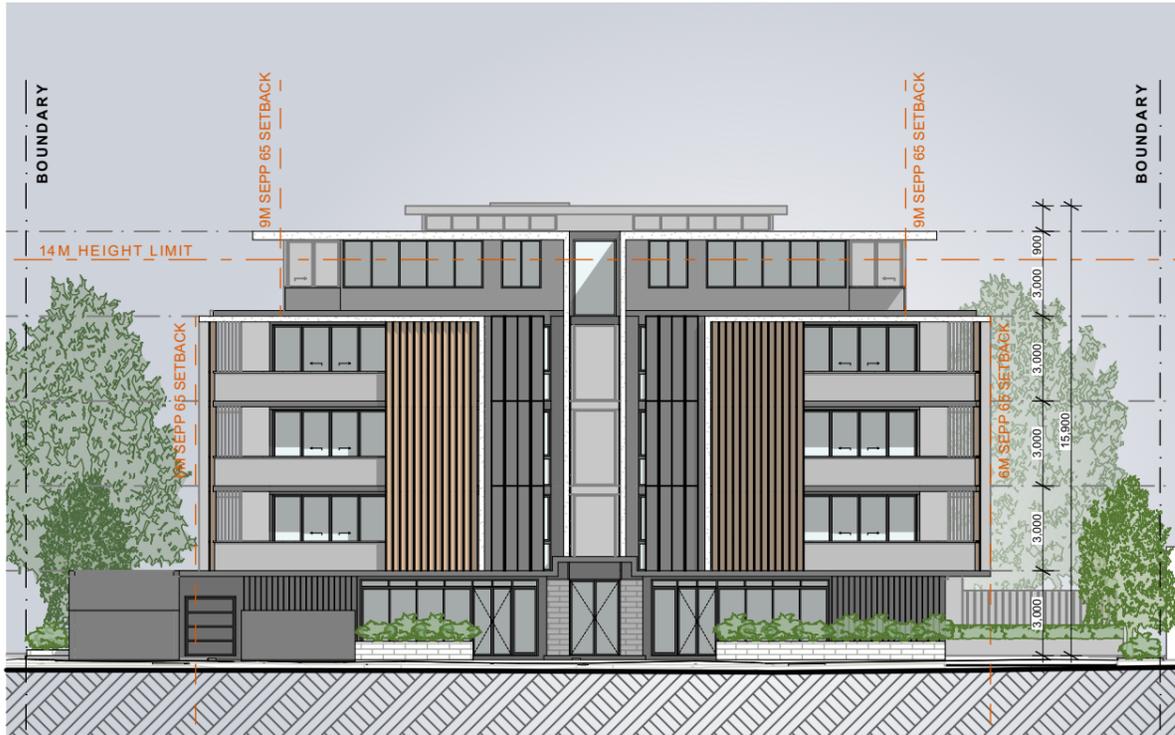
DEVELOPMENT APPLICATION



DEVELOPMENT APPLICATION



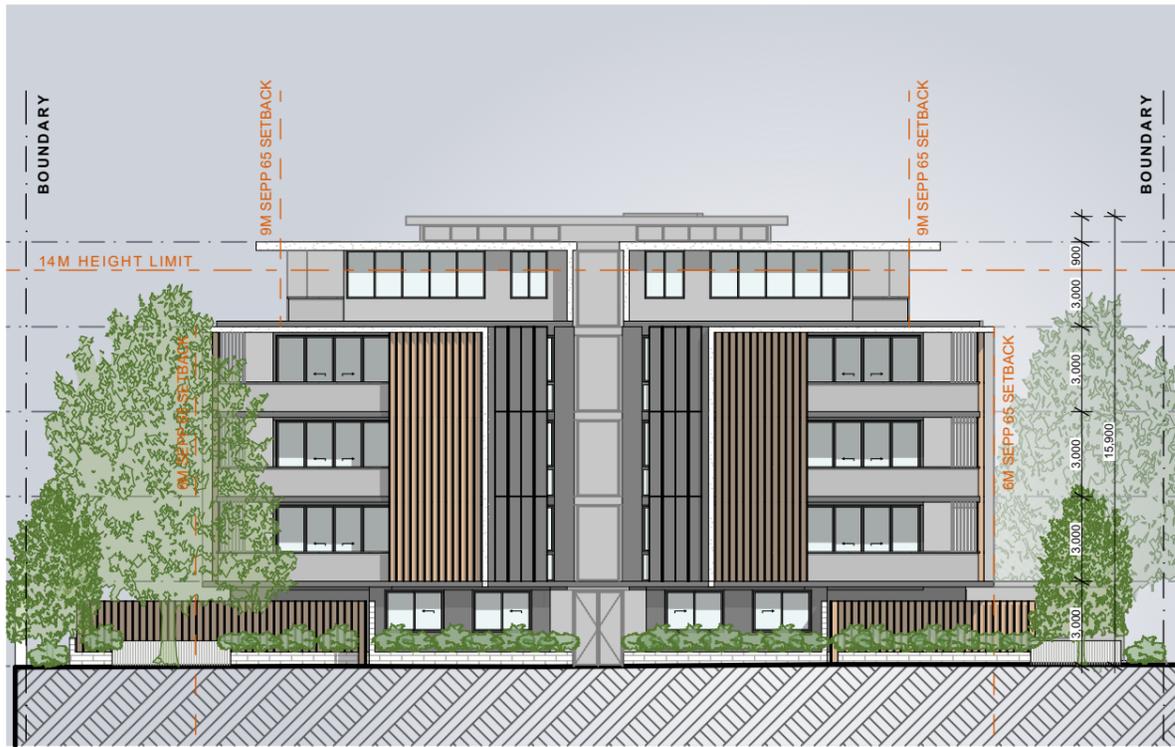
DEVELOPMENT APPLICATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

DEVELOPMENT APPLICATION





SECTION A

DEVELOPMENT APPLICATION



DEVELOPMENT APPLICATION

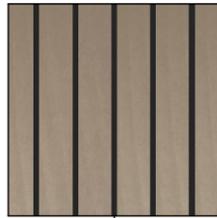




DEVELOPMENT APPLICATION



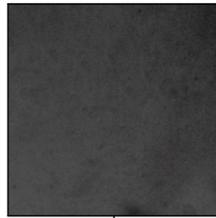
VERTICAL BLADES



LIGHT FC SOFFIT



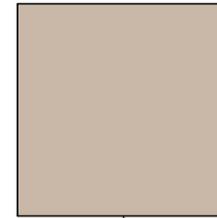
DARK FC CLADDING



STONE CLADDING

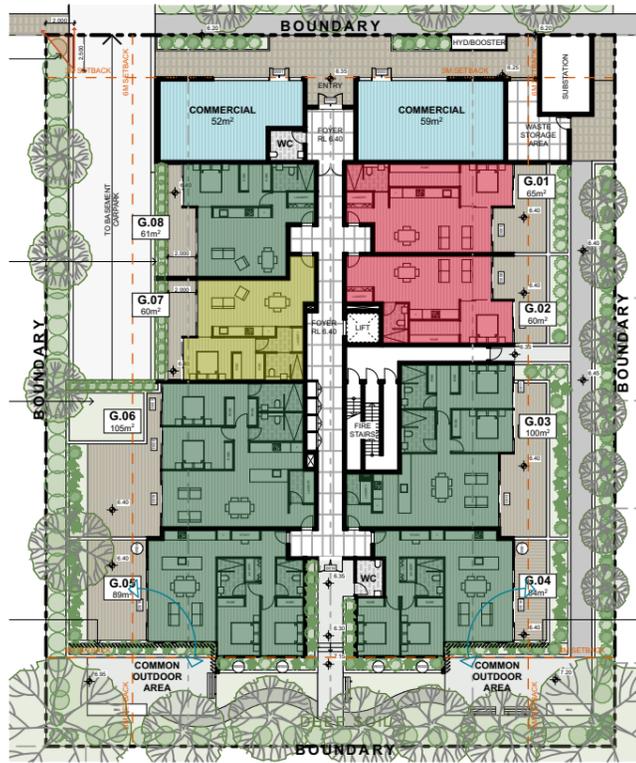


BALUSTRADES



DEVELOPMENT APPLICATION

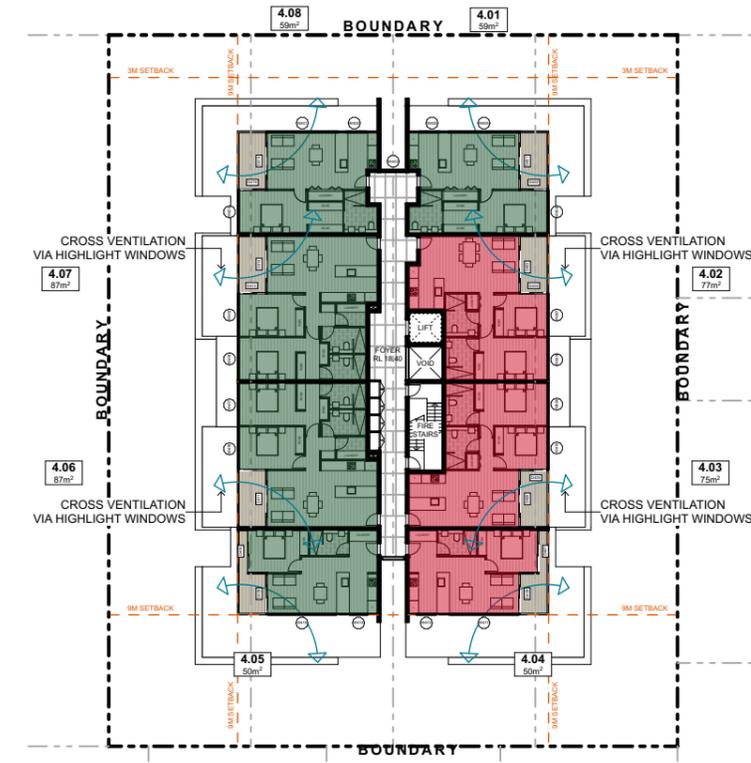




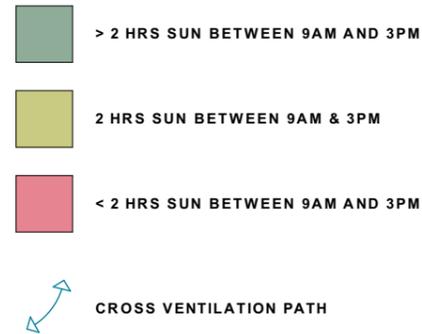
1 x GROUND FLOOR



3 x TYPICAL FLOOR



1 x TOP FLOOR



	SOLAR ACCESS			CROSS-VENTILATION	
	> 2 HRS	2 HRS	< 2 HRS	YES	NO
1 x GROUND FLOOR	5	-	3	2	6
3 x TYPICAL FLOOR	3x5 = 15	3x2 = 6	3x1 = 3	3x4 = 12	3x4 = 12
1 x TOP FLOOR	5	-	3	8	-
	25	6	9	22	18
	(62.5%)	(15%)	(22.5%)	(55%)	(45%)
			(77.5%)		

DEVELOPMENT APPLICATION



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**ITEM-25**      **Attachment B:**      Draft Schedule of Conditions

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<b>Application No:</b>	DA2018/00797
<b>Land:</b>	Lot 30 DP 1083348 Lot 31 DP 1083348 Lot 1 DP 197603 Lot 2 DP 197603
<b>Property Address:</b>	31 Hudson Street Hamilton NSW 2303 35 Hudson Street Hamilton NSW 2303
<b>Proposed Development:</b>	Demolition of existing buildings, erection of a five-storey mixed use development comprising two commercial tenancies, forty residential apartments, associated carparking and remediation

## SCHEDULE 1

### APPROVED DOCUMENTATION

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

Plan No / Supporting Document	Version	Prepared by	Dated
DA-001 COVER SHEET	F	CKDS	22/04/2020
DA-003 SITE PLAN	F	CKDS	22/04/2020
DA-101 BASEMEN PLAN	F	CKDS	22/04/2020
DA-102 GROUND FLOOR PLAN	F	CKDS	05/06/2020
DA-103 TYPICAL FLOR PLAN	F	CKDS	22/04/2020
DA-104 FOURTH FLOOR PLAN	F	CKDS	22/04/2020
DA-105 ROOF PLAN	F	CKDS	22/04/2020
DA-201 ELEVATIONS	G	CKDS	17/06/2020
DA-301 SECTIONS	F	CKDS	22/04/2020

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

- A total monetary contribution of \$121,218.91 is to be paid to the City of Newcastle (CN), pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979, such contribution to be payable prior to the issue of the first occupation certificate in respect of the proposed development.

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

September 2022.

Note:

- i. This condition is imposed in accordance with the provisions of the City of Newcastle's Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019.
- ii. The City of Newcastle's Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019 permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement.
- iii. Certifiers are required to obtain documentation from City of Newcastle confirming the payment of infrastructure contributions prior to the issuing of an occupation certificate.
- iv. The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

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

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

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

3. On-site parking accommodation is to be provided for a minimum of 51 vehicles (includes minimum 8 visitor parking spaces and 3 retail parking spaces), 2 motorbike spaces and 41 Bicycle parking spaces (Class 2) 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.
4. The car parking and vehicular access are to be designed to comply with the relevant provisions of *AS/NZS 2890 Parking facilities*. Details are to be included in documentation for a Construction Certificate application.
5. All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of a depth to suit design traffic and be sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers. Details are to be included in documentation for a Construction Certificate application.
6. Traffic management devices in the form of Stop and Give Way to pedestrian signs and Line markings is to be installed within the property. Such devices are to be constructed in accordance with *AS/NZS 2890.1:2004: Parking facilities – Off-street car parking*. Full details are to be included in documentation for a Construction Certificate application.
7. Temporary ground anchors are to be designed and installed along the road reserve and adjoining properties to protect the existing properties. The design of the temporary

ground anchors is to be carried out by qualified and practicing structural and geotechnical engineers. Details are to be included in documentation for a Construction Certificate application.

8. Any proposed ground anchors impacting the Road Reserve will require approval from the relevant Roads Authority for installation of the temporary ground anchors prior to the start of any bulk excavation works. The temporary ground anchors are to be destressed and any timber is to be removed from the road reserve to the satisfaction and requirements of the relevant Roads Authority.
9. Roof water and any discharge from proposed fire sprinkler system is to be directed to the proposed underground water tank 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.
10. Overflows from the underground water tank and any additional discharge controls (if required) are to be directed to Council's underground drainage system via construction of new kerb inlet pit and new drainage pipe system. Full details are to be included in documentation for a Construction Certificate application.

Note: All new drainage infrastructure will require separate consent from Council under the Roads Act 1993 (NSW) Section 138 application. Council consent must be obtained, or other satisfactory arrangements confirmed in writing from Council, before the issue of a Construction Certificate.

11. All stormwater runoff from the proposed development is to be managed in accordance with the requirements of Element 7.06 '*Stormwater*' of Newcastle Development Control Plan 2012, the associated Technical Manual and *AS/NZS 3500.3 Plumbing and drainage Part 3 Stormwater drainage*, as indicated on the stormwater management concept plan prepared by Northrop Consulting Engineers (Job No. NL181086 Drg. No. C3.1 Rev D dated 21/04/2020 and C3.2 Rev E dated 22/04/2020). The stormwater discharge from the site is to be directed to Council's underground drainage system via construction of new kerb inlet pit and new drainage pipe system. Details are to be included in documentation for a Construction Certificate application.
12. Openings such as exhaust ducts, car park air intake, vents and the like that could potentially allow for flood waters to enter the basement (except for carpark access) should be designed at minimum RL7.00m AHD (PMF level). Full details are to be included in documentation for a Construction Certificate application.
13. 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 the acoustic report prepared by Reverb Acoustics dated September 2019. Full details are to be included in the 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 Section 50 *Hunter Water Act 1991*) is to be included in documentation for a Construction Certificate application.
15. A commercial vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:

- a) Constructed in accordance with City of Newcastle's A1300 - Driveway Crossings Standard Design Details.
- b) The driveway crossing, within the road reserve, is to be a maximum of 6m wide.
- c) Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2m, in the 2.0m by 2.5m splay within the property boundary, each side of the driveway entrance.
- d) The proposed driveway is to be a minimum of 3.0m clear of the trunk of any tree within the road reserve.
- e) The proposed driveway is to be a minimum of 750mm clear of the centre of any pole or obstruction within the road reserve and 1.0m clear of any drainage pit.

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

- 16. A separate application is to be lodged and consent obtained from the City of Newcastle for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993*. The consent is to be obtained, or other satisfactory arrangements confirmed in writing from the City of Newcastle, before the issue of a Construction Certificate.
- 17. An unexpected finds protocol is to be prepared by an appropriately qualified contamination consultant and submitted to the PCA prior to issue of the construction certificate for the site. This protocol is to be implemented during development of the site as recommended in the Remedial Action Plan prepared by EP Risk, dated 19 September 2019.
- 18. Prior to the issue of a Construction Certificate the proponent is to finalise and submit to the PCA and the Council the Environmental Management Plan (EMP) for construction/demolition works on the site. The plan is to be kept on site and be made available to authorised Council officers upon request. The EMP should include but not be limited to:
  - a) A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
  - b) A water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
  - c) A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions.
  - d) A noise and vibration management program, detailing measures to minimise the impact of the development on local amenity. Provision for noise and vibration monitoring during works should be incorporated into the program.
  - e) A soil management strategy, detailing measures to be implemented to manage the identification and control and disposal of any acid sulphate soils or soil contamination identified during site works.
  - f) A waste minimisation strategy, which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.

- g) A community relations plan, which aims to inform local residents and other local stakeholders of the proposed nature and timeframes for demolition and construction activities together with contact details for site management.
  - h) A demolition work plan is to be prepared in accordance with Australian Standard AS2601 and incorporated in the EMP. The demolition work plan is to include a hazardous substances audit and a hazardous substances management plan detailing the location and quantities of hazardous substances and methods for removal, handling and disposal of hazardous substances on the site.
19. A statement from a qualified designer, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles of *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development*, is to be submitted to the Certifier prior to the issue of a Construction Certificate.

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

20. Four street trees are required to be planted along Hudson Street frontage in accordance with approved Landscape Plan prepared by Xeriscapes, Dev B, dated 26.06.2018 and . A fee, to be determined by contacting Council's City Greening Services, is to be paid to Council for the required compensatory planting and evidence of the payment of the required fee is to be included in the documentation for a Construction Certificate application.

Note: The tree selection of the required compensatory planting will be determined by City of Newcastle's City Greening Services in accordance with the City of Newcastle's '*Street Tree Master Plan*'.

21. 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.

22. The Developer designing and constructing the following works in connection with the

proposed development within the Hudson Street and Swan Street public road reserve, adjacent to the site, at no cost to Council and in accordance with Council's guidelines and design specifications:

- a) Install of new underground drainage system to discharge the stormwater run-off from the development and associated works. Includes provision of new kerb inlets pits and pipes within the road reserve.

Option 1 - connect to existing drainage system on Hudson St.

(further investigation required to confirm adequacy of downstream drainage infrastructure)

Option 2 – connect to existing drainage system on Swan Street

- b) Kerb and gutter replacement along the entire frontage of the site
- c) Installation of new driveway crossing and removal or redundant driveway
- d) New footpath, street trees and verge along the entire frontage of the site.

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.

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

- 23. Toilet facilities are to be available or provided at the work site before works begin and be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet is to:

- a) Be a standard flushing toilet connected to a public sewer, or
- b) Have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- c) Be a temporary chemical closet approved under the *Local Government Act 1993*.

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

- a) Demolition works are to be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan is to be kept on site for the duration of the proposed development;
- b) The removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the required class of Asbestos Licence, issued by SafeWork NSW;
- c) A copy of all waste disposal receipts are to be kept on site for the duration of the proposed development and made available to authorised City of Newcastle

officers upon request;

- d) Seven working days' notice in writing is to be given to the City of Newcastle and the owners/occupiers of neighbouring premises prior to the commencement of any demolition work. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor. Notification to owners/occupiers of neighbouring premises is also to include City of Newcastle's contact telephone number (4974 2000) and the SafeWork NSW telephone number (4921 2900); and
  - e) On sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.
25. 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.
  26. Appropriate control measures being implemented during demolition and construction to minimise the generation and off-site transportation of dust, including the use of water sprays and suspension of operations during periods of high winds.
  27. Continuous monitoring of noise and 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.
  28. A dilapidation survey being conducted by a suitably qualified consultant at buildings considered to be at risk of property damage from site works as determined by said consultant.
  29. Any waste containers used in association with the proposed demolition are to be located on the site where possible.

Note: Where this is not feasible, an application is to be made for the City of Newcastle's approval to position the container on the adjacent public road in accordance with City of Newcastle's adopted Building Waste Container Policy.

30. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
31. An assessment of the likelihood of the presence of Aboriginal sites in relation to the proposed development area is to be undertaken to comply with the requirements of the *National Parks and Wildlife Act 1974* and the significance of any site and requirements for the protection thereof are to be established and documented prior to the commencement of work.

Note: It is illegal to knowingly damage, deface or destroy a 'relic' or Aboriginal Place without prior written consent under the *National Parks and Wildlife Act 1974*.

32. Waste management is to be implemented in accordance with the approved Waste Management Plan. At a minimum, the following measures are to be implemented during the construction phase:
  - a) A waste container of at least one cubic metre capacity is to be provided, maintained and regularly serviced from the commencement of operations until the completion of the building, for the reception and storage of waste generated by the construction of the building and associated waste;

- b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets;
- c) Provision is to be made to prevent windblown rubbish leaving the site; and
- d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

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

- 33. If construction / demolition work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence is to be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
- 34. An application is to be made to and approved by the City of Newcastle for the erection of a hoarding or part closure of the footway prior to construction being commenced. Such overhead structure or protective fence is to comply with the *Work Health and Safety Act 2011*, *Work Health and Safety Regulation 2011* and any relevant approved industry code of practice. Notice of intention of commencement is to be given to SafeWork NSW.
- 35. A rigid and durable sign is to be erected on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:
  - a) showing the name, address and telephone number of the Principal Certifier for building work and subdivision work, and
  - b) showing the name, address and telephone number of the Principal Contractor for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
  - c) stating that unauthorised entry to the work site is prohibited, and
  - d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

- 36. All building work is to be carried out in accordance with the provisions of the National Construction Code.
- 37. All excavations and backfilling are to be executed safely and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.
- 38. If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent is to, at that person's own expense:
  - a) Protect and support the adjoining premises from possible damage from the excavation, and
  - b) Where necessary, underpin the adjoining premises to prevent any such damage.

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

39. All building materials, plant and equipment is to be placed on the site of the development, to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on City of Newcastle reserves, including the road reserve, is not permitted.
40. Certification is to be prepared by a Registered Surveyor and submitted to the Principal Certifier at the stages of construction indicated:
  - a) On completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels.
  - b) On completion of each subsequent floor level, confirming that the floor levels are in accordance with the approved levels.
  - c) When the roof has been completed, confirming that the building does not exceed the approved levels.
41. Prior to commencement of site works, the developer is to submit to the City of Newcastle, for approval, a Construction Traffic Management Plan, addressing traffic control measures to be implemented in the public road reserve during the construction phase.
42. 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.
43. On-site car parking accommodation is to be provided for a minimum of 51 vehicles (includes minimum 8 visitor parking spaces and 3 retail parking spaces), 2 motorbike spaces and 41 Bicycle parking spaces (Class 2) 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.
44. 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.
45. 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 City of Newcastle requirements, in accordance with Element 7.06 '*Stormwater*' of Newcastle Development Control Plan 2012.
46. The proposed visitor parking bays are to be clearly indicated by means of signs and/or pavement markings.
47. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
  - Monday to Friday, 7:00 am to 6:00 pm and
  - Saturday, 8:00 am to 1:00 pm.

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

48. City of Newcastle's '*Prevent Pollution*' sign is to be erected and maintained in a

conspicuous location on or adjacent to the property boundary, so it is clearly visible to the public, or at other locations on the site as otherwise directed by the City of Newcastle, for the duration of demolition and construction work.

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

49. 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*.
50. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:
  - a) Control over discharge of stormwater and containment of run-off and pollutants leaving the site is to be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins and controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover; and
  - b) Erosion and sediment control measures are to be designed in accordance with the requirements of the *Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> Edition - Vol. 1* (the 'Blue Book') published by Landcom, 2004.
51. Prior to the commencement of work, a 3.0m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand or soil is not to be stockpiled on the all-weather vehicle access.
52. All necessary measures are to be undertaken to control dust pollution from the site. These measures are to include, but are not limited to:
  - a) Restricting topsoil removal;
  - b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion);
  - c) Alter or cease construction work during periods of high wind; and
  - d) Erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.
53. Where the proposed development involves the destruction or disturbance of any survey monuments, those monuments affected are to be relocated, at no cost to the City of Newcastle, by a Surveyor registered under the *Surveying and Spatial Information Act 2002*.
54. 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 (and not impact on acoustic privacy)
55. All public trees that are required to be retained are to be protected in accordance with the City of Newcastle *Urban Forest Technical Manual, Part B Public Trees*.

The tree protection fencing is to remain in place and be maintained until all works have

been completed, with no waste materials, washouts, equipment or machinery to be stored within the fenced area.

56. 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*'.
57. Remediation of the site is to be carried out in the area identified in the Remedial Action Plan prepared by EP Risk dated 19 September 2019 and a validation and monitoring report being prepared by an appropriately qualified consultant in accordance with NSW EPA Guidelines for Consultants Reporting on Contaminated Sites certifying the land is suitable for the intended use and submitted to the principal certifying authority and Council prior to commencement of any other earthworks on site.
58. Any excavated material to be removed from the site being assessed, classified, transported and disposed of in accordance with the Environment Protection Authority's guidelines: Assessment, Classification and Management of Liquid and Non-liquid Wastes.

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

59. All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to the issue of an Occupation Certificate. Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to the City of Newcastle with Occupation Certificate documentation.
60. All works within the road reserve required by this consent are to be completed prior to the issue of the first Occupation Certificate.
61. Any redundant existing vehicular crossing is to be removed at no cost to the City of Newcastle. The road reserve and kerb is to be restored to the City of Newcastle's satisfaction. Works are to be completed prior to the issuing of an Occupation Certificate for the proposed development.
62. A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, are to be submitted to the Principal Certifier and to the City of Newcastle prior to the issue of an Occupation Certificate. The plans are to be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
63. 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.
64. A Landscape Practical Completion Report is to be submitted to the Principal Certifier prior to the issue of the first 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 that is consistent with the approved concept landscape plan prepared by Xeriscapes, Dev B, dated 26.06.2018 and is to verify that an effective maintenance program has been commenced.
65. Acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Reverb Acoustics, dated September 2019. Written final

certification verifying that the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to the Principal Certifier and the City of Newcastle prior to the issue of an Occupation Certificate.

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

66. An application is to be made for a Strata Certificate in accordance with the requirements of the *Strata Schemes Development Act 2015*.
67. A statement from a qualified designer, verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles of *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development*, is to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

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

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

DAY	START	FINISH
Monday	7:00AM	6:00PM
Tuesday	7:00AM	6:00PM
Wednesday	7:00AM	6:00PM
Thursday	7:00AM	6:00PM
Friday	7:00AM	6:00PM
Saturday	8:00AM	5:00PM
Sunday	8:00AM	5:00PM

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

69. The landscaped areas are to be kept free of parked vehicles, stored goods, garbage or waste material and being permanently maintained.
70. A Landscape Establishment Report is to be submitted to the City of Newcastle following completion of a three month maintenance period, verifying that satisfactory maintenance of the landscape works has been undertaken and any necessary rectification measures have been carried out.
71. Waste management (recyclable and non-recyclable) is to be collected from the refuse storage areas, as identified on the approved plans, serviced and returned immediately to the refuse storage areas. Under no circumstances are garbage bins to be presented to the kerb for collection.

## ADVISORY MATTERS

- Groundwater shall not be allowed to be discharged into adjoining roads stormwater system, sewerage system etc. without the controlling authority's approval and/or owner's consent/s. Approval from the controlling authority and any requirements of the approving authority is to be complied with prior to the commencement of any extraction of groundwater.

- 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 the City of Newcastle and any other relevant authorities. City of Newcastle and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required from any adjoining owner under the provisions of the *Dividing Fences Act 1991*.
- Prior to commencing any building works, the following provisions of Part 6 of the *Environmental Planning and Assessment Act 1979* are to be complied with:
  - A Construction Certificate is to be obtained; and
  - A Principal Certifier is to be appointed for the building works and the City of Newcastle is to be notified of the appointment; and
  - The City of Newcastle 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 a building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the proposed development. An application for an Occupation Certificate is to contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000*.
- A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- An annual Fire Safety Statement in the form described in Clause 175 of the *Environmental Planning and Assessment Regulation 2000* is to be submitted to the City of Newcastle and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of New South Wales Fire Brigades. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice (ie 'on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979*, which may be subject to a penalty infringement notice (ie 'on-the-spot fine') or prosecution.

## 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 height of buildings development standard variation, made under clause 4.6 of the *Newcastle Local Environmental Plan 2012*, has been considered and accepted.
- 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 4.3 of the *Newcastle Local Environmental Plan 2012*. The proposed 13.5% variation is considered acceptable in the particular circumstances of this case.

## **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.



**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**DAC 18/08/2020 – DA2018/00797 – 31-35 HUDSON STREET,  
HAMILTON – DEMOLITION OF STRUCTURES, ERECTION OF FIVE  
STOREY MIXED USE DEVELOPMENT – INCLUDING RESIDENTIAL  
FLAT BUILDING AND COMMERCIAL PREMISES**

**ITEM-25**      **Attachment C:**      Processing Chronology

**DISTRIBUTED UNDER SEPARATE COVER**



**PROCESSING CHRONOLOGY**

**DA2018/00797 – 31-35 HUDSON STREET, HAMILTON**

- |                           |   |
|---------------------------|---|
| 18 February 2018          | - Urban Design Consultative Group (pre-lodgement)   |
| 21 March 2018             | - Urban Design Consultative Group (pre-lodgement)   |
| 27 July 2018              | - Application lodged  |
| 2 August – 20 August 2018 | - Public Notification period  |
| 14 December 2018          | - Request for additional information (contamination, noise, traffic, flooding and stormwater) |
| 23 April 2019             | - Request for further information (contamination, noise)                                      |
| 21 August 2019            | - Request for further information (contamination)   |
| 12 December 2019          | - Request for further information (traffic, parking and stormwater)                           |
| 19 February 2020          | - Urban Design Consultative Group   |
| 23 April 2020             | - Amended plans submitted   |