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**DAC 18/08/2020 – DA2019/01351 – 18-20 MEREWETHER STREET,
MEREWETHER – ARTISAN FOOD AND DRINK PREMISES -
ALTERATIONS AND ADDITIONS AND CHANGE OF USE**

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MEREWETHER – ARTISAN FOOD AND DRINK PREMISES -
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ITEM-29 **Attachment A:** Submitted Plans

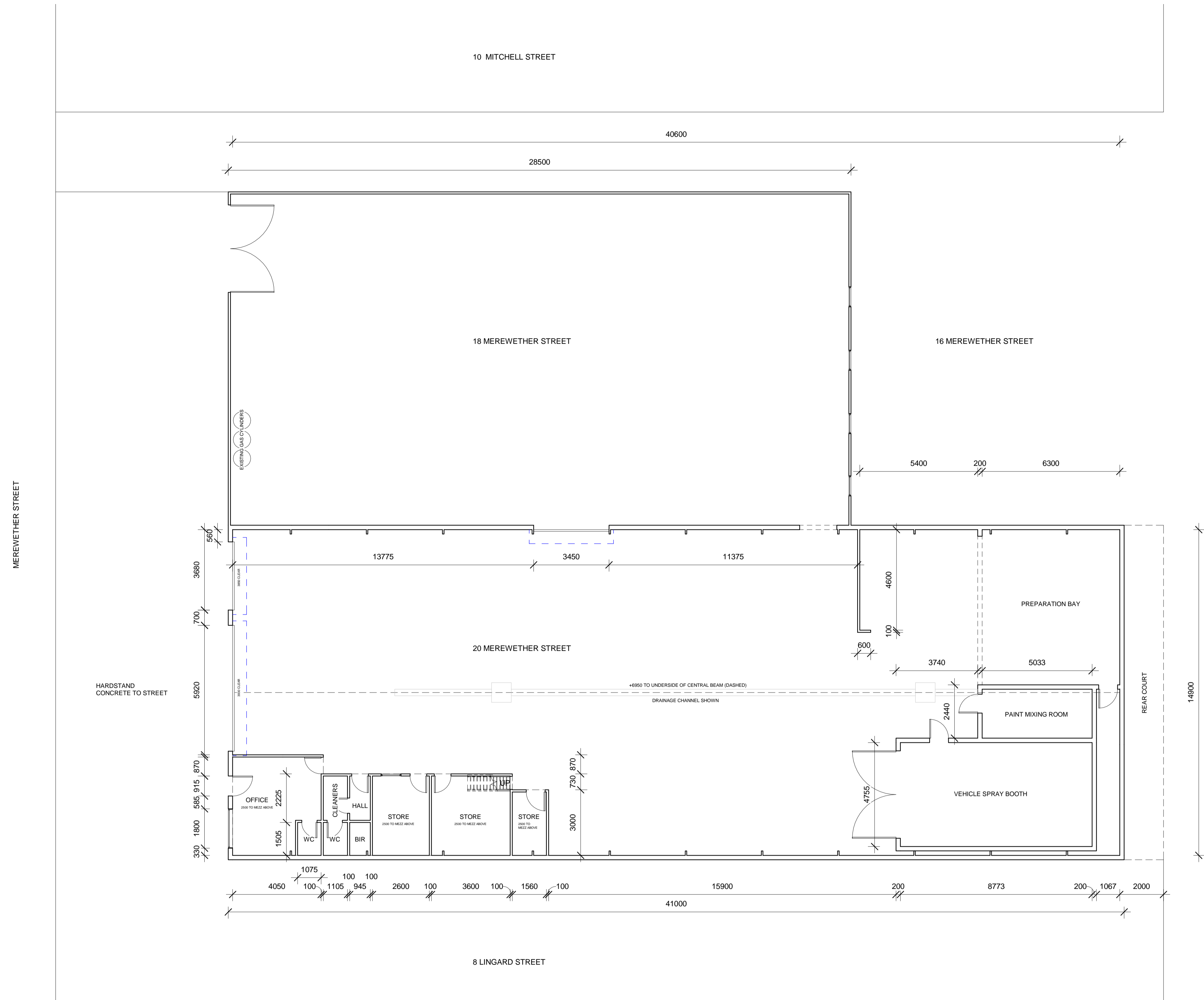
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Status:	DA	
Nom. Architect		
Print Date:	12/15/2019 7:47:35 PM	
Rev.	Description	Date
1	HW/MSB	9122019
2	DA	15122019

LEGENDS / NOTES:

- BEL BULK EXCAVATION LEVEL
- BLK BLOCKWORK
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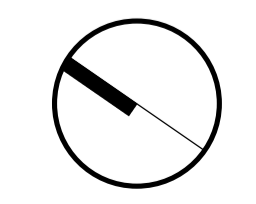
- NOTES**
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Prevalent Pty Ltd
383 George Street
Sydney NSW 2000 Australia

Telephone +61 (0) 498 286 188
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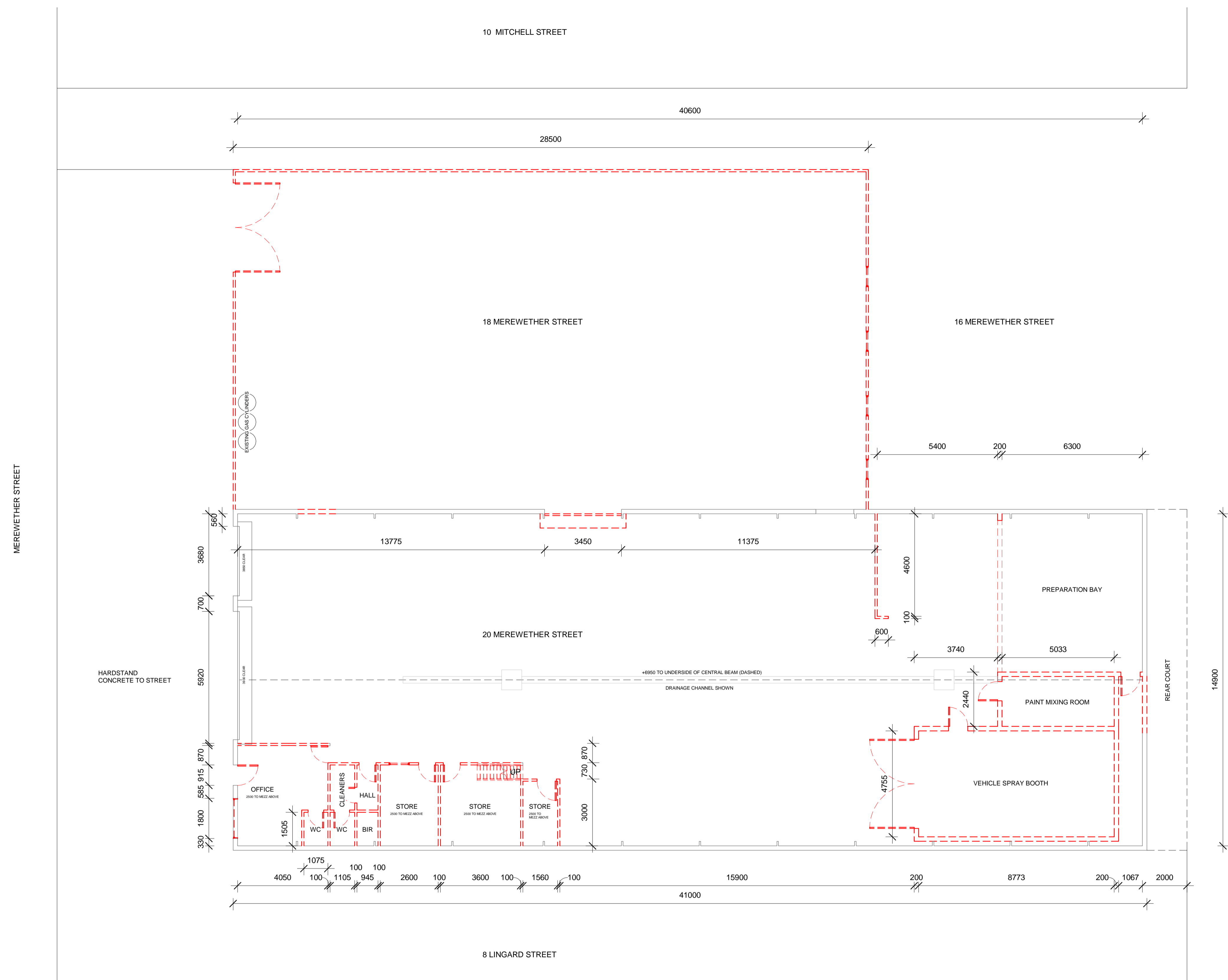
EXISTING GROUND FLOOR

Reference No.	Discipline	Drawing No.	Rev.
MO_2		A005	2

Rev.	Description	Date
1	HW/MSB	9122019

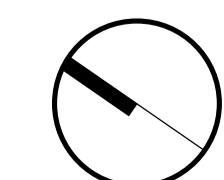
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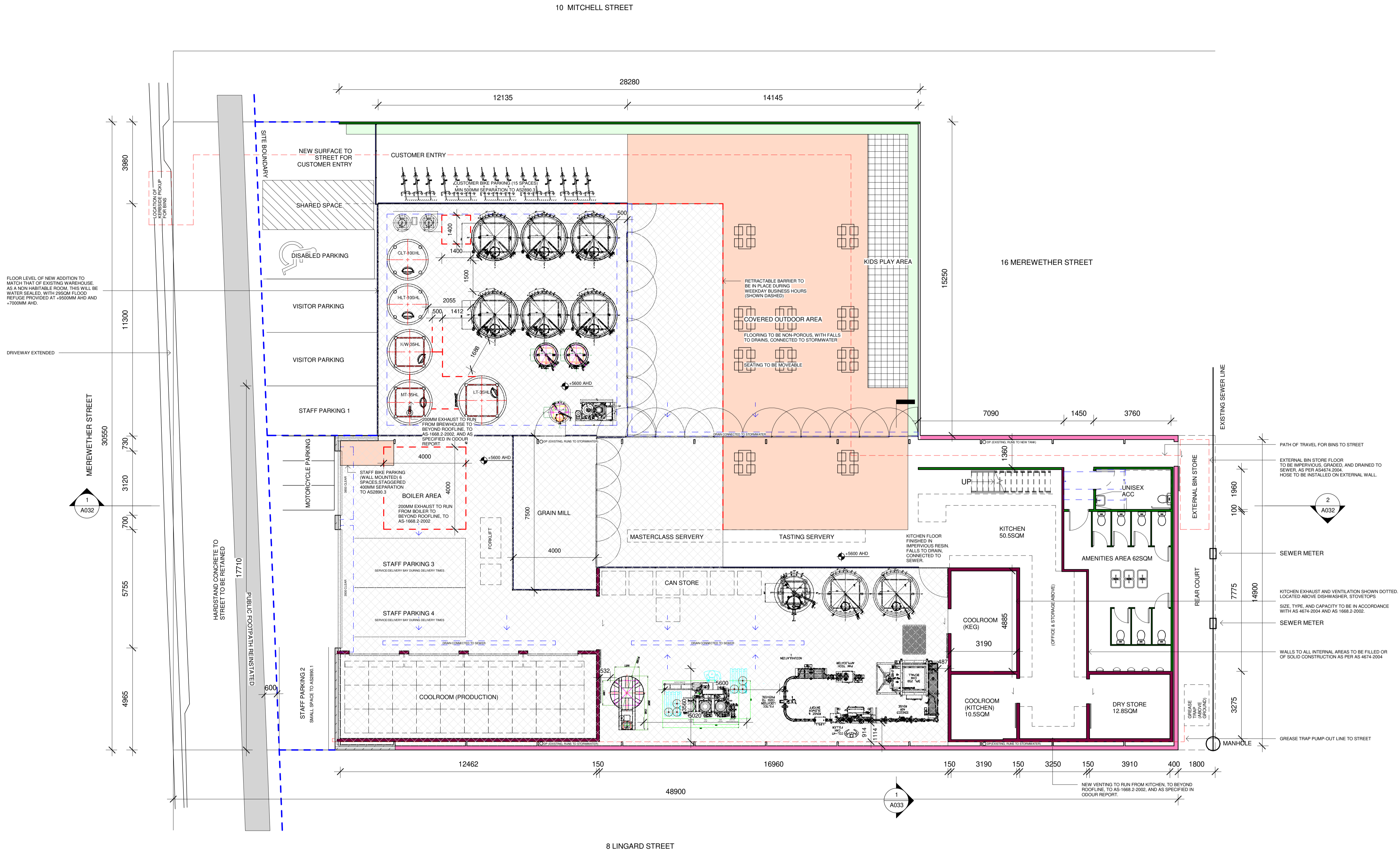


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DEMOLITION PLAN

Rev.	Description	Date
1	HW/MSB	09122019
2	DA	15122019
3	DA RFI 1	07022020
4	DA RFI 2	17022020
5	DA RFI 3	19032020

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 - PRE-FORMED PANELS TO AS4674.2004
 - RECYCLED MATERIALS, FILLED TO AS4674.2004
 - GALVANISED STEEL SHEETING TO AS4674.2004



1 A032

2 A032

1 A033

NOTES

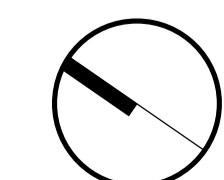
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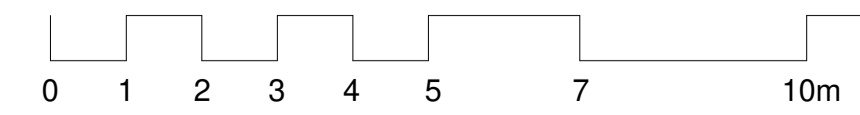
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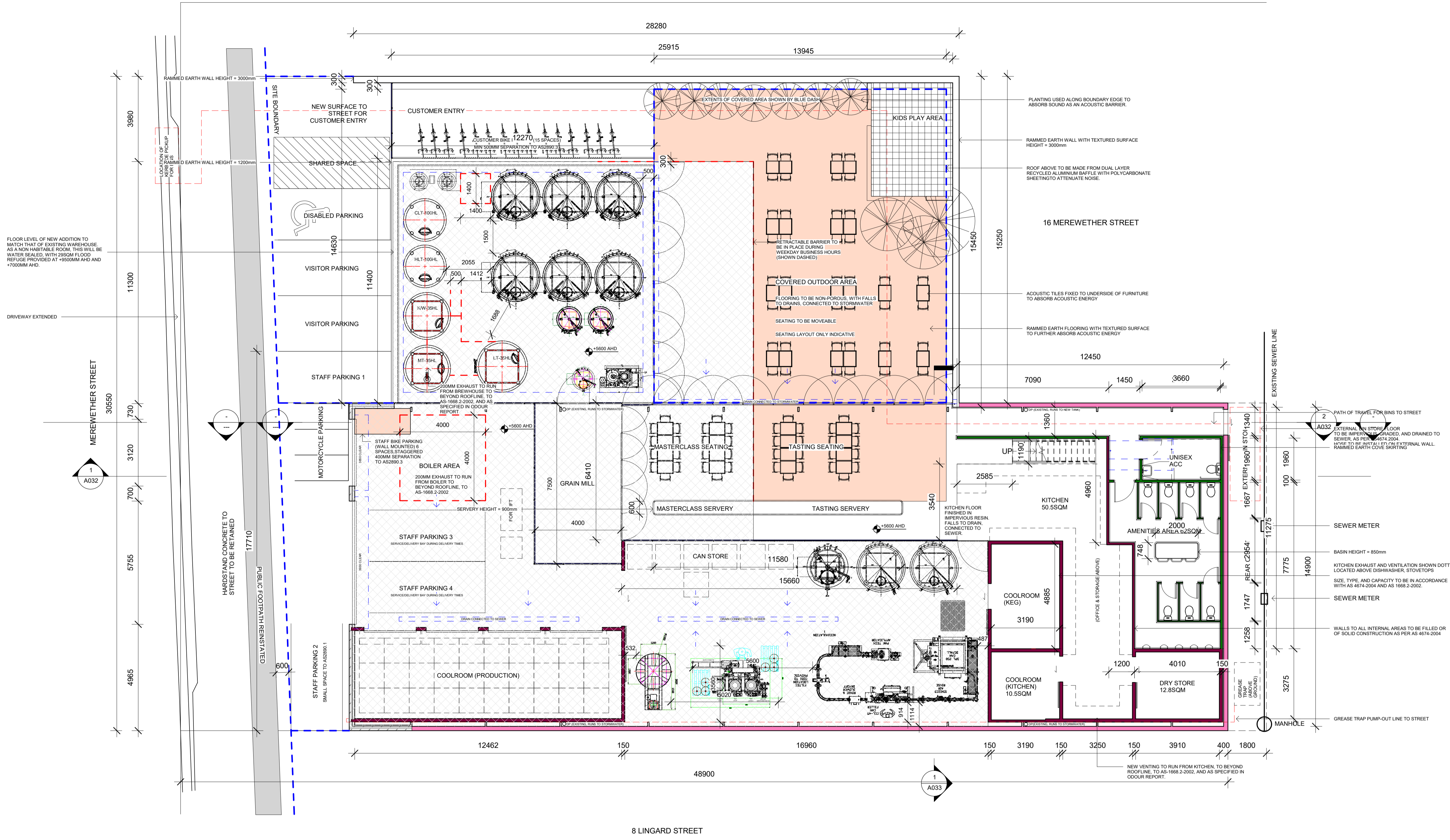


PROPOSED GROUND FLOOR

Reference No.	Discipline	Drawing No.	Title	Rev.
MO_2		A020	PROPOSED GROUND FLOOR	5

Rev.	Description	Date
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2	DA	15122019
3	DA RFI 1	07022020
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- 1. PATH OF TRAVEL FOR BINS TO STREET
- 2. EXTERNAL BIN STORE. FLOOR TO BE IMPERVIOUS, GRADED, AND DRAINED TO SEWER, AS PER AS 4674.2004. WISE TO BE MINIMAL EPLAN. EXTERNAL WALL. RAMMED EARTH CONVE SHEETING.
- SEWER METER
- BASIN HEIGHT = 850mm
- KITCHEN EXHAUST AND VENTILATION SHOWN DOTTED. LOCATED ABOVE DISHWASHER, STOVETOPS
- SIZE, TYPE, AND CAPACITY TO BE IN ACCORDANCE WITH AS 4674.2004 AND AS 1568.2-2002.
- SEWER METER
- WALLS TO ALL INTERNAL AREAS TO BE FILLED OR OF SOLID CONSTRUCTION AS PER AS 4674.2004
- MANHOLE
- GREASE TRAP PUMP-OUT LINE TO STREET

NOTES

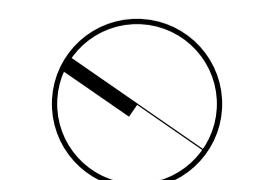
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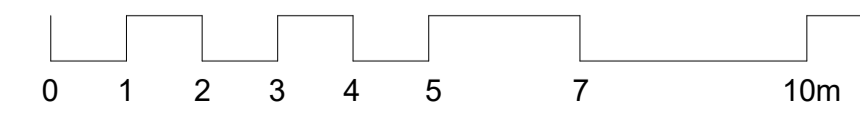
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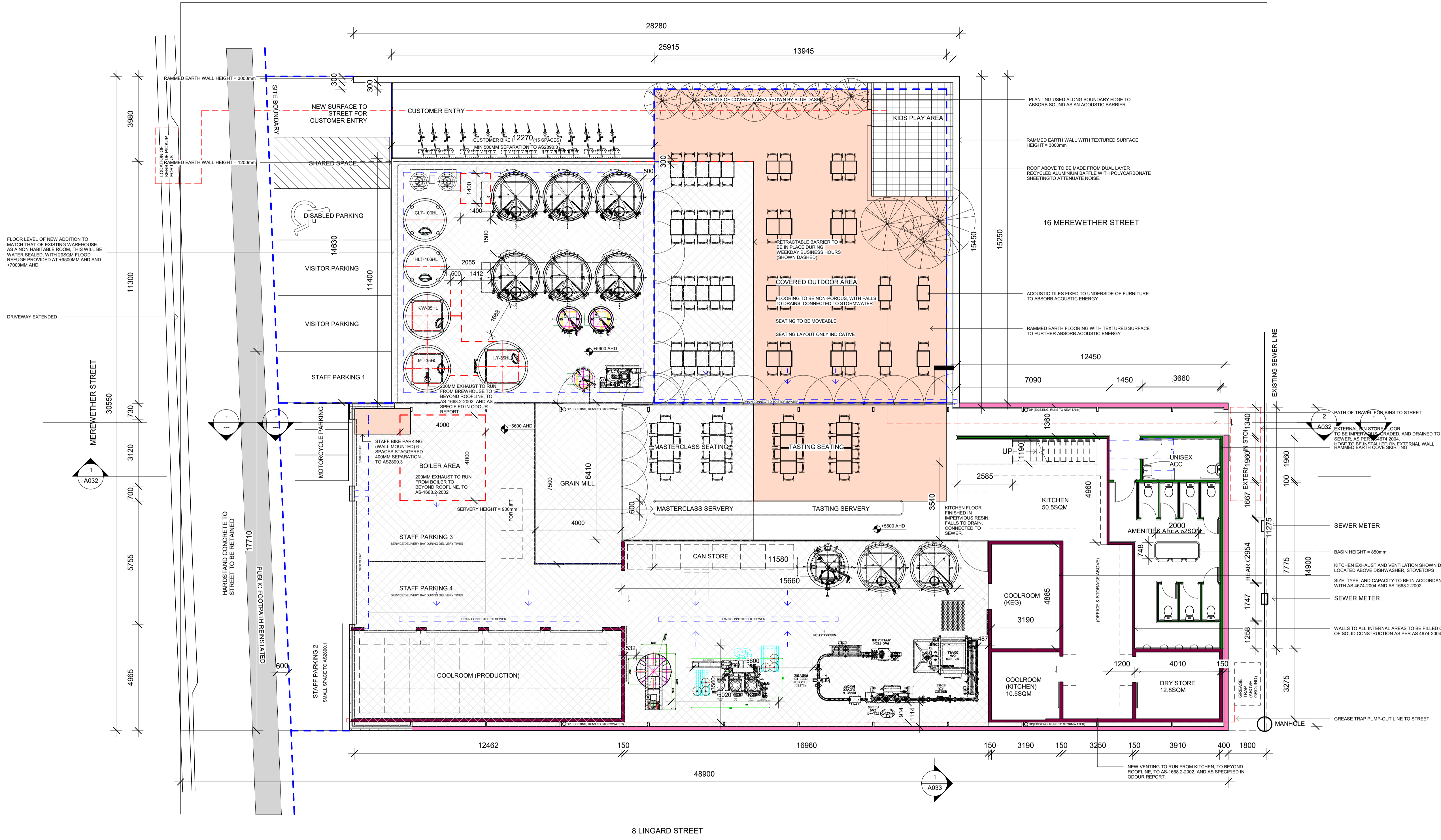


PROPOSED GROUND FLOOR - WEEKDAY

Reference No.	Discipline	Drawing No.	Rev.
MO_2		A020	5

Rev.	Description	Date
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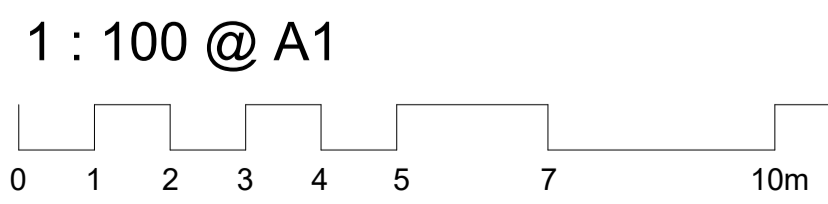
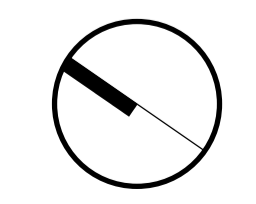
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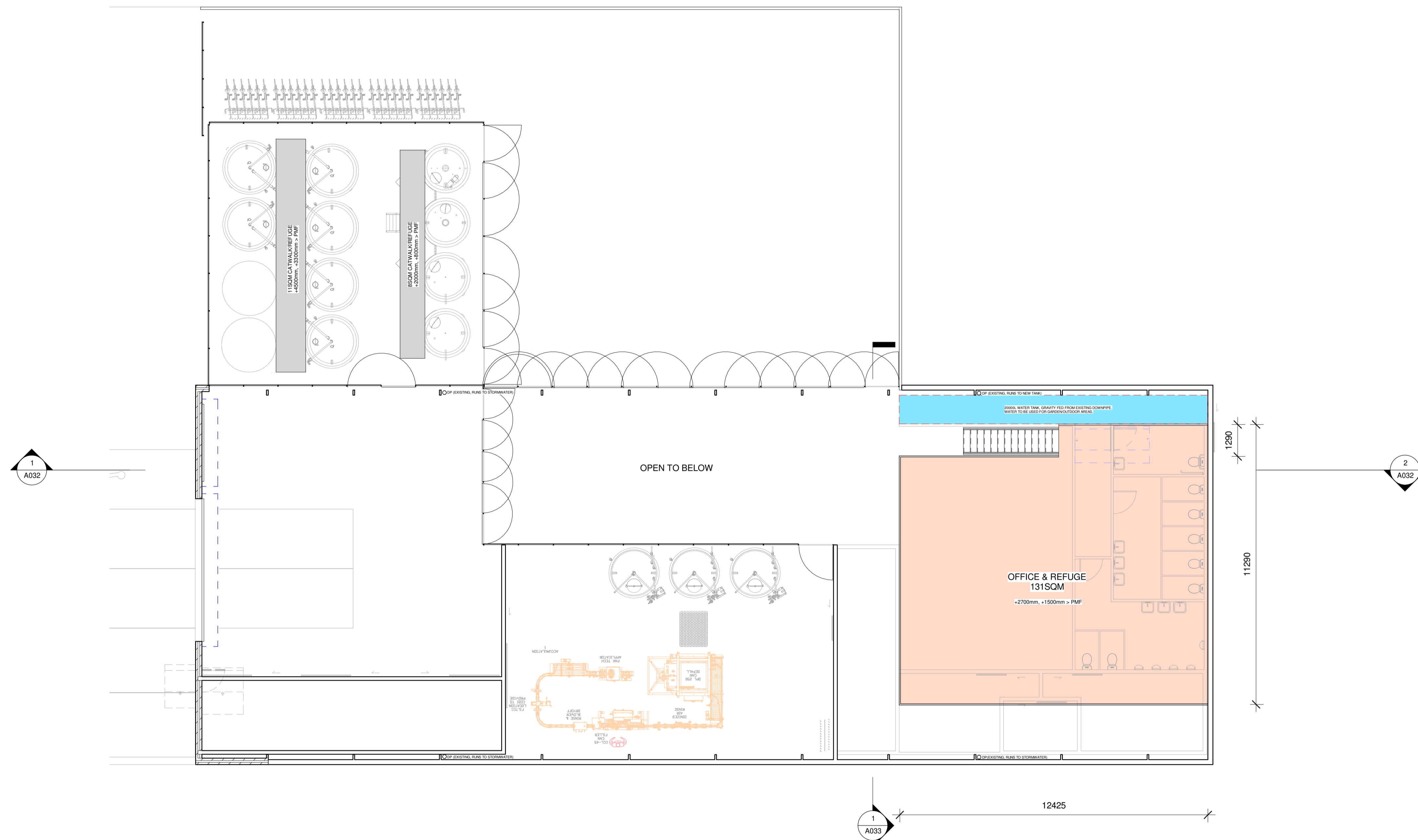
PROPOSED GROUND FLOOR - WEEKEND

Reference No. MO_2
Discipline
Drawing No. A020
Rev. 5

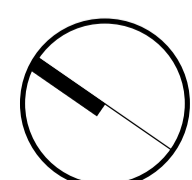
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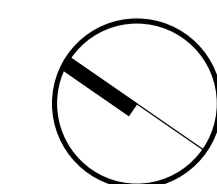
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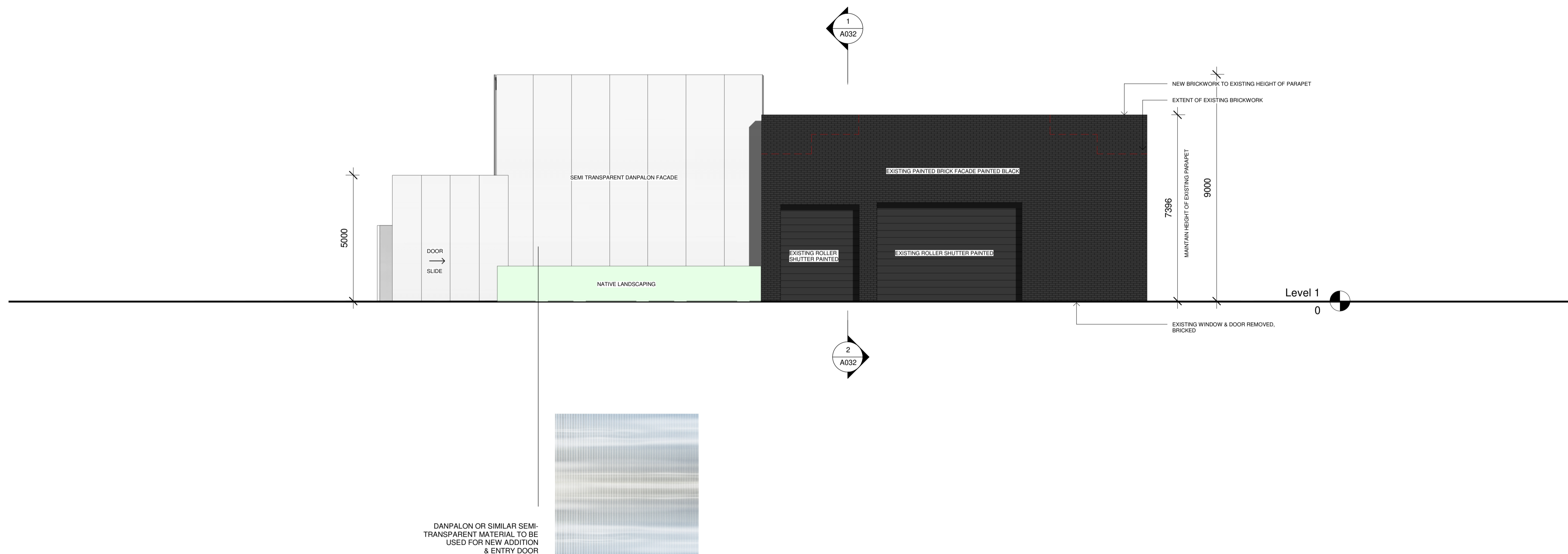


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DANPALON OR SIMILAR SEMI-TRANSPARENT MATERIAL TO BE USED FOR NEW ADDITION & ENTRY DOOR



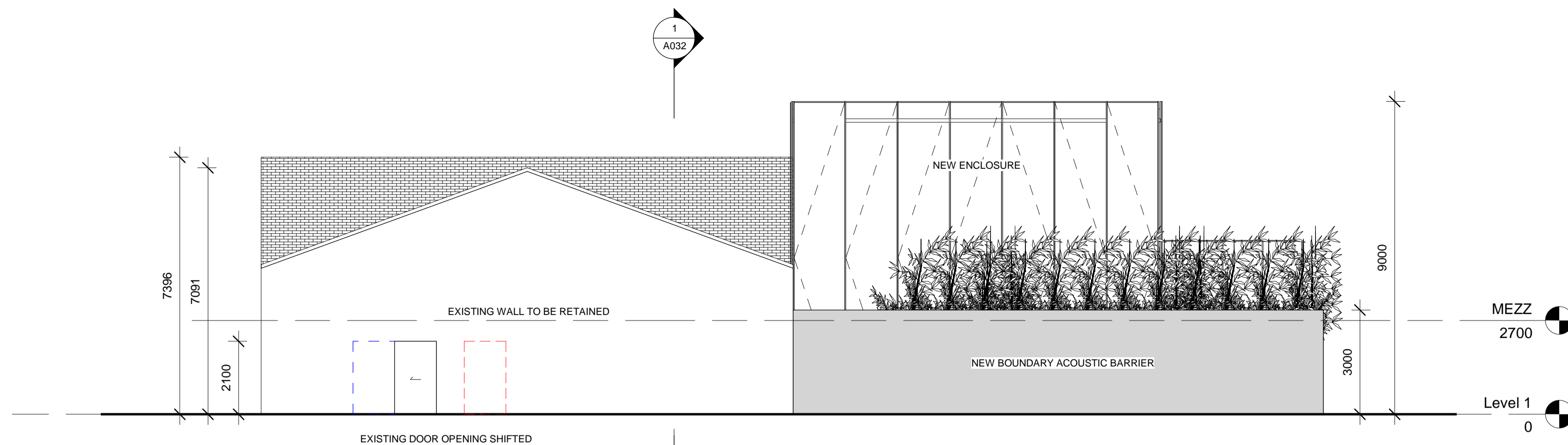
NOTES

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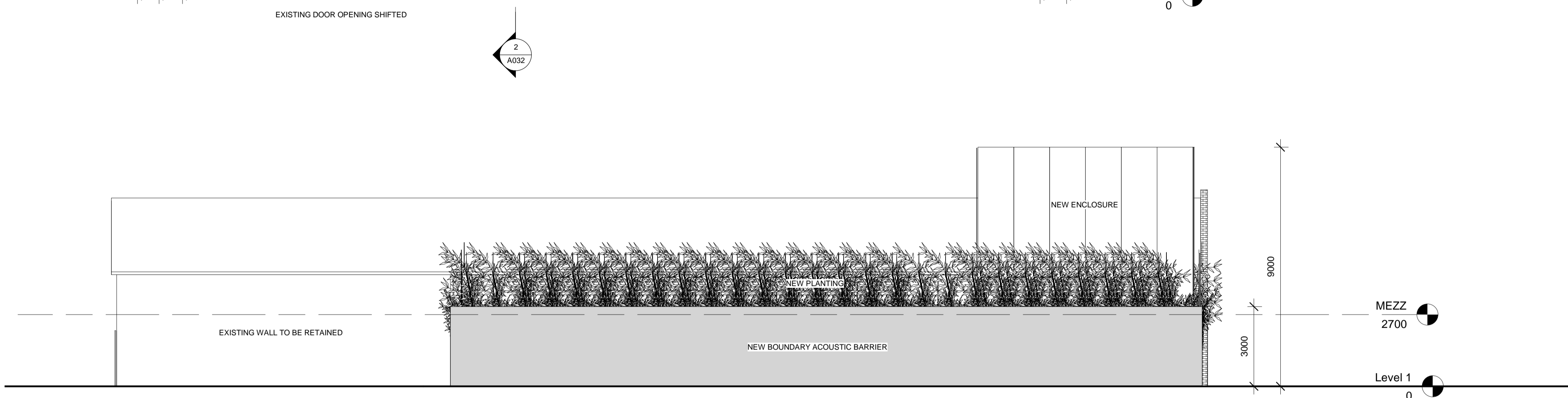
Rev.	Description	Date
1	HWMSB	09122019
2	DA	15122019

LEGENDS / NOTES:

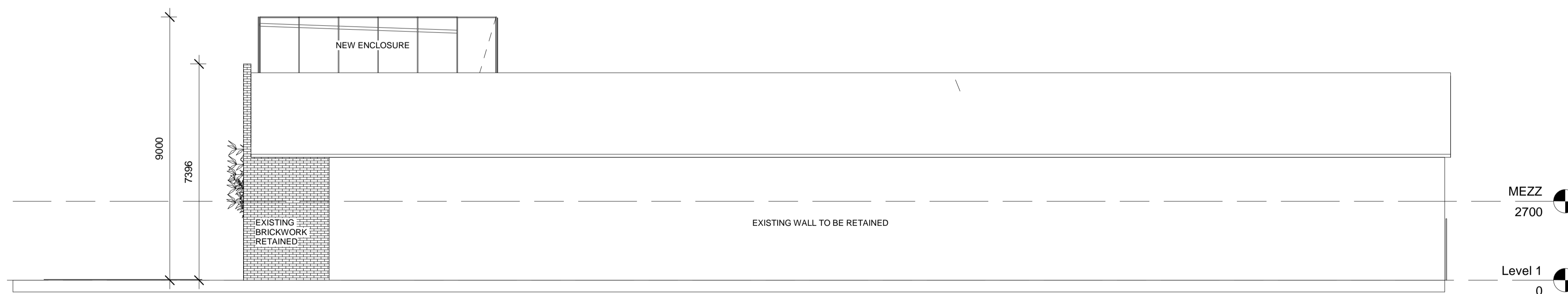
- BEL BULK EXCAVATION LEVEL
- BLK BLOCKWORK
- C COMMS CUPBOARD
- CPT CARPET
- CR CEMENT RENDER
- CTF CERAMIC TILE FLOOR
- CTW CERAMIC TILE WALL
- DP DOWNPIPE
- E ELECTRICAL CUPBOARD
- FC FIBROUS CEMENT SHEET
- FEX FIRE EXTINGUISHER CPD
- FFL FINISHED FLOOR LEVEL
- FHR FIRE HOSE REEL
- GAS GAS CUPBOARD
- GD GRATED DRAIN
- GL GLASS
- GX GARBAGE EXHAUST
- HC HOSE COCK
- INS INSULATION
- LSA LOBBY SUPPLY AIR
- MBL METAL BALUSTRADE
- MBX MAILBOX
- OF OVERFLOW
- PB PLASTERBOARD
- PT PAINT
- RL RELATIVE LEVEL
- RWOROF WATER OUTLET
- RW RETAINING WALL
- SFL STRUCT. FLOOR LEVEL
- SSC STRUCT. STEEL COLUMN
- SJ SILICONE JOINT
- SWP STORM WATER PIT
- TMJ TEMP MOVEMENT JOINT
- TOH TOP OF HOBB
- TOW TOP OF WALL
- TW1 TACTILE INDICATORS



1 South
1 : 100



2 East
1 : 100



3 West
1 : 100

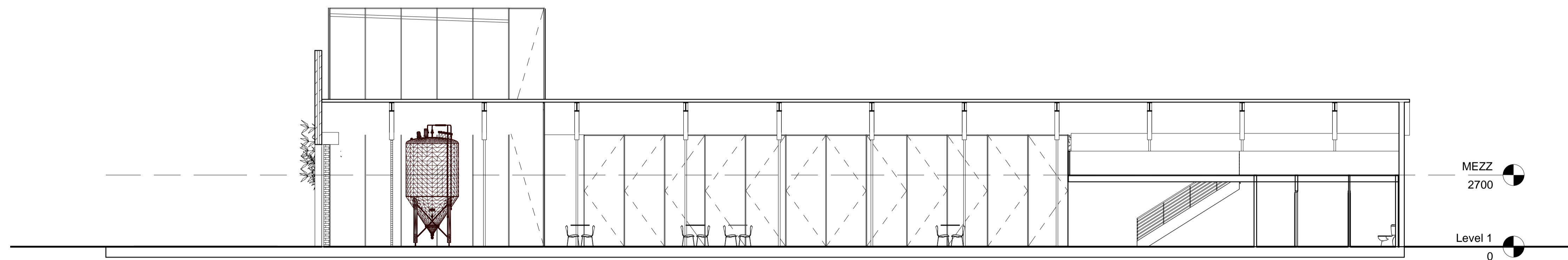
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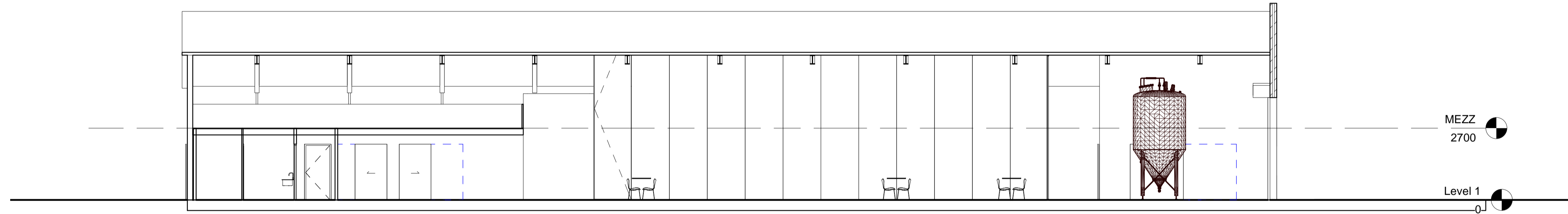
Rev.	Description	Date
1	HW/MSB	09122019
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LEGENDS / NOTES:

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MBL	METAL BALUSTRADE
MBX	MAILBOX
OF	OVERFLOW
PB	PLASTERBOARD
PT	PAINT
RL	RELATIVE LEVEL
RWOROF	RETAINING WALL
RW	RETAINING WALL
SFL	STRUCT. FLOOR LEVEL
SSC	STRUCT. STEEL COLUMN
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SWP	STORM WATER PIT
TMJ	TEMP MOVEMENT JOINT
TOH	TOP OF HOBB
TOW	TOP OF WALL
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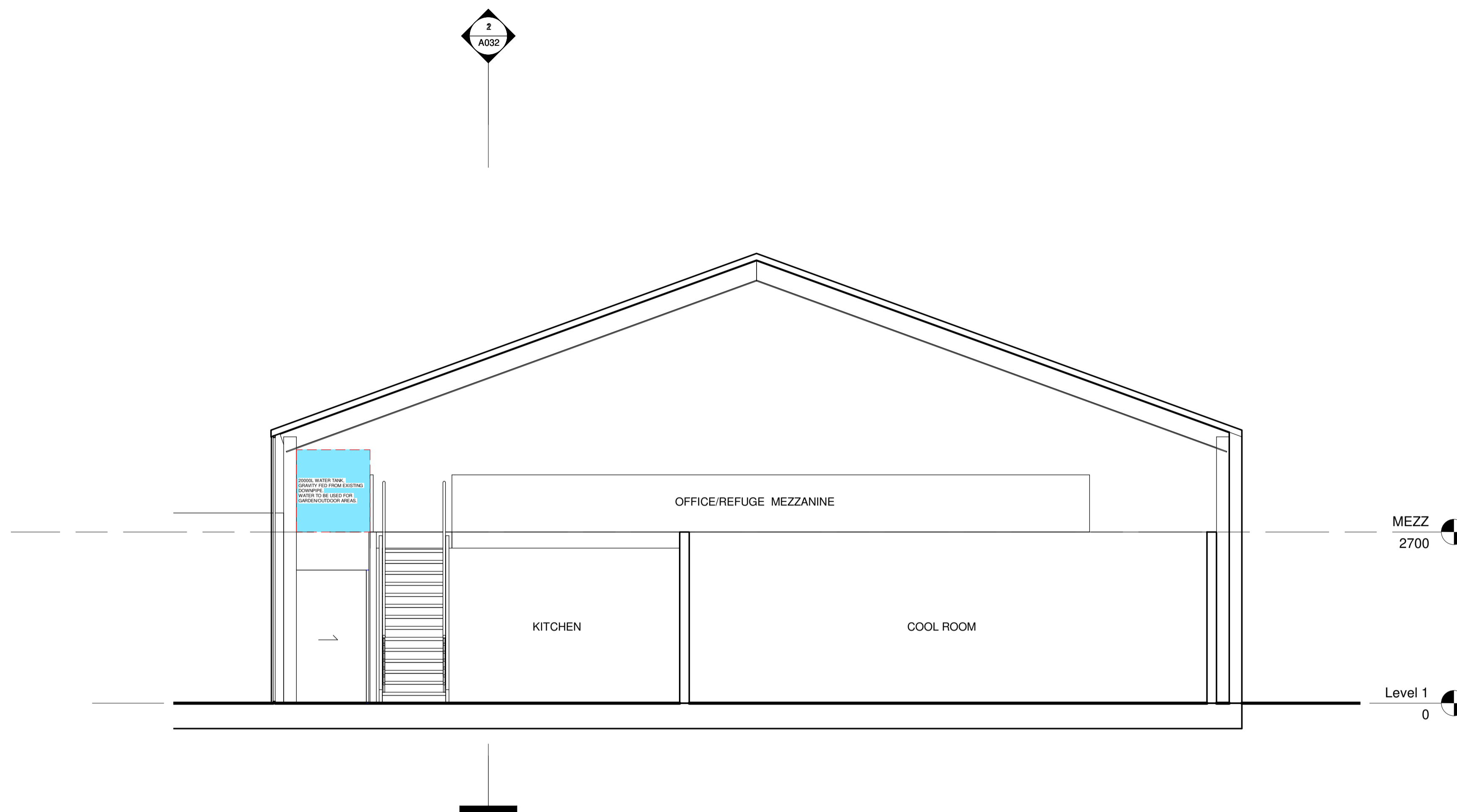


1 Section AA
1 : 100



2 Section BB
1 : 100

- NOTES**
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NOTES

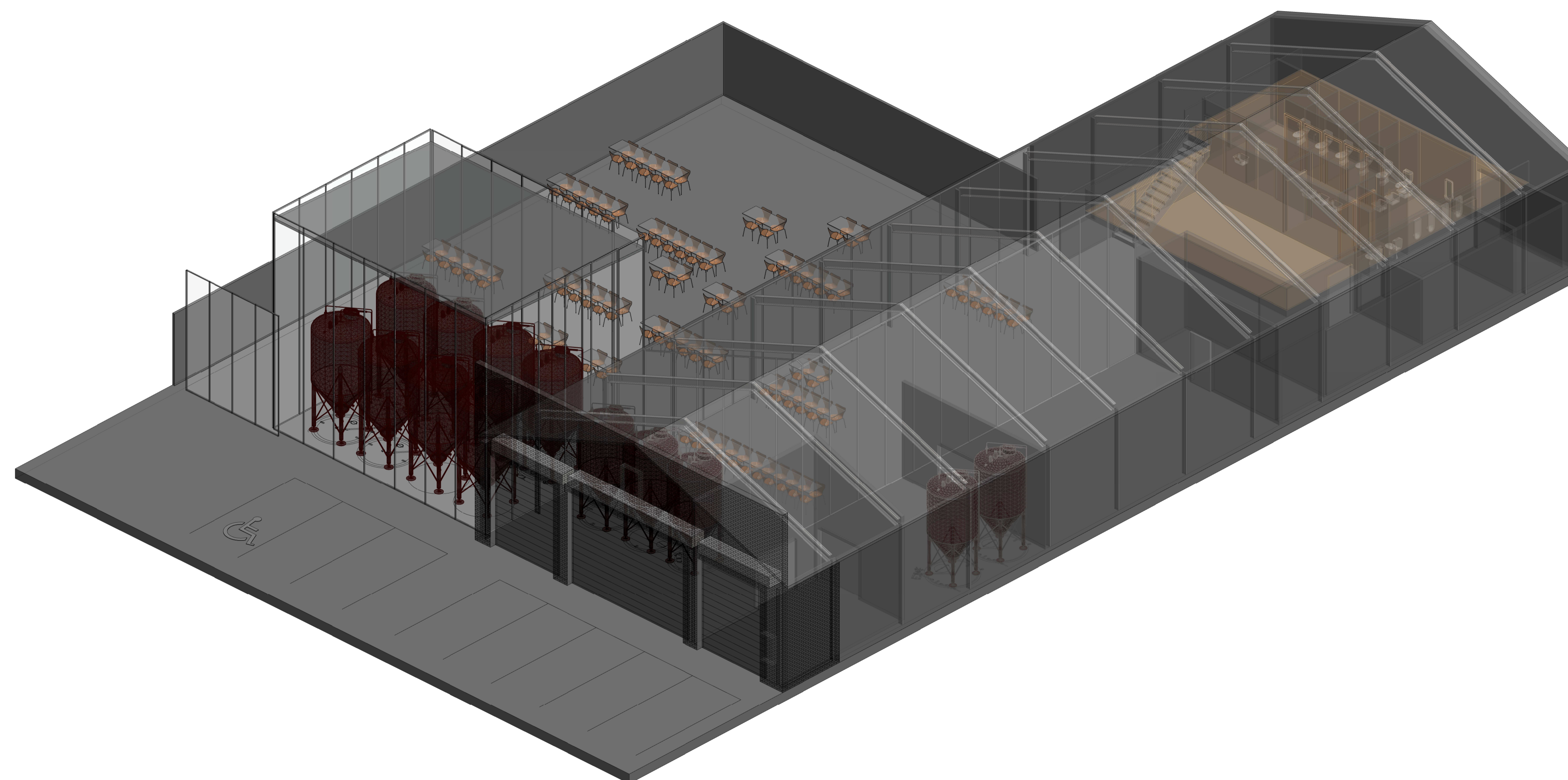
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Status: **DA**

Nom. Architect

Print Date: 12/15/2019 9:59:58 PM

Rev.	Description	Date
2	DA	15122019

**LEGENDS / NOTES:**

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BLK	BLOCKWORK
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CONCEPT STORMWATER MANAGEMENT SUMMARY

THE PROPOSED DEVELOPMENT AT 18 MEREWETHER STREET, MEREWETHER INVOLVES THE REFURBISHMENT OF THE EXISTING DWELLING ON LOT 10 DP 111239 AND THE CONSTRUCTION OF A NEW BUILDING ON LOT 4 DP 218920.

AS THE EXISTING DEVELOPMENT FOOTPRINT IS REMAINING UNTOUCHED, THIS HAS NOT BEEN INCLUDED IN THE STORMWATER DRAINAGE CALCULATIONS. THERE IS NO NETT EFFECT ON STORMWATER QUALITY OR STORMWATER QUANTITY ON THIS LOT.

STORMWATER PHILOSOPHY:

- ALL RUNOFF FROM THE NEW ROOF AREA WILL BE DIRECTED TO A NEW 20 KL RAINWATER TANK (RWT) LOCATED INSIDE THE EXISTING BUILDING ON THE MEZZANINE LEVEL. THE RAINWATER TANK WILL BE REUSED INTERNALLY IN TOILETS AND EXTERNAL FOR GARDEN IRRIGATION IN ACCORDANCE WITH NCC COUNCIL REQUIREMENTS.
- OVERFLOW FROM THE RAINWATER TANK WILL BE DIRECTED TO THE STORMWATER DRAINAGE NETWORK LOCATED WITHIN THE PROPOSED OUTDOOR SEATING AREA.
- RUNOFF FROM THE HARDSTAND COURTYARDS AND DRIVEWAY AREAS WILL BE CAPTURED IN A SERIES OF SURFACE INLET PITS AND CONVEYED VIA SUBSURFACE PIPE TO THE KERB AND GUTTER IN MEREWETHER STREET.
- IT SHOULD BE NOTED THAT A 54 m³ UNDERGROUND COMPENSATORY STORAGE TANK WILL BE PROVIDED TO OFFSET FLOOD STORAGE - REFER TO CIV02 FOR DETAILS.

STORMWATER CALCULATIONS:

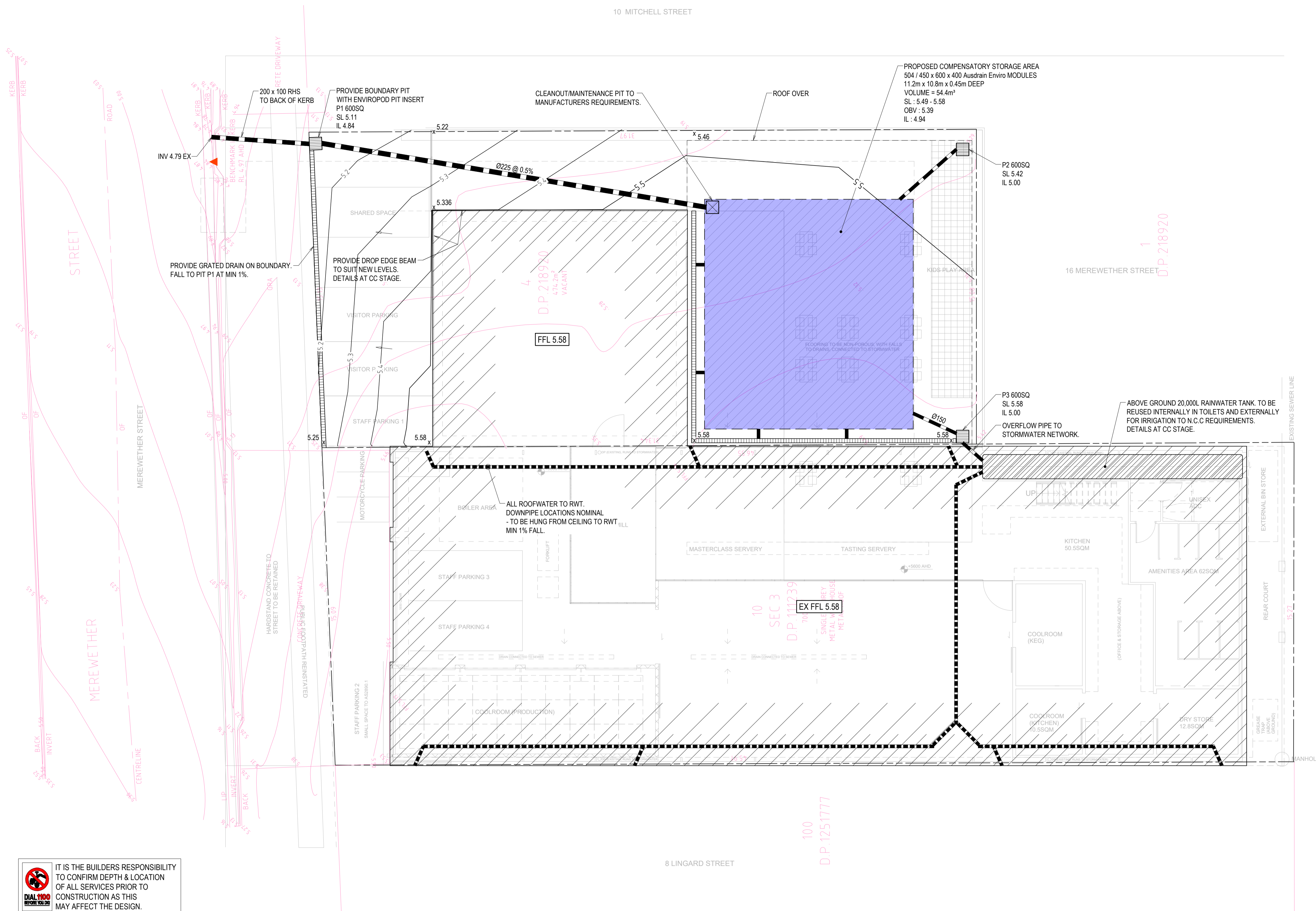
SITE AREA	= 489 m ²
NEW ROOF AREA	= 326 m ²
NEW HARDSTAND / DRIVEWAY AREA	= 163 m ²
TOTAL IMPERVIOUS	= 489 m ² (CONSERVATIVE ASSESSMENT)
% OF SITE IMPERVIOUS	= 100 %
DEPTH OF DETENTION REQUIRED	= 25 mm/m ² OF IMPERVIOUS AREA TOTAL
STORAGE VOLUME REQUIRED FOR SITE	= 12.2 m ³

NOTE THAT THE PROPOSED 20 KL RAINWATER TANK IS SUFFICIENT TO STORE THE ENTIRE STORAGE REQUIREMENTS PROVIDED THE OUTFLOWS FROM THE TANK, AND THE BYPASS FLOWS, DO NOT EXCEED PRE-DEVELOPMENT FLOW RATES.

ONSITE STORMWATER DETENTION CALCULATIONS:

Q _{PRE} (100YR)	= C I A (t _c = 5min)
	= 0.40 x 1.20 x 313 x 489
	= 20.4 L/s
Q _{POST} (100YR)	= C I A (t _c = 5min)
	= 0.90 x 1.20 x 313 x 489
	= 42.5 L/s
OSD Volume	= (42.5 - 20.4) x 5 x 60
	= 6.6 m ³
CHECK BYPASS	= 0.9 x 1.20 x 313 x 163
	= 14.17 L/s < 20.4 L/s (OK)
Q _{PRE} (20YR)	= C I A (t _c = 5min)
	= 0.40 x 1.05 x 223 x 489
	= 12.7 L/s
Q _{POST} (20YR)	= C I A (t _c = 5min)
	= 0.40 x 1.05 x 223 x 489
	= 28.6 L/s
OSD Volume	= (28.6 - 12.7) x 5 x 60
	= 4.7 m ³
CHECK BYPASS	= 0.9 x 1.05 x 223 x 163
	= 9.5 L/s < 12.7 L/s (OK)

AS SUCH RAINWATER TANK WILL BE OVER DETAINED TO LIMIT POST-DEVELOPED FLOWS FROM THE SITE TO PRE-DEVELOPED FLOWS. RWT OUTLET CONFIGURATION DETAILED AT CC STAGE.

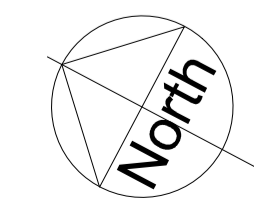


IT IS THE BUILDERS RESPONSIBILITY TO CONFIRM DEPTH & LOCATION OF ALL SERVICES PRIOR TO CONSTRUCTION AS THIS MAY AFFECT THE DESIGN.

LEGEND

SL	SURFACE LEVEL
IL	INVERT LEVEL
[Symbol]	SURFACE INLET PIT DETAILS PROVIDED AT CC STAGE
[Symbol]	UPVC STORMWATER PIPE
[Symbol]	UPVC CHARGED DOWNPIPE
x 8.38	DESIGN FINISHED SURFACE LEVEL
+16.69	EXISTING FINISHED SURFACE LEVEL, CONTOURS SHOWN ARE ALSO EXISTING
EX FL 19.15	EXISTING FLOOR LEVEL
FFL 19.35	FINISHED FLOOR LEVEL
[Symbol]	INDICATES DIRECTION OF SURFACE FLOW
[Symbol]	DESIGN CONTOURS

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PO BOX 4105 Kotara East 2305
0402 915 549
ABN 64 625 755 482

STORMWATER MANAGEMENT PLAN
18 MEREWETHER STREET,
MEREWETHER
MODUS OPERANDI

DRAWING STATUS

NOT FOR CONSTRUCTION

PROJECT REF No.	DRAWING No.	SHEET SIZE
200369	CIV01	A1
		SCALE 1:100
		REVISION A

REV	DATE	DRN	CHK	APP	DRAWING STATUS
A	15.04.20	R.F.	M.M.	M.M.	ISSUED FOR DA

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FLOODING CONCEPT

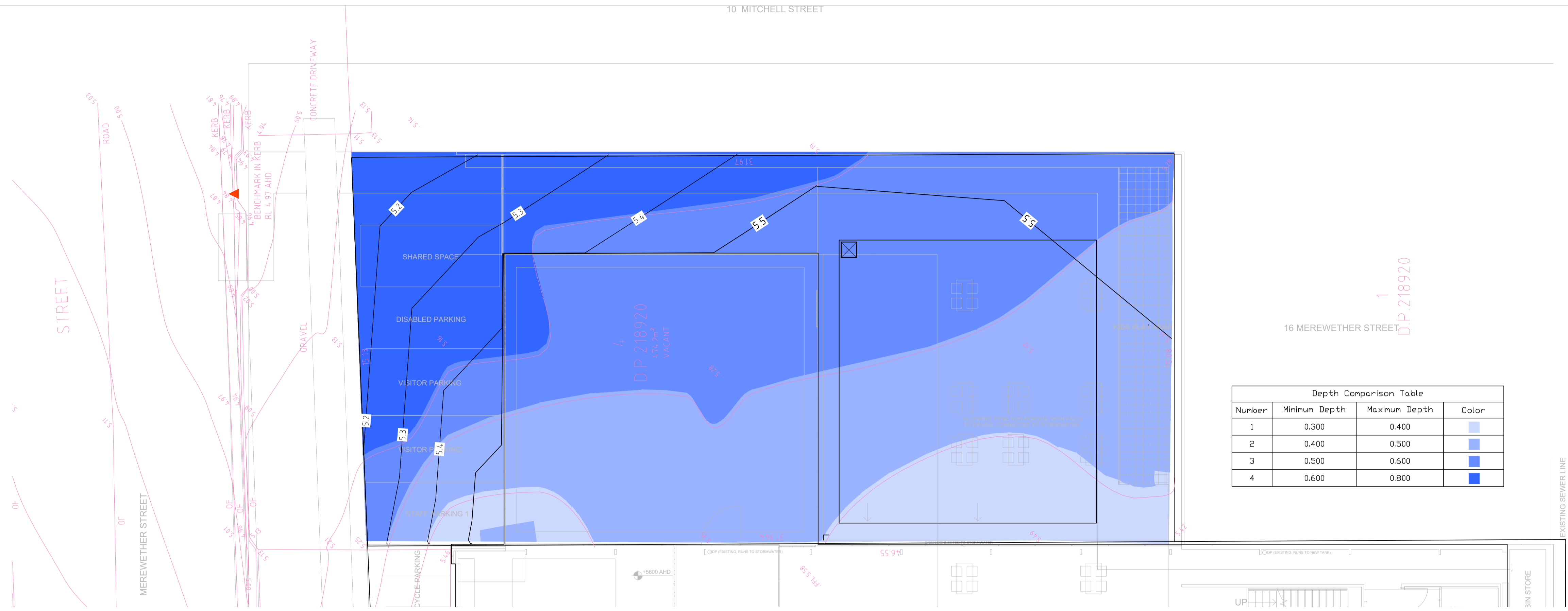
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THE PROPOSED DEVELOPMENT IS LOCATED WITHIN A FLOOD STORAGE AREA. NEWCASTLE CITY COUNCIL ALLOWS DEVELOPMENT WITHIN A FLOOD STORAGE AREA PROVIDED A MAXIMUM 20% OF FILLING OF THE FLOOD STORAGE AND/OR COMPENSATORY STORAGE IS PROVIDED.

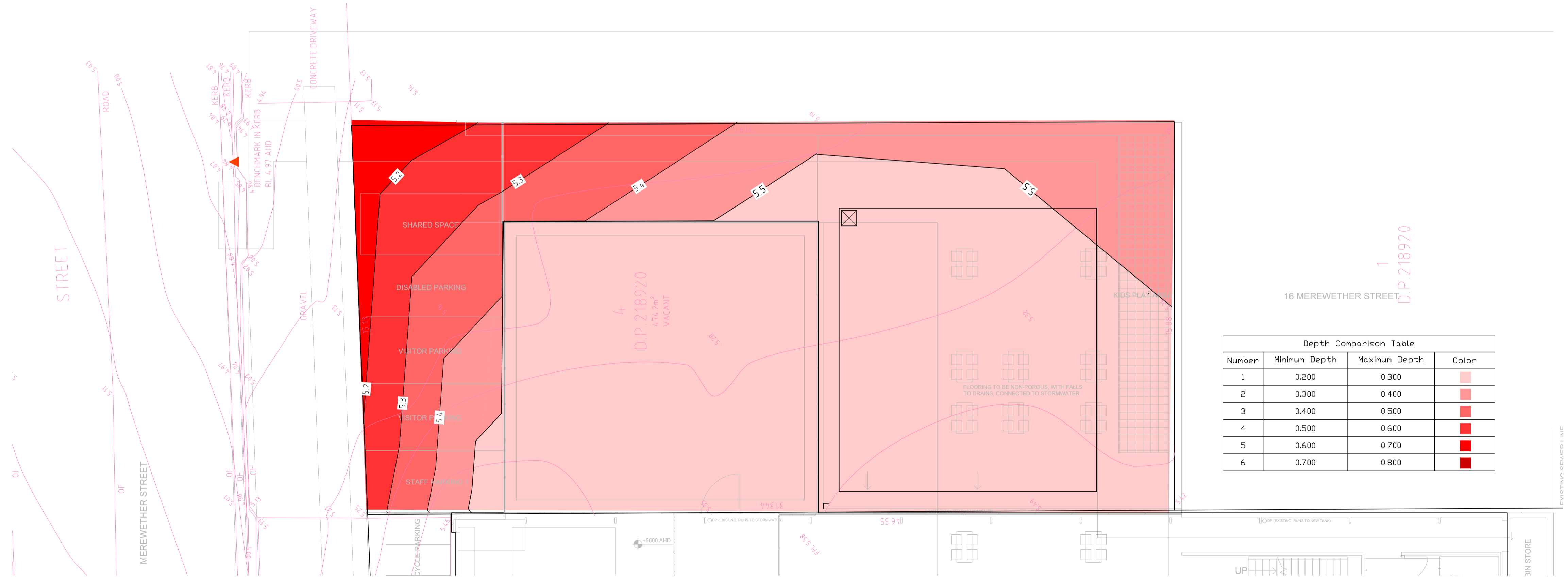
THE PROPOSED 1% AEP FLOOD LEVEL IS 5.8m AHD (PROVIDED BY NCC). AS THE EXISTING BUILDING FFL IS SET AT 5.58m AHD, IT IS PROPOSED TO DESIGN THE PROPOSED EXTENSION AT THE SAME FFL (5.58m AHD) WITH CONSTRUCTION UP TO THIS LEVEL BEING WATER RESISTANT.

FURTHERMORE, AN UNDERGROUND COMPENSATORY STORAGE TANK WILL BE PROVIDED TO ENSURE COUNCILS MAXIMUM 20% FILLING OCCURS.

TOTAL VOLUME CURRENTLY STORED ON LOT 4 DP 218920 DURING 1% AEP EVENT	= 245 m ³
ALLOWABLE FILLING OF 20%	= 49 m ³
TOTAL VOLUME REQUIRED TO ALLOW WATER STORAGE ON LOT 4 DP 218920	= 196 m ³
TOTAL VOLUME AVAILABLE ABOVE DESIGN SURFACE LEVELS TO 5.8m AHD	= 143 m ³
REQUIRED BELOW GROUND COMPENSATORY STORAGE	= 53 m ³



COMPARISON LEVELS - 1% AEP TO NATURAL SURFACE LEVELS



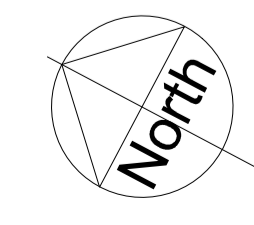
COMPARISON LEVELS - 1% AEP TO DESIGN SURFACE LEVELS

REV	DATE	DRN	CHK	APP	DRAWING STATUS
A	15.04.20	R.F.	M.M.	M.M.	ISSUED FOR DA

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Mathew McNamara
BEing (Civil) Honr MIE (Aust)

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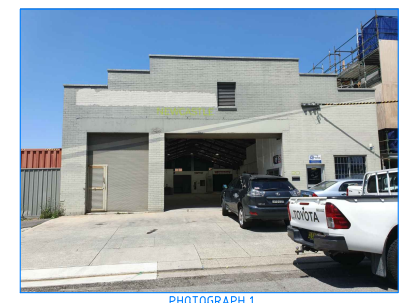
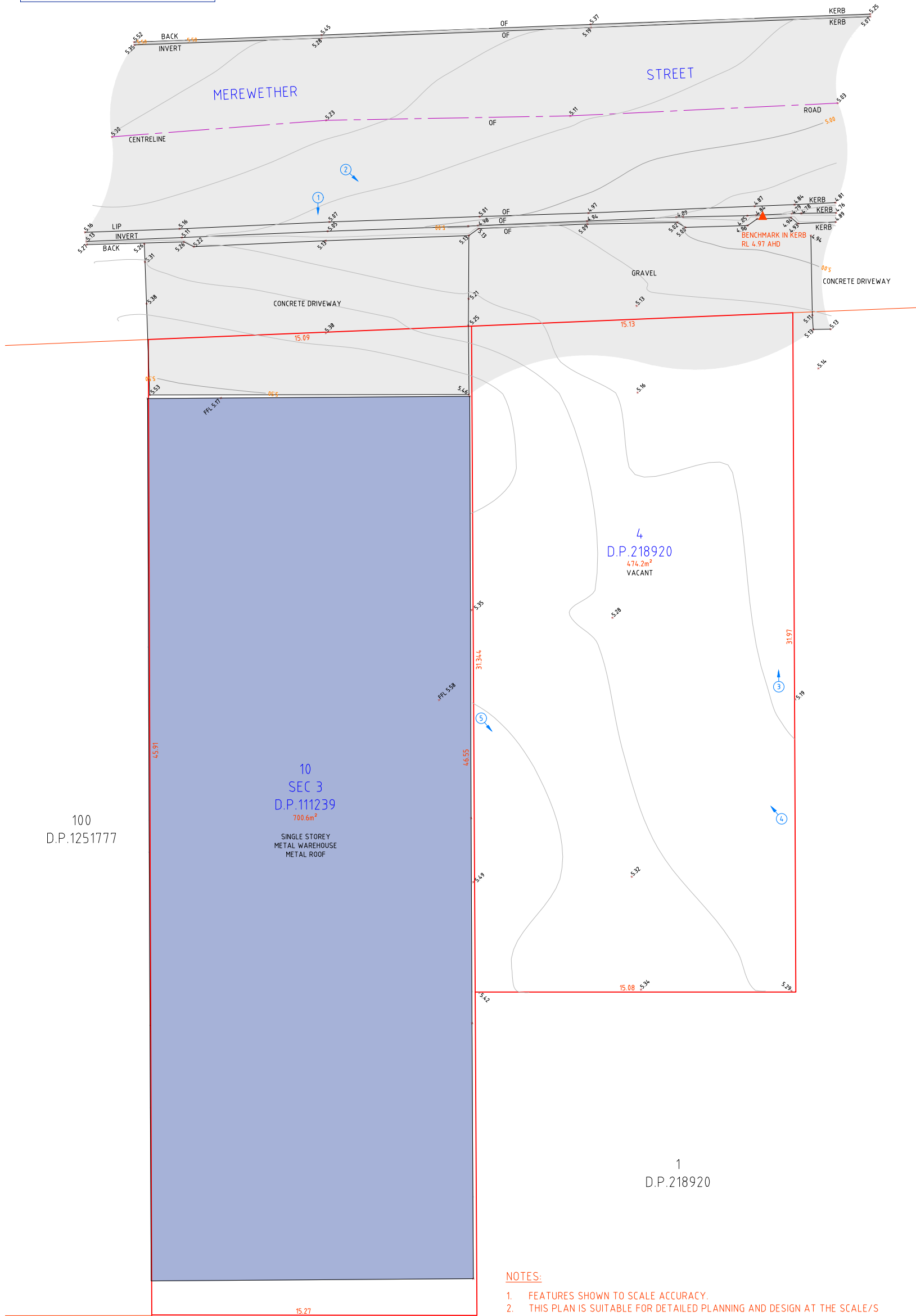
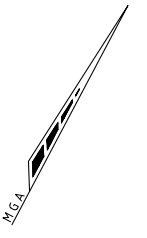
DRB CONSULTING ENGINEERS

FLOODING COMPENSATORY STORAGE PLAN
18 MEREWETHER STREET,
MEREWETHER
MODUS OPERANDI

DRAWING STATUS		SHEET SIZE
NOT FOR CONSTRUCTION		A1
PROJECT REF No.		SCALE
200369	DRAWING No.	1:100
	CIV02	REVISION
		A

LEGEND

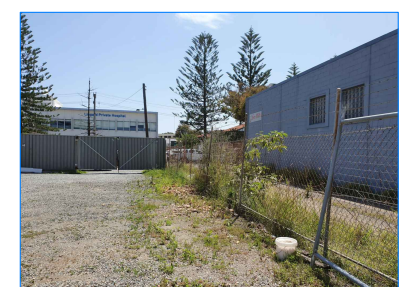
	BOUNDARY LINE
	ADJACENT BOUNDARY
	MINOR CONTOUR LINE
	MAJOR CONTOUR LINE
	BENCH MARK
	PHOTOGRAPH LOCATION AND DIRECTION



PHOTOGRAPH 1



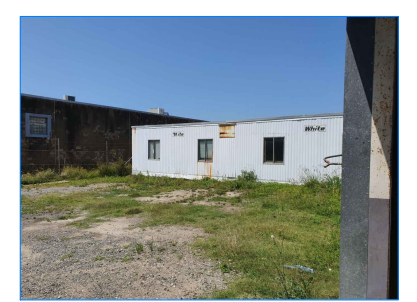
PHOTOGRAPH 2



PHOTOGRAPH 3



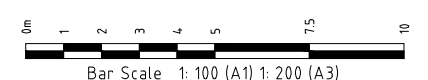
PHOTOGRAPH 4



PHOTOGRAPH 5

NOTES:

1. FEATURES SHOWN TO SCALE ACCURACY.
2. THIS PLAN IS SUITABLE FOR DETAILED PLANNING AND DESIGN AT THE SCALE/S STATED. THE PLAN MAY NOT BE SUITABLE FOR ANY OTHER PURPOSE OR FOR USE AT ANY OTHER SCALE/S.
3. SERVICES LOCATED ONLY WHERE VISIBLE.
4. THE LOCATION OF ALL UNDERGROUND SERVICES WHETHER SHOWN ON THE PLAN OR NOT, SHOULD BE PRECISELY DETERMINED BY POTHOLING BEFORE ANY DESIGN OR CONSTRUCTION WORK COMMENCES AND MEASURES TAKEN TO PROTECT THESE SERVICES FROM DAMAGE.
5. CONTOUR INTERVAL - 0.1m
6. THE BOUNDARIES SHOWN ARE APPROXIMATE ONLY. THE BOUNDARIES SHOWN HAVE BEEN COMPILED FROM THE RELEVANT DEPOSITED PLANS. FURTHER SURVEY WILL BE REQUIRED IF CONSTRUCTION IS TO TAKE PLACE ON OR ADJACENT TO THE BOUNDARIES.
7. DURING THE COURSE OF THIS SURVEY NO INVESTIGATION HAS BEEN UNDERTAKEN TO DETERMINE THE EXISTENCE OF ANY POSSIBLE SUBTERRANEAN ENCROACHMENTS.



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Ed.	Date	Amendment
A	14.02.20	INITIAL ISSUE
B		
C		
D		
E		
F		
G		
H		

de Witt Consulting
 planning ■ surveying ■ project management

HUNTER REGION
 7 Canberra Street Charlestown
 PO Box 850 Charlestown NSW 2290
 P 02 4942 5441 F 02 4942 5301
 E admin@dewittconsulting.com.au

WESTERN REGION
 87 Herbert Street Gulgong
 PO Box 232 Gulgong NSW 2852
 P 02 6374 2911 F 02 6374 2922
 ABN 23 104 067 405

TITLE
PLAN SHOWING LEVELS OVER
LOT 4 D.P.218920
& LOT 10 SEC. 3 D.P.111239

JOB ADDRESS: 20 MEREWETHER STREET, MEREWETHER		REV	JOB REF:
CLIENT: MODUS OPERANDI BREWING COMPANY		A	10217
SCALE: A1 1:100 A3 1:200	ORIGIN OF LEVELS	DRAWN	CJ
SURVEY DATE: 12.02.20	P.M.11360	SURVEYOR	TC
PLAN DATE: 14.02.20	RL 5.540	CHECKED	CC
DATUM: AHD		APPROVED	CC
CAD REF: 10217-DE-200211	DRAWING REF: 10217-DET-14.02.20		SHEET No
			1/1

Title

Fire Safety Schedule

Date

Sunday, 15 December 2019

Project

18-20 Merewether Street

Address

**18-20 Merewether Street, Merewether,
2291 NSW, Australia
Lot 10, Sec 3, DP 111239
Lot 4, DP 218920**

Prepared by;

Ben Berwick
Director, Prevalent Pty Ltd
ben@prevalent.archi

1 Fire Safety Measures

1.1 Existing (retained)

Brick, metal and concrete warehouse.

- Concrete floor – slab on ground.
- Metal structure (portal frame).
- Double brick façade. Metal cladding to side walls.
- Ceiling in corrugated metal & translucent polycarbonate with insulation.

1.2 Proposed

Concrete flooring and walls to be skinned in fire resistant materials, relevant to food premises as specified in as4674-2004 and the NCC 2012.

Clean escape access to be provided to main customer entry. Route to be kept clear at all times. Exit signs to be placed in location according to code, by fire safety engineer.

Fire extinguisher to be installed in kitchen and brewery area.

Smoke detectors in dining and ancillary rooms.



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 18/08/2020 – DA2019/01351 – 18-20 MEREWETHER STREET,
MEREWETHER – ARTISAN FOOD AND DRINK PREMISES -
ALTERATIONS AND ADDITIONS AND CHANGE OF USE**

ITEM-29 **Attachment B:** Draft Schedule of Conditions

DISTRIBUTED UNDER SEPARATE COVER



Application No: DA2019/01351

Land: Lot 10 Sec 3 DP 111239
Lot 4 DP 218920

Property Address: 18 Merewether Street Merewether NSW 2291
20 Merewether Street Merewether NSW 2291

Proposed Development: Artisan food and drink premises - alterations and additions and change of use

SCHEDULE 1

APPROVED DOCUMENTATION

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

Plan No / Supporting Document	Reference / Version	Prepared by	Dated
Demolition Plan	M_02 A006 Rev 1	Prevalent	09/12/19
Proposed Ground Floor Plan	M_02 A020 Rev 5	Prevalent	19/03/20
Proposed Ground Floor Weekday	M_02 A020 Rev 5	Prevalent	19/03/20
Proposed Ground Floor Weekend	M_02 A020 Rev 5	Prevalent	19/03/20
Proposed Mezzanine Floor Plan	M_02 A021 Rev 4	Prevalent	17/02/20
Proposed RCP	M_02 A023 Rev 4	Prevalent	17/02/20
Street Elevation	M_02 A030 Rev 4	Prevalent	17/02/20
Side Elevations	M_02 A032 Rev 2	Prevalent	15/12/19
Sections	M_02 A032 Rev 2	Prevalent	15/12/19
Cross Section	M_02 A033 Rev 3	Prevalent	07/02/20
Plan of Management (Revised)	April 2020	-	Received 27/07/20
Operational Noise Assessment	14624-402/3	RCA Australia	19/02/20

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.

GENERAL TERMS OF APPROVAL

- The General Terms of Approval from state authorities must be complied with prior to, during, and at the completion of the development.

The General Terms of Approval are:

- a. Subsidence Advisory NSW dated 20 December 2019.

A copy of the General Terms of Approval is attached to this determination notice at Schedule 3.

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

3. A total monetary contribution of \$5000 is to be paid to the City of Newcastle, 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:

- 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) 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:

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

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

4. On-site parking accommodation is to be provided for a minimum of 6 vehicles, 3 motorbikes, and 21 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. The small car space for staff parking (No. 2) and corresponding driveway width parallel to the space is to be removed i.e. between the western roller door and the western property boundary. Full details are to be included in documentation for a Construction Certificate application.
6. Wheel stops are to be installed at the 4 x angle parking spaces to prevent vehicles overrunning into the proposed addition. Full details are to be included in documentation for a Construction Certificate application.

7. Roof water from the proposed new work is to be directed to the proposed water tank with a minimum capacity of 20,000-litres and being reticulated to any new toilet cisterns and cold water washing machine taps, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be designed in accordance with the Plumbing Code of Australia (National Construction Code Volume 3). Full details are to be included in documentation for a Construction Certificate application. The floor level of all proposed buildings or building additions is to be verified on plans for a Construction Certificate application to be 5.60m Australian Height Datum.
8. The whole of the proposed structure below known flood level (6.30m Australian Height Datum) is to be constructed in materials and finishes that are resistant to damage from floodwaters/tidal waters. Any new machinery or equipment, electrical circuitry or fitting, storage unit or similar items likely to be damaged by floodwaters/tidal waters are to be installed above the said height, or alternatively be of materials and functional capability resistant to the effects of floodwaters/tidal waters. Details are to be included in documentation for a Construction Certificate application.
9. A flood emergency response plan is to be prepared by a professional engineer, who is experienced in flood management, and the plan is to be put in place prior to occupation of the site for the intended use. The plan is to include an education and awareness component for the workforce, detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan and 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 are to include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. The plan is to be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources. Details are to be included in documentation for a Construction Certificate application.

10. On-site flood refuge is to be provided in the development. The minimum on-site refuge level in the building is the level of the Probable Maximum Flood event (reduced level 6.60m Australian Height Datum). The design and/or suitability of the refuge is to be structurally certified by a professional engineer, ensuring that the building is able to withstand the hydraulic loading due to flooding from the Probable Maximum Flood (Flood Level reduced level 6.60m Australian Height Datum, Maximum Flow Velocity of floodwaters 0.30m/s). Full details are to be included in documentation for a Construction Certificate application.
11. The design and construction of the proposed development is to be in accordance with the relevant requirements of *Australian Standard 4674:2004 - Design, Construction and Fit-Out of Food Premises*. Full details are to be included in the documentation for

the Construction Certificate application.

12. The Developer designing and constructing the following works in connection with the proposed development within the Merewether Street Service Road public road reserve, adjacent to the site, at no cost to Council and in accordance with Council's guidelines and design specifications:
 - a) New 1.2m wide concrete pedestrian footpath along the frontage of 18 - 20 Merewether Street as per Council's Standard Drawing A1401.
 - b) Full reconstruction of widened driveway (approximately 26m) as per Council's Standard Drawing A1300
 - c) Partial removal of existing driveway crossover and reinstatement of kerb and turfed verge between the western roller door and western property boundary
 - d) New stormwater pipe connection to the street kerb

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.

13. A 3m acoustic barrier is to be installed in accordance with the Operational Noise Assessment prepared by RCA Australia dated 19 February 2020. Full details are to be included in documentation for a Construction Certificate application.
14. 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 are to be made for regular removal and disposal of same. The required garbage facility is to be suitable for the accommodation of City of Newcastle approved wheel type bins or bulk waste containers. Full details are to be included in documentation for a Construction Certificate application.
15. The car parking and vehicular access is to be designed to comply with the following:
 - a) AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking
 - b) AS 2890.3:2015 - Parking facilities - Bicycle parking
 - c) AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities.
 - d) A bollard is to be installed in the shared space of disabled parking in accordance with AS/NZS 2890.6-2009: Off-street parking for people with disabilities.

Full details are to be included in documentation for a Construction Certificate application.

16. 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.
17. 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. Details are to be included in documentation for a Construction Certificate application.
18. 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 DRB Consulting Engineers (Drg. No. 200369/CIV01/RevA, dated 15 April 2020). Full details are to be included in documentation for a Construction Certificate application.

19. All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls. Details are to be included in documentation for a Construction Certificate application.
20. All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required by the conditions of this consent are to be detailed on a comprehensive landscape plan and specification. The plan and specification are 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
 - 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) maintenance periods.

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

21. 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.
22. 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 26.0m 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.

23. 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.
24. Lighting is to be provided to all entrances and exits of the premises and is to be designed, positioned, and installed, including appropriate shielding and orientation of the lighting fixture, as to not give rise to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding properties. All lighting must comply with *AS 1158 - Lighting for Roads and Public Spaces* and *AS 4282 - Control of Obtrusive Effects of Outdoor Lighting*. Full details are to be included in documentation for a Construction Certificate application.

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

25. 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.
26. Any excavated material to be removed from the site is to be assessed and classified in accordance with the NSW Environment Protection Authority's '*Waste Classification Guidelines Part 1: Classifying Waste*' and be transported and disposed of in accordance with the provisions of the *Protection Of The Environment Operations Act 1997* and the *Protection Of The Environment (Waste) Regulation 2014*.
27. 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*.
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*, or
- c) Be a temporary chemical closet approved under the *Local Government Act 1993*.
29. Building demolition is to be planned and carried out in accordance with *Australian Standard 2601:2001 - The Demolition of Structures*.
30. A Hazardous Substances Management Plan is to be prepared by a competent person

for the building(s) or parts of the building(s) proposed to be demolished in accordance with *Australian Standard 2601:2001 - The Demolition of Structures*. A copy of the Hazardous Substances Management Plan is to be provided to the City of Newcastle and to the demolisher prior to commencement of work.

31. 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.
32. 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.
33. 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.
34. 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.
35. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
36. Waste management is 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*.

37. 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.

38. 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.
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. 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.
41. 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.

42. 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.

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. 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*.
45. 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.

46. Any demolition/waste building materials that are not suitable for recycling are to be disposed of at City of Newcastle's Summerhill Waste Management Facility or other approved site.
47. 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.
48. 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.
49. The work site is to be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
50. All building work is to be carried out in accordance with the provisions of the National Construction Code.
51. On-site car parking accommodation is to be provided for a minimum of 6 vehicles, 2 motorbikes, and 21 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.
52. 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.
53. 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.

54. 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.
55. 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.
56. 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 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.
57. 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.

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

58. 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.
59. 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.
60. Acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by RCA Australia, dated 19 February 2020. 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.
61. Prior to issue of an Occupation Certificate, the food business must notify the relevant enforcement agencies, under the *Food Act 2003* and (for licensed food businesses) under the *Food Regulation 2010*. Notification is to be provided to the city of Newcastle and the NSW Food Authority.

Note: To arrange notification of the food business with the City of Newcastle, go to www.newcastle.gov.au <<http://www.newcastle.gov.au>> and download a copy of the 'Council Food Business Notification Form' or contact City of Newcastle's Environmental Health Services on (02) 4974 2525. To notify with the NSW Food Authority go to www.foodnotify.nsw.gov.au <<http://www.foodnotify.nsw.gov.au>> and follow the instructions.

62. Engage an appropriately qualified consultant to install and set out the ongoing operating requirements of a noise limiting device to meet the noise levels specified in the Operational Noise Assessment prepared by RCA Australia dated 19 February 2020. Written certification confirming this has been implemented is to be submitted to Council prior to issuing an Occupation Certificate.
63. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a condition that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to City of Newcastle's satisfaction prior to the completion of demolition work or prior to the issue of any Occupation Certificate in respect of development involving building work.
64. All works within the road reserve required by this consent are to be completed prior to the issue of an Occupation Certificate.
65. 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.
66. A Landscape Practical Completion Report is to be submitted to the Principal Certifier prior to the issue of an 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.
67. 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.
 - a) The minimum numeral height is to be 75mm.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

68. The Plan of Management shall be implemented at all times. If the plan of management is required to be amended due to any incidences involving the NSW Police, a copy of the amended Plan to be supplied to Council.
69. The maximum number of persons permitted in the premises (inclusive of the covered outdoor area) until 10:00pm is to be:

Monday to Thursday – 200 persons maximum

Friday to Sunday – 297 persons maximum

The outdoor area is restricted to a maximum number of 150 persons. After 10:00pm the maximum number of persons permitted within the premises is 147 persons.

A sign must be displayed in a prominent position in the building stating that until 10:00pm Monday to Thursday a maximum of 200 persons are permitted in the premises (inclusive of the covered outdoor area); and Friday to Sunday a maximum of 297 persons are permitted in the premises (inclusive of the covered outdoor area). After 10:00pm the maximum number of persons permitted within the premises is 147 persons.

70. The hours of operation or trading of the brew house are to be not more than:

DAY	START	FINISH
Monday	7:00am	7:00pm
Tuesday	7:00am	7:00pm
Wednesday	7:00am	7:00pm
Thursday	7:00am	7:00pm
Friday	7:00am	7:00pm
Saturday	7:00am	2:00pm
Sunday	closed	

- The hours of operation or trading of the ancillary uses are to be not more than:

DAY	START	FINISH
Monday	11:00am	11:00pm
Tuesday	11:00am	11:00pm
Wednesday	11:00am	11:00pm
Thursday	11:00am	11:00pm
Friday	11:00am	12:00am
Saturday	11:00am	12:00am
Sunday	11:00am	10:00pm

- The hours of deliveries are to be not more than:

DAY	START	FINISH
Monday - Friday	7:00am	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.

71. The use of the identified outside area is to be restricted to 11:00am to 10:00pm on any day.
72. No patrons are permitted to remain in the identified outside area after 10:00pm.
73. All musical and amplified entertainment in the identified outside area is to cease by 10:00pm on any day.
74. No live musical entertainment being conducted at the premises unless a separate application and acoustic assessment prepared by a qualified acoustic consultant is submitted and approved by Council.
75. Vehicles are to be loaded or unloaded standing wholly within the existing building at 20 Merewether Street and in the service/delivery bay designated on the submitted plans or as otherwise provided in accordance with the conditions of this consent. 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. The service/delivery bay to be used for staff parking, as designated on the submitted plans, outside of the delivery hours i.e. after 5pm midweek, after 2pm Saturday and all-day Sunday
76. Convex safety mirrors are to be installed on both sides of the roller door within the property boundary to improve visibility.
77. The floors of the production area being suitably bunded across the external door openings to prevent the escape of spilt liquids.

78. The venue must maintain a closed-circuit television (CCTV) system on the premise in accordance with the following requirements:
- (a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times),
 - (b) recordings must be in digital format and at a minimum of six (6) frames per second,
 - (c) any recorded image must specify the time and date of the recorded image,
 - (d) the system's cameras must cover the following areas:
 - (i) all entry and exit points on the premises,
 - (ii) the footpath immediately adjacent to the premises, and
 - (iii) all publicly accessible areas (other than toilets) within the premises.

The venue must also:

- (a) keep all recordings made by the CCTV system for at least 30 days,
 - (b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and
 - (c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.
79. All waste products being stored in air-tight containers which are to be kept sealed at all times except when necessary to add or remove material.
80. 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 left at the kerb for collection.
81. The flood refuge areas are to be maintained clear of obstruction and stored materials and be used exclusively for purposes designated on the submitted plans.
82. Waste collection (general and recyclable) is to be undertaken from the bin storage area, as identified on the approved plans, serviced from the Merewether Street Service Road and returned directly to the bin storage area. Under no circumstances are garbage bins to be presented to the Merewether Street Service Road earlier than the scheduled time of kerbside collection or remain at kerbside after collection.
83. Within 6 months of operation the noise emissions from the facility are to be monitored and assessed with a report to be prepared and submitted to Council confirming the recommended acoustic treatments have been implemented in accordance with the requirements of Operational Noise Assessment prepared by RCA Australia dated 19 February 2020.
84. Any forklift operation on the premises being restricted to between 7am to 6pm.
85. The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive odour, as defined under the Protection of the Environment Operations Act 1997, as amended.

Should Council consider offensive odour has emanated from the premises, the owner/occupier of the premises will be required to submit an odour assessment prepared by a suitably qualified consultant recommending appropriate odour control 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 odour control

measures have been satisfactorily implemented will be required to be submitted to Council prior to the expiration of the nominated period.

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

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

87. No goods or advertising signs are to be displayed or allowed to stand on the public footpath or street.
88. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.
89. The use and occupation of the premises is not to give rise to the emission of any 'air impurity' as defined under the *Protection of the Environment Operations Act 1997*, that interferes unreasonably with the amenity of neighbouring premises and/or other sensitive receivers.

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

90. 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, and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.
91. 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'.

ADVISORY MATTERS

- For the purpose of applying the provisions of the National Construction Code for class 1, 2, 3, 4, 9a (health care) and 9c (aged care) buildings, it is advised that the proposed building is located in a Flood Hazard Area and the:
 - a) Defined Flood Level (DFL) is 5.80m Australian Height Datum (AHD)
 - b) Flood Hazard Level is 6.30m AHD (Freeboard is 500mm above DFL)
 - c) Maximum Flow Velocity of floodwaters for the Defined Flood Event is 0.20m/s
- Any proposed business identification sign or advertising sign is to be designed in

accordance with the provisions of Newcastle Development Control Plan 2012 and be the subject of a separate Development Application that is to be approved prior to the sign being erected or placed in position, except when such signage meets '*exempt development*' criteria.

- 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 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.
- 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 (i.e. '*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 (i.e. '*on-the-spot fine*') or prosecution.
- Prior to commencing any building works, the following provisions of Part 6 of the *Environmental Planning and Assessment Act 1979* are to be complied with:
 - a) A Construction Certificate is to be obtained; and
 - b) A Principal Certifier is to be appointed for the building works and the City of Newcastle is to be notified of the appointment; and
 - c) The City of Newcastle is to be given at least two days' notice of the date intended for commencement of building works.
- A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building and/or on the land and include a separate list of any fire safety measures that already exist at the premises. The lists are to describe the extent, capability and basis of design of each of the measures.
- 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*.

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.

SCHEDULE 3

SUBSIDENCE ADVISORY NSW GENERAL TERMS OF APPROVAL

GENERAL

1. The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval. Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.
2. This approval expires 5 years after the date the approval was granted if construction work has not physically commenced.

POST CONSTRUCTION

3. Upon completion of construction, works-as-executed certification by a qualified engineer is to be forwarded to Subsidence Advisory NSW confirming that construction was in accordance with the plans approved by Subsidence Advisory NSW.



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 18/08/2020 – DA2019/01351 – 18-20 MEREWETHER STREET,
MEREWETHER – ARTISAN FOOD AND DRINK PREMISES -
ALTERATIONS AND ADDITIONS AND CHANGE OF USE**

ITEM-29 **Attachment C:** Processing Chronology

DISTRIBUTED UNDER SEPARATE COVER



PROCESSING CHRONOLOGY

DA2019/01351 – 18-20 MEREWETHER STREET, MEREWETHER

- | | |
|------------------|--|
| 18 December 2019 | - Application lodged |
| 10 January 2020 | - Public notification |
| 29 January 2020 | - Request for additional information sent to applicant |
| 19 February 2020 | - Additional information received |
| 17 March 2020 | - Request for additional information sent to applicant |
| 27 March 2020 | - Additional information received from applicant |
| 30 March 2020 | - Request for additional information |
| 16 April 2020 | - Additional information received |
| 16 June 2020 | - Referred to Public Voice Committee |
| 25 June 2020 | - Request for additional information |
| 01 July 2020 | - Additional information received |



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 18/08/2020 – DA2019/01351 – 18-20 MEREWETHER STREET,
MEREWETHER – ARTISAN FOOD AND DRINK PREMISES -
ALTERATIONS AND ADDITIONS AND CHANGE OF USE**

ITEM-29 **Attachment D:** General Terms of Approval - Subsidence
Advisory NSW

DISTRIBUTED UNDER SEPARATE COVER





117 Bull Street, Newcastle West NSW 2302
Tel 02 4908 4300 | www.subsidenceadvisory.nsw.gov.au
24 Hour Emergency Service: Free Call 1800 248 083
ABN 81 913 830 179

FN92-05336N0
& FN71-05479N0
TBA19-07057

Prevalent Architecture
Benjamin Berwick
ben@prevalent.archi

Dear Benjamin

RE PROPOSED ALTERATIONS/ADDITIONS TO WAREHOUSE AND CONVERSION INTO A MICROBREWERY AT 18-20 MEREWETHER STREET MEREWETHER; LOT 4 DP 218920 & LOT 10 SEC 3 DP 111239; TBA19-07057

NOTICE OF DETERMINATION

I refer to the application detailed above. Subsidence Advisory NSW has determined to grant approval under section 22 of the *Coal Mine Subsidence Compensation Act 2017*.

Approval has been granted, subject to the conditions set out in the attached determination under Schedule 2. The stamped approved plans are attached.

Once relevant documentation to meet the conditions in Schedule 2 is available, please email through to SA-Risk@customerservice.nsw.gov.au quoting reference **TBA19-07057**.

Should you have any questions about the determination, I can be contacted by phone on 02 4908 4300 or via email at SA-RiskEng@customerservice.nsw.gov.au.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Melanie Fityus'.

Melanie Fityus
Senior Risk Engineer

20 December 2019

DETERMINATION

Issued in accordance with section 22 of the *Coal Mine Subsidence Compensation Act 2017*

As delegate for Subsidence Advisory NSW under delegation executed 20 December 2019 approval is for the development described in Schedule 1, subject to the conditions attached in Schedule 2.

Determination Date: 20 December 2019

Approval to Lapse on: 20 December 2024

The conditions of approval are imposed for the following reasons:

- a) To confirm and clarify the terms of Subsidence Advisory NSW approval.
- b) To minimise the risk of damage to surface development from mine subsidence.



Melanie Fityus
Senior Risk Engineer

20 December 2019

SCHEDULE 1

Application No: **TBA19-07057**
Applicant: **PREVALENT ARCHITECTURE**
Site Address: **18-20 MEREWETHER STREET MEREWETHER**
Lot and DP: **LOT 4 DP 218920 & LOT 10 SEC 3 DP 111239**
Proposal: **ALTERATIONS/ADDITIONS TO WAREHOUSE AND
CONVERSION INTO A MICROBREWERY**
Mine Subsidence District: **NEWCASTLE**

SCHEDULE 2
CONDITIONS OF APPROVAL

GENERAL	
Plans, Standards and Guidelines	
1.	The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval. Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.
2.	This approval expires 5 years after the date the approval was granted if construction work has not physically commenced.
POST CONSTRUCTION	
3.	Upon completion of construction, works-as-executed certification by a qualified engineer is to be forwarded to Subsidence Advisory NSW confirming that construction was in accordance with the plans approved by Subsidence Advisory NSW.

Dispute Resolution

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