



City of
Newcastle



CITY OF NEWCASTLE

Councillors

In accordance with section 367 of the Local Government Act, 1993 notice is hereby given that an **EXTRAORDINARY DEVELOPMENT APPLICATIONS COMMITTEE MEETING** of the Council will be held as follows:

DATE: 10 December 2019

TIME: Following the Ordinary Council Meeting

VENUE: Council Chambers
2nd Floor, City Hall
290 King Street
Newcastle NSW 2300

J Bath
Chief Executive Officer

**City Administration Centre
12 Stewart Avenue
NEWCASTLE WEST NSW 2302**

4 December 2019

BUSINESS

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**EXTRAORDINARY DEVELOPMENT APPLICATIONS MEETING
10 December 2019**

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NOTE: ITEMS MAY NOT NECESSARILY BE DEALT WITH IN NUMERICAL ORDER

REPORTS BY COUNCIL OFFICERS

ITEM-23 **EDAC 10/12/19 - DA2019/00588 - 6 BAVIN ROAD BROADMEADOW - RECREATION FACILITY (INDOOR), CARPARKING AND AMENITIES BUILDING**

APPLICANT: **WESTERN SUBURBS (NEWCASTLE) LEAGUES CLUB LTD**
OWNER: **VENUES NSW**
NOTE BY: **GOVERNANCE**
CONTACT: **DIRECTOR GOVERNANCE / MANAGER REGULATORY, PLANNING AND ASSESSMENT**

PART I

BACKGROUND

An application has been received seeking consent for a recreational facility (indoor), car parking and amenities building at 6 Bavin Road Broadmeadow NSW 2292.

The submitted application was assigned to Senior Development Officer, William Toose for assessment.

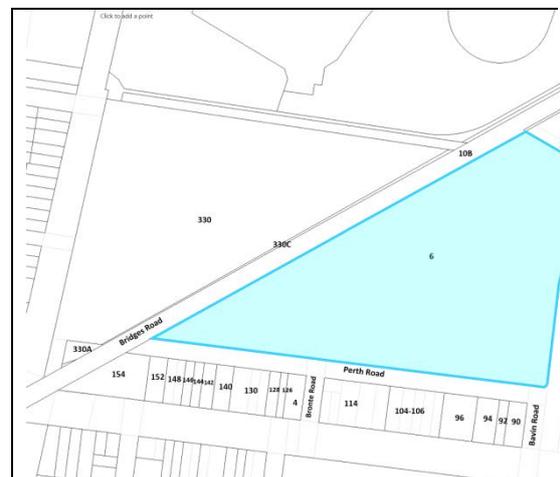
The application is referred to City of Newcastle's (CN) Development Applications Committee for determination as the construction value of the proposed development (\$18,453,600) exceeds the staff delegation limit of \$10M.

A copy of the plans for the proposed development is appended at **Attachment A**.

The proposed development was publicly notified in accordance with CN's Public Notification policy and 2 submissions have been received in response.

The concerns raised by the objectors' in respect of the proposed development are discussed in Part 2 of this report and relate to the potential impacts of the proposed development on the Westpac Rescue Helicopter Service's operations.

In response to concerns raised in the submissions, amended plans were provided which included changes to the northern-eastern car park layout and positioning,



Subject Land: 6 Bavin Road Broadmeadow

altered servicing arrangements and some minor design changes to the proposed building. These changes were specifically undertaken to assist in minimising any potential adverse impact on the service's current operational requirements.

Additionally, the applicant has now removed field lighting previously proposed at the northern end of the training field.

At the time of preparing this report, a response from the service had not been received on the amended proposal.

Issues

- 1) Potential impacts of the proposed development on the Westpac Rescue Helicopter Service's operations. The proposed development was amended to assist in minimising potential adverse impacts on the service's operations.
- 2) Traffic and Carparking. The proposed development will provide a total of 139 car parking spaces on site, resulting in a surplus of 26 car spaces above the recommended rate of the Newcastle Development Control Plan 2012 (NDCP 2012). The proposed development is considered to be acceptable with regard to its impacts on local traffic conditions, pedestrian safety and traffic management measures.

Conclusion

The proposed development has been assessed having regard to the relevant heads of consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and is considered to be acceptable subject to compliance with appropriate conditions.

RECOMMENDATION

- A. That DA2019/00588 for a recreational facility (indoor), car parking and amenities at 6 Bavin Road Broadmeadow be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**; and
- B. That those persons who made submissions be advised of Council's determination.

Political Donation / Gift Declaration

Section 10.4 of the Environmental Planning and Assessment Act 1979 requires a person to disclose "reportable political donations and gifts made by any person with a financial interest" in the application within the period commencing two years before the application is made and ending when the application is determined. The following information is to be included on the statement:

- a) all reportable political donations made to any local Councillor of Council; and

- b) all gifts made to any local Councillor or employee of that Council.

The applicant has answered **NO** to the following question on the application form: *Have you, or are you aware of any person having a financial interest in the application, made a 'reportable political donation' or 'gift' to a Councillor or Council employee within a two year period before the date of this application?*

PART II

1.0 THE SUBJECT SITE

The subject site is Crown Land managed by Venues NSW and forms a recreation area known as 'District Park', located within a wider area identified as the 'Hunter Sports and Entertainment Precinct'. The Precinct includes the Newcastle International Hockey Centre, Hunter Stadium, tennis and basketball courts and the Newcastle International Paceway.

The subject site is legally described as Lot 3284 in DP 1049501. It comprises a triangular shaped parcel of land with an overall area of approximately 7.02ha. The site has a frontage to Bavin Road (to the east) of approximately 247m and to Perth Road (to the south) of approximately 437.16m. The site is bound by the Styx Creek open drainage channel to the north-west.

Existing development within the site is limited to a small single-storey brick building used as a public toilet, located along the site's southern boundary; a concrete cricket pitch in the south-western portion of the site; part of two pedestrian footbridges located along the north-western boundary, providing access over the adjoining Styx Creek drainage channel; and an at-grade hardstand car park and fencing located in the north-east of the site, associated with the Westpac Rescue Helicopter Base.

With the exception of the existing car park access from Bavin Road, servicing the Westpac Base, no formal vehicle access is currently available to the subject site.

The site is devoid of significant vegetation, with the exception of tree plantings along the boundaries. These fig tree plantings form part of a local heritage-listed item, 'Remnant Plantings, District Park', however are not located within the development site.

2.0 THE PROPOSAL

The application seeks consent for:

- i) Construction of a 2-storey indoor recreational facility, built in 2 stages, for use by the Newcastle Knights, including a range of athlete training and ancillary injury management and rehabilitation facilities, associated administration and support services, as well as ancillary public facilities.
- ii) Construction of a single-storey public amenities building as part of stage 1.

- iii) Construction of a 28 space at-grade car park in the south-east of the site, on the southern side of the Centre of Excellence (CoE) building as part of stage 1.
- iv) Construction of a 68 space at-grade car park in the south-west of the site, accessible from Perth Road as part of stage 1. These spaces will be available for users of the playing fields on an unrestricted basis.
- v) Construction of a 43 space carpark in the north-east of the site for use exclusively by players and team managers as part of stage 1.
- vi) Ancillary landscaping and drainage infrastructure.

The remainder of the works associated with the broader redevelopment of the site are being undertaken separate to this proposal as exempt development under *State Environmental Planning Policy (Infrastructure) 2007*.

The proposed facility will generally be operating between 6:00am and 10:00pm, daily. The typical operating hours of the individual users and / or components of the facility include:

- i) Playing Group and Coaching Staff: 8:00am – 5:00pm (Mon-Sun)
- ii) Administration staff (including sports science): 8:30am – 5:30pm (Mon-Fri)
- iii) Café: 7:00am – 7:00pm (Mon-Sun)
- iv) Other squads: 5:00pm – 9:00pm (Mon-Sun)
- v) Waste Collection and Deliveries: 6:00am – 8:00am (Mon-Fri)

Amended plans have been provided to address the Westpac Rescue Helicopter Service's operational requirements. These amendments include:

- i) Removal of 27 spaces from the north-eastern car park and the provision of a dedicated garbage vehicle collection bay along Bavin Road, to ensure that the northern end of Bavin Road remains unobstructed at all times by vehicles associated with the CoE development.
- ii) Removal of the four light towers to illuminate the northern training field.

A copy of the current amended plans is appended at **Attachment A**.

The various steps in the processing of the application to date are outlined in the Processing Chronology (refer to **Attachment C**).

3.0 PUBLIC NOTIFICATION

The application was publicly notified in accordance with the requirements of the Environmental Planning and Assessment Act 1979, the associated Regulation and the NDCP 2012. Two submissions were received in response and primarily relate to the potential impacts to the Westpac Rescue Helicopter Service's operations at the Broadmeadow base, including:

- i) Aircraft Test Flying
- ii) Aircraft Movements and Flying
- iii) Access to and from the Broadmeadow Base
- iv) The Service's Northern Carpark
- v) Lighting
- vi) Dust and Foreign Object Debris
- vii) Aircraft Downwash and Noise
- viii) Car parking and traffic movements
- ix) Characterisation of proposed development
- x) Inconsistencies with the objective of the RE1 Public Recreation zone
- xi) Suitability of site
- xii) Public interest

The objector's concerns are addressed under the relevant matters for consideration in the following section of this report.

4.0 INTEGRATED DEVELOPMENT

The proposal is not 'integrated development' pursuant to Section 4.46 of the Act.

5.0 PLANNING ASSESSMENT

The application has been assessed having regard to the relevant matters for consideration under the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, as detailed hereunder.

5.1 Provisions of any environmental planning instrument

State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)

SEPP 55 requires that where land is contaminated, CN must be satisfied that the land is suitable in its contaminated state or will be suitable after remediation for the purpose for which the development is proposed.

A Detailed Site Investigation (DSI) has been submitted in support of the application which concludes that the land is suitable for the proposed use.

CN's Senior Environmental Protection Officer considers the proposal to be acceptable and has recommended a number of conditions be imposed on a consent (refer to **Attachment B**). On this basis the provisions of SEPP 55 have been met.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) is one of a suite of Land Management and Biodiversity Conservation reforms that commenced in New South Wales on 25 August 2017.

The Vegetation SEPP works together with the Biodiversity Conservation Act 2016 and the Local Land Services Amendment Act 2016 to create a framework for the regulation of clearing of native vegetation in NSW. Part 3 of the Vegetation SEPP contains provisions similar to those previously contained in cl.5.9 of the Newcastle Local Environment Plan 2012 (NLEP 2012) (clause now repealed) and provides that CN's Development Control Plan can make declarations with regard to certain matters, and further that CN may issue a permit for tree removal.

The proposal has been assessed in accordance with NDCP 2012 and is considered to be satisfactory.

State Environmental Planning Policy No 64—Advertising and Signage

The proposed signage is acceptable having regard to SEPP 64 requirements and the nature of the development.

Newcastle Local Environmental Plan 2012 (NLEP 2012)

Clause 2.1 Land Use Zones

The subject property is included within the zoned RE1 - Public Recreation zone under the provisions of the NLEP 2012. The development is permissible with development consent as a Recreation facility (indoor) including ancillary administration and retail areas. While the proposed café is intended to function as an ancillary component of the recreation facility (indoor), it is also permissible with consent as a 'restaurant or cafe'.

The proposed development is consistent with the objectives of the RE1 - Public Recreation zone, which are:

- i) *To enable land to be used for public open space or recreational purposes.*

- ii) *To provide a range of recreational settings and activities and compatible land uses.*
- iii) *To protect and enhance the natural environment for recreational purposes.*

Consistent with the objectives of the RE1 zone, the proposed development involves the use of part of the site for indoor recreational purposes. It also seeks to revitalise the broader site to facilitate and encourage its use for organised sport and recreational activities, including the provision of enhanced public amenities and additional car parking.

The recreational activities associated with the proposal and future redevelopment of District Park are also compatible with, and complementary to nearby existing and future development within the Broadmeadow sports precinct.

The following summarises an assessment of the proposal against the provisions of NLEP 2012 that are primarily relevant to the proposed development:

Clause 2.7 Demolition Requires Development Consent

Conditions are recommended to ensure demolition works and disposal of material is managed appropriately and in accordance with relevant standards.

Clause 4.3 Height of Buildings

The site is not subject to a maximum height of buildings requirement.

Clause 4.4 Floor Space Ratio

The site is not subject to a maximum Floor Space Ratio requirement.

Clause 5.10 - Heritage Conservation

The site immediately adjoins a heritage item of local significance, known as 'Remnant Plantings, District Park' (Item No. 37) located within the road reserve of Bavin Road.

A Statement of Heritage Impact has been submitted with the application. The Heritage Impact Statement found:

"The Remnant Plantings of District Park, previously an established avenue have been reduced to a piecemeal collection of individual trees though there remains some evidence of where previous trees were located within the avenue. The aesthetic quality of the plantings within the curtilage has been severely impaired through tree loss and over pruning for the sake of traffic along Bavin Road. The aesthetic significance of the avenue within the curtilage has been reduced to little".

An assessment of the likely impact of the proposed works on the heritage significance of the site has been undertaken. The Statement of Heritage Impact concludes:

“With the exception of the proposed driveway crossing and minor repair works to the pavement, the existing road surface will remain unchanged. The entrance to the proposed car park at the northern corner of the site has been configured to avoid the existing heritage trees. Works to provide the new car park entrance have been assessed by the Consulting Arborist to be acceptable for the ongoing survival of the adjacent heritage trees.

New tree planting outside the Centre of Excellence will assist in the reestablishment of the former avenue of trees which existed on the site, though are of a species and location selected and designed to be better manageable into the future thus respecting the Heritage Item and working with the new building.

‘The proposed works are respectful of the significance of the Remnant Plantings, District Park heritage item and will have a positive impact upon the item.’

Clause 6.1 – Acid Sulfate Soils

The site is affected by Class 5 acid sulphate soils. A site-specific Acid Sulfate Soil Management Plan has been submitted with the application. Compliance with the Plan is included as a recommended condition. The proposed development is considered satisfactory in this regard.

Clause 6.2 - Earthworks

Minor filling is proposed to raise the building above the required flood level. Minor excavation is required for the installation of infrastructure and services. The level of earthworks proposed to facilitate the development is considered to be acceptable having regard to this clause.

5.2 Any draft environmental planning instrument that is or has been placed on public exhibition

There is no exhibited draft environmental planning instrument relevant to the application.

5.3 Any development control plan

Newcastle Development Control Plan (NDCP 2012)

The main planning requirements of relevance in the NDCP2012 are discussed below.

Flood Management - Section 4.01

CN's Senior Development Officer (Engineering) has provided the following comments in relation to the proposal:

“A detailed flood model has been developed to assess potential flood impacts associated with the proposed works.

Part of the site where the Centre of Excellence building is proposed to be located is identified as a floodway during a Probable Maximum Flood event. Additional modelling was undertaken which shows that the works will result in a relocation of an identified floodway within the site and a slight increase in the floodway around the intersection of Perth and Bavin Roads. The modelling provided demonstrates that there will be no adverse flood impacts as a result of the proposed development works.

The architectural plans provided show a ground floor level of 8.1m AHD satisfying the minimum floor level requirement. CN's DCP guidelines recommend that for this level of risk, new building have a flood refuge designed to resist the flood forces of a Probable Maximum Flood event. The first-floor level of the COE building is 12.1m AHD providing a refuge for building users. “

Accordingly, the proposal is acceptable in relation to flooding.

Safety and Security - Section 4.04

The proposal involves the establishment of a new indoor recreational facility on the site, offering a high level of activity, casual surveillance and patron and community safety within the site and surrounding area. It will also provide appropriate lighting and security measures to protect the safety of players, staff and the local community.

Social Impact - Section 4.05

The proposed development is likely to result in a number of positive social and economic impacts, including the following:

- i) The proposal will support the growth of the broader Hunter Sports and Entertainment Precinct.
- ii) The proposal will provide training facility to serve the needs of one of a professional sporting team. It will also provide ancillary public spaces.
- iii) The proposed amenities building will provide a facility for referees and necessary storage areas for future users.
- iv) The proposal will provide increased activity and surveillance to a currently under-utilised area.
- v) The creation of jobs during the construction and operational phases.

No negative social impacts of the proposal are anticipated.

Soil Management - Section 5.01

Details of sediment control have been provided by the applicant and are considered to be acceptable. The proposed development achieves the objectives and controls within this section of the NDCP 2012.

Land Contamination - Section 5.02

Land contamination has been considered in this assessment report, in accordance with SEPP 55.

Vegetation Management - Section 5.03

In support of the proposed works, the applicant has submitted an arborist's report that details species, location, size, health and value. The report is prepared in accordance with CN's tree assessment requirements and provides advice and recommendations regarding tree retention and protection.

There will be five trees removed during the works, all of which are shown to be recent plantings and in reduced health. All the trees belonging to the heritage listing will not be affected by the works.

The submitted report has been prepared in accordance with CN's tree assessment requirements and it is considered that the proposed tree removal is acceptable. The amenity of the area will not be significantly impacted in respect of the local character and appearance.

Aboriginal Heritage - Section 5.04

Reference to the Aboriginal Heritage Information Management System confirmed that there are no sites of Aboriginal significance recorded on the site.

Heritage Items - Section 5.05

This issue is discussed under Clause 5.10 Heritage of NLEP 2012.

Archaeological Management - Section 5.06

The site is not specifically listed in the Newcastle Archaeological Management Plan 1997 or NLEP 2012 as an 'Archaeological Site'. A condition has been included in the consent that references the recommendations of the Statement of Heritage Impact.

Landscape Open Space and Visual Amenity - Section 7.02

A landscape plan has been provided with the development application in accordance with this section of the NDCP 2012.

Appropriate plant species have been selected with due consideration to safety and security, maintenance requirements and to maximise amenity for site users and the public. Importantly, the proposal allows for the protection and retention of the heritage-listed street trees along Bavin Road.

Traffic, Parking and Access - Section 7.03

A revised parking assessment of the likely parking demand for the proposed development based on the NDCP 2012 and operational demands associated with the facility, is detailed below:

| Use | Capacity | Car Parking Demand |
|--------------------|---------------------|---------------------------|
| Office | 150m ² | 31.4 (32) |
| Retail | 61m ² | 1.4 (2) |
| Café / Kitchen | 4 staff | 4 |
| Players Facilities | 30 players | 30 |
| Stage 2 office | 1,227m ² | 24.5(25) |
| Stage 2 Players | 20 players | 20 |
| Total | | 113 spaces |

The development has been amended to provide three separate car parking areas for the users of the CoE and District Park, including:

| Car park | Stage | No. of spaces | Users |
|-----------------|--------------|----------------------|---|
| Northern | 1 | 43 | Players and coaches |
| Southern | 1 | 28 | Support staff, management and administration |
| South-western | 1 | 68 | Overflow for Stage 2, park users and the general public |
| Total | | 139 | |

This equates to a total parking provision for this development of 139 spaces, resulting in a surplus of 26 spaces above the recommended rate of NDCP 2012. Car parking access has been assessed by CN's Development Officer (Traffic) and is considered acceptable subject to relevant conditions.

Section 7.05 - Energy efficiency

The proposal is acceptable having regard to this section.

Stormwater- Section 7.06 and Water Efficiency - Section 7.07

The proposed stormwater management plan is in accordance with the relevant aims and objectives of the NDCP 2012. CN's Senior Development Officer (Engineering) has assessed the proposal and has confirmed it is acceptable subject to the

inclusion of specific conditions of consent. Accordingly, the proposal is acceptable in relation to water management.

Waste Management - Section 7.08

The applicant has prepared a detailed Waste Management Plan, which addresses waste minimisation and litter management strategies. Demolition and waste management will be subject to conditions recommended to be included in any development consent to be issued.

Waste collection vehicles will be able to stop along the Bavin Road frontage for pick-up at the driveway location without affecting traffic. After waste collection, the waste contractor will continue north along Bavin Road and be afforded access to the car park to turn around and return southwards in a forward direction. Restrictions will be applied to the spaces required to facilitate manoeuvring to prevent parking between 6am and 9am. As the car park is a private car park utilised by staff and players, this arrangement can be effectively managed through workplace inductions, appropriate line marking and the like.

Based on the submitted information, the proposal is considered to be acceptable.

Public Participation - Section 8.0

The proposal was notified to neighbouring properties for 14 days in accordance with the provisions of NDCP 2012. Two submissions objecting to the proposal were received.

Comments are provided in Section 4.2.6 below.

Development Contributions

Sections 7.11 and 7.12 of the Environmental Planning and Assessment Act 1979 enables CN to levy contributions for public amenities and services. The proposed development would attract a development contribution to CN, as detailed in CN's Development Contributions Plans. A condition requiring this contribution to be paid has been included in the Draft Schedule of Conditions (refer to **Attachment B**).

5.4 Planning agreements

No planning agreements are relevant to the proposal.

5.5 The regulations (and other plans and policies)

The application has been considered pursuant to the provisions of the Environmental Planning and Assessment Act 1979 and Regulation 2000. In addition, compliance with AS2601 – Demolition of Structures will be included in the conditions of consent for any demolition works.

No Coastal Management Plan applies to the site or the proposed development.

5.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Impacts upon the natural and built environment have been discussed in this report in the context of relevant policy, including NLEP 2012 and NDCP 2012 considerations. In addition, the following impacts are considered relevant:

a) Character, Streetscape, External Appearance, Urban Design, Height, Bulk and Scale

The proposed development is acceptable having regard to the proposed height, external appearance, character, bulk and scale.

b) Traffic, Access and Parking

The proposal has been assessed by CN's Senior Development Officer (Traffic) and found to be acceptable, subject to draft conditions included in **Attachment B**. CN's Senior Development Officer (Traffic) provided the following comments:

Traffic Generation

"The traffic consultant has analysed the traffic generating impacts of this development on the operation of the existing intersections of Lambton Road / Bavin Road and Lambton Road / Bronte Road – key intersections for access to the site. The sidra modelling coupled with site observations has confirmed that pre development Lambton Road operates with acceptable levels of service for all through traffic, however the right turn movements both into and out of Bavin and Bronte Roads experience excessive delays during peak periods.

The RMS's 'Guide to Traffic Generating Developments' estimates that the development will generate in the order of 259 daily vehicle trips with 64 trips in the am peak and 58 trips in the pm peak periods

The distribution of this generated traffic with 80% of vehicles egressing the site via the Bavin / Lambton Road intersection translates to a doubling of existing traffic numbers exiting Bavin Road during peak periods. This traffic increase however only represents a small percentage of total traffic utilising this intersection and therefore insufficient nexus exists with this development for possible upgrade works at this intersection. Discussions with the Roads and Maritime Services and CN's Traffic Section and have confirmed that there are no immediate plans for upgrades to this intersection.

While a conservative approach has been adopted for traffic distribution in reality one would see a more equal distribution of traffic across the Bavin and Bronte intersections subject to queue lengths and waiting times with a further option of the left turn movement being utilised should delays become excessive."

Road network

“The operation of the existing Perth / Bavin Road intersection raises a number of safety concerns centring around intersection priorities, driver sight lines and the location of parked kerbside vehicles. In order to address these issues, it is recommended that the applicant extend Perth Road through to the eastern boundary of the unformed Bavin Road and therefore create a t-intersection at Perth / Bavin Roads. An appropriate condition has been recommended for this application in relation to this matter. Furthermore vehicular access to the site is via the existing intersection of Perth / Bavin Roads and an existing 4.0m wide sealed access road that also services the Westpac Rescue Helicopter Site. It is acknowledged that this development proposal has the potential to increase informal parking along Bavin Road raising concern given the proximity of the existing stormwater channel and the absence of any vehicle barrier. It is therefore considered appropriate that the developer formalise this area along Bavin Road through the installation of appropriate bollards and /or fencing associated regulatory signage to prevent parking.”

Comment: The proposed development is considered to be acceptable with regard to its impacts on local traffic conditions, pedestrian safety and traffic management measures.

c) Amenity (Privacy, Overshadowing and Views)

View Loss

The development does not result in an unreasonable impact on views or outlook. There are no significant views that will be impacted in this location. The proposed development will alter the general outlook due to a change to the size and scale of buildings on the site, but this is considered to be acceptable.

Overshadowing

No overshadowing will occur to surrounding development. Overshadowing of public domain areas (both within and beyond the site) from the new building is minor in the context of the large and expansive nature of District Park and its surrounds. It is also noted that the shadows extending across Bavin Road will predominately occur in areas that are currently shaded by existing mature trees.

d) Environmental

Contamination

The proposal has been assessed by CN's Senior Environmental Protection Officer and found to be acceptable, subject to draft conditions included in **Attachment B**.

CN's Senior Environmental Protection Officer provided the following comments:

“A detailed contamination assessment has been submitted with the application: Douglas Partners Pty Ltd, Targeted Detailed Site Investigation for Contamination, December 2018 (DSI).

The DSI outlined the results of soil sampling at 20 locations and four groundwater monitoring wells. The significant majority of soil samples met the appropriate landuse criteria excluding one location at the south west of the site which indicated a moderate exceedance of Benzo (a) pyrene against open space / recreational criteria (the results however were below industrial / commercial criteria). The report indicated the possible cause for this contamination may be related to buried asphalt / building materials in fill identified in this area. The report indicated that a suitable Remedial Action Plan should be developed for this area of the site which could include offsite disposal or onsite management. The ESU understands this part of the site is not currently subject to DA 2019/00588 and development of this land is being undertaken via an alternative planning pathway. It is noted that any required remediation of this part of the site will be required to be undertaken in accordance with SEPP 55 as either category 1 or category 2 remediation.

Sampling of soil within and adjacent to the area of the site subject to DA 2019/00588 did not indicate any exceedances of the appropriate land use criteria.

Groundwater assessment indicated minor heavy metal concentrations which are typically identified in groundwater testing within Newcastle.

Based on the lack of significant contamination identified, the DSI concludes that the land is suitable for the proposed landuse, however due to the areas of the site which were historically filled, the DSI recommends that site works should be undertaken with reference to a construction and environmental management plan (CEMP) prepared by the contractor which outlines procedures for soil handling, segregation and an unexpected finds protocol due to the presence of fill materials across the site, which may include hazardous building materials.”

5.7 The suitability of the site for the development

The site is considered suitable for the proposed development. The suitability of the land to accommodate recreational facilities is established by the site's RE1 zoning under the NLEP 2012. The site is an appropriate size to accommodate the proposed development, including adequate space for vehicular access and car parking. The site is within an area well serviced by infrastructure and public transport.

Given the current condition of the site and the current and historical land use activities, it is considered that the site is suitable for the proposed development.

5.8 Any submissions made in accordance with this Act or the regulations

The application was notified in accordance with CN's NDCP 2012 for a period of 14 days. Two submissions were received during the notification period.

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The key issues raised within the submissions have been discussed previously in this report.

The following table itemises the potential impacts to the service's operations at the Broadmeadow base, as identified in the service's submission, and a response to each matter raised.

| Issue | Applicant's response |
|--|--|
| Aircraft Test Flying | <p><i>The proposed CoE Building is located at the perimeter of the 7.02ha District Park. It occupies only a small area of the wider parkland (approximately 7%). As such, subject to suitable arrangements being implemented, we see no reason why construction of the building in its current location would physically impede the Service's test flight operations.</i></p> <p><i>This is confirmed by the findings of a specialist report prepared for Venues NSW by JJ Ryan Consulting which provides an assessment of the Westpac Rescue Helicopter Service's operations associated with the proposed Newcastle Knights' CoE development proposal.</i></p> <p>Specialist report provided. The applicant's response is supported and considered acceptable.</p> |
| Access to and from the Broadmeadow Base | <p><i>"The proposed design changes, including the removal of 27 spaces from the north-eastern car park and the provision of a dedicated garbage truck collection bay along the Bavin Road alignment, will ensure that the northern reaches of Bavin Road remain unrestricted at all times by vehicles associated with the CoE development.</i></p> <p><i>The new 28 space south-eastern car park will also have access off Bavin Road, but its ingress and egress point will be closer to the intersection of Bavin and Perth Roads, well clear of the Service's Base at the northern end of Bavin Road.</i></p> <p><i>Additionally, Wests has no objections should CN consider it necessary to enforce parking restrictions along Bavin Road to ensure that vehicular movements along the thoroughfare are not inhibited."</i></p> <p>Clear access to Bavin Road will be achieved. The applicant's response is supported and considered acceptable.</p> |
| Encroachment of Northern Carpark on Land | <p><i>Existing Service development, including the fenced compound and formal car park areas, currently encroach within the subject site boundaries. We are not aware of</i></p> |

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| | |
|---|---|
| | <p><i>any development consent, lease, license or other arrangement with the landowner (Venues NSW) which authorises the use of the fenced compound. Notwithstanding, we have proposed to reduce the overall size of the north-eastern car park such that it now does not impact upon the Service's current operations in this area, and most particularly the fenced compound and car park. The western edge of this car park now aligns with an existing chain-wire fence on the site.</i></p> <p>The applicant's response is supported and considered acceptable.</p> |
| <p>Lighting</p> | <p><i>It was originally proposed to install four light towers to illuminate the northern high- performance training field. The towers were to be located at each corner of the field and installed in accordance with relevant Australian Standards.</i></p> <p><i>Following consideration of the concerns expressed by the Rescue Helicopter Service regarding the impact of these light towers on its operations, the installation of the light towers is now no longer proposed.</i></p> <p>Lighting proposed has been removed and as such the applicant's response is supported and considered acceptable.</p> |
| <p>Dust and Foreign Object Debris (FOD)</p> | <p><i>The Service has raised specific concern with impacts arising from concrete dust on helicopter engines. Consulting engineers GHD advise there will be no requirement for the mass storage of cement as a result of using ready mixed concrete (produced off site) and therefore no potential source of cement dust from such activities will occur.</i></p> <p><i>Dust generation from construction and excavation will be managed through measures such as wetting down work areas / stockpiles, stabilising exposed areas, covering loads on all departing trucks and working to weather conditions.</i></p> <p><i>Following approval, a Construction Management Plan will be prepared for the site which will include a range of measures and protocols to manage air quality for the duration of the construction period.</i></p> <p>The applicant's response is supported and considered acceptable. Adequate conditions are proposed in this</p> |

CITY OF NEWCASTLE

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| | <p>regard.</p> |
| <p>Aircraft Movements and Flying</p> | <p><i>It is important that the Service's operations are effectively managed to enable the use and enjoyment of adjoining areas of RE1 zoned land located beyond the Service's boundaries. Should the Service's operations impose a safety risk to the use of District Park, and their activities become more restricted through an increase in the number of people utilising District Park and the Precinct for sporting / recreational pursuits, this is a matter for the Service to address. We note that JJ Ryan Consulting opine that other options are available to the Service to perform activities associated with routine maintenance, including but not limited to hover checks and test flights.</i></p> <p>The applicant's response is supported and considered acceptable.</p> |
| <p>Aircraft Downwash and Noise</p> | <p><i>As noted above, District Park is currently open to public use 24/7. As such, impacts from aircraft downwash and noise impacts upon current park users should already be a key consideration of the Service, with signage installed where appropriate. As detailed on the amended plans it is evident that the proposed northern car park is no closer to the fenced compound than the existing car park. While the existing car park is used predominantly by staff of, and visitors to the WHRS facility, there is no restriction on access. As such the impact of the proposed carpark on WHRS operations will be no greater than that resulting from the presence of the existing car park.</i></p> <p>Applicant response is noted and considered acceptable.</p> |
| <p>Government Services Impact</p> | <p><i>Approval of the proposed development will not impact on activities undertaken on or above the Broadmeadow Base. This is confirmed by the findings of the specialist report prepared for Venues NSW by JJ Ryan Consulting referred to above.</i></p> <p>Specialist report provided and applicant response is considered acceptable.</p> |
| <p>Car parking and traffic movements</p> | <p><i>It is observed that if the Service is currently experiencing a deficiency in on-site car parking associated with its current usage, then the Service should be exploring ways to increase its own on-site car parking provision within the boundaries of its own leased land. It would be unreasonable for the Service to expect that it can unilaterally utilise another leaseholder's land to meet their</i></p> |

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| | <p><i>car parking needs.</i></p> <p>Noted and the proposal is considered acceptable in this regard.</p> |
| <p>Traffic and parking</p> | <p><i>A revised assessment of the likely parking demand for the proposed development, as amended, based on the NDCP 2012 and operational demands associated with the facility, is detailed below:</i></p> <p><i>Having regard to the DCP provisions, the provision of 139 spaces within the car parks will result in a surplus of 26 spaces which, overall, is likely to have a significant positive impact on on-street parking availability in the locality. Most importantly, during Stage 1, the 68 parking spaces in the south-western corner of the site will be available to the general public at all times. This additional car parking area will effectively reduce demand for on street parking in the area.</i></p> <p><i>Having regard to the above findings, no impact on existing Service's car parking and traffic movements are anticipated as result of the proposed CoE Building and the broader redevelopment of District Park.</i></p> <p>Car parking and traffic impacts have been considered and the proposal is considered to provide sufficient and adequate arrangements in this regard.</p> |
| <p>Characterisation of development</p> | <p><i>The CoE building is characterised as a 'recreation facility (indoor)'.</i></p> <p><i>While the training, playing and mini fields could be characterised as a 'recreation facility (outdoor)', this does not preclude them from being undertaken as exempt development under SEPP (Infrastructure).</i></p> <p><i>The ISEPP aims to allow for the efficient redevelopment of surplus government owned land. This is achieved, by enabling certain development for particular purposes to be carried out either as exempt or complying development. As provided below, Division 12 of the ISEPP includes criteria which specifically relate to 'Parks and Other Public Reserves' such as District Park which forms part of Reserve No. D84753.</i></p> <p><i>Having regard to clause 66(1)(a), the redevelopment of District Park and associated public recreation facilities and CoE training and field components of the project are</i></p> |

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| | <p><i>considered to be development for the following purposes:</i></p> <p><i>Construction or maintenance of:</i></p> <ul style="list-style-type: none"> <i>a) Walking tracks [clause 66(2)(d)(i)]</i> <i>b) Construction of sporting facilities [clause 66(2)(d)(ii)]</i> <i>c) Play equipment [clause 66(2)(d)(vii)]</i> <p><i>The proposed works will be undertaken by the Wests Group on behalf of Venues NSW (Crown Land Manager), and thus satisfy the 'prescribed circumstances' set down in Clause 66(2).</i></p> <p><i>Having regard to land tenure, scope of works and statutory context under which the works will be undertaken, we are of the view that the proposed redevelopment of District Park can be undertaken as exempt development, as set out in clause 66(1) of the ISEPP, and that those works are being carried out in prescribed circumstances as set out in clause 66(2) of the ISEPP.</i></p> <p>Noted and the proposal is considered acceptable in this regard.</p> |
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It is considered that the issues and concerns raised in the submissions do not warrant the refusal of the application in its present form or necessitate any further amendments. The proposed development does not raise any other significant general public interest issues beyond matters already addressed in this report.

The proposal is considered an acceptable form of development for the site as discussed within this report.

5.9 The public interest

This report has addressed the various concerns raised in the submissions received in response to the public notification and relevant referral procedures.

Forming part of the broader redevelopment of District Park, the proposal will facilitate the provision of sporting and recreational facilities in Newcastle.

The proposed development is considered to be satisfactory having regard to the principles of ecologically sustainable development.

The proposed development will not result in the disturbance of any endangered flora or fauna habitat or otherwise adversely impact on the natural environment.

The proposed development provides for the orderly economic development of the site for purposes for which it is zoned and will not have any negative social or economic impacts.

No adverse impacts on nearby development, the environment, traffic, parking, heritage, flooding, drainage are anticipated as a result of the development.

The proposal is considered a quality design development that will provide an indoor recreation facility that is in the public interest.

6.0 CONCLUSION

The proposal is a permissible form of development and meets the objectives of the RE1 Public Recreation zone.

The proposal is acceptable against the relevant heads of consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979* and is supported on the basis that the recommended conditions in **Attachment B** are included in any consent issued.

ATTACHMENTS

Item 23 Attachment A: Submitted Plans - 6 Bavin Road Broadmeadow - Under separate cover

Item 23 Attachment B: Draft Schedule of Conditions - 6 Bavin Road Broadmeadow - Under separate cover

Item 23 Attachment C: Processing Chronology - 6 Bavin Road Broadmeadow - Under separate cover

Item 23 Attachments A-C are distributed under separate cover

10 December 2019

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

ITEM 23 DA2019/00968 - 6 BAVIN ROAD BROADMEADOW

**RECREATION FACILITY (INDOOR) ASSOCIATED AMENITIES
BUILDING, CARPARK AND SIGNAGE**

Attachment A - Submitted Plans

Attachment B - Draft Schedule of Conditions

Attachment C - Processing Chronology

DISTRIBUTED UNDER SEPARATE COVER

**DEVELOPMENT APPLICATIONS COMMITTEE MEETING
3 DECEMBER 2019**

DAC 3/12/19

DA2019/00588 - 6 BAVIN ROAD BROADMEADOW

Attachment A: Submitted Plans

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KNIGHTS CENTRE OF EXCELLENCE

DISTRICT PARK, BROADMEADOW, NSW 2292

DA ISSUE

ARCHITECTURAL DRAWING SCHEDULE

| | |
|-----|---------------------------|
| A00 | COVER SHEET |
| A01 | SITE ANALYSIS PLAN |
| A02 | SITE PLAN |
| A03 | GROUND FLOOR PLAN |
| A04 | GROUND FLOOR PLAN - NORTH |
| A05 | GROUND FLOOR PLAN - SOUTH |
| A06 | FIRST FLOOR PLAN |
| A07 | ROOF PLAN |
| A08 | ELEVATIONS |
| A09 | SECTION A-A & B-B |
| A10 | AMENITIES BUILDING |
| A11 | SHADOW DIAGRAMS - WINTER |
| A12 | 3D PERSPECTIVES 01 |
| A13 | 3D PERSPECTIVES 02 |
| A14 | EXTERNAL SCREEN DESIGN |
| A15 | SCHEDULE OF MATERIALS |
| A16 | SIGNAGE |
| A17 | NOTIFICATION PLAN 01 |
| A18 | NOTIFICATION PLAN 02 |

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| A | 20.05.2019 | DA ISSUE |
| B | 12.08.2019 | ISSUE FOR INFORMATION |
| C | 20.08.2019 | DA ISSUE - ADDITIONAL INFORMATION |

| DRN | CHKD | VRFD | PROJECT |
|-----|------|------|------------------------------|
| TH | BC | | KNIGHTS CENTRE OF EXCELLENCE |
| TH | BC | | |
| TH | BC | | |

SITE: DISTRICT PARK BROADMEADOW, NSW 2292

CLIENT: WESTS GROUP
 88 HOBART ROAD, NEW LAMBTON
 NSW, 2305

DRAWING: COVER SHEET

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FILENAME: 12441-WD Knights CoE_Revise

DRAWN: DATE: SCALES @A3:

BC/TH 20/08/2019

PROJECT No: **12441 WD** PHASE: **DA** DRAWING No: **A00**



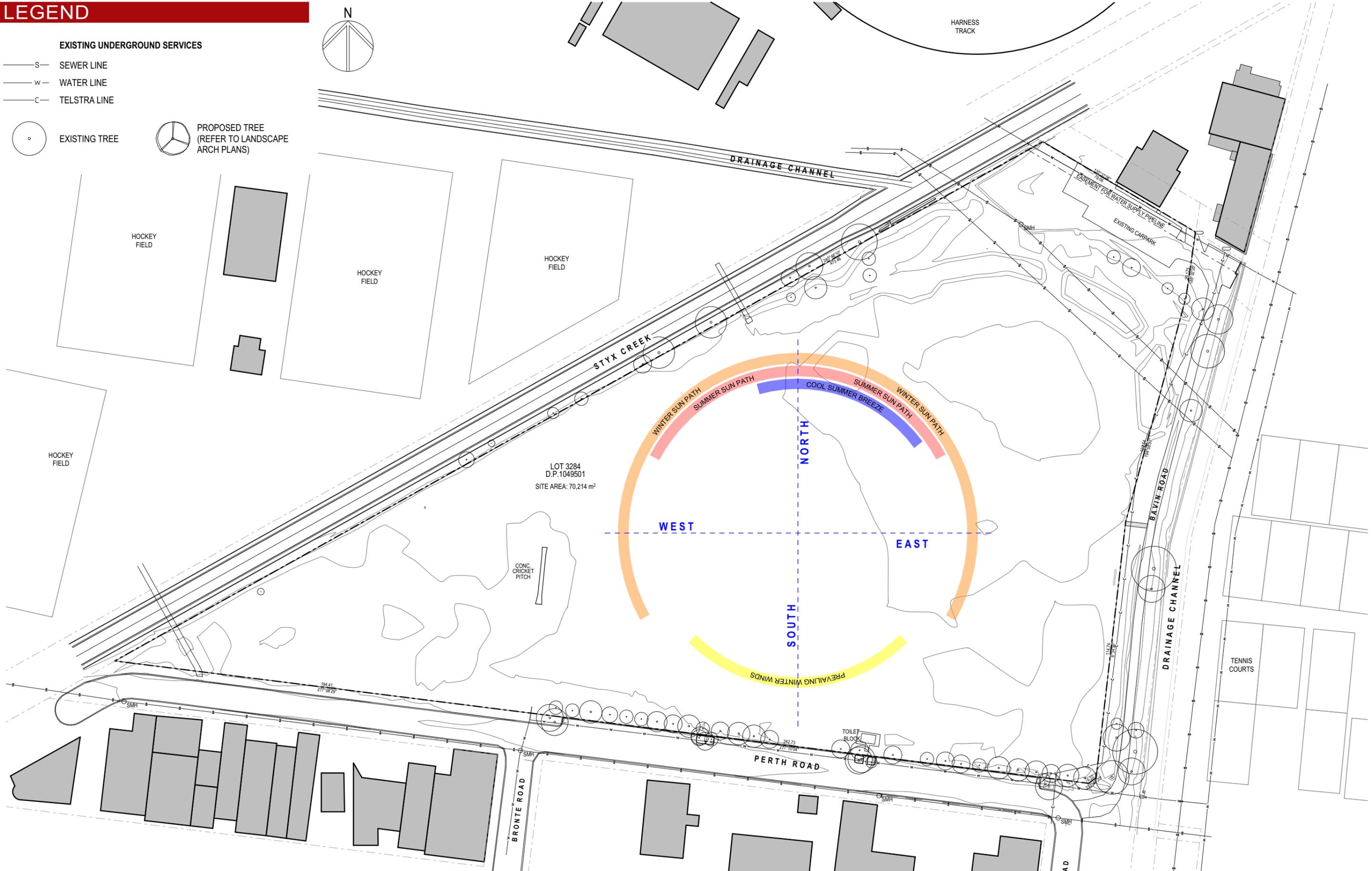
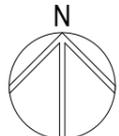
LEGEND

EXISTING UNDERGROUND SERVICES

- S — SEWER LINE
- W — WATER LINE
- C — TELSTRA LINE

- EXISTING TREE

- ⊗ PROPOSED TREE (REFER TO LANDSCAPE ARCH PLANS)



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| C | 20.08.2019 | DA ISSUE - ADDITIONAL INFORMATION |

| DRN | CHKD | VRFD |
|-----|------|------|
| TH | BC | |
| TH | BC | |
| TH | BC | |

PROJECT: KNIGHTS CENTRE OF EXCELLENCE

SITE: DISTRICT PARK BROADMEADOW, NSW 2292

CLIENT: WESTS GROUP
 88 HOBART ROAD, NEW LAMBTON
 NSW, 2305

DRAWING: SITE ANALYSIS PLAN

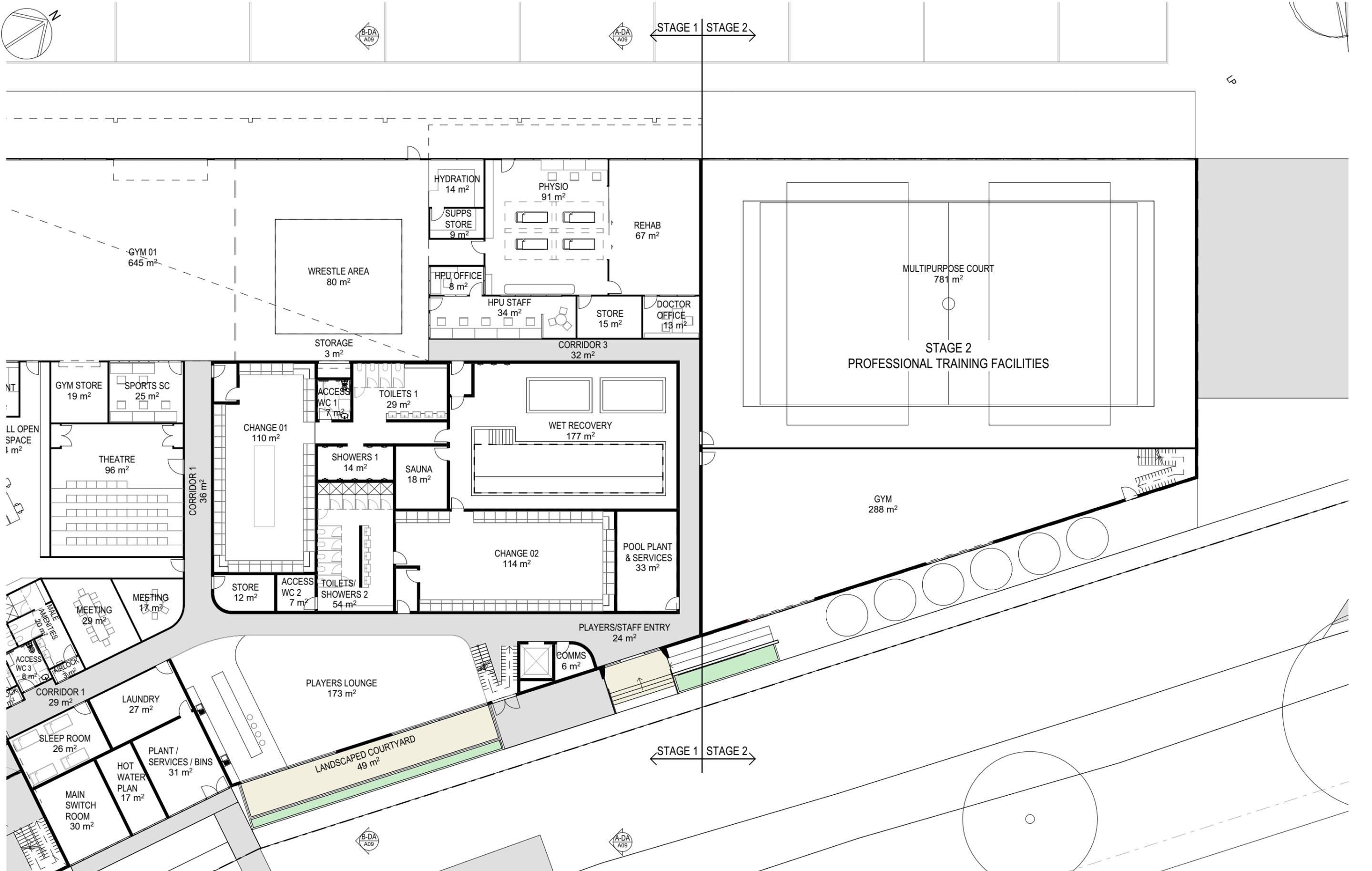
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FILENAME: 12441-WD Knights CoE_Revise

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PROJECT No: **12441 WD** PHASE: **A01** DRAWING No: **A01** REV: **C**





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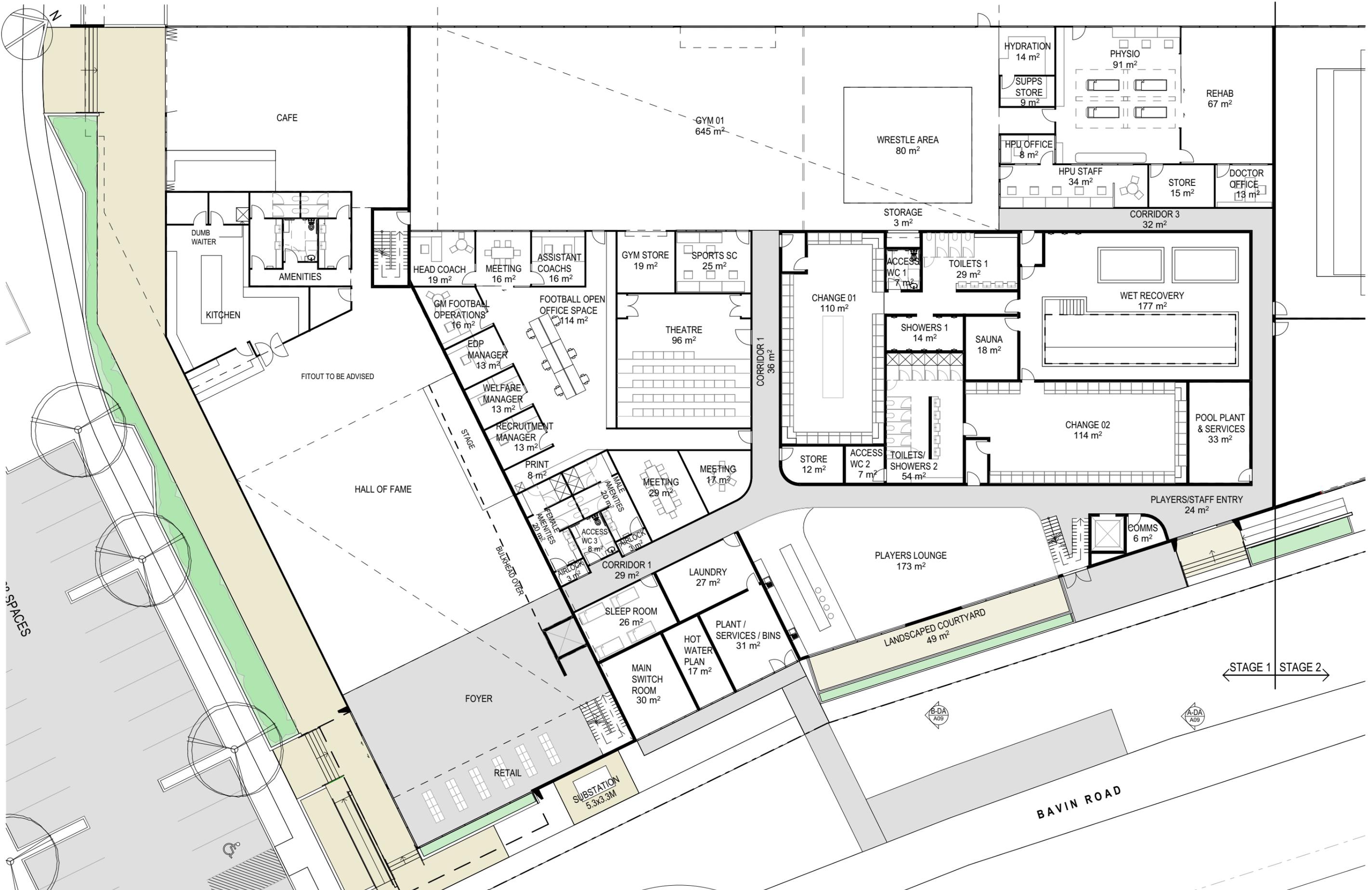
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| B | 20.03.2019 | ISSUE FOR INFORMATION |
| C | 04.04.2019 | ISSUE FOR INFORMATION |
| D | 08.05.2019 | CONSULTANT ISSUE |
| E | 20.05.2019 | DA ISSUE |
| F | 12.08.2019 | ISSUE FOR INFORMATION |
| G | 20.08.2019 | DA ISSUE - ADDITIONAL INFORMATION |

PROJECT: KNIGHTS CENTRE OF EXCELLENCE
 CLIENT: WESTS GROUP
 88 HOBART ROAD, NEW LAMBTON
 NSW, 2305

SITE: DISTRICT PARK BROADMEADOW,
 NSW 2292
 DRAWING: GROUND FLOOR PLAN - NORTH

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK, REPORT ALL ERRORS AND OMISSIONS.
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 PROJECT No: 12441 WD PHASE: A04 DRAWING No: A04 REV: G





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| A | 08.05.2019 | CONSULTANT ISSUE |
| B | 20.05.2019 | DA ISSUE |
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| E | 20.08.2019 | DA ISSUE - ADDITIONAL INFORMATION |

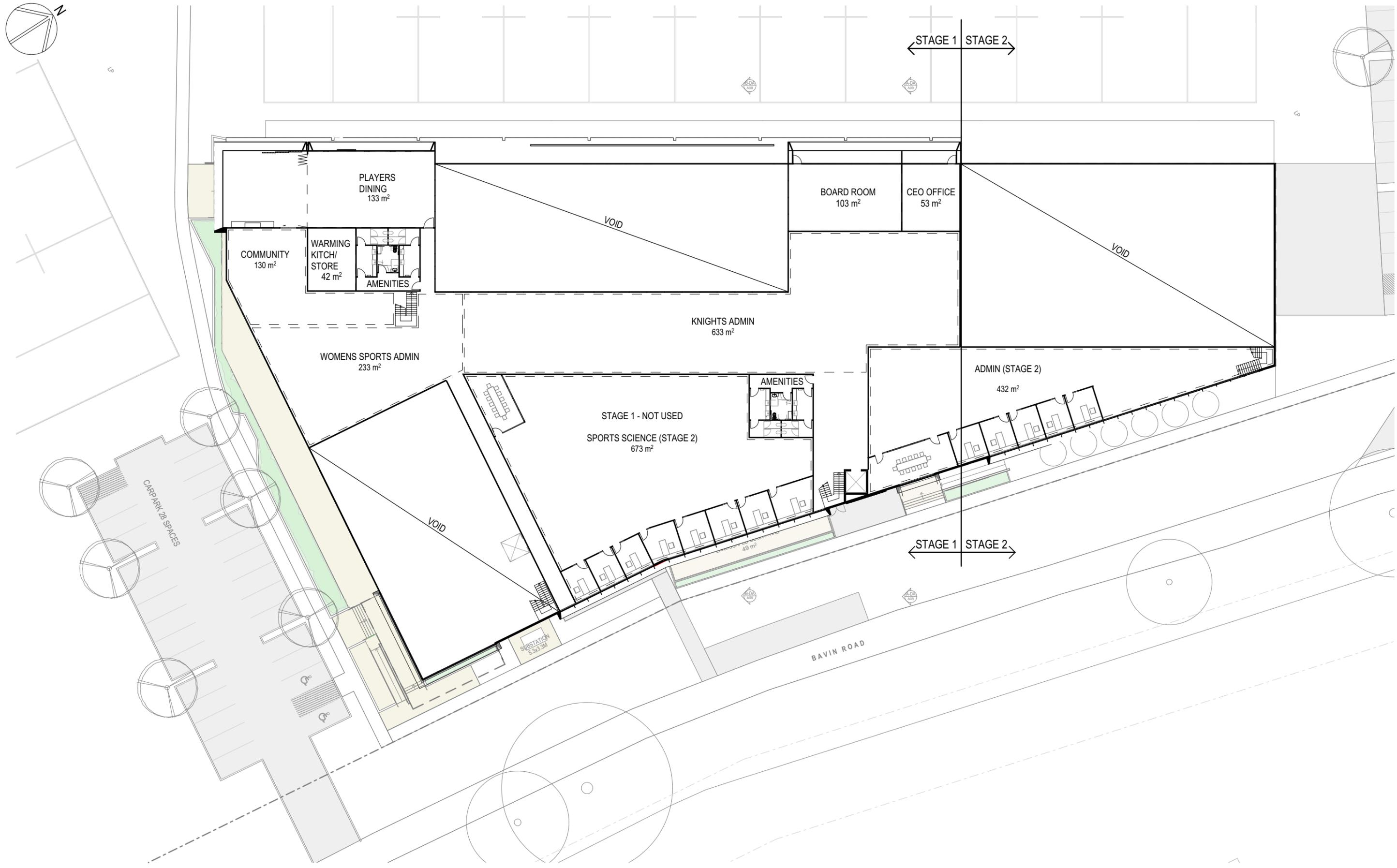
PROJECT: **KNIGHTS CENTRE OF EXCELLENCE**
 CLIENT: **WESTS GROUP**
 88 HOBART ROAD, NEW LAMBTON
 NSW, 2305

SITE: **DISTRICT PARK BROADMEADOW,**
 NSW 2292
 DRAWING: **GROUND FLOOR PLAN - SOUTH**

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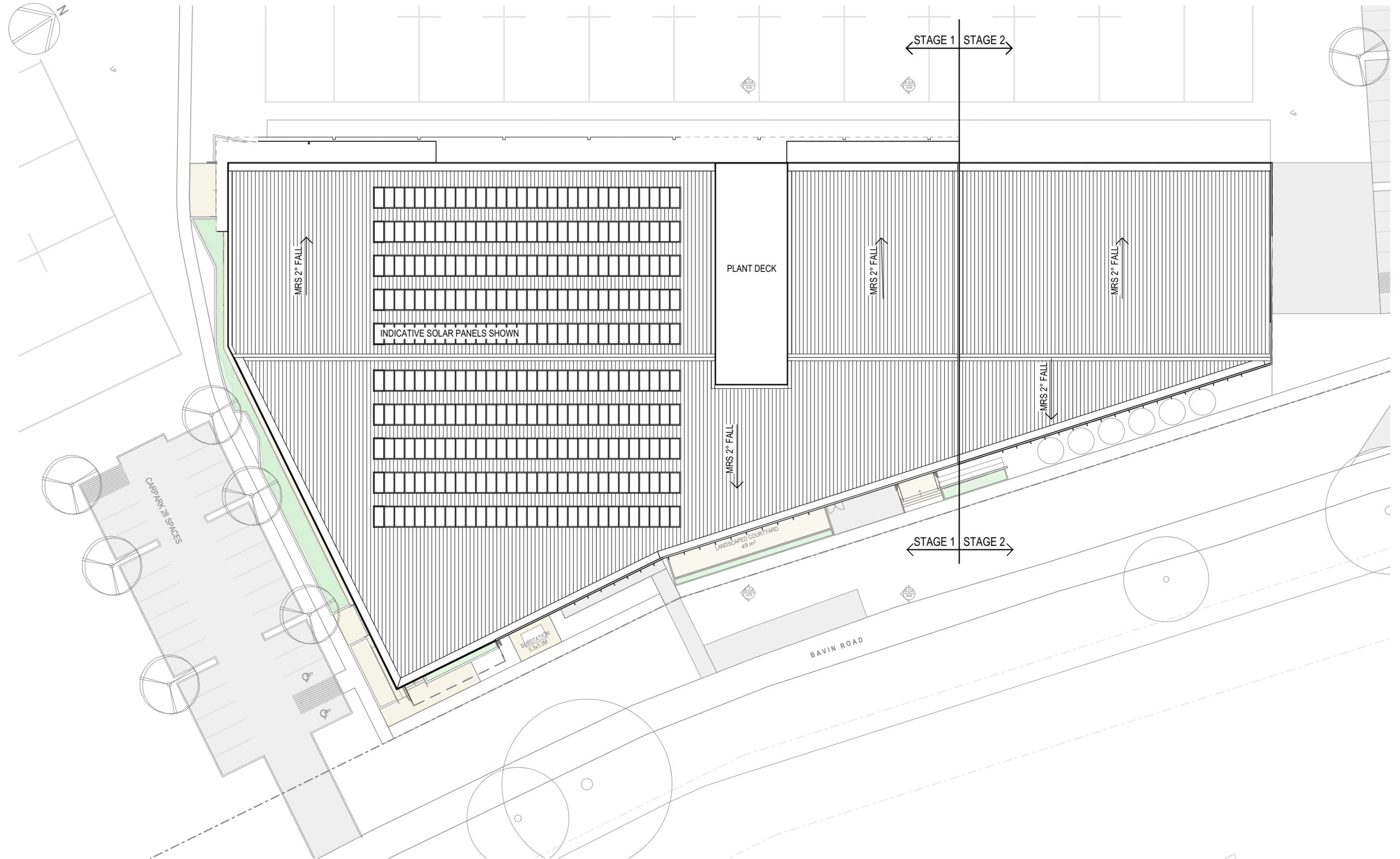
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| C | 12.08.2019 | ISSUE FOR INFORMATION |
| D | 20.08.2019 | DA ISSUE - ADDITIONAL INFORMATION |

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SITE: **DISTRICT PARK BROADMEADOW,**
 NSW 2292
 DRAWING: **FIRST FLOOR PLAN**

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| B | 20.05.2019 | DA ISSUE |
| C | 12.08.2019 | ISSUE FOR INFORMATION |
| D | 20.08.2019 | DA ISSUE - ADDITIONAL INFORMATION |

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 CLIENT: **WESTS GROUP**
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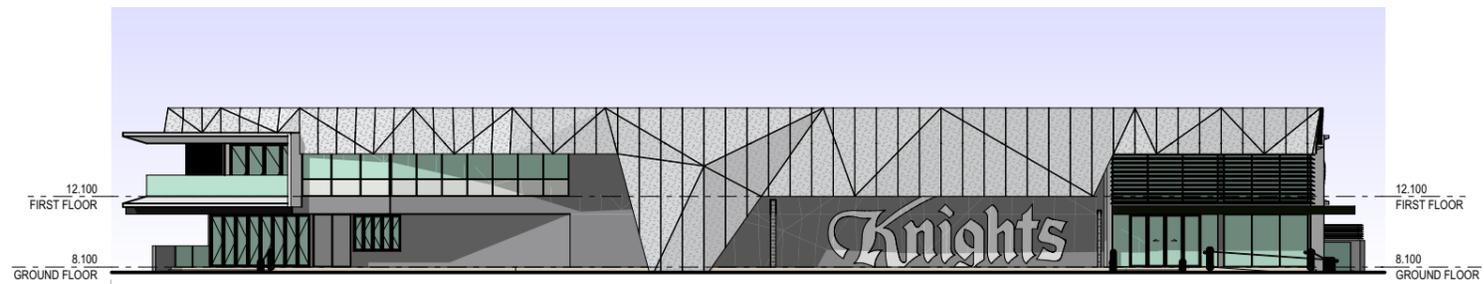
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NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

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| B | 13.05.2019 | SECTION 90 ISSUE |
| C | 20.05.2019 | DA ISSUE |
| D | 12.08.2019 | ISSUE FOR INFORMATION |
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 CLIENT: WESTS GROUP
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SITE: DISTRICT PARK BROADMEADOW,
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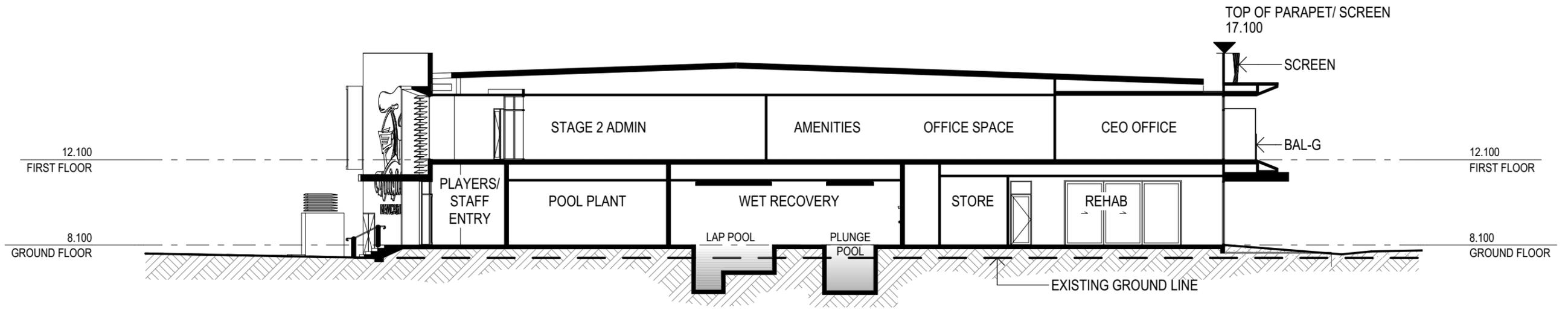
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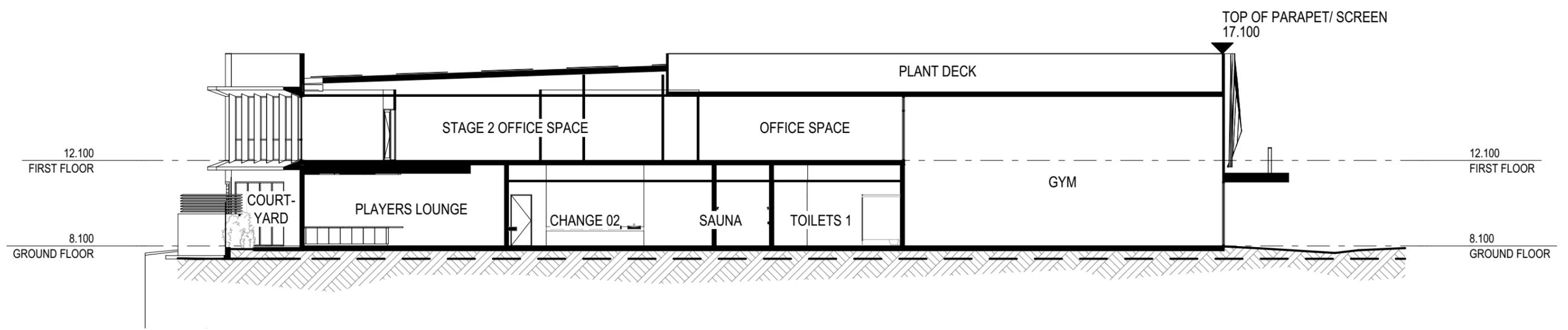


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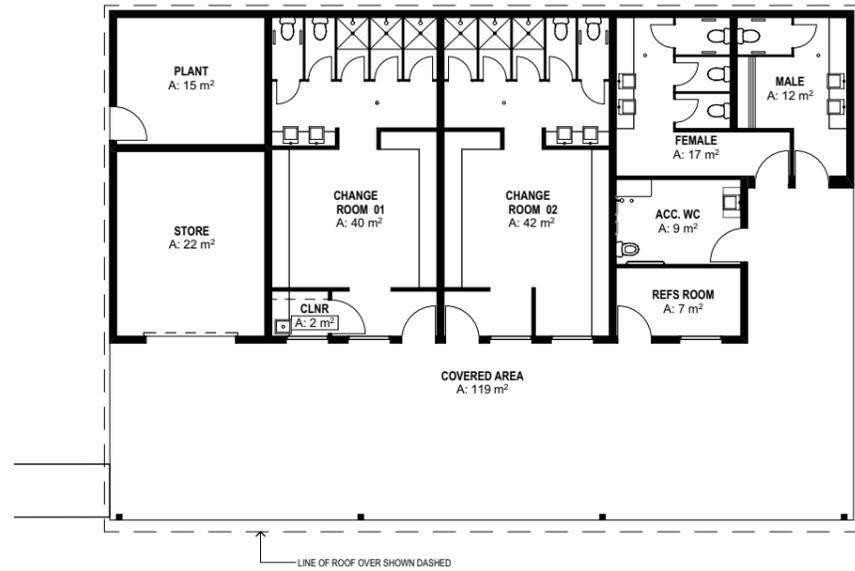
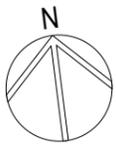
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SECTION B
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| B | 12.08.2019 | ISSUE FOR INFORMATION |
| C | 20.08.2019 | DA ISSUE - ADDITIONAL INFORMATION |

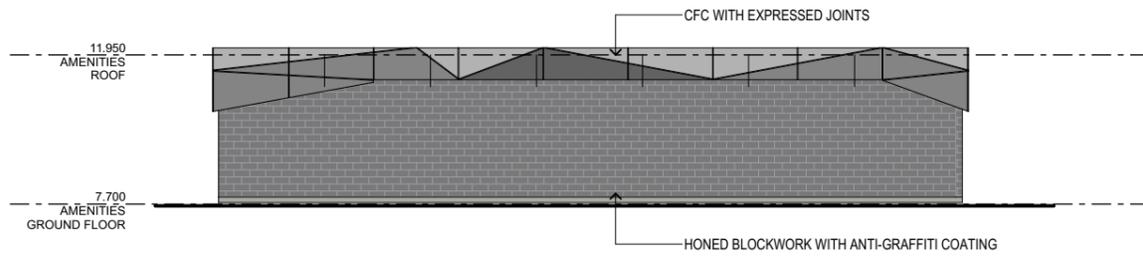
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| TH | BC | |



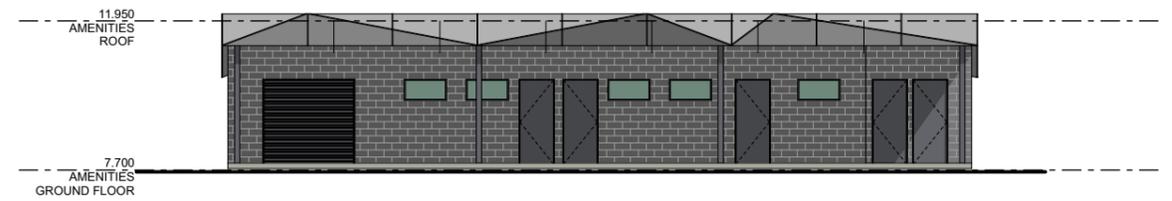
FLOOR PLAN



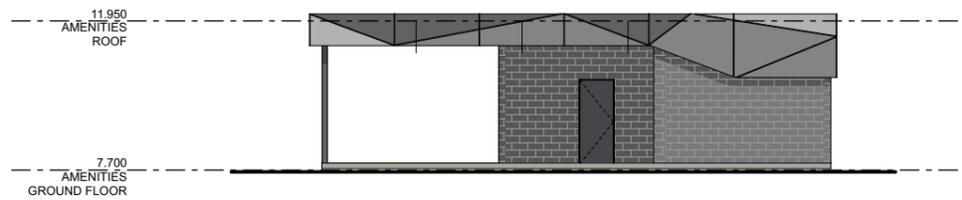
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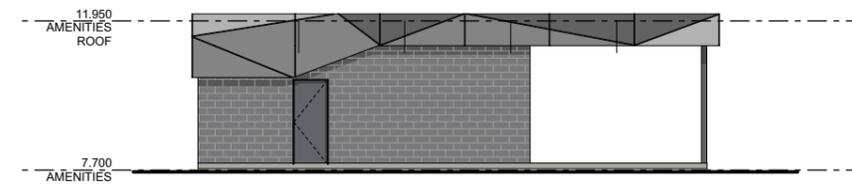
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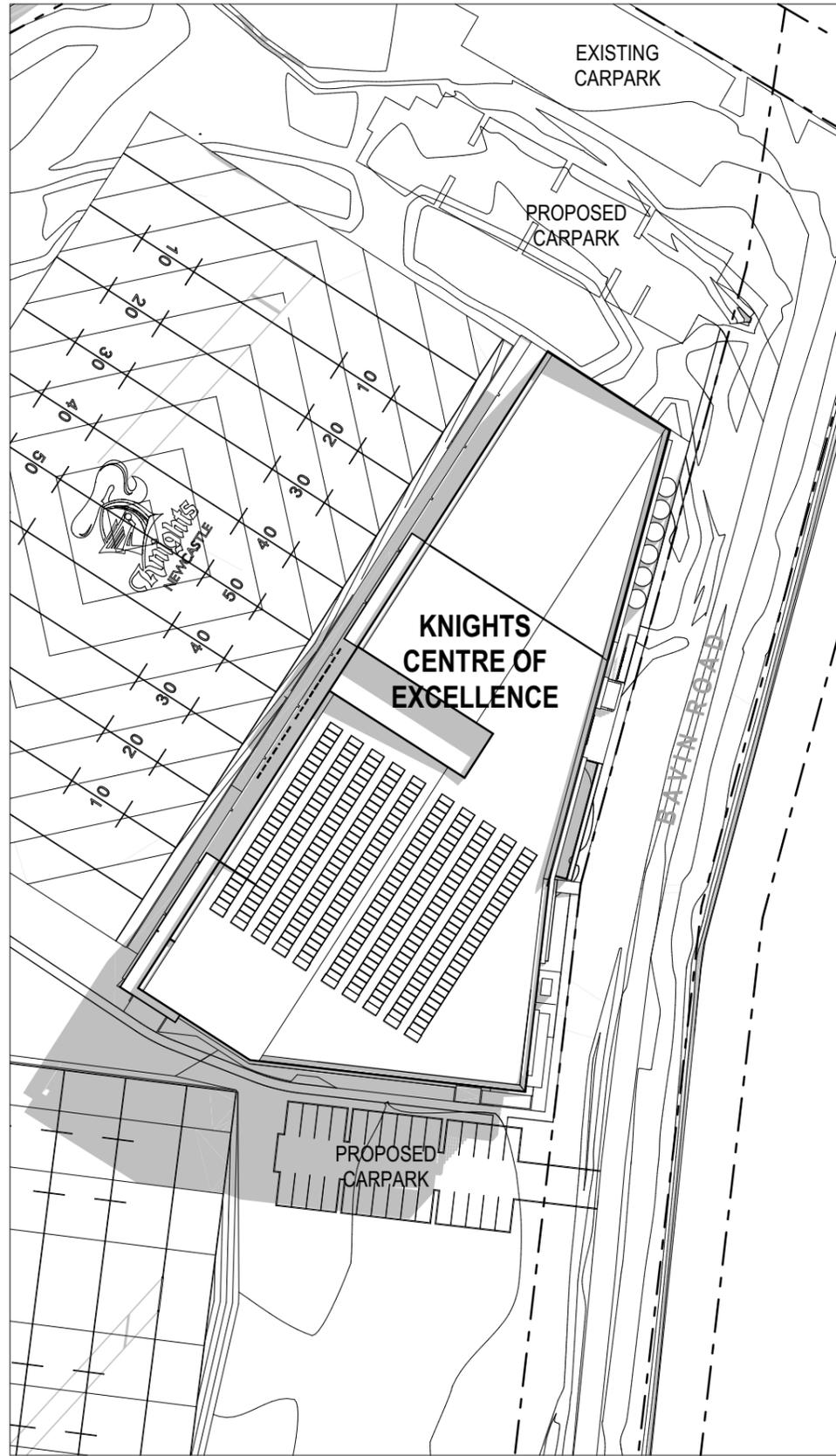
SOUTH ELEVATION



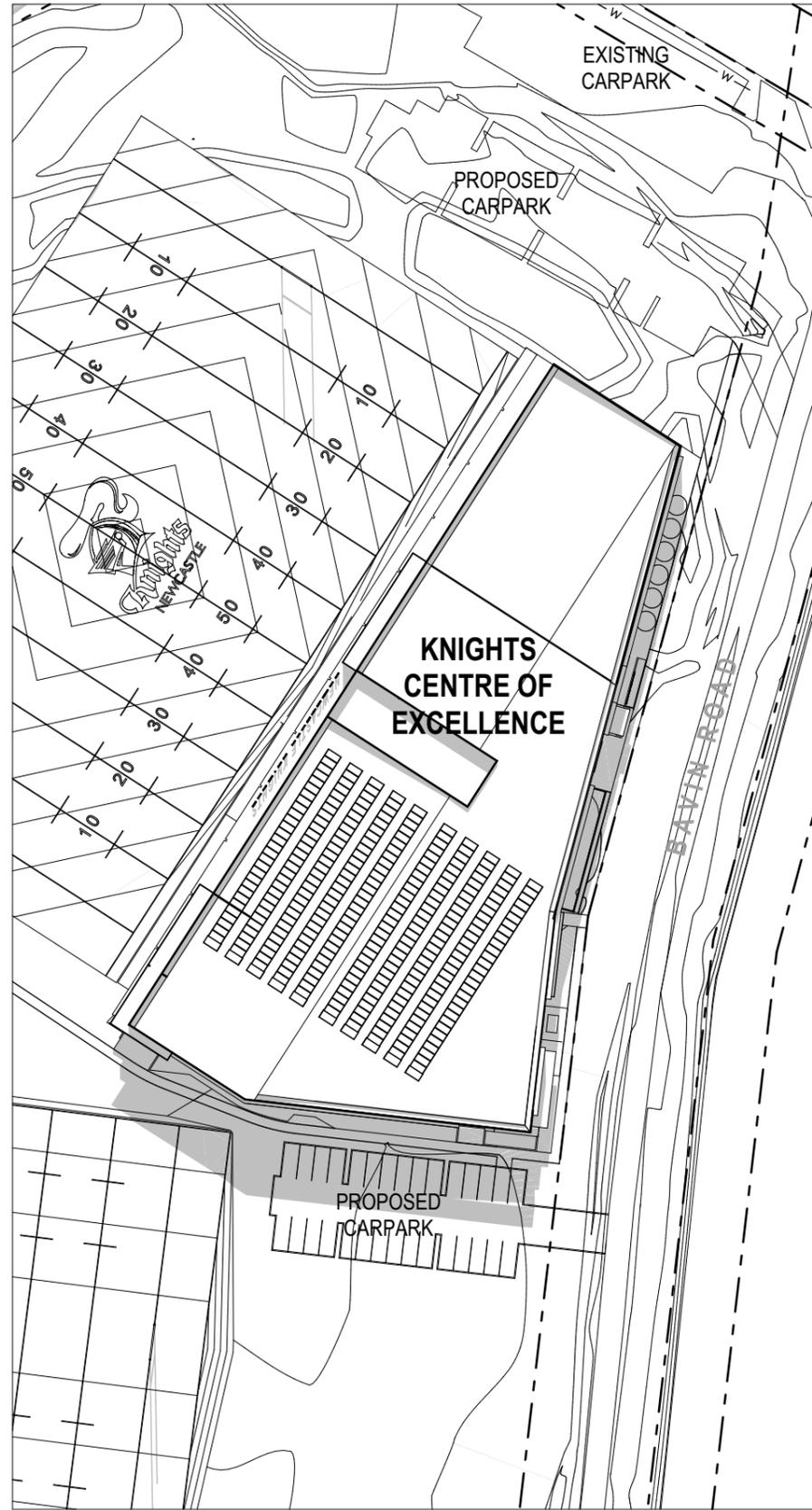
EAST ELEVATION



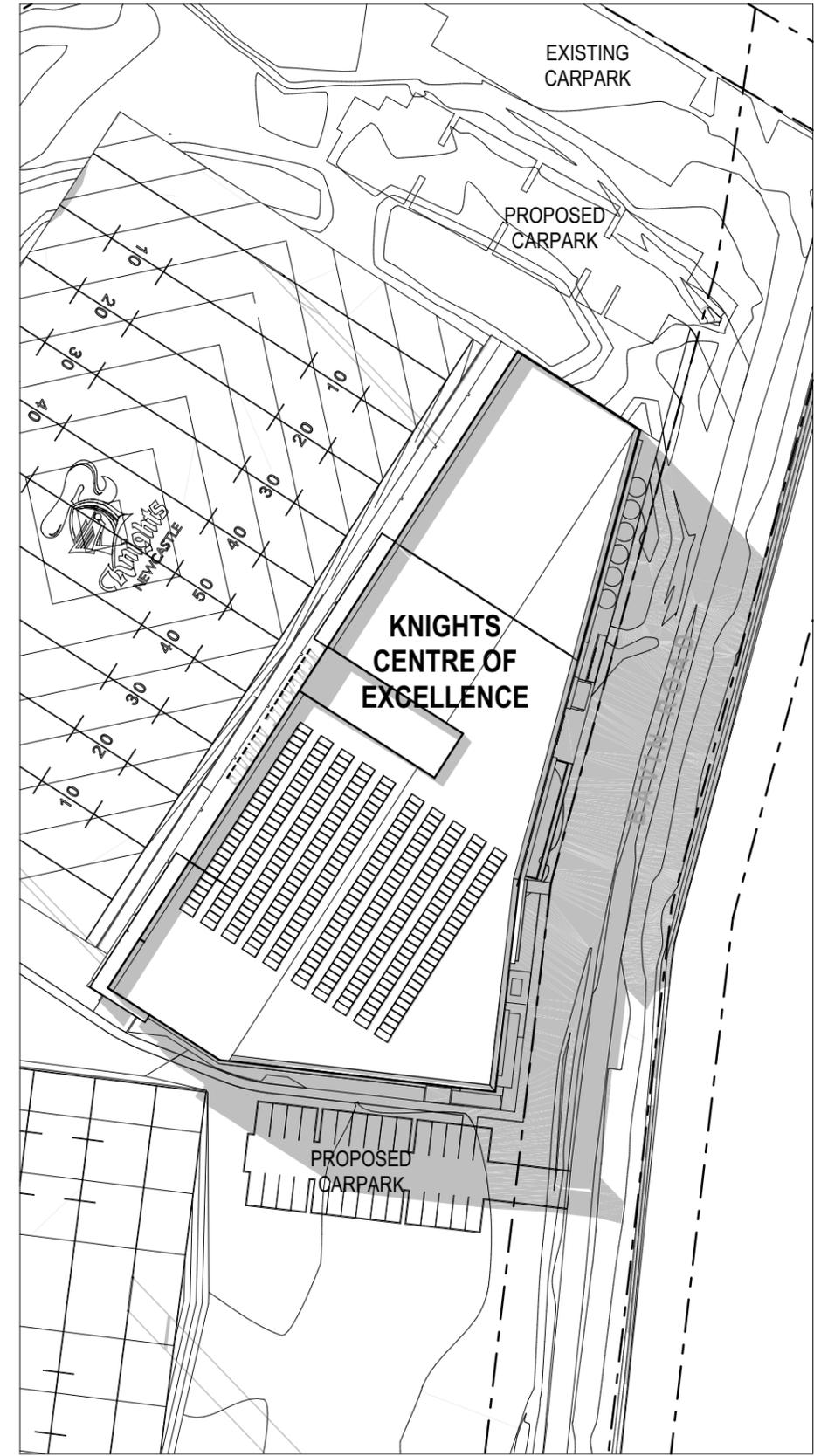
WEST ELEVATION



JUNE 21 9:00AM



JUNE 21 12:00PM



JUNE 21 3:00PM

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| REV | DATE | COMMENTS |
|-----|------------|-----------------------------------|
| A | 20.05.2019 | ISSUE FOR INFORMATION |
| B | 12.08.2019 | ISSUE FOR INFORMATION |
| C | 20.08.2019 | DA ISSUE - ADDITIONAL INFORMATION |

| DRN | CHKD | VRFD | PROJECT |
|-----|------|------|------------------------------|
| TH | BC | | KNIGHTS CENTRE OF EXCELLENCE |
| TH | BC | | |
| TH | BC | | |

SITE: DISTRICT PARK BROADMEADOW,
NSW 2292

CLIENT: WESTS GROUP
 88 HOBART ROAD, NEW LAMBTON
 NSW, 2305

DRAWING: SHADOW DIAGRAMS - WINTER

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

FILENAME: 12441-WD Knights CoE_Revise
 DRAWN: DATE: SCALES @A3:

BC/TH 20/08/2019 1:1000

PROJECT No: PHASE: DRAWING No: REV:
12441 WD A11 C



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CENTRE OF EXCELLENCE - EXTERNAL PERSPECTIVE 01

| REV | DATE | COMMENTS |
|-----|------------|-----------------------------------|
| A | 08.05.2019 | CONSULTANT ISSUE |
| B | 20.05.2019 | DA ISSUE |
| C | 12.08.2019 | ISSUE FOR INFORMATION |
| D | 20.08.2019 | DA ISSUE - ADDITIONAL INFORMATION |



CENTRE OF EXCELLENCE - EXTERNAL PERSPECTIVE 02

| REV | DATE | COMMENTS |
|-----|------------|-----------------------------------|
| A | 20.05.2019 | DA ISSUE |
| B | 12.08.2019 | ISSUE FOR INFORMATION |
| C | 20.08.2019 | DA ISSUE - ADDITIONAL INFORMATION |

| DRN | CHKD | VRFD |
|-----|------|------|
| TH | BC | |
| TH | BC | |
| TH | BC | |

PROJECT: KNIGHTS CENTRE OF EXCELLENCE

CLIENT: WESTS GROUP
 88 HOBART ROAD, NEW LAMBTON
 NSW, 2305

SITE: DISTRICT PARK BROADMEADOW,
 NSW 2292

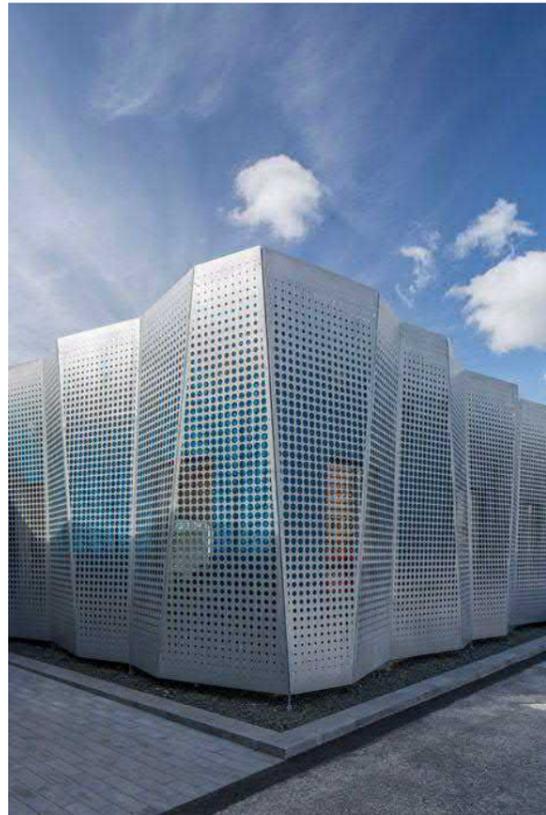
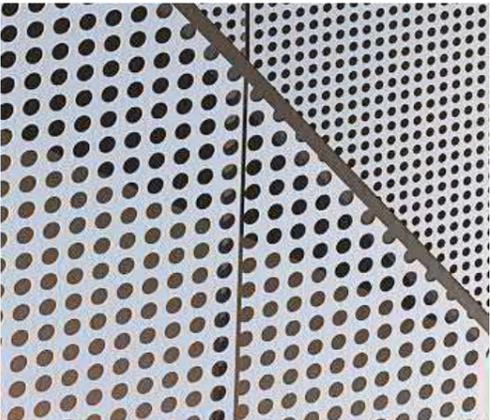
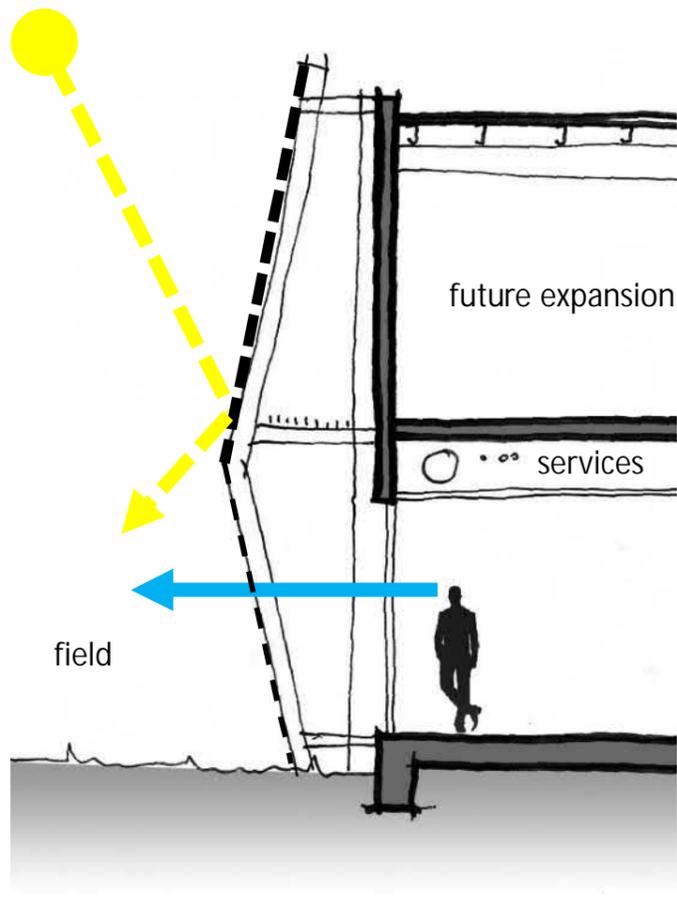
DRAWING: 3D PERSPECTIVES 02

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.
 FILENAME: 12441-WD Knights CoE_Revise02
 DRAWN: BC/TH DATE: 20/08/2019 SCALES @A3:
 PROJECT No: 12441 PHASE: WD DRAWING No: A13 REV: C

WESTERN SCREENING

A PERFORATED METAL SCREEN IS PROPOSED TO THE FACADE TO PROTECT THE BUILDING FROM THE AFTERNOON SUN.

THE SIZE OF PERFORATIONS WILL BE INCREASED WHERE VIEWS TO THE TRAINING FIELD ARE DESIRED.



PRECEDENT IMAGES

EJE ARCHITECTURE
 ACN 002 912 843 | ABN 62 644 649 849
 Nominated Architect - Smartest Choice
 NSW Architects Registration No. 4438
 A: 412 KING STREET, NEWCASTLE, NSW 2300
 P: +61 2 4928 2252 | F: +61 2 4928 3069 | E: mail@eje.com.au | W: www.eje.com.au



| REV | DATE | COMMENTS |
|-----|------------|-----------------------------------|
| A | 20.05.2019 | DA ISSUE |
| B | 12.08.2019 | ISSUE FOR INFORMATION |
| C | 20.08.2019 | DA ISSUE - ADDITIONAL INFORMATION |

| DRN | CHKD | VRFD |
|-----|------|------|
| TH | BC | |
| TH | BC | |
| TH | BC | |

PROJECT: KNIGHTS CENTRE OF EXCELLENCE

SITE: DISTRICT PARK BROADMEADOW, NSW 2292

CLIENT: WESTS GROUP
 88 HOBART ROAD, NEW LAMBTON
 NSW, 2305

DRAWING: EXTERNAL SCREEN DESIGN

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

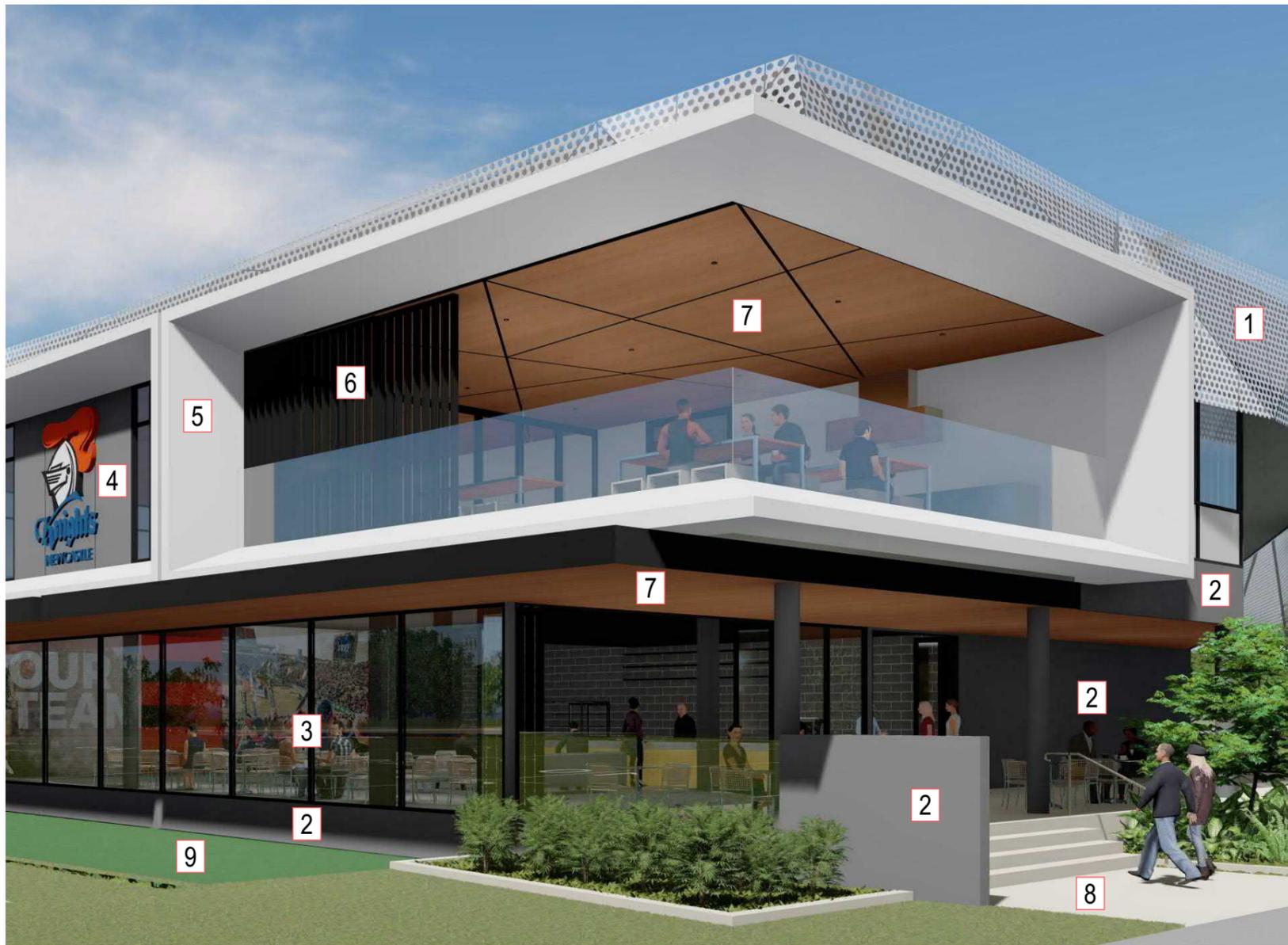
FILENAME: 12441-WD Knights CoE_RevISED
 DRAWN: DATE: SCALES @A3:

BC/TH 20/08/2019

PROJECT No: **12441 WD** PHASE: DRAWING No: **A14**



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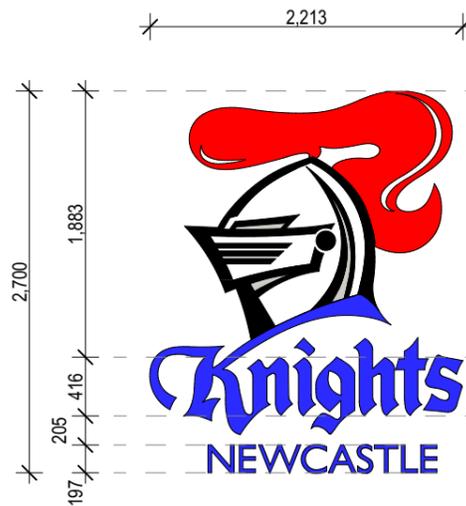
- 1 PERFORATED METAL SCREEN. POWDERCOAT FINISH
- 2 PAINT FINISH
- 3 BLACK WINDOW FRAMES
- 4 ILLUMINATED ACRYLIC LOGO
- 5 POWDERCOATED WINDOW HOODS
- 6 POWDERCOATED LOUVRES
- 7 TIMBER LOOK SOFFIT
- 8 PAVERS
- 9 ARTIFICIAL TURF

| REV | DATE | COMMENTS |
|-----|------------|-----------------------------------|
| A | 20.05.2019 | DA ISSUE |
| B | 12.08.2019 | ISSUE FOR INFORMATION |
| C | 20.08.2019 | DA ISSUE - ADDITIONAL INFORMATION |

| DRN | CHKD | VRFD |
|-----|------|------|
| TH | BC | |
| TH | BC | |



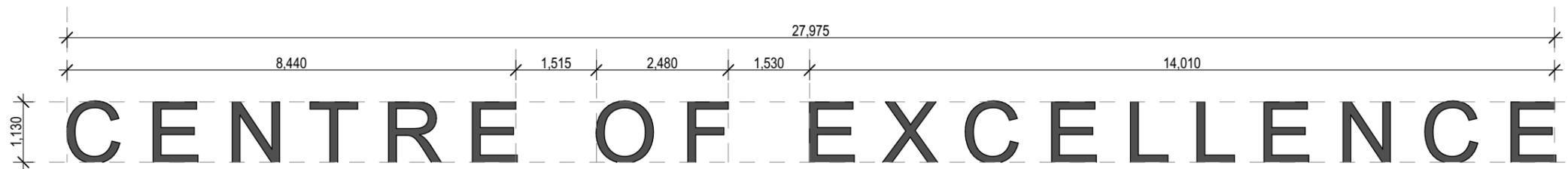
SIGNAGE - EASTERN ELEVATION 1:50
ILLUMINATED ACRYLIC LIGHTBOX
COLOUR SELECTIONS TBC



SIGNAGE - WESTERN ELEVATION 1:50
ILLUMINATED ACRYLIC LIGHTBOX
COLOUR SELECTIONS TBC



SIGNAGE - SOUTHERN ELEVATION 1:100
PRINTED VINYL ON ACRYLIC PANELS
COLOUR SELECTIONS TBC



SIGNAGE - WESTERN ELEVATION 1:100
ILLUMINATED ACRYLIC LIGHTBOX
COLOUR SELECTIONS TBC

DRAWING REGISTER

| DRAWING NUMBER | SHEET NAME | REV. No. | REV. DATE |
|-----------------|------------------|----------|-----------|
| 12441.5 DA L000 | COVER PAGE | D | 18/7/19 |
| 12441.5 DA L010 | SITE PLAN | D | 18/7/19 |
| 12441.5 DA L101 | LANDSCAPE PLAN | D | 18/7/19 |
| 12441.5 DA L201 | PLANTING PALLETE | C | 18/7/19 |

landscape development application

KNIGHTS CENTRE OF EXCELLENCE

WESTS GROUP

DISTRICT PARK BROADMEADOW, NSW 2292



SITE PLAN | L010

KNIGHTS CENTRE OF EXCELLENCE



- 1. EXISTING TREES TO BE RETAINED
- 2. 1.5 METER WIDE RUNNING TRACK
- 3. STYX CREEK DRAINAGE CANAL
- 4. EXISTING SHARED PATH AND PEDESTRIAN BRIDGE
- 5. PROPOSED AMENITIES BUILDING
- 6. EXISTING AMENITIES BUILDING TO BE DEMOLISHED
- 7. CENTRE OF EXCELLENCE CARPARK
- 8. GARBAGE TRUCK PICKUP POINT
- 9. EXISTING CARPARK TO BE RETAINED

- EXTENT OF DEVELOPMENT APPLICATION
- SPORTS TURF FIELD AREAS
- GENERAL LAWN AREAS
- LOW MASS PLANTING
- RIKE RACKS
- EXISTING TREES TO BE RETAINED
- EXISTING TREES TO BE REMOVED
- FEATURE TREE PLANTING OF ACER 'JEFFERSRED'
- SHADE TREE PLANTING Zelkova serrata 'Green Vase'
- CARPARK CANOPY TREE PLANTINGS - Lophospermum confertus (BRUSH BOX)

| REV | DATE | COMMENTS |
|-----|---------|-----------------------------------|
| D | 18/7/19 | ADDITIONAL INFORMATION TO COUNCIL |
| C | 20/5/19 | DA ISSUE |
| B | 16/5/19 | CLIENT REVIEW |
| A | 15/5/19 | PRELIM. ISSUE |

PROJECT:
KNIGHTS CENTRE OF EXCELLENCE

SITE:
DISTRICT PARK BROADMEADOW, NSW 2292

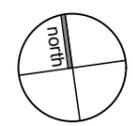
CLIENT:
WESTS GROUP

12441.5 CoE DA_REV D.vwx 19/7/19

DRAWN: OS / PW DATE: MAY 2019 SCALE: @A3

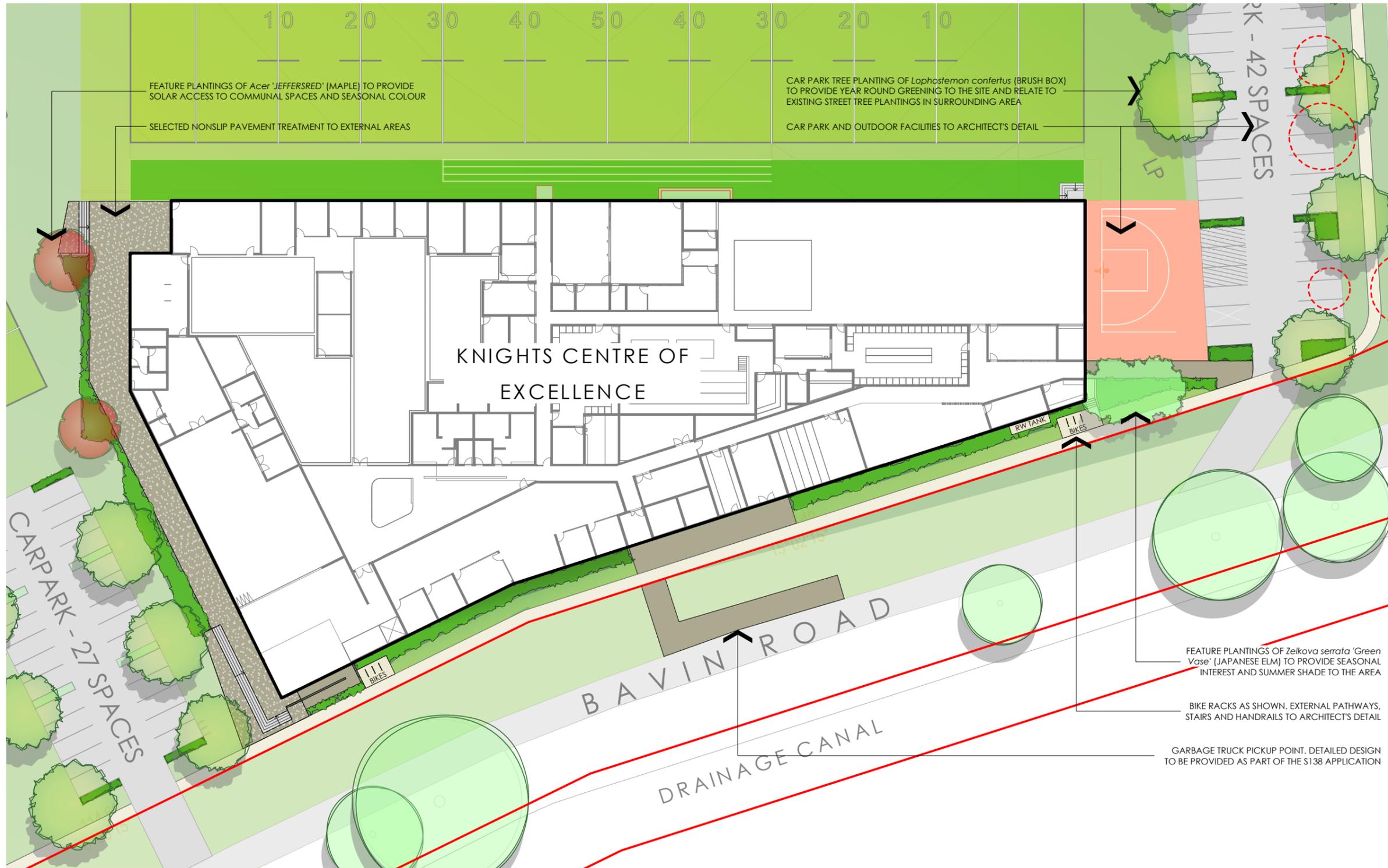
JOB NUMBER: 12441.5 DA L010 D PHASE: DWG No: REV:

1 SITE PLAN
L010 Scale: 1:1500



LANDSCAPE PLAN | L101

KNIGHTS CENTRE OF EXCELLENCE



- SPORTS TURF FIELD AREAS
- GENERAL LAWN AREAS
- LOW MASS PLANTING
- BIKE RACKS
- EXISTING TREES TO BE RETAINED
- EXISTING TREES TO BE REMOVED
- FEATURE TREE PLANTING OF *ACER* 'JEFFERSRED'
- SHADE TREE PLANTING *Zelkova serrata* 'Green Vase'
- CARPARK CANOPY TREE PLANTINGS - *Lophostemon confertus* (BRUSH BOX)

| REV | DATE | COMMENTS |
|-----|---------|-----------------------------------|
| D | 18/7/19 | ADDITIONAL INFORMATION TO COUNCIL |
| C | 20/5/19 | DA ISSUE |
| B | 16/5/19 | CLIENT REVIEW |
| A | 15/5/19 | PRELIM. ISSUE |

PROJECT:
KNIGHTS CENTRE OF EXCELLENCE

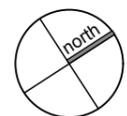
SITE:
**DISTRICT PARK
BROADMEADOW, NSW 2292**

CLIENT:
WESTS GROUP

T2441.5 CoE DA_REV D.vwx 19/7/19

DRAWN: OS / PW DATE: MAY 2019 SCALE: @A3

JOB NUMBER: 12441.5 DA L101 D PHASE: DWG No: REV:



PLANTING PALLETE | L201

KNIGHTS CENTRE OF EXCELLENCE



1. Acer x freemanii 'Jeffersred'
2. Lophostemon confertus
3. Zelkova serrata 'Green Vase'
4. Senecio serpens
5. Zamia furfuracea

- Autumn Blaze Maple
- Brush Box
- Green Vase
- Blue Chalksticks
- Cardboard Palm

6. Lomandra tanika
7. Westringia fruticosa
8. Nandina domestica 'Gulf Stream'
9. Dianella caerulea

- Tanika
- Coastal Rosemary
- Sacred Bamboo
- Blue Flax Lilly

| REV | DATE | COMMENTS |
|-----|---------|-----------------------------------|
| C | 18/7/19 | ADDITIONAL INFORMATION TO COUNCIL |
| B | 20/5/19 | DA ISSUE |
| A | 16/5/19 | CLIENT REVIEW |

PROJECT:
KNIGHTS CENTRE OF EXCELLENCE

SITE:
**DISTRICT PARK
BROADMEADOW, NSW 2292**

CLIENT:
WESTS GROUP

T2441.5 CoE DA_REV D.vwx 19/7/19

DRAWN: OS / PW DATE: MAY 2019 SCALE: @A3

JOB NUMBER: 12441.5 DA L201 C PHASE: DWG No: REV:



412 KING STREET NEWCASTLE NSW AUSTRALIA 2300
TERRAS.COM.AU PH: 49 294 926 FAX: 49 263 069

**DEVELOPMENT APPLICATIONS COMMITTEE MEETING
3 DECEMBER 2019**

DAC 3/12/19

DA2019/00588 - 6 BAVIN ROAD BROADMEADOW

Attachment B: Draft Schedule of Conditions

DISTRIBUTED UNDER SEPARATE COVER

Application No: DA2019/00588

Land: Lot 3284 DP 1049501

Property Address: 6 Bavin Road Broadmeadow NSW 2292

Proposed Development: Staged development for a Recreation facility (indoor), associated amenities building, car parking and signage

SCHEDULE 1

APPROVED DOCUMENTATION

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

| Plan No / Supporting Document | Version | Prepared by | Dated |
|--|----------------|--------------------|--------------|
| A00 COVER SHEET | C | ELK | 20.08.2019 |
| A01 SITE ANALYSIS PLAN | C | ELK | 20.08.2019 |
| A02 SITE PLAN | K | ELK | 06.11.2019 |
| A03 GROUND FLOOR PLAN | G | ELK | 20.08.2019 |
| A04 GROUND FLOOR PLAN - NORTH | G | ELK | 20.08.2019 |
| A05 GROUND FLOOR PLAN - SOUTH | E | ELK | 20.08.2019 |
| A06 FIRST FLOOR PLAN | D | ELK | 20.08.2019 |
| A07 ROOF PLAN | D | ELK | 20.08.2019 |
| A08 ELEVATIONS | E | ELK | 20.08.2019 |
| A09 SECTION AA& BB | C | ELK | 20.08.2019 |
| A10 AMENITIES BUILDING | E | ELK | 20.08.2019 |
| A11 SHADOW DIAGRAMS | C | ELK | 20.08.2019 |
| A12 PERPSECTIVES | D | ELK | 20.08.2019 |
| A13 PERPSECTIVES | C | ELK | 20.08.2019 |
| A14 EXTERNAL SCREEN | C | ELK | 20.08.2019 |
| A15 SCHEDULE OF MATERIALS | C | ELK | 20.08.2019 |
| A16 SIGNAGE | C | ELK | 20.08.2019 |
| LANDSCAPE PLANS L000 (D), L010 (D), L101 (D), L201 (C) | - | TERRAS | 18.07.2019 |
| Statement of Environmental Effects | | CITY PLAN SERVICES | 27.05.2019 |
| Statement of Heritage Impact | | EJE HERITAGE | MAY 2019 |
| Waste Management Plan | 02 | | |
| Arborist Report | C | TERRAS | 22.05.2019 |

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

consent prevail.

- Each stage of the development is to be undertaken in the specific order given below:

Stage 1: Southern section of proposed building, 43 space, 28 space and 68 space car parks and separate amenities building.

Stage 2: Northern section of proposed building.

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

- A total monetary contribution of \$184,536.00 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 development.

Note:

- This condition is imposed in accordance with the provisions of the City of Newcastle's *Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019*.
- 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.
- 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 | Approx release date |
|----------------------------|----------------------------|
| September | Late October |
| December | Late January |
| March | Late April |
| June | Late July |

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

- On-site parking accommodation is to be provided for a minimum of 139 vehicles (including 6 disability accessible spaces) and meet the minimum parking layout standards indicated in Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012. Details are to be included in documentation for a Construction Certificate application. No car spaces within the car park immediately to the south of the CoE building or the western car park shall be marked, signposted or otherwise identified as being for the sole use of staff only.
- The car parking and vehicular access is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities. Full details are to be included in documentation for a Construction Certificate application.

6. All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. Full details are to be included in documentation for a Construction Certificate application.
7. A concrete pedestrian pathway is to be provided within the site, along the full Perth Road and Bavin Road frontages, linking to the pedestrian refuge required under Condition 16(d) of this consent. Full details are to be included in documentation for a Construction Certificate application.
8. All stormwater runoff from the 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. The 27 and 42 spaced car parking areas must be provided with either retention systems with sand filter or detention with runoff from the detention being treated via landscaped water sensitive areas prior to discharge. The minimum retention/detention storage must be calculated based on 25m³ per 1,000m² and a MUSIC modelling must be done to demonstrate that the design has achieved the water quantity and quality targets set in Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012. Full details are to be included in documentation for any Construction Certificate application.
9. Roof water from the Centre of Excellence (COE) building is to be directed to the proposed 6 x 22,700 Litre rainwater tanks and be reticulated to new toilet cisterns and cold-water washing machine taps in the building and landscaped areas. A separate rainwater tank must be provided (which can be either underground or above ground) and the discharge from the 6 x 22,700L tanks and any additional roof and hardstand areas should be connected to this tank. The separate rainwater tank should be designed by an appropriately qualified hydraulic consultant for the purpose of irrigating of the Knights Training playing Field. Appropriate form of stormwater treatment should be provided to mitigate any health issues relating to reuse of the stormwater for irrigation of the Training Field. The water tanks, Irrigation facilities and the associated infrastructure are to be installed in accordance with the relevant Codes, Australian and Industry. Full details are to be included in documentation for any Construction Certificate application.
10. Overflows from the rainwater tanks and any additional discharge controls (if required) are to be directed to Hunter Water drainage system by means of an interallotment drainage line or underground pipe directly to the Hunter Water Channel. Approval from Hunter Water is to be obtained and full details are to be provided with any Construction Certificate application.
11. The floor level of the proposed COE building is to be not below RL 8.1m Australian Height Datum and being indicated on plans for a Construction Certificate application. The finished floor levels are to be certified by a registered Surveyor prior to the placement of the floor material and a copy of the Surveyor's Certificate is to be forwarded to the Principal Certifying Authority.
12. A flood emergency response plan is to be prepared, by independent consulting engineers experienced in flood management, and put in place by the applicant prior to occupation of the building.

The plan is to include an education and awareness component for the workforce; to detail evacuation procedures; to interface with the local flood warning system; to include the local State Emergency Services plan; and to include provisions for any third parties likely to be involved.

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

- a) likely flood behaviour
- b) flood warning systems

- c) education awareness program
- d) evacuation and evasion procedures
- e) evacuation routes and flood refuges and
- f) flood preparedness and awareness procedures for residents and visitors

Considerations should include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. As much as possible, the plan is to be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources. The plan is to be updated and maintained by the occupiers. Full details are to be included in documentation for a Construction Certificate application.

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

- a) cross sections through the site where appropriate
- b) proposed contours or spot levels
- c) botanical names
- d) quantities and container size of all proposed trees
- e) shrubs and ground cover
- f) details of proposed soil preparation
- g) mulching and staking
- h) treatment of external surfaces and retaining walls where proposed
- i) drainage, location of taps and
- j) appropriate maintenance periods.

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

14. The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's compliance certificate (refer s50 Hunter Water Act 1991) is to be included in documentation for a Construction Certificate application.
15. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on an Erosion and Sediment Control Plan that is to be submitted for approval with the Construction Certificate application. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
16. The Developer designing and constructing the following works in connection with the development, at no cost to Council and in accordance with Council's guidelines and design specifications:

- a) Extension of Perth Road through to the eastern road boundary of the unformed Bavin Road, such comprising road pavement, kerb and gutter, drainage, vehicular barrier fencing, street lighting and signage
- b) Provision of a 6.0m wide sealed access road from the proposed Perth Road extension to the proposed 28 space car park entry/exit, such comprising road pavement, vehicular barrier fencing, street lighting, signage and line marking
- c) Installation of bollards and/or fencing along both sides of Bavin Road full length with associated regulatory signage to prevent parking and street lighting
- d) Concrete pedestrian pathway and pedestrian crossing facility in Perth Road linking the development site to existing footway paving located on the western side of Bavin Road at Lambton Road.

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.

- 17. A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993 (NSW)*, before the issue of a Construction Certificate. The consent must be obtained, or other satisfactory arrangements confirmed in writing from Council, before the issue of a Construction Certificate.
- 18. The design and construction of the 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.

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

- 19. Building demolition is to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures.
- 20. Tree removal and retention shall be carried out in accordance with the Arborist Report prepared by Terras dated 22 May 2017.
- 21. All recommendations contained within the Statement of Heritage Impact prepared by EJE Heritage dated May 2019 are to be complied with.
- 22. 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.
- 23. Any waste containers used in association with the proposed demolition are to be located on the site where possible.

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

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

25. Waste management shall be implemented in accordance with the approved Waste Management Plan. At a minimum, the following measures shall be implemented during the construction phase:
- a) A waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste
 - b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets
 - c) Appropriate provision is to be made to prevent windblown rubbish leaving the site and
 - d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

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

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

30. All building work must be carried out in accordance with the provisions of the National Construction Code.
31. All excavations and backfilling are to be executed safely in accordance with appropriate

professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.

32. All building materials, plant and equipment is to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves including the road reserve is not permitted.
33. Prior to commencement of site works the developer is to submit to Council for approval a Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase.
34. 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.
35. Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.
36. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
 - Monday to Friday, 7:00 am to 6:00 pm and
 - Saturday, 8:00 am to 1:00 pm.

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

37. Council's 'Prevent Pollution' sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary so it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of demolition and construction work.
38. 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*.
39. Documentation demonstrating the compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption must be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Exemption. This documentation must be provided to Council officers or the Principal Certifying Authority on request.
40. 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.
41. Prior to the commencement of work, a 3m wide all weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.
42. All necessary measures are to be undertaken to control dust pollution from the site.

These measures must include, but not are limited to:

- a) Restricting topsoil removal
 - b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion)
 - c) Alter or cease construction work during periods of high wind and
 - d) Erect green or black shadecloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.
43. The development being carried out in accordance with the details set out in the Acid Sulfate Soil Management Plan prepared by Douglas Partners dated May 2019.
 44. A construction and environmental management plan (CEMP) shall be prepared by the contractor which outlines procedures for soil handling, segregation and is to include an unexpected finds protocol in accordance with the recommendations of the Targeted Detailed Site Investigation for Contamination, prepared by Douglas Partners Pty Ltd, December 2018. The CEMP shall be implemented for the duration of remediation and construction works as required.

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

45. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council's satisfaction prior to the completion of demolition work or prior to the issue of any occupation certificate in respect of development involving building work.
46. All works within the road reserve required by this consent for each stage are to be completed prior to the issue of any Occupation Certificate for each stage.
47. Any redundant existing vehicular crossing is to be removed at no cost to Council. The road reserve and kerb being restored to, Council's satisfaction, to match the existing infrastructure. Works are to be completed prior to the issuing of a Final Occupation Certificate for the development.
48. A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, shall be submitted to the Principal Certifying Authority and to The City of Newcastle prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
49. A Landscape Practical Completion Report is to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate of stage 1. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.
50. Prior to issue of an Occupation Certificate for stage 1, the food business must notify the relevant enforcement agencies, under the *Food Act 2003* (NSW) and (for licensed food businesses) under the *Food Regulation 2010* (NSW). Notification is to be provided to Council and the NSW Food Authority.

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

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

51. Waste management (recyclable and non-recyclable) is to be collected from the refuse storage areas, as identified on the approved plans, serviced from Bavin Road and returned immediately to the refuse storage areas. Under no circumstances are garbage bins to be presented to Bavin Road for kerbside collection or remain at kerbside after collection. Clear thoroughfare must be maintained at all times along Bavin Road.

52. The hours of operation of the premises are to be not more than from:

| DAY | START | FINISH |
|-----------|--------|---------|
| Monday | 6:00am | 10:00pm |
| Tuesday | 6:00am | 10:00pm |
| Wednesday | 6:00am | 10:00pm |
| Thursday | 6:00am | 10:00pm |
| Friday | 6:00am | 10:00pm |
| Saturday | 6:00am | 10:00pm |
| Sunday | 6:00am | 10:00pm |

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

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

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

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

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

ADVISORY MATTERS

- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Prior to commencing any building works, the following provisions of Division 6.2 of the *Environmental Planning and Assessment Act 1979* are to be complied with:
 - a) A Construction Certificate is to be obtained; and
 - b) A Principal Certifier is to be appointed for the building works and Council is to be notified of the appointment; and
 - c) Council is to be given at least two days notice of the date intended for commencement of building works.
- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000* (NSW).
- A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- An annual Fire Safety Statement in the form described in Clause 175 of the *Environmental Planning and Assessment Regulation 2000* (NSW) is to be submitted to Council and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of New South Wales Fire Brigades. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979* (NSW), which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- 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 7.5m Australian Height Datum (AHD)
 - b) Flood Hazard Level is 8.0m AHD (Freeboard is 500mm above DFL)
 - c) Maximum Flow Velocity of floodwaters for the Defined Flood Event is 0.3m/s

END OF CONDITIONS

SCHEDULE 2

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

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

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

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

**DEVELOPMENT APPLICATIONS COMMITTEE MEETING
3 DECEMBER 2019**

DAC 3/12/19

DA2019/00588 - 6 BAVIN ROAD BROADMEADOW

Attachment C: Processing Chronology

DISTRIBUTED UNDER SEPARATE COVER

PROCESSING CHRONOLOGY

DA2019/00588

| | |
|------------------------|---|
| 21 March 2019 | Pre-Development Application meeting |
| 27 May 2019 | Development application submitted |
| 11 June – 27 June 2019 | Public notification |
| 9 July 2019 | Meeting to discuss traffic and engineering issues. |
| 30 July 2019 | Submission from Westpac Rescue Helicopter Service received |
| 6 November 2019 | Amended Plans and formal response to matters raised Westpac Rescue Helicopter Service's submission. |