



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 06/12/22 – 204 UNION STREET THE JUNCTION –
DA2021/01107 - CENTRE BASED CHILD CARE FACILITY INCLUDING
TREE REMOVAL**

| | | | |
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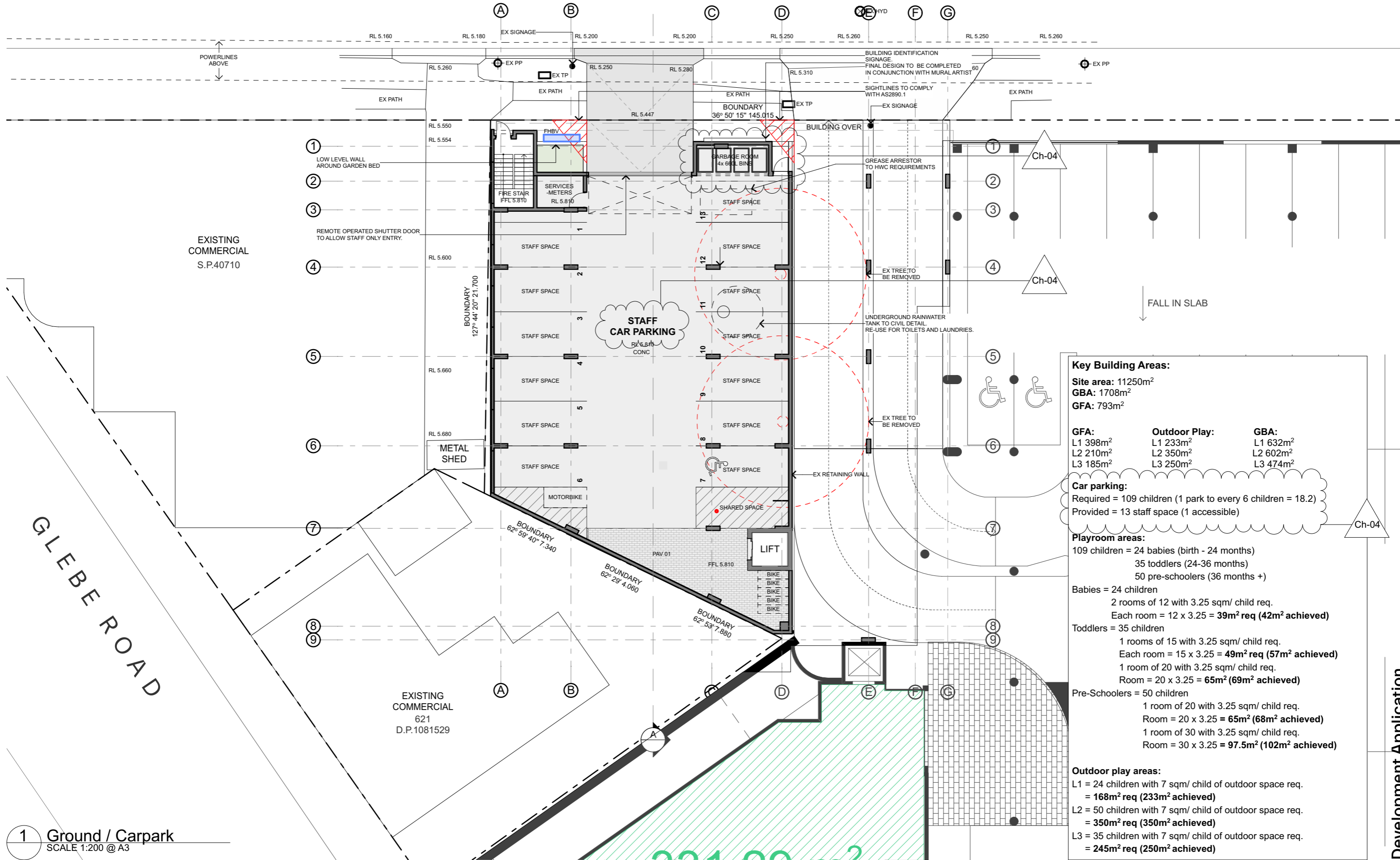
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**DAC 06/12/22 – 204 UNION STREET THE JUNCTION –
DA2021/01107 - CENTRE BASED CHILD CARE FACILITY INCLUDING
TREE REMOVAL**

ITEM-29 **Attachment A:** Submitted Plans

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Key Building Areas:
 Site area: 11250m²
 GBA: 1708m²
 GFA: 793m²

| GFA: | Outdoor Play: | GBA: |
|----------------------|----------------------|----------------------|
| L1 398m ² | L1 233m ² | L1 632m ² |
| L2 210m ² | L2 350m ² | L2 602m ² |
| L3 185m ² | L3 250m ² | L3 474m ² |

Car parking:
 Required = 109 children (1 park to every 6 children = 18.2)
 Provided = 13 staff space (1 accessible)

Playroom areas:
 109 children = 24 babies (birth - 24 months)
 35 toddlers (24-36 months)
 50 pre-schoolers (36 months +)

Babies = 24 children
 2 rooms of 12 with 3.25 sqm/ child req.
 Each room = 12 x 3.25 = **39m² req (42m² achieved)**

Toddlers = 35 children
 1 rooms of 15 with 3.25 sqm/ child req.
 Each room = 15 x 3.25 = **49m² req (57m² achieved)**
 1 room of 20 with 3.25 sqm/ child req.
 Room = 20 x 3.25 = **65m² (69m² achieved)**

Pre-Schoolers = 50 children
 1 room of 20 with 3.25 sqm/ child req.
 Room = 20 x 3.25 = **65m² (68m² achieved)**
 1 room of 30 with 3.25 sqm/ child req.
 Room = 30 x 3.25 = **97.5m² (102m² achieved)**

Outdoor play areas:
 L1 = 24 children with 7 sqm/ child of outdoor space req.
 = **168m² req (233m² achieved)**
 L2 = 50 children with 7 sqm/ child of outdoor space req.
 = **350m² req (350m² achieved)**
 L3 = 35 children with 7 sqm/ child of outdoor space req.
 = **245m² req (250m² achieved)**

1 Ground / Carpark
 SCALE 1:200 @ A3



Architecture | Planning | Interiors

NEWCASTLE
 115 King St (P.O. Box 958)
 Newcastle NSW 2300
 P 02 4929 1843

CENTRAL COAST
 1/28 Adelaide St (P.O. Box 4400)
 East Gosford NSW 2250
 P 02 4321 0503

www.ckds.com.au
 E admin@ckds.com.au
 ABN 12 129 231 269
 Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545



Stirling Junction Fair
 project #
20099
 Farquhar Street,
 The Junction, NSW 2291

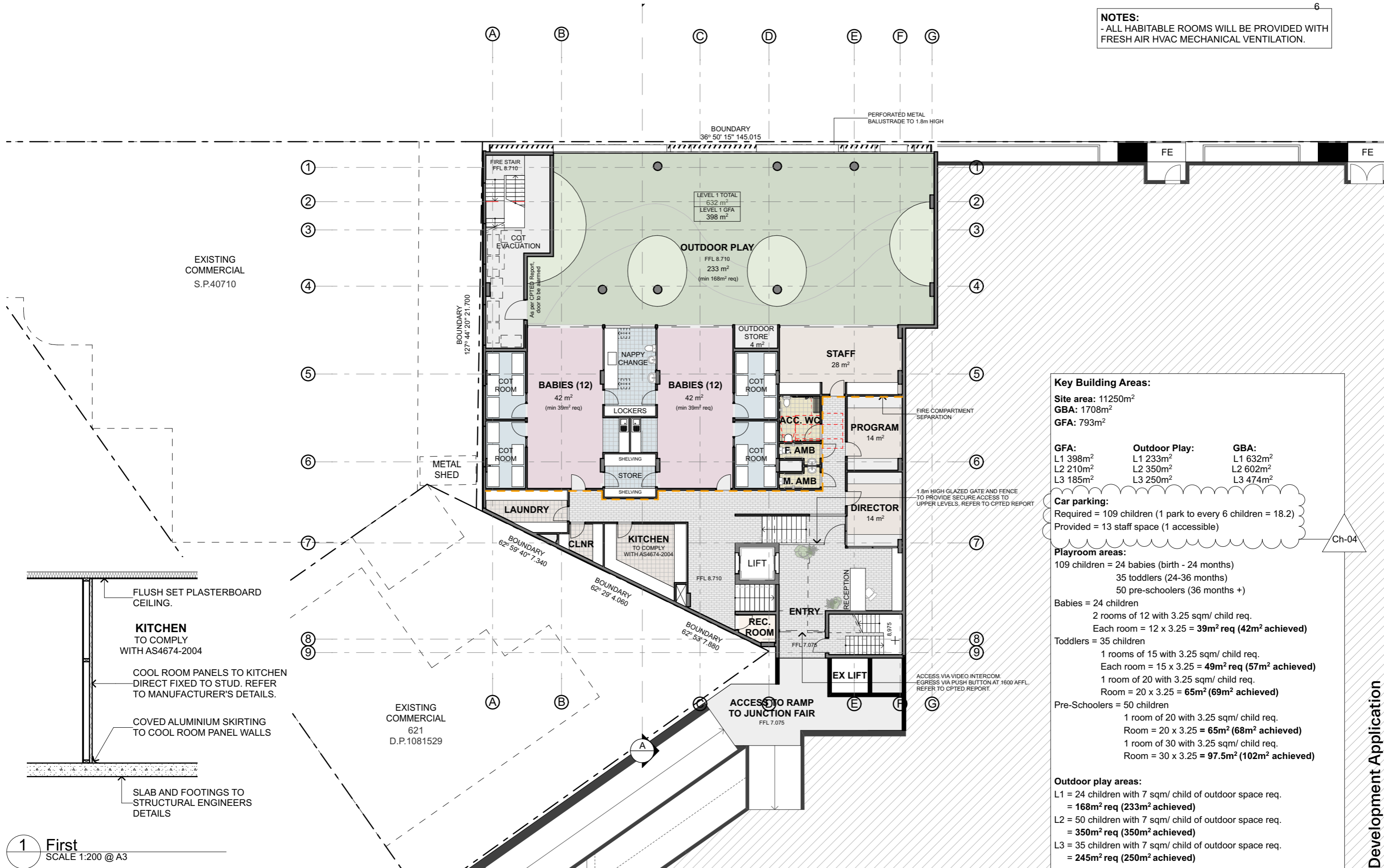
Ground / Carpark Floor Plan
 drawing #
A-1101
 AS SHOWN

issue
J
 22/8/2022

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Development Application

NOTES:
- ALL HABITABLE ROOMS WILL BE PROVIDED WITH FRESH AIR HVAC MECHANICAL VENTILATION.



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 = 245m² req (250m² achieved)

1 First
SCALE 1:200 @ A3



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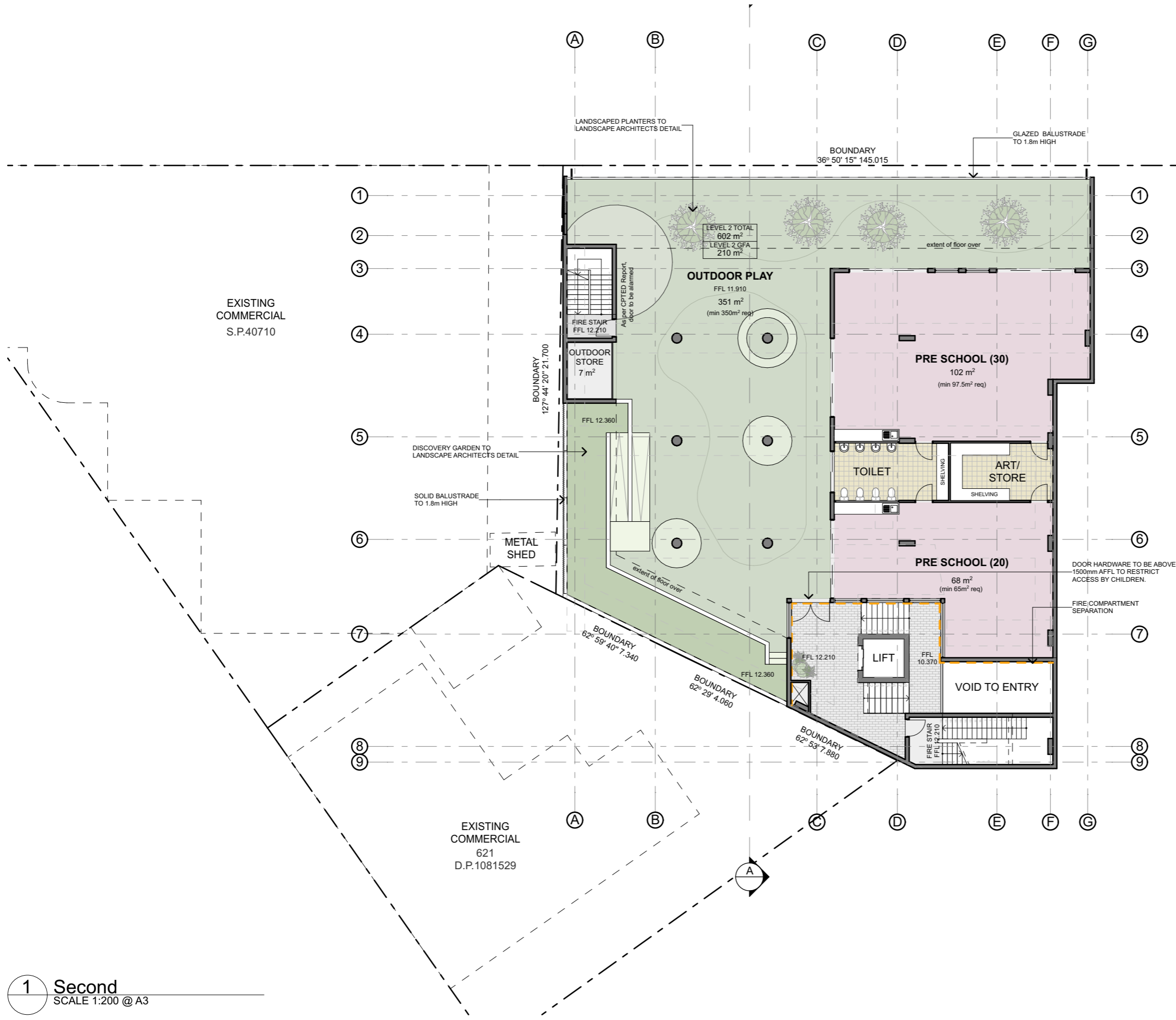
Stirling Junction Fair
 project #
20099
 Farquhar Street,
 The Junction, NSW 2291

First Floor Plan
 drawing #
A-1102
 AS SHOWN
 issue
J
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Development Application

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EXISTING COMMERCIAL
S.P.40710

EXISTING COMMERCIAL
621
D.P.1081529

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Site area: 11250m²
GBA: 1708m²
GFA: 793m²

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1 Second
SCALE 1:200 @ A3



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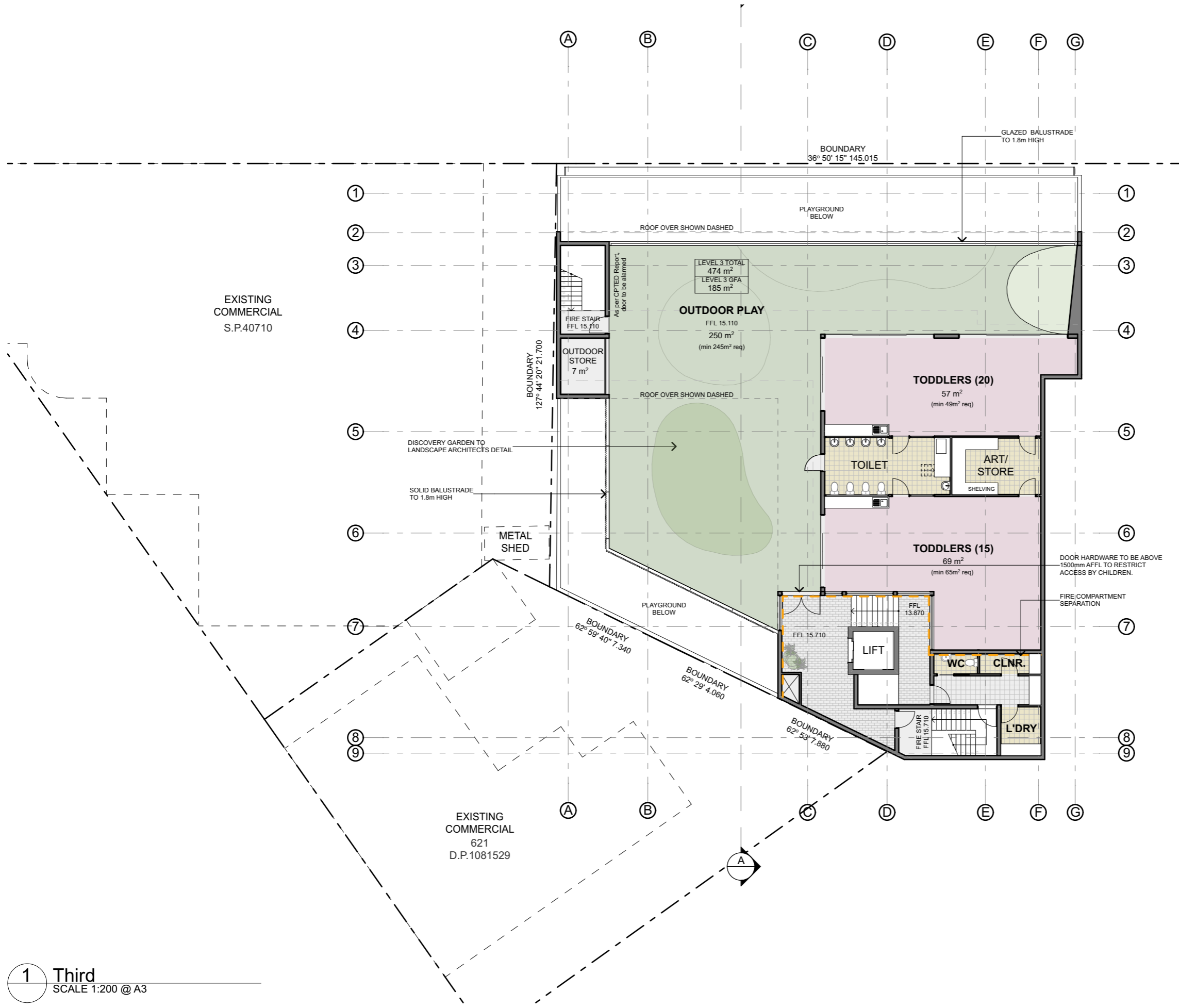
Second Floor Plan
 drawing #
A-1103
 issue
J
 AS SHOWN
 22/8/2022

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Development Application

Ch-04

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1 Third
SCALE 1:200 @ A3



Architecture | Planning | Interiors

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Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

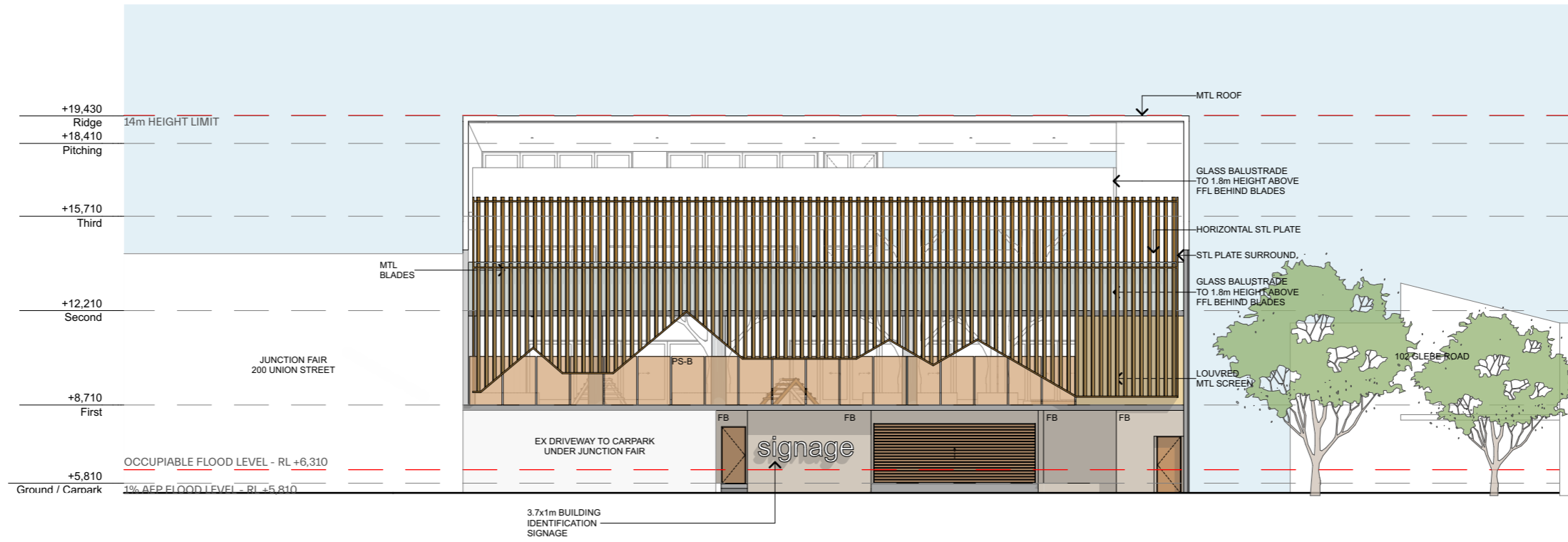


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20099
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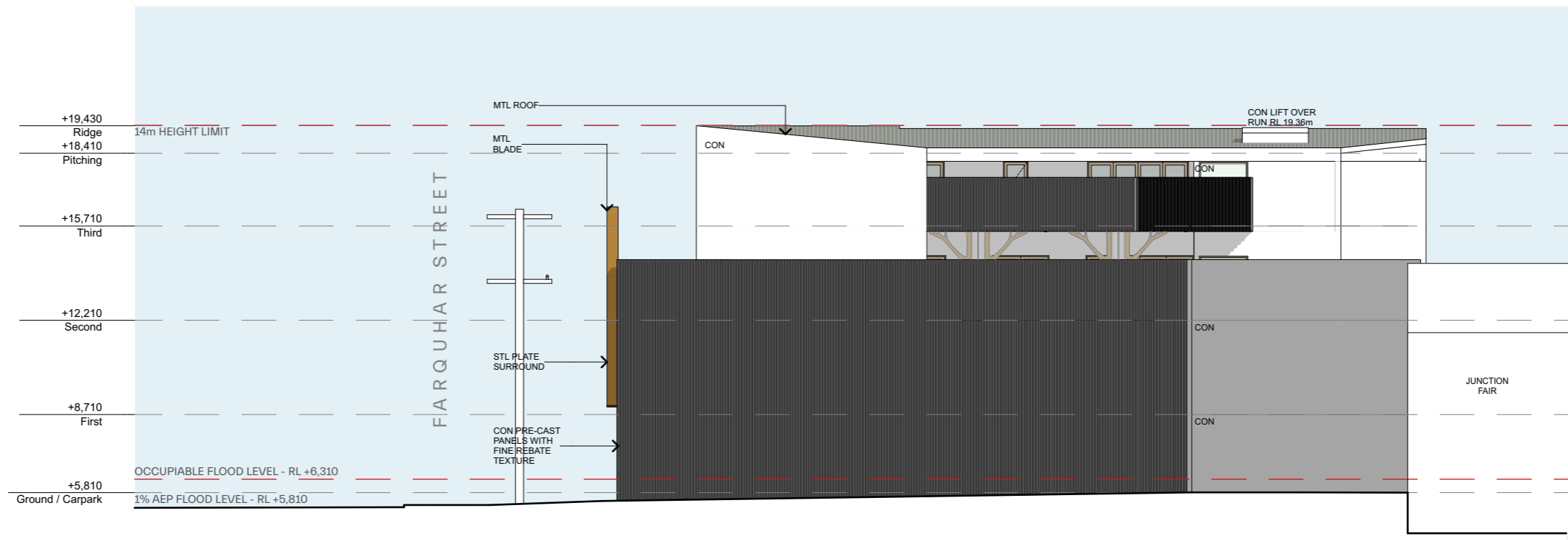
Third Floor Plan
 drawing #
A-1104
 AS SHOWN
 issue
J
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Development Application



1 North West Elevation
SCALE 1:200 @ A3



2 South West Elevation
SCALE 1:200 @ A3

Development Application



Architecture | Planning | Interiors

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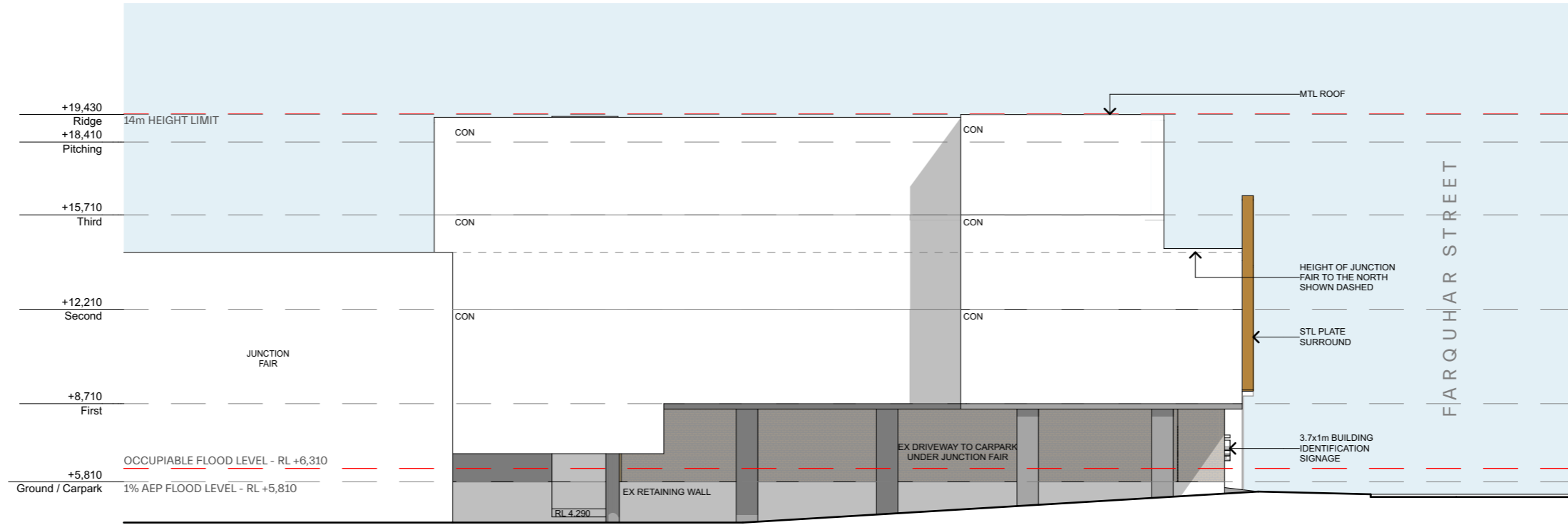


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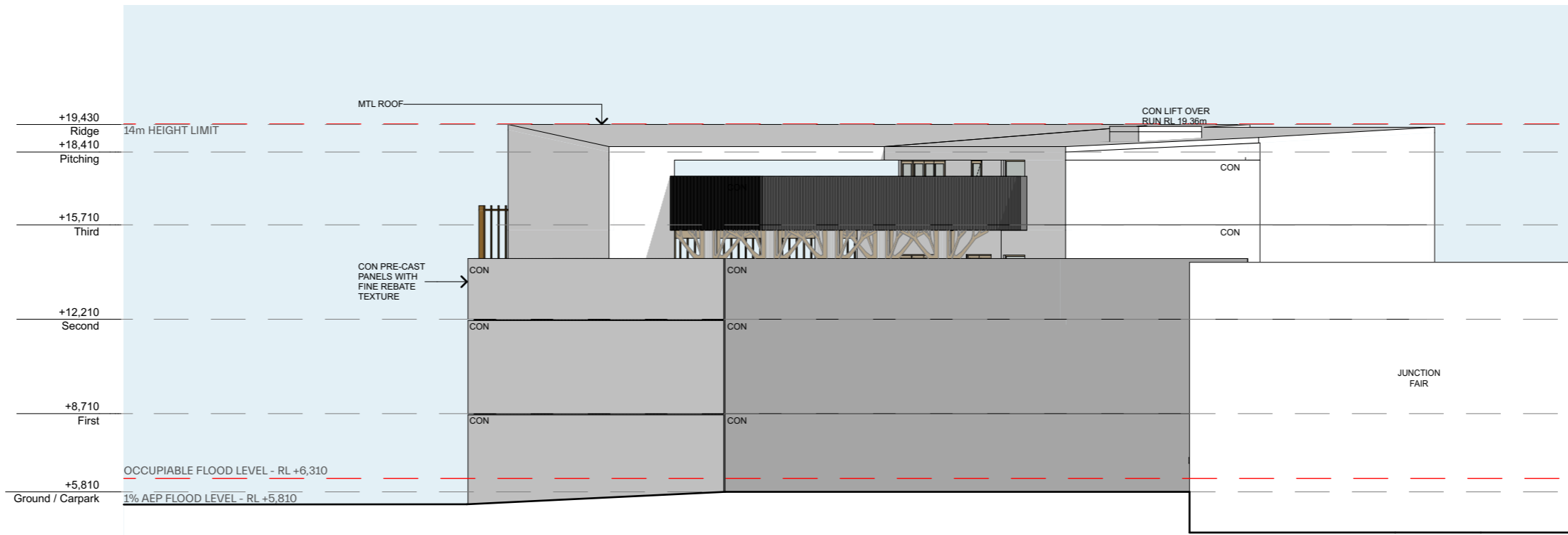
Elevations
drawing #
A-2001
AS SHOWN

issue
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11/10/2022

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1 North East Elevation
SCALE 1:200 @ A3



2 South East Elevation
SCALE 1:200 @ A3

Development Application



Architecture | Planning | Interiors

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North Point

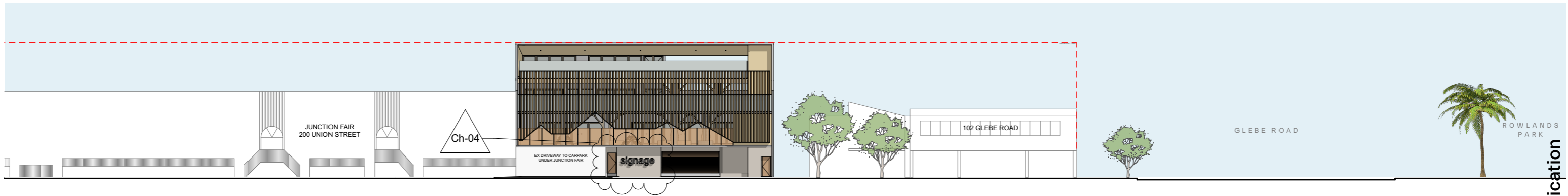
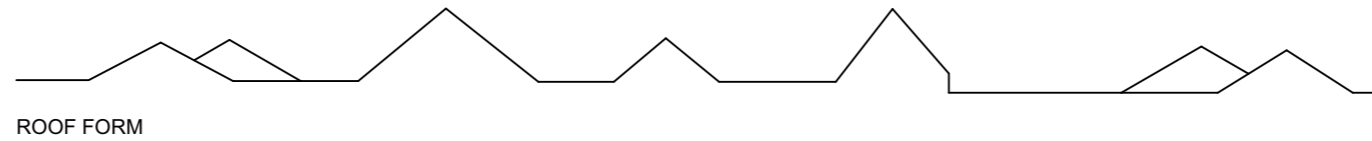


Stirling Junction Fair
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20099
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Elevations
drawing #
A-2002
AS SHOWN
issue
E
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STREETSCAPE ANALYSIS
 PREDOMINATE ROOF FORM OF THE SURROUNDING CONTEXT HAS INFORMED THE ARTICULATION OF THE SCREEN FACADE



1 North West Street Elevation
 SCALE 1:400 @ A3

Development Application



Architecture | Planning | Interiors

| | | |
|--|---|--|
| NEWCASTLE 115 King St (P.O. Box 958) Newcastle NSW 2300 P 02 4929 1843 | CENTRAL COAST 1/28 Adelaide St (P.O. Box 4400) East Gosford NSW 2250 P 02 4321 0503 | www.ckds.com.au E admin@ckds.com.au ABN 12 129 231 269 Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545 |
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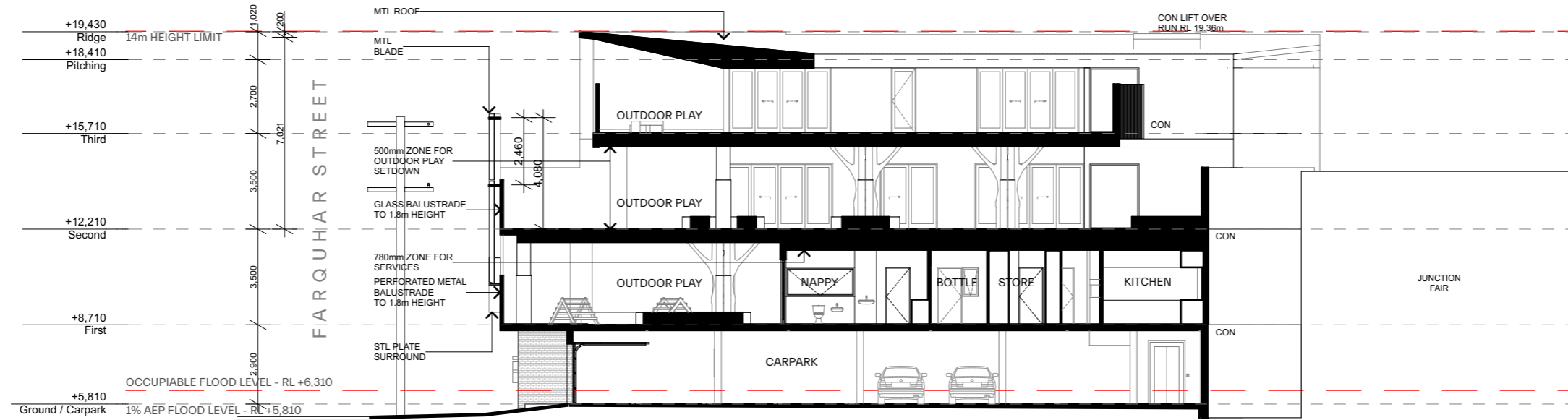


Stirling Junction Fair
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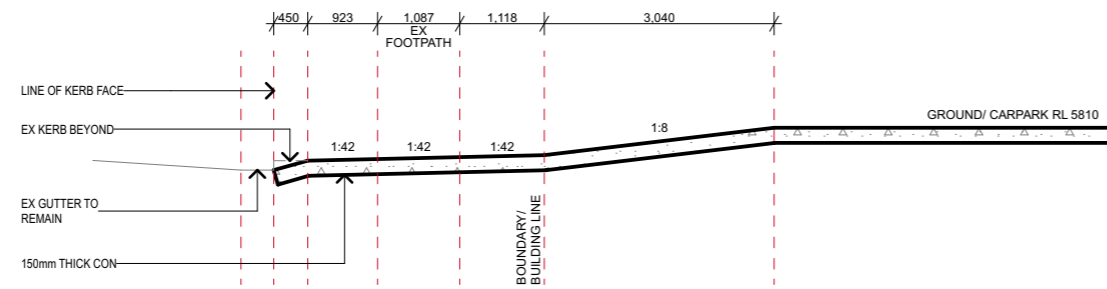
Street Elevation
 drawing #
A-2003
 AS SHOWN

issue
F
 22/8/2022

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1 Section A
SCALE 1:200 @ A3



DRIVEWAY TO BE DESIGNED TO COMPLY WITH AS2890 AND SECTION 3.02.10 OF NCC DCP 2012.

2 Driveway Section
SCALE 1:100 @ A3

Development Application



Architecture | Planning | Interiors

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North Point



Stirling Junction Fair
project #
20099

Farquhar Street,
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Section
drawing #
A-3001

issue
F

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**DAC 06/12/22 – 204 UNION STREET THE JUNCTION –
DA2021/01107 - CENTRE BASED CHILDCARE FACILITY INCLUDING
TREE REMOVAL**

ITEM-29 **Attachment B:** Plan of Management

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MANAGEMENT PLAN

The primary purpose of this plan is to ensure the proposed childcare centre complies with the relevant standards of operation.

1. The Childcare Centre shall operate in accordance with the terms of this Plan as well as all conditions of development consent granted by Newcastle City Council and in Accordance with Educational and Care Services National Law Act and Education and Care Services National Regulations
2. The hours of operation will be restricted to 6.30am to 6.30pm daily
3. The Childcare centre shall be restricted to the ages as follows
 - Ages 0-2
 - Ages 2-3
 - Ages 3-4
 - Ages 4-6
4. The layout of the centre is limited to that as approved on the plans
5. The Child Care Centre will provide the required staff and educator to child ratio as outlined by the Education and Care Services National regulations

INFORMATION FOR CARERS AND MANAGEMENT

6. Upon enrolling with the child Care Centre, parents/legal guardians are issued with an information sheet/Handbook. The document will provide general information about the premises and relevant contact details.
7. The Child Care Centre Manager/Director is required to keep personal information relating to the enrolled child on-site
8. The Child Care Centre Manager/Directors contact details are made available to the parent/guardian

MANAGER Directors' RESPONSIBILITIES

9. The Child Care Centre Manager/Director shall be familiar with and aware of his or her responsibilities under the relevant legislation applicable to Child Care Centres.
10. The Child Care Centre Manager/Director shall be responsible for the day-to-day duties of the educators and staff employed at the Child Care Centre including evacuations/lockdowns throughout the year

11. The Child Care Manager/Director shall be responsible to the allocated Area Manager and the Approved Provider of the Service

OCCUPATIONAL HEALTH AND SAFETY REQUIREMENTS

12. Where the Child Care Centre is part of a larger building or complex, that the emergency evacuation plan is complimentary and consistent with other emergency plans in place; and shall consider:

- The supervision of children during the evacuation and at a safe congregation area with regard to the safety and capacity of the Child Care Centre
- The location of the safe congregation area, away from the evacuated building, busy roads, other hazards and the evacuation of other residents or tenants in the building or surrounding buildings.
- The consideration of the mobility of the children and how this is to be accommodated during an evacuation
- The Child Care Centre must comply with WHS legislation and regulations to ensure the centre environment is safe for children, staff and visitors
- The owner will maintain Worker compensation insurance

ONGOING MAINTENANCE

13. The gardens, playgrounds etc shall be maintained on a regular basis to maintain the health and appearance of all landscaped areas and the play areas.

14. The Child Care Manager/Director/Maintenance team shall be responsible for keeping all areas in an excellent state of cleanliness

15. Sand pit to be replaced/topped up as required by the Maintenance team

WASTE MANAGEMENT

15. All staff and educators/ cleaners are responsible for disposing of waste in the appropriate bins provided daily. If appropriate separate sorting bins will be provided.

CENTRE RULES

16. No alcohol is permitted to be consumed in the Child Care Centre

17. No unauthorised drugs are permitted on the premises

18. The child Care centre is not permitted to operate outside of the approved hours and days specified in the approval

19. The premises are non-smoking this includes the outdoor play area

PUBLIC LIABILITY

20. The owner will maintain a public liability cover of \$20 million

FIRE SAFETY/CERTIFICATION/EVACUATIONS/DRILLS

21. A copy of the annual fire safety compliance statement/certificate shall be displayed in a prominent location.

22. An evacuation plan must be clearly displayed in each room and play areas. A floor plan must be displayed in each room to indicate the available emergency egress routes from the perspective rooms.

23. All types of evacuations or lock downs must be practiced by everyone in the centre every 3 months

24. Emergency evacuation will be via the two sets of fire stairs located in the Centre. Babies will be transported into the fire rated cot evacuation area located off the outdoor play area. From there the babies will be evacuated via Farquar Street to a safe congregation area. Pre school and toddlers will access either of the fire stairs depending on proximity. The fire stairs to the western elevation provides access to Farquar Street with the stairs to the eastern elevation accessing the fully sprinklered pedestrian ramp which provides access to Glebe Road to a safe congregation area.

25. Movement of people from the basement car park to 1F sign in area

- Access via the basement car park lift to designated student sign in area on 1F. Student sign in to take place within the designated sign in area on 1F. Staff will manage the sign in process.
- Parents/Caregivers responsible for taking their children to their designated classrooms. Lift access to 2F and 3F will be via security access card/pin code with additional security gate access to the classrooms on each level.
- Access from Junction Fair Shopping Centre to the 1F entry will be via a glass sliding door with access to the sign in area on 1F via video intercom.
- Parents will only be able to access the level on which their child's classroom is located.
- For 2F and 3F classrooms, access parents/caregivers will walk part through the outdoor play area which is an accepted practice and provides interactions between parents/caregivers and children within the outdoor play area.
- Electronic signage to be installed on Farquhar Street frontage to indicate when car park is full to avoid congestion in the basement car park
- Car park Marshall to be in attendance during peak drop off and pick up hours i.e. 7.30-9.00am and 3.00-4.30pm
- Car park Marshall will direct traffic entry/exit within the basement car park to ensure pedestrian safety within the car park

Sign out process will operate in a similar manner with parents/caregivers accessing the childcare centre from the basement carpark lift to the floor of their child's classroom. Parents accessing the childcare centre from Junction Fair will operate in the same manner as the sign in process with parents/caregivers proceeding through the secure entry door to the level on which their child's classroom is located. The sign out process will take place within the classroom to enhance efficiency of the process.



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**DAC 06/12/22 – 204 UNION STREET THE JUNCTION –
DA2021/01107 - CENTRE BASED CHILD CARE FACILITY INCLUDING
TREE REMOVAL**

ITEM-18 Attachment C: Draft Schedule of Conditions

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Application No: DA2021/01107

Land: Lot 10 DP 1129170

Property Address: 204 Union Street The Junction NSW 2291

Proposed Development: Centre Based Child Care Facility including tree removal

SCHEDULE 1

APPROVED DOCUMENTATION

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

| Plan No / Supporting Document | Reference / Version | Prepared by | Dated |
|--|-----------------------------|--|--------------|
| Site Plan Drawing A-1003 | Project 20099 Issue D | CKDS | 01.04.2022 |
| Ground / Carpark Floor Plan Drawing A-1101 | Project 20099 Issue J | CKDS | 22.08.2022 |
| First Floor Plan Drawing A-1102 | Project 20099 Issue J | CKDS | 22.08.2022 |
| Second Floor Plan Drawing A-1103 | Project 20099 Issue J | CKDS | 22.08.2022 |
| Third Floor Plan Drawing A-1104 | Project 20099 Issue J | CKDS | 22.08.2022 |
| Elevations Drawing A-2001 | Project 20099 Issue J | CKDS | 22.08.2022 |
| Elevations Drawing A-2002 | Project 20099 Issue D | CKDS | 01.04.2022 |
| Section Drawing A-3001 | Project 20099 Issue D | CKDS | 01.04.2022 |
| Landscape Concept Plan Drawings L000 to L103 | Project No 21076 Revision B | Xeriscapes | 31.03.22 |
| Arborist Report Report | n/a | Advanced Treescapes Consulting - Russell Kingdom | 09.07.2021 |
| Acoustic Report | 2221319_210621 | RAPT Consulting | June 2021 |
| Plan of Management | Version 2 | Tillys Play and Development Pty Ltd | 19.07.2022 |
| Site Waste Minimisation and Management Plan | n/a | CKDS | 29.06.2021 |
| Car Park Management Plan | n/a | Stirling Property Funds | 07.11.2022 |

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.

ADMINISTRATIVE CONDITIONS

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

The General Terms of Approval are:

- a) Subsidence Advisory NSW, ref: TBA21-01863, dated 17 June 2021

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

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

3. In accordance with the City of Newcastle Section 7.12 Development Contributions Plan (the Plan), a monetary contribution of \$48,062.87 shall be paid to the City of Newcastle for the purposes of the provision, extension or augmentation of transport and social infrastructure.
 - (a) If the contribution is not paid within the financial quarter that this consent is granted, the contribution payable will be adjusted in accordance with the provisions of the Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment.
 - (b) Subject to prevailing Ministerial Directions, the monetary contribution shall be paid to the City of Newcastle
 - (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - (iii) prior to the issue of the first Construction Certificate where the development is for building work.
 - (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
 - (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.
4. On-site parking accommodation is to be provided for a minimum of 13 cars for childcare centre staff and such be set out generally in accordance with the minimum parking layout standards indicated in Section 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012. Full details are to be included in documentation for a Construction Certificate application.

Parking shall be accommodated within the existing shopping centre car park for a minimum of:

- a) 27 car spaces for pick-up and drop-off activity at the childcare centre;
- b) 19 car spaces for all-day parking for shopping centre tenants;

This additional parking within the Junction Fair Car Park (JFCP) shall be shared with existing shopping centre parking and must not be made exclusive to tenants or the childcare centre. To accommodate additional parking load, parking in JFCP shall be managed via a Ticketless Parking System as proposed in the submitted Car Park Management Plan prepared by Stirling Property Funds.

Full details of the Ticketless Parking System and its installation in JFCP shall be included in Construction Certificate documentation.

5. The car parking and vehicular access are to be designed to comply with the relevant provisions of *AS/NZS 2890 Parking facilities*. Details are to be included in documentation for a Construction Certificate application.
6. All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of a depth to suit design traffic and be sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers. Details are to be included in documentation for a Construction Certificate application.
7. Roof water from the proposed new work is to be directed to the proposed water tank with a minimum capacity of 20,000 litres and being reticulated to any new toilet cisterns and cold water washing machine taps, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be designed in accordance with the Plumbing Code of Australia (National Construction Code Volume 3). Full details are to be included in documentation for a Construction Certificate application.
8. All stormwater runoff from the proposed development is to be managed in accordance with the requirements of Section 7.06 '*Stormwater*' of Newcastle Development Control Plan 2012, the associated Technical Manual and *AS/NZS 3500.3 Plumbing and drainage Part 3 Stormwater drainage*, as indicated on the stormwater management concept plan prepared by MPC Consulting (Drg. No. C01, Job No. 210682 and dated 28.06.2021). Details are to be included in documentation for a Construction Certificate application.
9. All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls. Details are to be included in documentation for a Construction Certificate application.
10. The whole of the proposed structure below known flood level (6.23m Australian Height Datum) is to be constructed in materials and finishes that are resistant to damage from floodwaters/tidal waters. Any new machinery or equipment, electrical circuitry or fitting, storage unit or similar items likely to be damaged by floodwaters/tidal waters are to be installed above the said height, or alternatively be of materials and functional capability resistant to the effects of floodwaters/tidal waters. Details are to be included in documentation for a Construction Certificate application.
11. A flood emergency response plan is to be prepared by a professional engineer, who is experienced in flood management, and the plan is to be put in place prior to occupation of the site for the intended use. The plan is to include an education and awareness component for the workforce, detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan and provisions for any third parties likely to be involved.

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

- a) Likely flood behaviour;
- b) Flood warning systems;
- c) Education awareness program;
- d) Evacuation and evasion procedures;
- e) Evacuation routes and flood refuges; and
- f) Flood preparedness and awareness procedures for residents and visitors

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

12. A commercial vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:
- a) Constructed in accordance with City of Newcastle's A1300 - Driveway Crossings Standard Design Details.
 - b) The driveway crossing, within the Farquhar Street road reserve, is to be a maximum of 6.2m wide.
 - c) Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2m, in the 2.0m by 2.5m splay within the property boundary, each side of the driveway entrance.
 - d) The proposed driveway is to be a minimum of 3.0m clear of the trunk of any tree within the road reserve.
 - e) The proposed driveway is to be a minimum of 750mm clear of the centre of any pole or obstruction within the road reserve and 1.0m clear of any drainage pit.

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

13. 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). The consent must be obtained, or other satisfactory arrangements confirmed in writing from Council, before the issue of a Construction Certificate.
14. The Developer designing and constructing the following works in connection with the proposed development within the Farquhar Street public road reserve, adjacent to the site, at no cost to Council and in accordance with Council's guidelines and design specifications:
- a) Kerb and gutter replacement for the full frontage of the proposed building to Farquhar Street.
 - b) New 6.2m wide driveway crossing to Farquhar Street.
 - c) New 1.2m wide concrete footpath paving for the full frontage of the proposed building to Farquhar Street.
 - d) Associated drainage works.

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.

15. Ground floor (car parking area) stormwater is to be connected to the stormwater management system not the sewer system. Full details area to be included in documentation for a Construction Certificate application.

16. An Emergency Evacuation Management Plan for the Centre Based Child care facility is to be completed in conjunction with the existing Shopping Centre. The plan is to be included in documentation for a Construction Certificate application. The Emergency Evacuation Management Plan shall be appended to the approved Plan of Management.
17. The Plan of Management (POM) is to include the required acoustic mitigations for the use of management and staff that outlines the specific operational requirements to be implemented to minimise acoustic impacts. Details in the POM must be implemented, maintained on-site and made available for inspection by appropriate Authorised Officers upon request (as recommended in Acoustic Assessment - Proposed New Childcare Centre - 204 Union Street, The Junction NSW 2291 NSW, RAPT Consulting, June 2021 - Doc. No: 2221319_210621).
18. The acoustic performance of all mechanical plant and equipment associated with the building being assessed by an appropriately qualified acoustic consultant prior to the issue of any required Construction Certificate. Appropriate acoustic treatment as recommended by the acoustic consultant being designed prior to the issue of a Construction Certificate.
19. One street tree is to be planted as compensation for the existing tree removal. A fee, to be determined by contacting City of Newcastle's City Greening Services, is to be paid to the City of Newcastle for the required compensatory planting and evidence of the payment of the required fee is to be included in documentation for a Construction Certificate application.

Note: The tree selection and location of the required compensatory planting will be determined by City of Newcastle's City Greening Services in accordance with the City of Newcastle's '*Street Tree Master Plan*'. The location of the compensatory tree planting may not be in the immediate proximity of the site.

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

20. Certification is to be prepared by a Registered Surveyor and submitted to the Principal Certifier at the stages of construction indicated:
 - a) On completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels of RL 5.81m.
 - b) On completion of each subsequent floor level, confirming that the floor levels are in accordance with the approved levels.
 - c) When the roof has been completed, confirming that the building does not exceed the approved ridge level of RL19.43m.
21. Toilet facilities are to be available or provided at the work site before works begin and be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet is to:

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

22. Building demolition is to be planned and carried out in accordance with *Australian Standard 2601:2001 - The Demolition of Structures*.
23. A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with *Australian Standard 2601:2001 - The Demolition of Structures*. A copy of the Hazardous Substances Management Plan is to be provided to the Council and to the demolisher prior to commencement of work.
24. The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:
- a) prior to commencement of demolition works a competent person shall determine the presence of hazardous substances impacted by the proposed demolition works in accordance with Section 1.6.1 of AS2601:2001 and where required produce a Hazardous Substances Management Plan
 - b) demolition works shall be conducted in accordance with any required Hazardous Substances Management Plan. A copy of the Plan shall be kept on-site for the duration of the proposed development and a copy is to be held in the possession of the landowner
 - c) the removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
 - d) a copy of all waste disposal receipts are to be kept in the possession of the landowner and made available to authorised Council Officers upon request
 - e) seven working days notice in writing is to be given to the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor, and
 - f) on sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.
25. The demolisher is to ensure that all services (ie water, telecommunications, gas, electricity, sewerage etc), are disconnected in accordance with the relevant authority's requirements prior to demolition.
26. Any waste containers used in association with the proposed demolition are to be located on the site where possible.

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

27. All demolition material incapable of being re-used in future redevelopment of the site is to be removed from the site and the site being cleared and levelled.

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

28. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
29. Any demolition/waste building materials that are not suitable for recycling are to be disposed of at City of Newcastle's Summerhill Waste Management Facility or other approved site.
30. At a minimum, the following measures are to be implemented during the construction phase:
- a) A waste container of at least one cubic metre capacity is to be provided, maintained and regularly serviced from the commencement of operations until the completion of the building, for the reception and storage of waste generated by the construction of the building and associated waste;
 - b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets;
 - c) Provision is to be made to prevent windblown rubbish leaving the site; and
 - d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

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

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

Note: This does not apply in relation to building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

34. Building work must be carried out in accordance with the requirements of the Building Code of Australia.
35. All excavations and backfilling are to be executed safely and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.
36. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor, the person having the benefit of the development consent is to, at that person's own expense:
 - a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - b) where necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
37. The above requirements do not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition / requirements not applying. If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil are to be provided. All building materials, plant and equipment is to be placed on the site of the development, to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves, including the road reserve, is not permitted.
38. Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.
39. On-site car parking accommodation is to be provided for a minimum of 13 cars for childcare centre staff and such being set out generally in accordance with the details indicated on the submitted plans except as otherwise provided by the conditions of consent.

Additional parking shall be accommodated within the existing Junction Fair shopping centre car park for a minimum of:

- a) 27 car spaces for pick-up and drop-off activity at the childcare centre;
 - b) 19 car spaces for all-day parking for shopping centre tenants;
40. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
 - Monday to Friday, 7:00 am to 6:00 pm and
 - Saturday, 8:00 am to 1:00 pm.

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

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

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

42. 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*.
43. 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 Newcastle City Council officers or the Principal Certifier on request.
44. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:
 - a) Control over discharge of stormwater and containment of run-off and pollutants leaving the site is to be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins and controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
 - b) Erosion and sediment control measures are to be designed in accordance with the requirements of the *Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1* (the 'Blue Book') published by Landcom, 2004.
45. Prior to the commencement of work, a 3.0m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand or soil is not to be stockpiled on the all-weather vehicle access.
46. All necessary measures are to be undertaken to control dust pollution from the site. These measures are to include, but are not limited to:
 - a) Restricting topsoil removal;
 - b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion);
 - c) Alter or cease construction work during periods of high wind; and
 - d) Erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.
47. All external items of air conditioning plant and other plant and equipment are to be screened or positioned in such a manner as to not detract from the visual presentation of the building and so as to not be visible from the street or public domain.
48. During construction works, an assessment of acid sulfate soil potential is to be undertaken in the area of excavation. If acid sulfate soils are found to be present, soils are to be treated in accordance with the New South Wales Acid Sulfate Soil Management Advisory Committee's '*Acid Sulfate Soil Manual*'.

49. A Construction Management Plan is to be prepared with consideration nearby land uses and mitigation measures in place. A plan is to be submitted with documentation for a Construction Certificate Application.
50. The proposed Ticketless Parking System is to be installed and operational in the Junction Fair Car Park prior to the closure and demolition of the existing 19-space tenant car park off Farquhar Street.

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

51. All works within the road reserve required by this consent are to be completed prior to the issue of a final Occupation Certificate.
52. The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.
53. Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared RAPT Consulting, Doc. No: 2221319_210621 and dated June 2021. Written final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to the Principal Certifier and Newcastle City Council prior to the issue of an Occupation Certificate.
54. Written certification from an appropriately qualified acoustic consultant being submitted to the Principal Certifying Authority prior to issue of an Occupation Certificate confirming that noise from all mechanical plant (including kitchen and laundry equipment) achieves the required acoustic attenuation to comply with Section 5 of the acoustic assessment prepared by RAPT Consulting, June 2021 (Doc. 2221319_210621), the Noise Policy for Industry 2017 and the requirements of the *Protection of the Environment Operations Act 1997*.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

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

| DAY | START | FINISH |
|------------|--------------|---------------|
| Monday | 6:30am | 6:30pm |
| Tuesday | 6:30am | 6:30pm |
| Wednesday | 6:30am | 6:30pm |
| Thursday | 6:30am | 6:30pm |
| Friday | 6:30am | 6:30pm |
| Saturday | Closed | Closed |
| Sunday | Closed | Closed |

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

Service vehicles are to be via light vans only and outside the normal drop off and pickup – 9:00am to 3:00pm.

56. The premises is allocated the following street address in accordance with City of Newcastle's *House Numbering Policy* and the *Surveying and Spatial Regulation*.

| Unit/ dwelling number on plan | City of Newcastle allocated street address | | | |
|-------------------------------|--|-------------|-------------|--------------|
| | House Number | Street name | Street type | Suburb |
| Proposed Child care facility | 94 | Glebe | Road | The Junction |

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

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

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

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

59. Any liquid wastes from the premises, other than stormwater are to be either discharged to the sewers of the Hunter Water Corporation in accordance with an approved Trade Waste Agreement or collected and disposed of by a licensed waste transport contractor in accordance with the Department of Environment and Climate Change 'Waste Classification Guidelines Part 1: Classifying Waste'.
60. The Junction Fair Car Park shall be managed in accordance with the 'Junction Fair Shopping Centre Car Park Management Plan' prepared by Stirling Property Funds dated November 2022.
61. At all times the provision of free unallocated, all day tenant parking for a maximum of 19 tenants/works is to be provided within the Junction Fair Car Park.
62. Parking demand and turnover in the Junction Fair Car Park shall be managed via a fee-based parking management system and in accordance with the Parking Management Plan.
63. The Ticketless Parking System is to be operational and maintained in good working order at all times.

64. The child care centre shall operate in all times in accordance with the approved Plan of Management, prepared by Tillys Play and Development Centre, Version 2, dated 19/07/2022, as amended by conditions of this consent (i.e. including Emergency Evacuation Plan and Acoustic requirements).
65. At all times the approved child care centre is only to be serviced (including waste collection) by vans or small fixed-wheelbase delivery vehicles capable of being turned on-site. Under no circumstances shall servicing or waste collection occur from the kerb or street.

ADVISORY MATTERS

- Retaining walls not clearly noted on the approved plans or outside of the parameters of 'exempt development', as specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to such a retaining wall taking place.
- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required from any adjoining owner under the provisions of the *Dividing Fences Act 1991*.
- Prior to commencing any building works, the following provisions of 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 Newcastle City Council is to be notified of the appointment; and
 - c) Newcastle City 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 Certifier appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Section 37 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (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 Fire and Rescue NSW 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 Section 88 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (NSW) is to be submitted to Newcastle City Council and a copy (together with a copy of the current fire safety schedule) is to be given to the

Commissioner of Fire and Rescue NSW. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice (ie 'on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979*, which may be subject to a penalty infringement notice (ie 'on-the-spot fine') or prosecution.

END OF CONDITIONS

SCHEDULE 2

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Newcastle Local Environmental Plan 2012* (NLEP) and applicable State Environmental Planning Policies.
- The proposed 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.
- Any issues raised in submission have been taken into account in the assessment report and where appropriate conditions of consent have been included in the determination.

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

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



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 06/12/22 – 204 UNION STREET THE JUNCTION –
DA2021/01107 - CENTRE BASED CHILD CARE FACILITY INCLUDING
TREE REMOVAL**

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

DISTRIBUTED UNDER SEPARATE COVER





PROCESSING CHRONOLOGY
DA2021/01107

| | | |
|--|---|--|
| 24 August 2021 | - | Application lodged. |
| 01 September 2021 – 15 September 2021 | - | Application notified in accordance with City of Newcastle's (CN) Community Participation Plan (CPP). |
| 27 September 2021 | - | Application called up to DAC by Councillor Duncan and Councillor Winney-Baartz. |
| 17 December 2021 | - | Request for additional information |
| 01 April 2021 | - | Partial additional information received from applicant. |
| 15 August 2022 | - | Request for additional information |
| 22 August 2022 | - | Additional information received |
| 18 October 2022 | - | Public Voice Committee meeting |
| 20 October 2022 | - | Request for additional information issued |
| 02 November 2022 | - | Additional information received from applicant. |



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 06/12/22 – 204 UNION STREET THE JUNCTION –
DA2021/01107 - CENTRE BASED CHILD CARE FACILITY INCLUDING
TREE REMOVAL**

ITEM-29 **Attachment E:** General Terms of Approval – Subsidence

DISTRIBUTED UNDER SEPARATE COVER





Subsidence Advisory

117 Bull Street, Newcastle West, NSW, 2302 | T: (02) 4908 4300

99 Menangle Street, Picton, NSW, 2571 | T: (02) 4677 6500

24 Hour Emergency Service: 1800 248 083 (Free Call)

FN92-02774N0

TBA21-01863

Avid Project Management
Luke Bury
luke.bury@avidpm.com.au

Dear Luke

**RE PROPOSED 4 STOREY CHILDCARE CENTRE WITH CARPARK AT 204 UNION STREET
THE JUNCTION; LOT 10 DP 1129170; TBA21-01863**

NOTICE OF DETERMINATION

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

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

Once relevant documentation to meet the conditions in Schedule 2 is available, please email through to subsidedevelopment@customerservice.nsw.gov.au quoting reference **TBA21-01863**.

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

Yours faithfully,

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

Melanie Fityus
Senior Risk Engineer

17 June 2021

DETERMINATION

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

As delegate for Subsidence Advisory NSW under delegation executed 17 June 2021 approval is for the development described in Schedule 1, subject to the conditions attached in Schedule 2.

Determination Date: 17 June 2021

Approval to Lapse on: 17 June 2026

The conditions of approval are imposed for the following reasons:

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



Melanie Fityus
Senior Risk Engineer

17 June 2021

SCHEDULE 1

Application No: **TBA21-01863**
Applicant: **AVID PROJECT MANAGEMENT**
Site Address: **204 UNION STREET THE JUNCTION**
Lot and DP: **LOT 10 DP 1129170**
Proposal: **4 STOREY CHILDCARE CENTRE WITH CARPARK**
Mine Subsidence District: **NEWCASTLE**

SCHEDULE 2
CONDITIONS OF APPROVAL

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

Dispute Resolution

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