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**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

- ITEM 1     DAC 18/02/20 - DA 2019/00962 - 65 GIPPS STREET, CARRINGTON  
ALTERATIONS AND ADDITIONS TO DWELLING HOUSE**
- Attachment A - Submitted Plans  
Attachment B - Draft Schedule of Conditions  
Attachment C - Processing Chronology
- ITEM 2     DAC 18/02/20 - DA2018/00968 - 37 ALFRED STREET NEWCASTLE EAST  
ALTERATIONS AND ADDITIONS TO DWELLING**
- Attachment A - Submitted Plans  
Attachment B - Draft Schedule of Conditions  
Attachment C - Processing Chronology
- ITEM 3     DAC 18/02/20 - DA2002.1583.01 - 31 THROSBY STREET WICKHAM  
MODIFICATION TO DEMOLITION OF WAREHOUSE AND ERECTION OF TWO  
X THREE-STOREY, THREE BEDROOM DWELLINGS - CHANGES TO FLOOR  
PLANS, ROOF DESIGN, FACADE TREATMENT AND FENCING**
- Attachment A - Submitted Plans  
Attachment B - Draft Schedule of Conditions  
Attachment C - Processing Chronology
- ITEM 4     DAC 18/02/20 - DA2018/01251 - 150 DARBY STREET, COOKS HILL  
MIXED USE DEVELOPMENT**
- Attachment A - Submitted Plans  
Attachment B - Draft Schedule of Conditions  
Attachment C - Processing Chronology
- ITEM 5     DAC 18/02/20 - DA2019/00062.01 - 8 LINGARD STREET, MEREWETHER  
MODIFICATION - CHANGE TO PARKING NUMBERS AND LAYOUT -  
CONSENT CONDITIONS**
- Attachment A - Submitted Plans  
Attachment B - Draft Schedule of Conditions  
Attachment C - Processing Chronology
- ITEM 6     DAC 18/02/20 - DA2003/2991.01 - 89 PARK AVENUE, KOTARA  
MODIFY - OUTSIDE CORE TRADING HOURS AND ACCESS**
- Attachment A - Submitted Plans  
Attachment B - Draft Schedule of Conditions  
Attachment C - Processing Chronology
- ITEM 7     DAC 18/02/20 - DA2017/00681.01 - 18 GREY STREET, WICKHAM  
MIXED USE DEVELOPMENT - MODIFICATION - ADDITIONS COMMUNAL  
ROOF TOP TERRACE**
- Attachment A - Submitted Plans  
Attachment B - Draft Schedule of Conditions  
Attachment C - Processing Chronology

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## **ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**ITEM 1            DA2019/00962 - 65 GIPPS STREET CARRINGTON**

**Alterations and additions to dwelling house**

**Attachment A** - Submitted Plans

**Attachment B** - Draft Schedule of Conditions

**Attachment C** - Processing Chronology

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**DEVELOPMENT APPLICATIONS COMMITTEE MEETING**

**18 February 2020**

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**DAC 18/02/2020**

**DA2019/00962 - 65 Gipps Street Carrington**

**Attachment A: Submitted Plans**

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# Gipps Street

LOT 2, DP12197  
65 GIPPS STREET, CARRINGTON, NSW, 2294  
Development Application  
August, 2019

issue  
date

client  
address  
phone  
email

## CLIENT DETAILS

**Ryan Rosier**  
65 Gipps St, Carrington, 2294  
0415993249  
ryanmrosier@gmail.com

contact  
address

post  
mobile  
email  
website

## ARCHITECTURAL CONSULTANT

**CURIOS PRACTICE**  
Warren Haasnoot  
Unit 1, no. 14 Thorn Street  
Newcastle, NSW, 2300

PO Box 113,  
Carrington NSW 2294  
0412 086 882  
warren@curiouspractice.com  
www.curiouspractice.com



CURIOS PRACTICE

## ACKNOWLEDGEMENT OF COUNTRY

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

address

## PROJECT DETAILS

65 Gipps Street, Carrington, NSW, 2294  
Lot 2 // DP12197

site area  
LGA  
zoning  
FSR  
maximum building  
floor area (aprox.)  
building height limit  
minimum lot size  
heritage  
flood control lot  
bushfire zoning  
acid sulphate soils  
Local Aboriginal  
Land Council

95 m<sup>2</sup>  
Newcastle City Council  
R2 Low Density Residential  
0.6:1  
-  
57 m<sup>2</sup>  
8.5 m  
400 m<sup>2</sup>  
Yes  
Yes  
Yes  
Class 2  
Awakabal

## DRAWING REGISTER

1969 DA1 - A001  
1969 DA1 - A201  
1969 DA1 - A202

Site Plan  
Demolition Plan  
Proposed Plans

1969 DA1 - A501  
1969 DA1 - A502  
1969 DA1 - A503  
1969 DA1 - A504  
1969 DA1 - A505

North Elevation  
East Elevation  
South Elevation  
West Elevation  
Section

1969 DA1 - A901  
1969 DA1 - A902  
1969 DA1 - A903  
1969 DA1 - A904  
1969 DA1 - A905  
1969 DA1 - A906  
1969 DA1 - A907  
1969 DA1 - A908  
1969 DA1 - DP.01

Shadow Analysis  
Shadow Analysis  
Perspective  
Perspective  
Precedents  
Precedents  
Erosion and Sediment Control Plan  
Material Schedule  
Notification Plan

rev. date  
A 13.08.2019

## REVISION

comment  
Development Application Issue

drn. sgn.  
CB WH

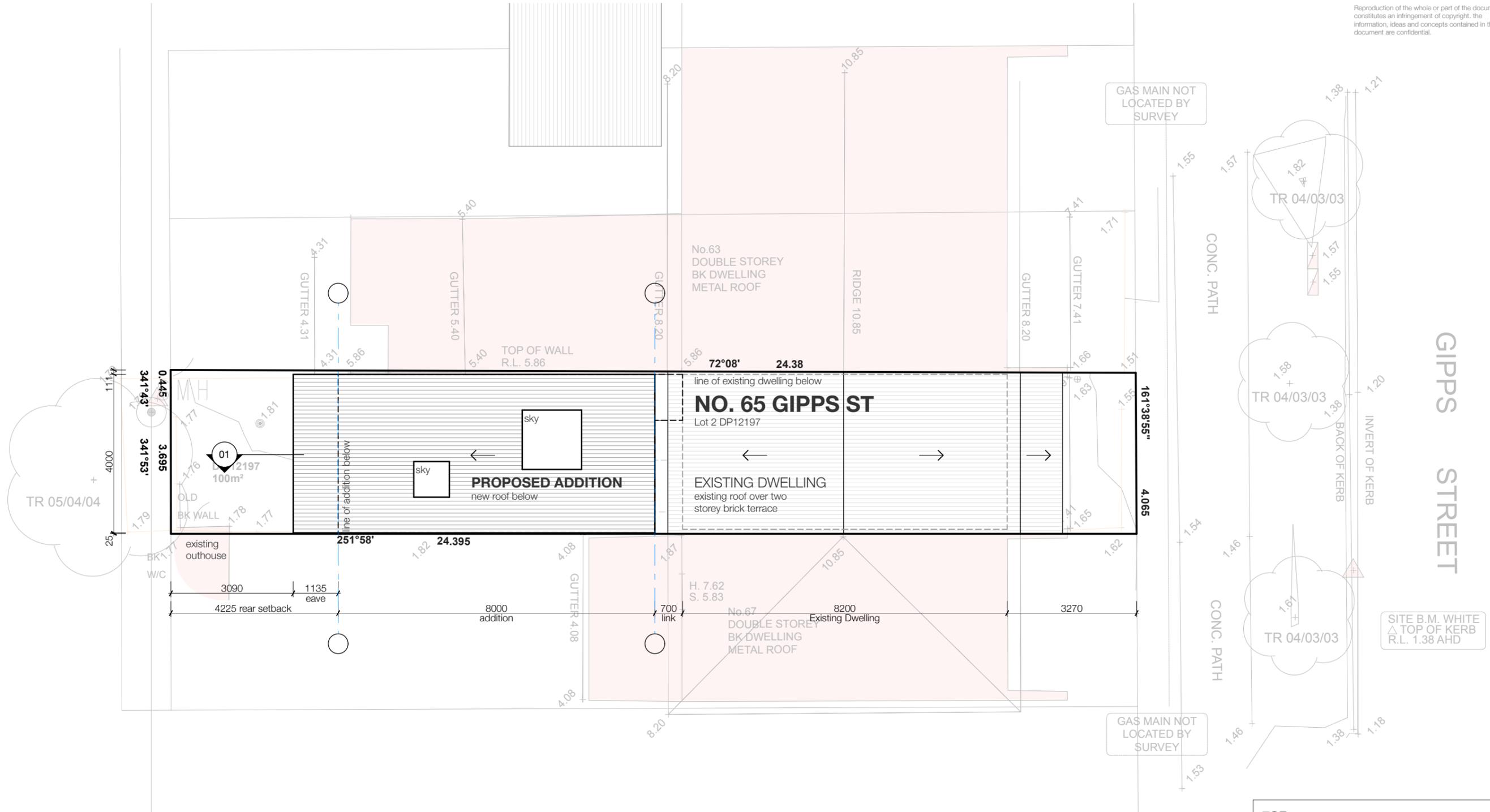
REF.  
NOTES

1969\_DA1\_Gipps Street

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

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SITE PLAN  
SCALE 1:200

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project no.  
site address

client  
address

**Gipps Street**

1969  
Lot 2, DP no. 12197,  
no. 65 Gipps Street  
Carrington, NSW, 2294

Ryan Rosier  
65 Gipps St Carrington NSW 2294

drawing  
rev  
issue date  
scales  
contact

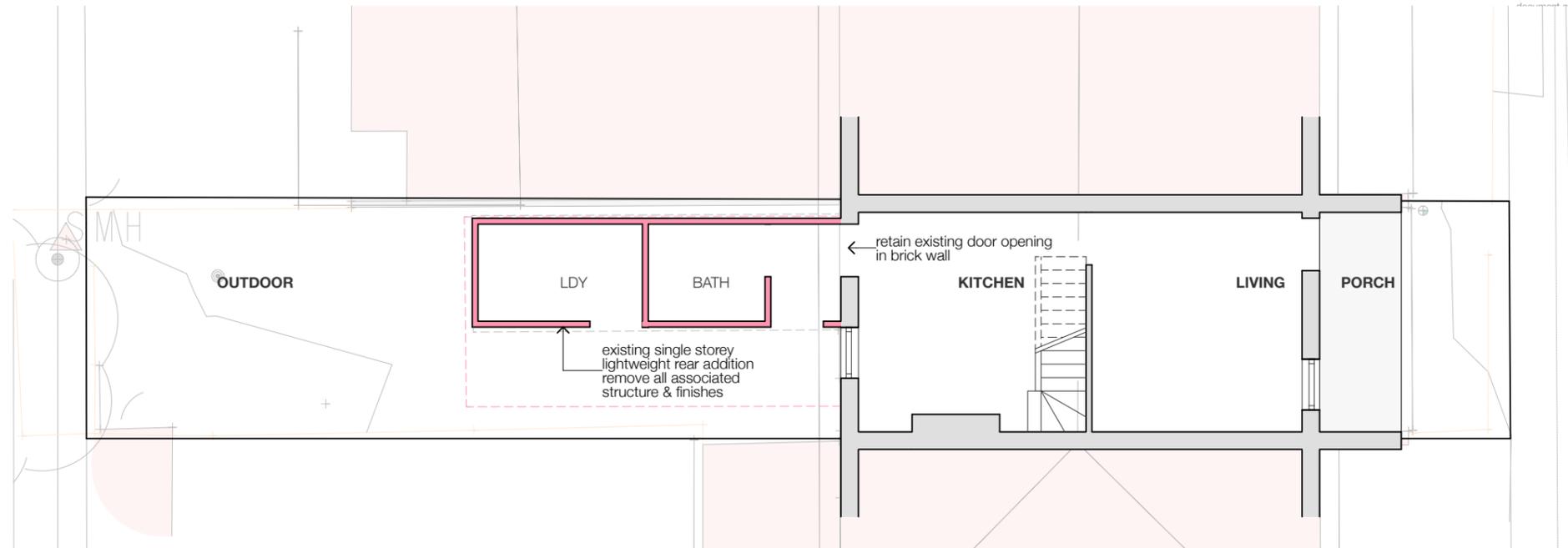
Site Plan  
A  
16/8/19  
DA1  
1:100  
Warren Haasnoot

ref 1969\_DA1\_A - Gipps Street

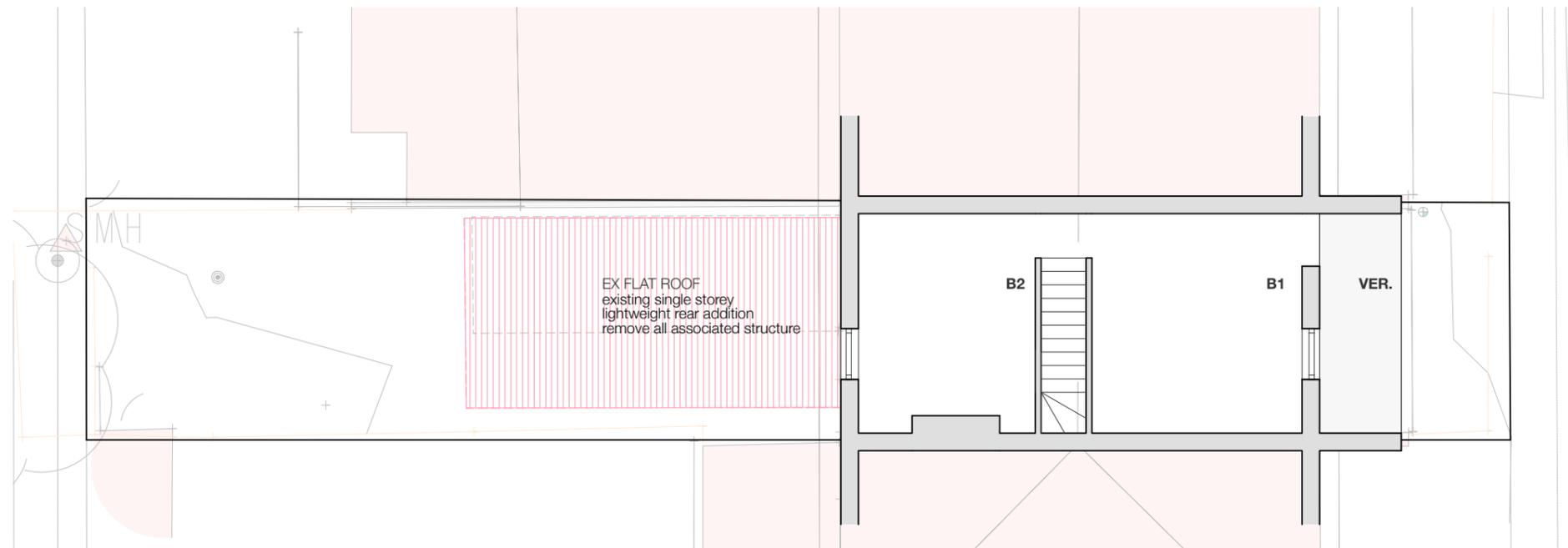
A001

<b>FSR</b>		
SITE AREA:	100.0 m <sup>2</sup>	
ALLOWABLE FSR:	0.6 : 1	60.0m <sup>2</sup>
PROPOSED FSR:	0.83 : 1	82.9m <sup>2</sup>
<b>LANDSCAPING</b>		
REQUIRED LANDSCAPING:	10%	10.0m <sup>2</sup>
PROPOSED LANDSCAPING:	21%	21.0m <sup>2</sup>

EXISTING GROUND FLOOR PLAN  
1:100



EXISTING FIRST FLOOR PLAN  
1:100



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rev  
issue date  
phase  
scales  
contact

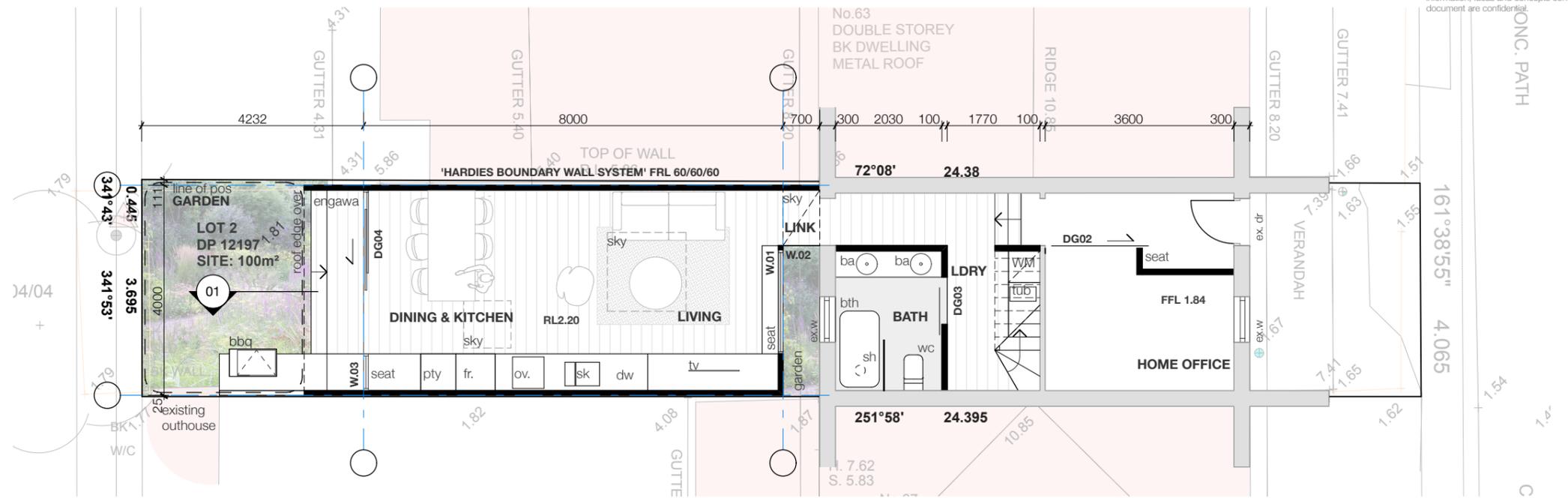
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16/8/19  
DA1  
1:100  
Warren Haasnoot

ref  
dwg no.

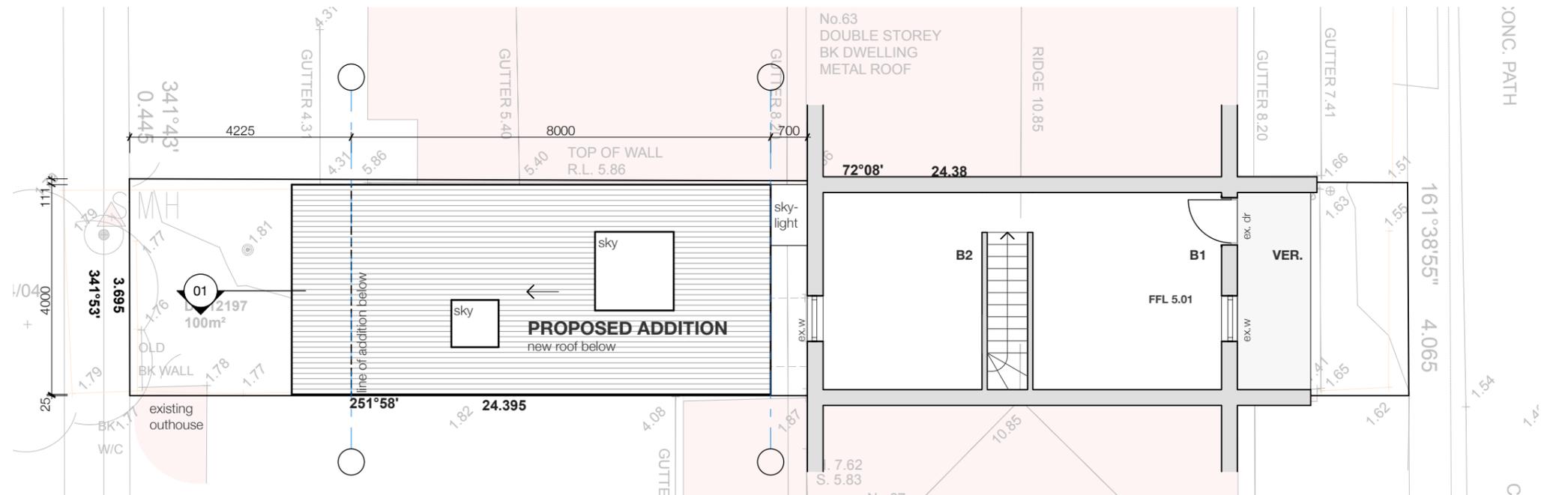
1969\_DA1\_A - Gipps Street

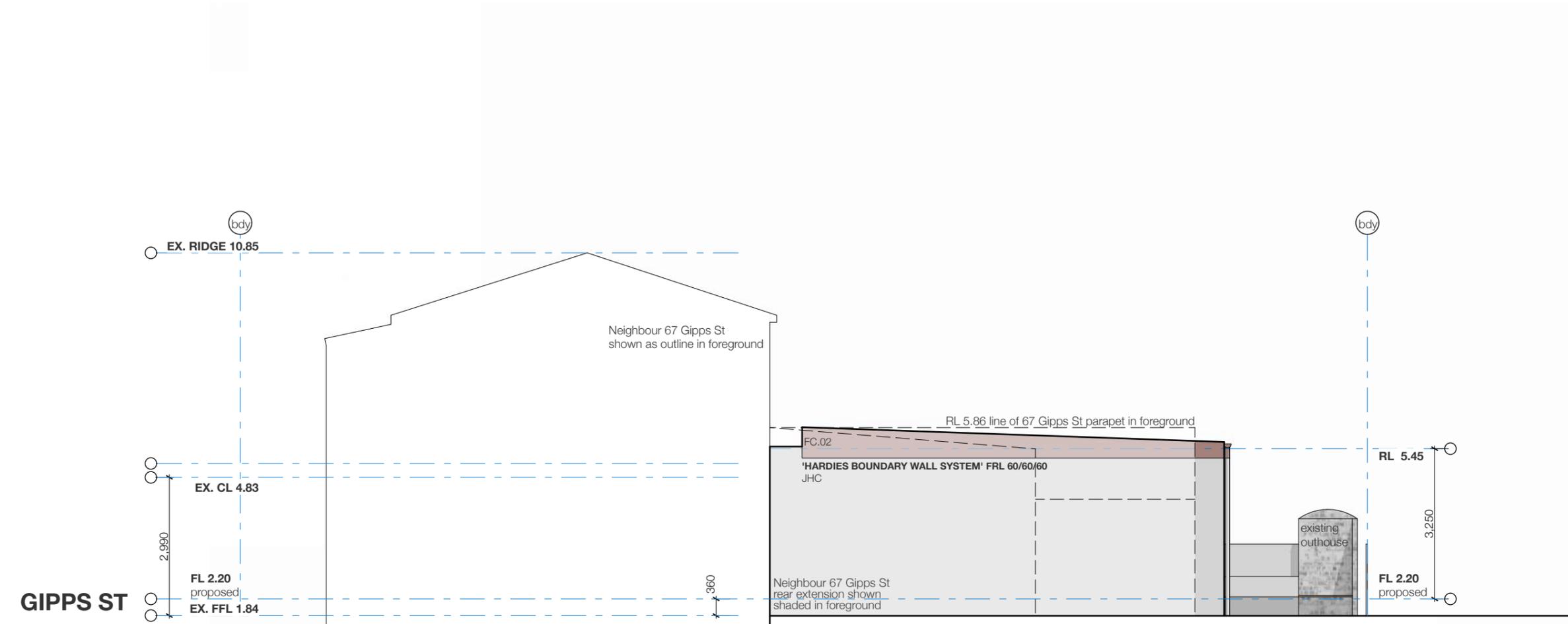
A201

GROUND FLOOR PLAN  
1:100



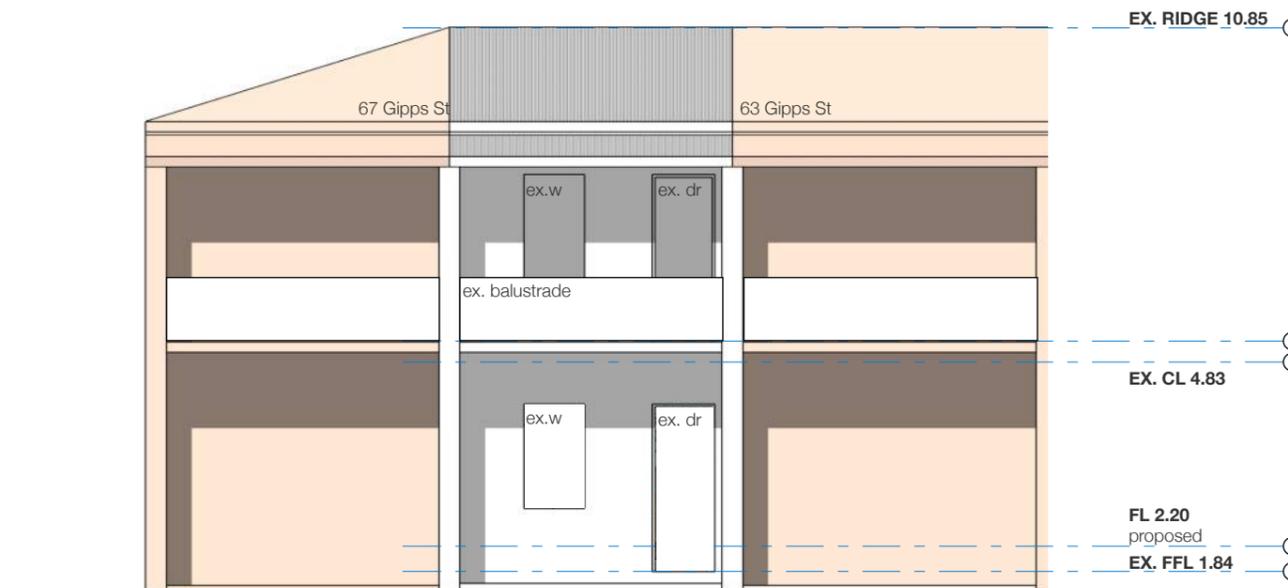
FIRST FLOOR PLAN  
1:100





NORTH ELEVATION  
 SCALE 1:100

No modifications proposed to Gipps St (street front) Elevation



EAST ELEVATION  
 SCALE 1:100



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Gipps Street  
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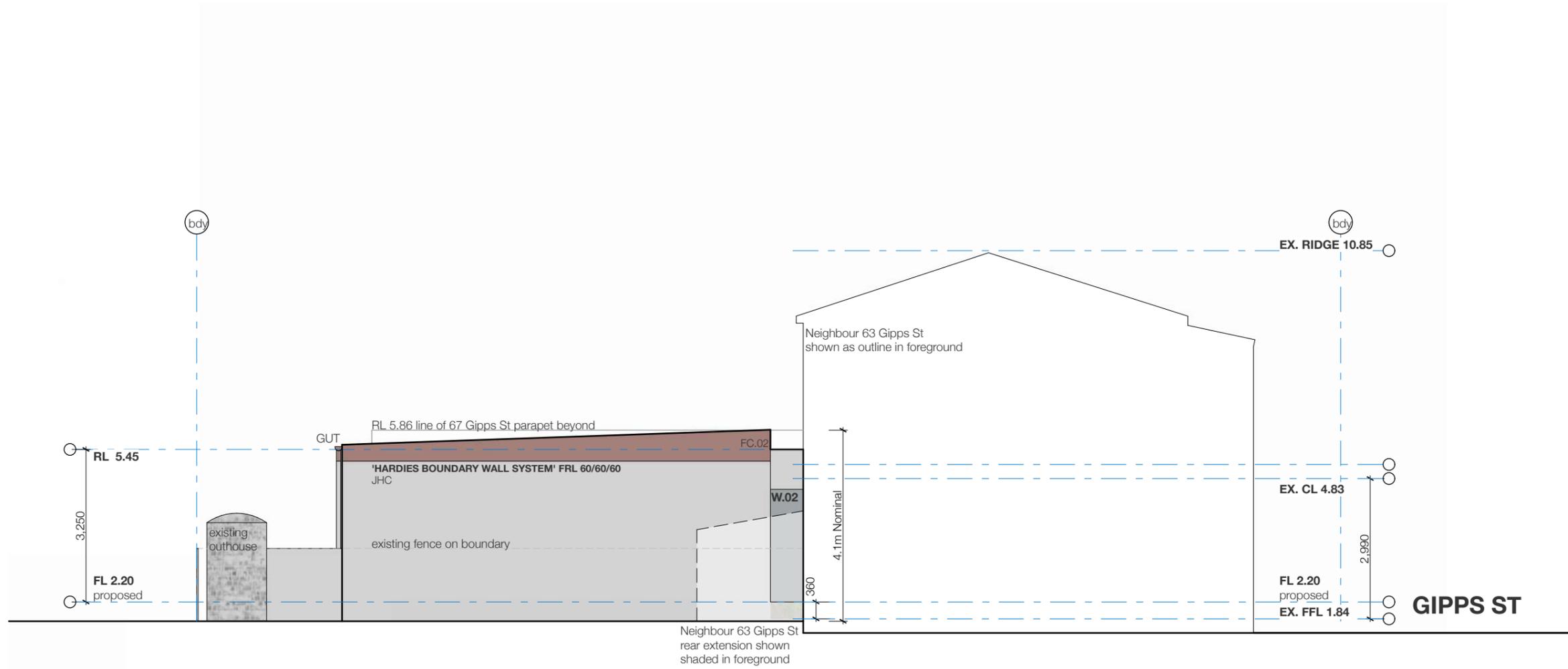
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 rev  
 issue date  
 phase  
 scales  
 contact

East Elevation  
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 DA1  
 1:100  
 Warren Haasnoot

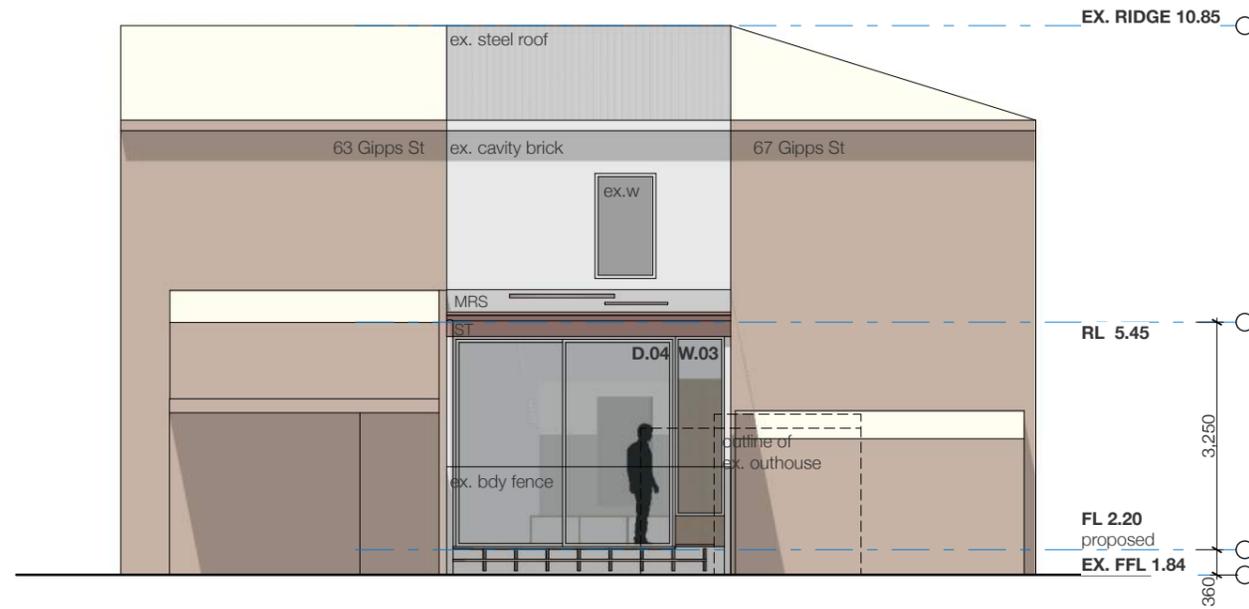
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 dwg no.

1969\_DA1\_A - Gipps Street

A502



SOUTH ELEVATION  
 SCALE 1:100



WEST ELEVATION  
 SCALE 1:100



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**Gipps Street**

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drawing  
 rev  
 issue date  
 phase  
 scales  
 contact

**West Elevation**  
 A  
 16/8/19  
 DA1  
 1:100  
 Warren Haasnoot

ref 1969\_DA1\_A - Gipps Street

dwg no.

A504

BASIX NOTES

Insulation Requirements

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

Refer basix certificate for schedule of construction and insulation requirements.

Glazing Requirements

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

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

Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the basix table.

Refer basix certificate for glazing requirements of windows, doors, skylights and glazed roof.



SECTION A  
 SCALE 1:100



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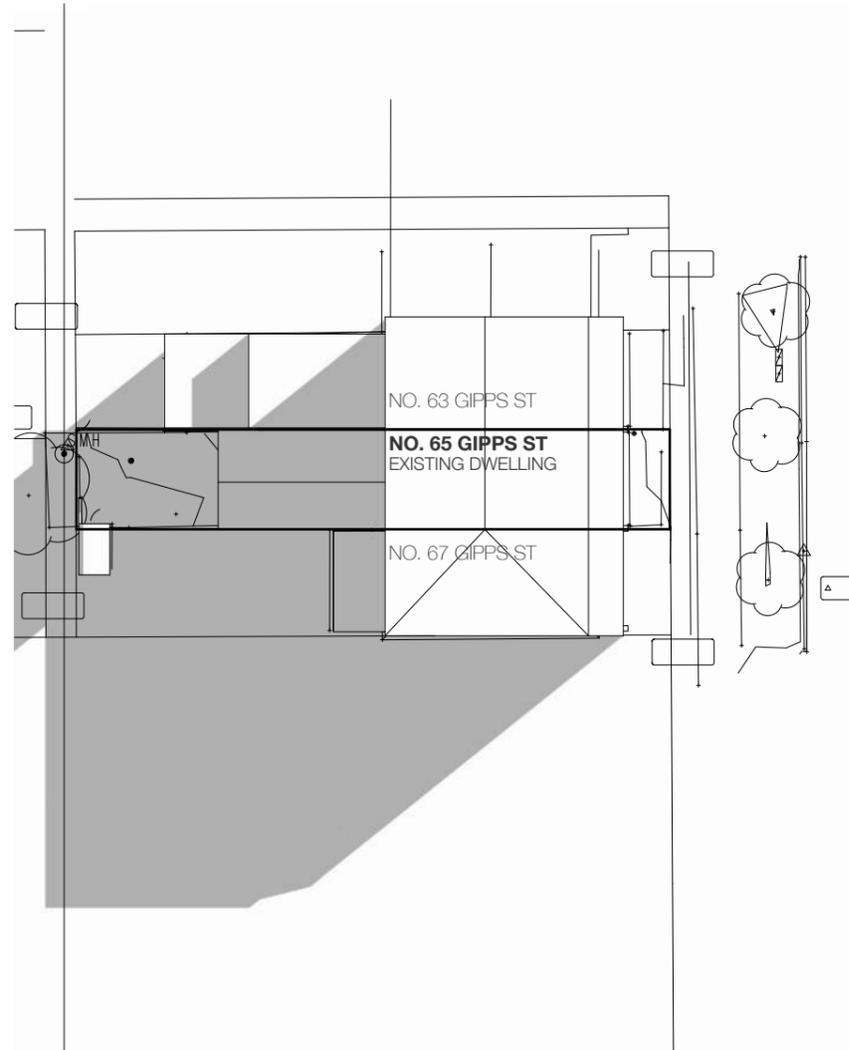
drawing  
 rev  
 issue date  
 phase  
 scales  
 contact

Section  
 A  
 16/8/19  
 DA1  
 1:100  
 Warren Haasnoot

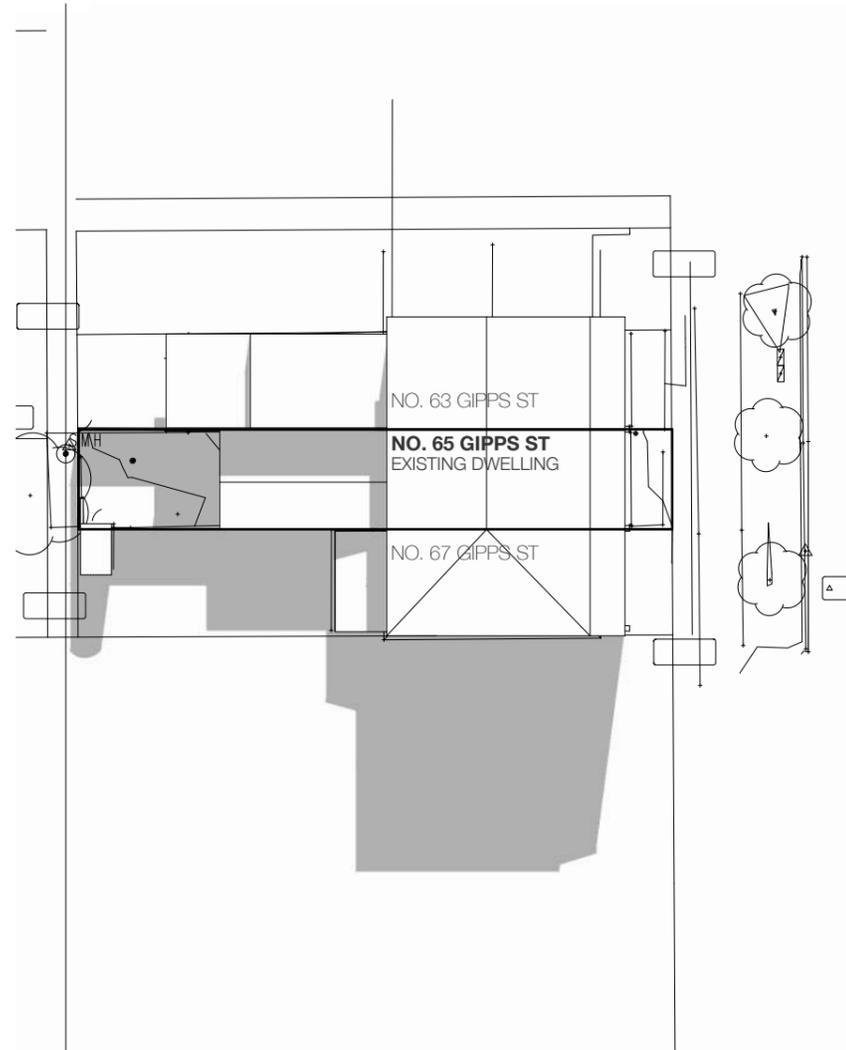
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dwg no.

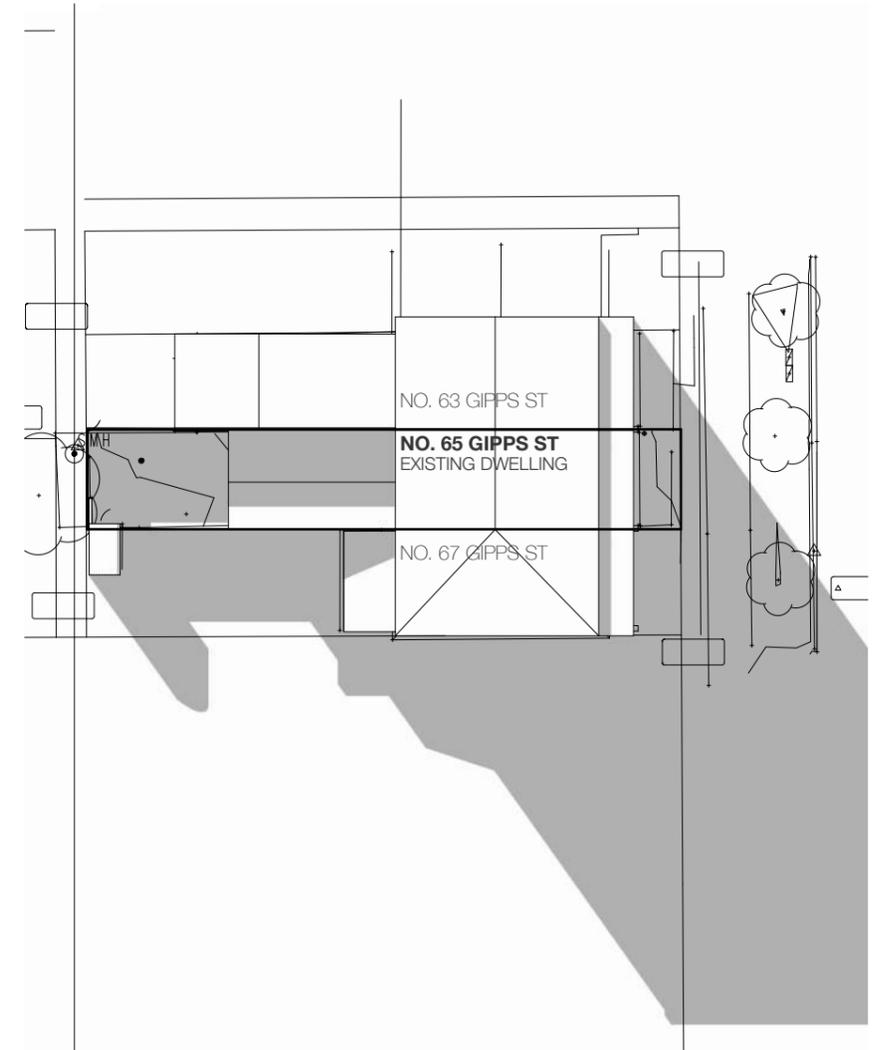
A505



9am 21st June  
Existing



12pm 21st June  
Existing



3pm 21st June  
Existing



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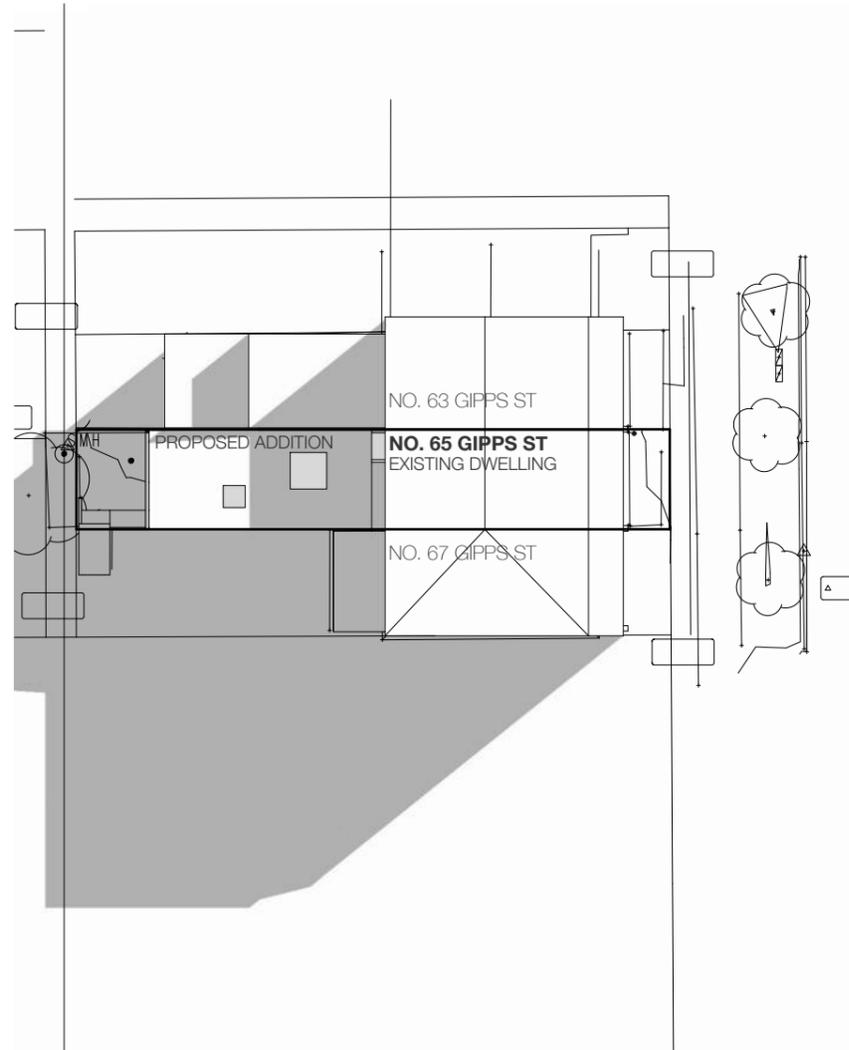
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rev  
issue date  
phase  
scales  
contact

**Shadow Analysis**  
A  
16/8/19  
DA1  
Warren Haasnoot

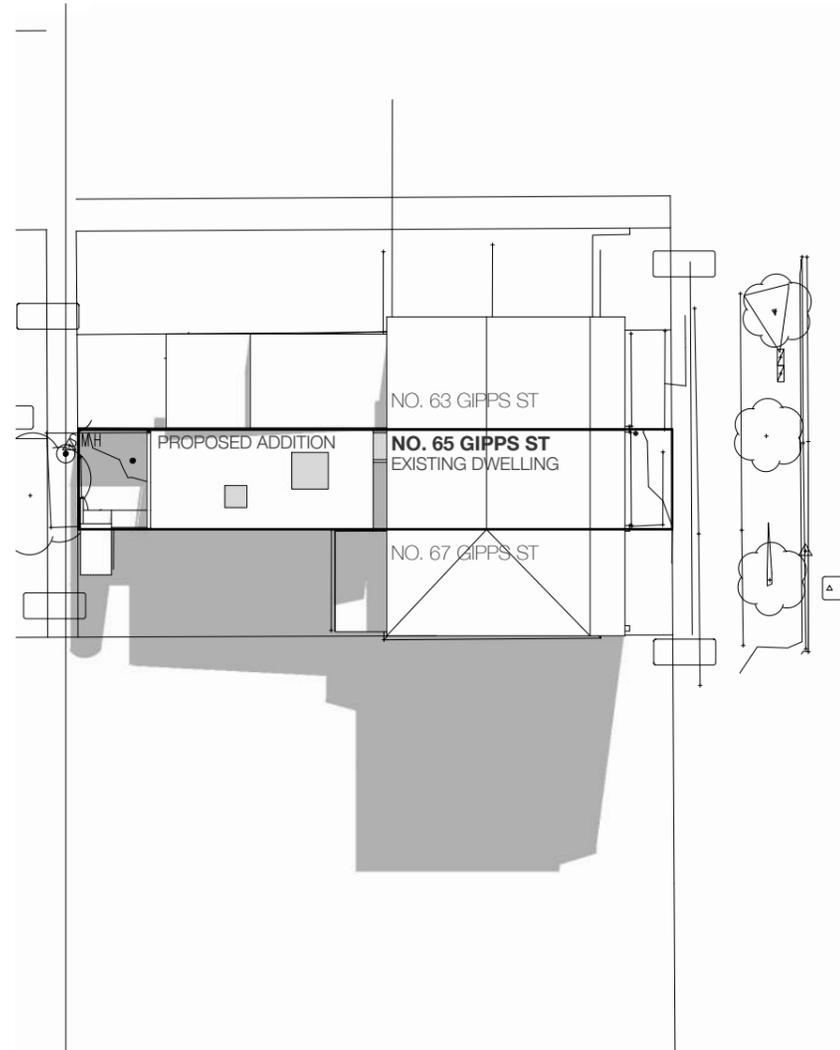
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1969\_DA1\_A - Gipps Street

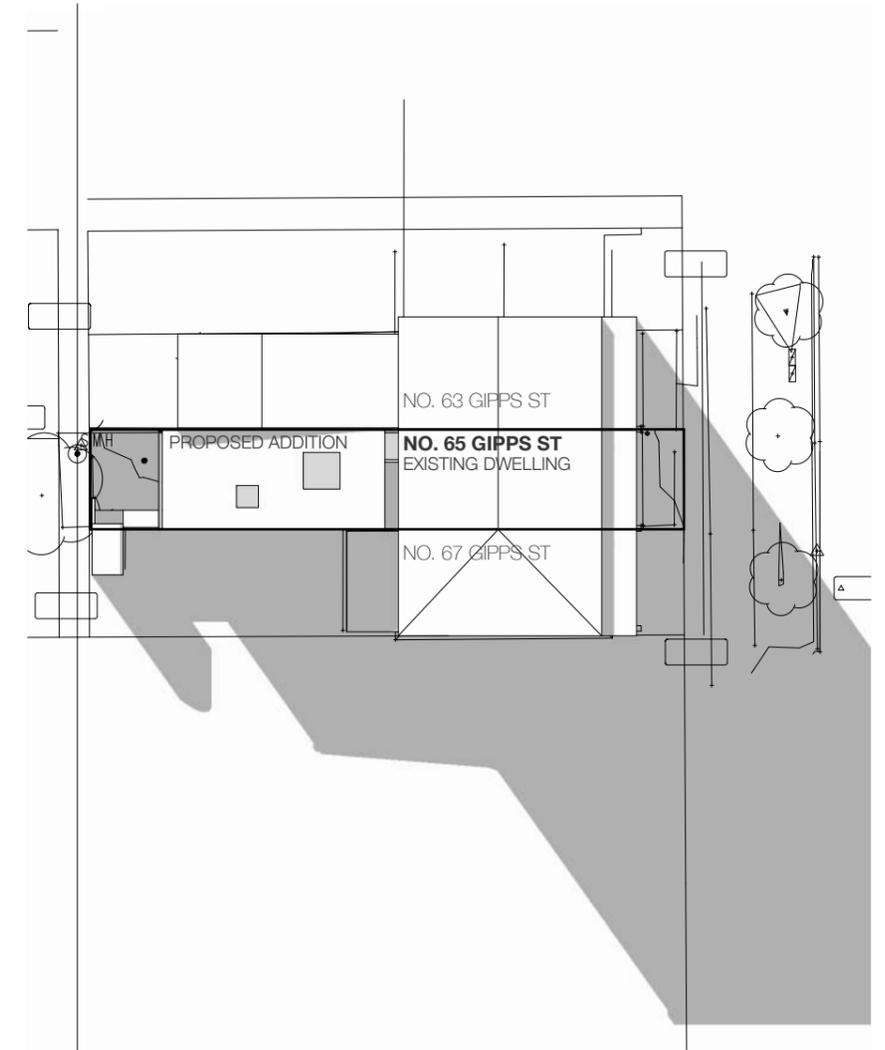
A901



9am 21st June  
**Proposed**



12pm 21st June  
**Proposed**



3pm 21st June  
**Proposed**



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site address

client  
address

**Gipps Street**

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Carrington, NSW, 2294

Ryan Rosier  
65 Gipps St Carrington NSW 2294

drawing  
rev  
issue date  
phase  
scales  
contact

**Shadow Analysis**  
A  
16/8/19  
DA1  
Warren Haasnoot

ref  
dwg no.

1969\_DA1\_A - Gipps Street

**A902**



PERSPECTIVE - 01



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65 Gipps St Carrington NSW 2294

drawing  
rev  
issue date  
phase  
scales  
contact

**Perspective**  
A  
16/8/19  
DA1  
Warren Haasnoot

ref  
dwg no.

1969\_DA1\_A - Gipps Street

A903



PERSPECTIVE - 02



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Gipps Street  
1969

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Ryan Rosier  
65 Gipps St Carrington NSW 2294

drawing  
rev  
issue date  
phase  
scales  
contact

**Perspective**  
A  
16/8/19  
DA1  
Warren Haasnoot

ref  
dwg no.

1969\_DA1\_A - Gipps Street

A904

NO



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**Gipps Street**

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Carrington, NSW, 2294

Ryan Rosier  
65 Gipps St Carrington NSW 2294

drawing  
rev  
issue date  
phase  
scales  
contact

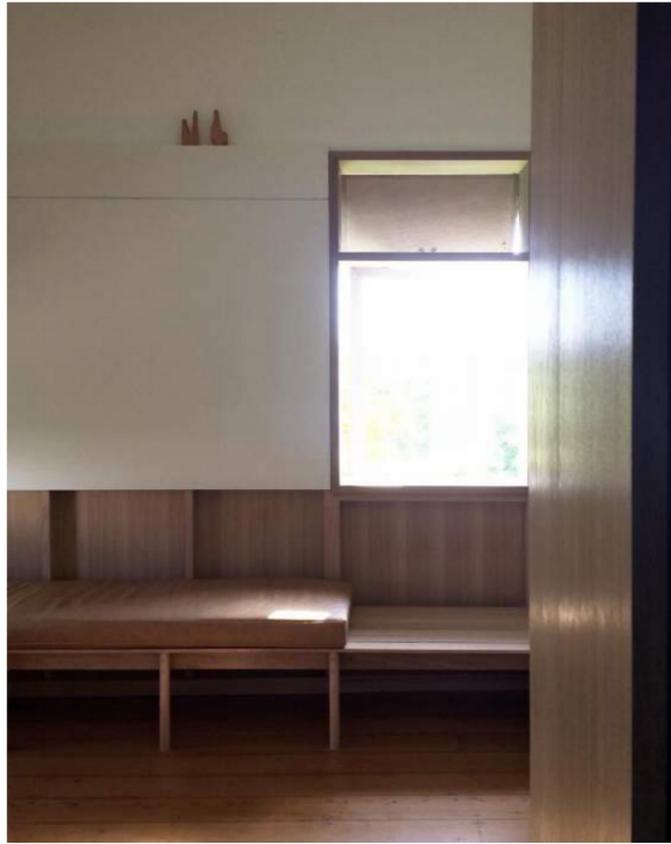
**Precedents**  
A  
16/8/19  
DA1  
Warren Haasnoot

ref 1969\_DA1\_A - Gipps Street

dwg no.

A905

NOT FOR CONSTRUCTION



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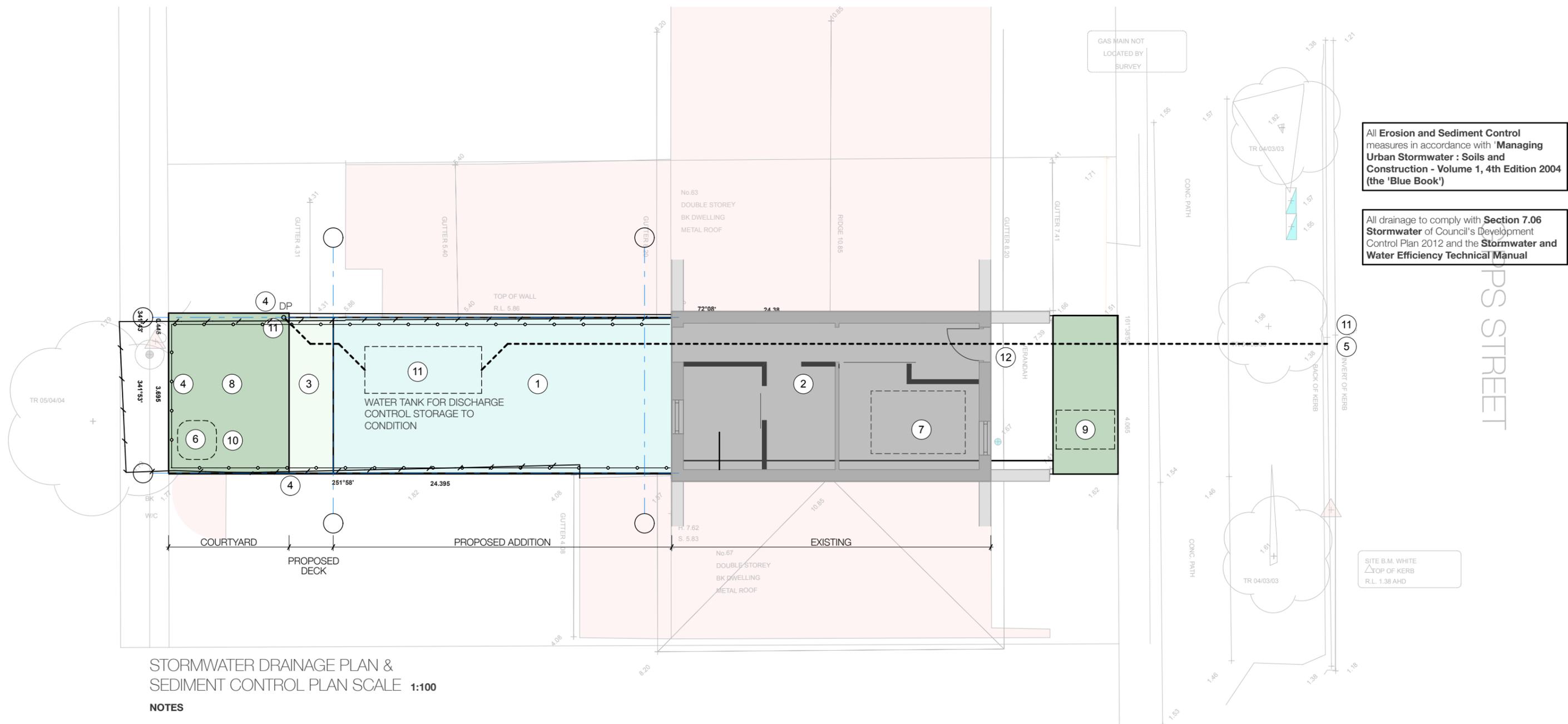
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issue date  
phase  
scales  
contact

**Precedents**  
A  
16/8/19  
DA1  
Warren Haasnoot

ref  
dwg no.

1969\_DA1\_A - Gipps Street

A906



All Erosion and Sediment Control measures in accordance with 'Managing Urban Stormwater : Soils and Construction - Volume 1, 4th Edition 2004 (the 'Blue Book')

All drainage to comply with Section 7.06 Stormwater of Council's Development Control Plan 2012 and the Stormwater and Water Efficiency Technical Manual

STORMWATER DRAINAGE PLAN & SEDIMENT CONTROL PLAN SCALE 1:100

NOTES

- ① PROPOSED SINGLE STOREY ADDITION
- ② EXISTING TWO STOREY BRICK DWELLING WITH CUSTOM ORB ROOF
- ③ PROPOSED DECK
- ④ SEDIMENT FENCE TO BOUNDARIES SHOWN IN ACCORDANCE WITH STND. DESIGN SD6-8 FOR EROSION PREVENTION AND SEDIMENT CONTROL.
- ⑤ SANDBAG OR GEOTEXTILE SOCK FILLED WITH NO FINES GRAVEL, PLACED IN INVERT OF GUTTER.
- ⑥ LOCATION FOR SAND AND SOIL. ENSURE WELL COVERED WHEN NOT IN USE IN ACCORDANCE WITH SD4-1 FOR EROSION PREVENTION AND SEDIMENT CONTROL.

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

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

GENERAL NOTES

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

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

SITE B.M. WHITE  
 ▲ TOP OF KERB  
 R.L. 1.38 AHD



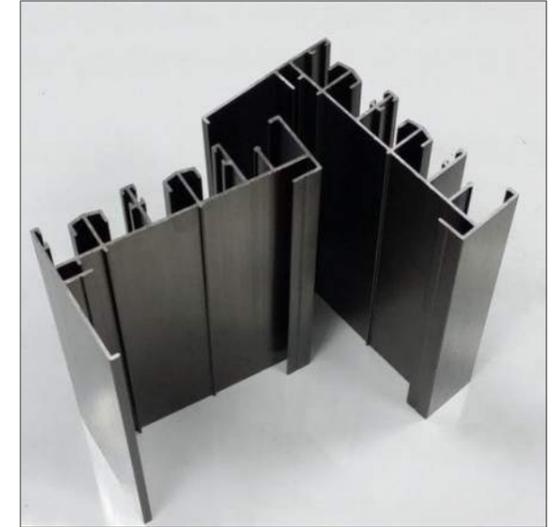
**WALL CLADDING - 1 (FC.01)**  
Fibre cement sheet



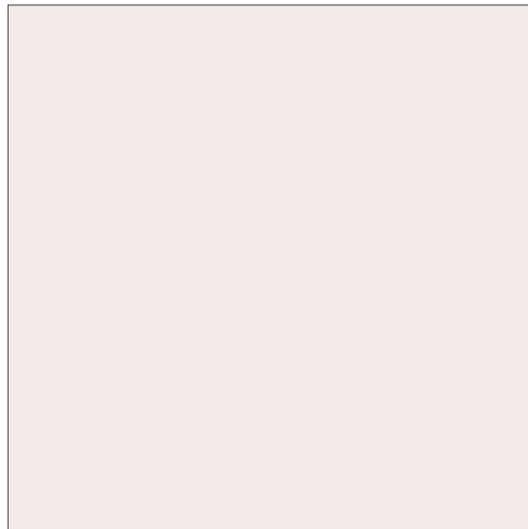
**ROOF SHEETING (MRS)**  
Colorbond Custom orb Roofing - light colour



**LANDSCAPING**  
Low maintenance landscaping



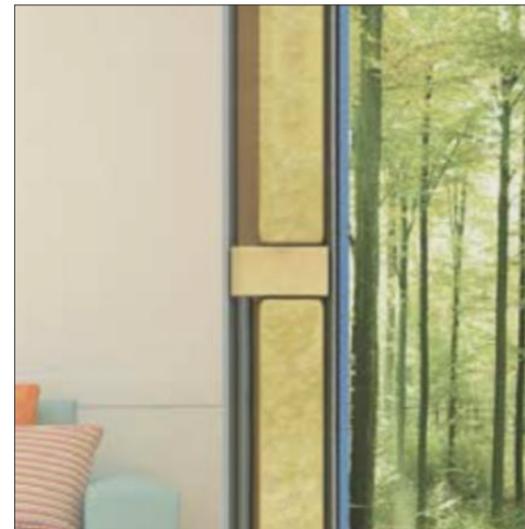
**WINDOWS & DOORS**  
AWS MAGNUM suite, light finish



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



**STRUCTURE (ST)**  
Exposed timber roof structure



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



**FLOOR 1 (TM.01)**  
Timber strip floor boards

MATERIALS SCHEDULE

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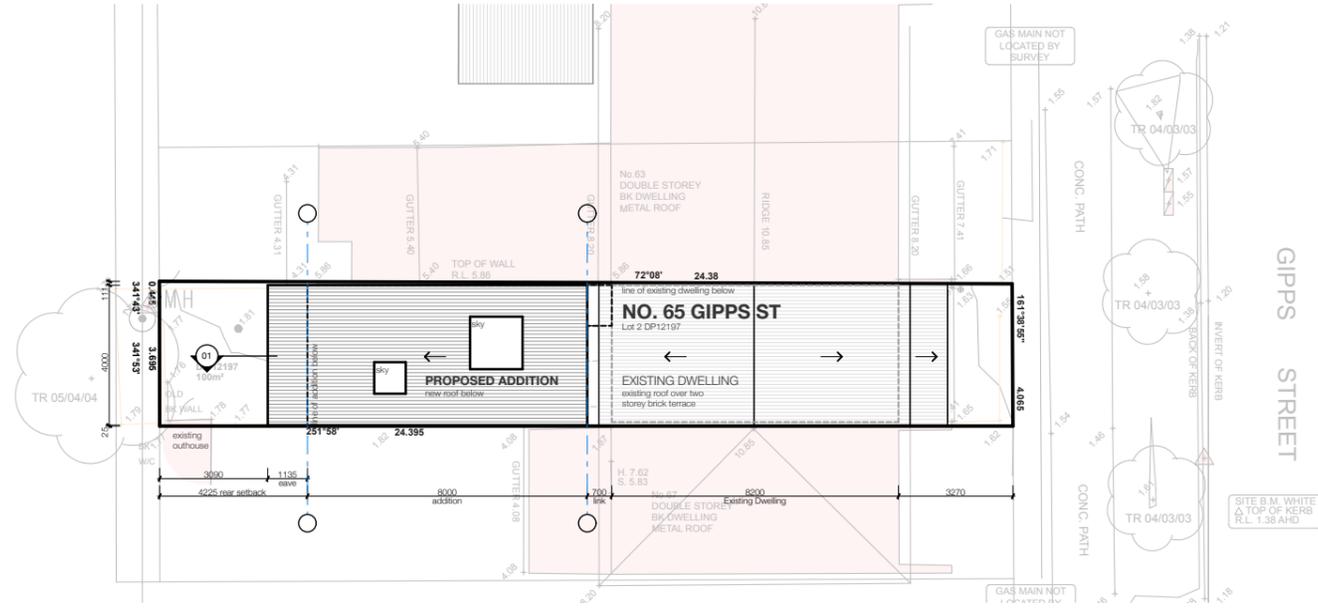
drawing  
rev  
issue date  
phase  
scales  
contact

**Material Schedule**  
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16/8/19  
DA1  
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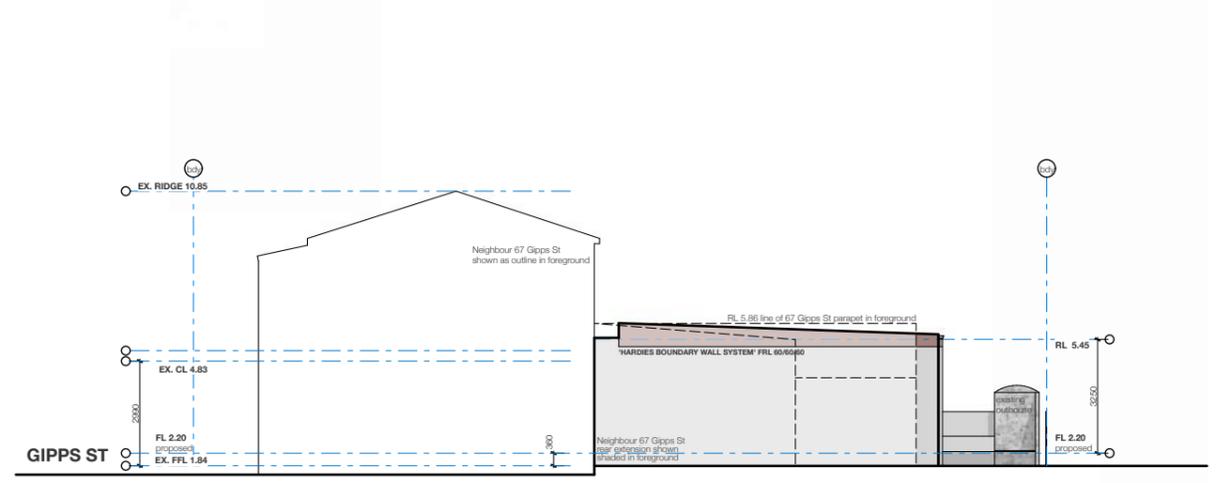
dwg no.

Gipps Street

A908



**SITE PLAN**  
1:200



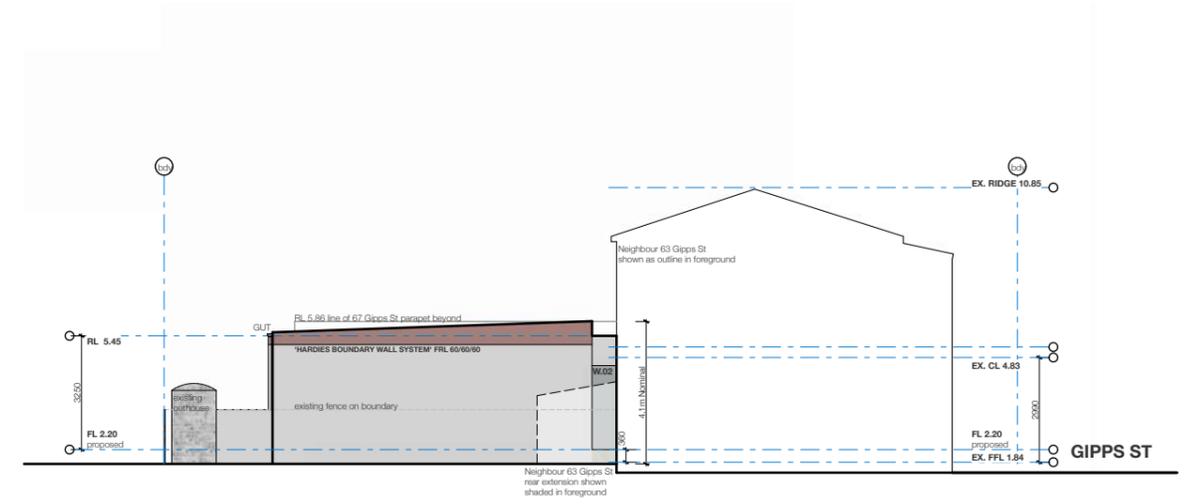
**NORTH ELEVATION**  
1:200



**EAST ELEVATION**  
1:200



**WEST ELEVATION**  
1:200



**SOUTH ELEVATION**  
1:200

**NOTIFICATION PLAN**

**CURIOUS PRACTICE**  
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project no. 1969  
 site address Lot 2, DP no. 12197, no. 65 Gipps Street, Carrington, NSW, 2294  
 client address Ryan Rosier, 65 Gipps St Carrington NSW 2294

drawing rev  
 issue date 16/8/19  
 phase DA1  
 scales 1:200  
 contact Warren Haasnoot

**Notification Plan** ref 1969\_DA1\_A - Gipps Street  
 A  
 dwg no. NP.01



**DEVELOPMENT APPLICATIONS COMMITTEE MEETING**

**18 February 2020**

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**DAC 18/02/2020**

**DA2019/00962 - 65 Gipps Street Carrington**

**Attachment B: Draft Schedule of Conditions**

**DISTRIBUTED UNDER SEPARATE COVER**

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

**SCHEDULE 1**

**APPROVED DOCUMENTATION**

- 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.

<b>Plan No / Supporting Document</b>	<b>Reference / Version</b>	<b>Prepared by</b>	<b>Dated</b>
Site Plan	1969 DA1-A001 Rev A	Curious Practice	16/8/2019
Demolition Plan	1969 DA1-A201 Rev A	Curious Practice	16/8/2019
Proposed Plans	1969 DA1-A202 Rev A	Curious Practice	16/8/2019
North Elevation	1969 DA1-A501 Rev A	Curious Practice	16/8/2019
East Elevation	1969 DA1-A502 Rev A	Curious Practice	16/8/2019
South Elevation	1969 DA1-A503 Rev A	Curious Practice	16/8/2019
West Elevation	1969 DA1-A504 Rev A	Curious Practice	16/8/2019
Section	1969 DA1-A505 Rev A	Curious Practice	16/8/2019
Stormwater Drainage & Sediment Control Plan	1969 DA1-A907 Rev A	Curious Practice	16/8/2019
BASIX Certificate	A355222	Curious Practice	13/8/2019
Waste Management Plan	65 Gipps Street	Curious Practice	Aug 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.

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

- A rigid and durable sign is to be erected on any site on which building work,

subdivision work or demolition work is being carried out, before the commencement of the work:

- a) showing the name, address and telephone number of the Principal Certifying Authority for building work and subdivision work, and
- b) showing the name, address and telephone number of the Principal Contractor for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
- c) stating that unauthorised entry to the work site is prohibited, and
- d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

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

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

Each toilet is to:

- a) Be a standard flushing toilet connected to a public sewer, or
  - b) Have an on-site effluent disposal system approved under the *Local Government Act 1993* (NSW), or
  - c) Be a temporary chemical closet approved under the *Local Government Act 1993* (NSW).
4. Building demolition is to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures.
  5. A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with Australian Standard 2601:2001 - The Demolition of Structures. A copy of the Hazardous Substances Management Plan is to be provided to Council and the demolisher prior to commencement of work.
  6. The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:
    - a) Demolition works shall be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan shall be kept on-site for the duration of the proposed development
    - b) The removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
    - c) A copy of all waste disposal receipts are to be kept on-site for the duration of the proposed development and made available to authorised Council Officers upon request
    - d) Seven working days' notice in writing is to be given to Council and the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will

commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor. Notification to owners/occupiers of neighbouring premises shall also include Council's contact telephone number (49742000) and the Workcover Authority of NSW telephone number (49212900) and

- e) On sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.
7. Any waste containers used in association with the proposed demolition are to be located on the site where possible. Where this is not feasible, application must be made for Council's approval to position the container on the adjacent public road in accordance with Council's adopted Building Waste Container Policy.
  8. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
  9. Waste management shall be implemented in accordance with the approved Waste Management Plan. At a minimum, the following measures shall be implemented during the construction phase:
    - a) A waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste
    - b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets
    - c) Appropriate provision is to be made to prevent windblown rubbish leaving the site and
    - d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

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

10. Any black glassy slag excavated during earthworks and which will not be covered by building structures or reburied on site, is to be removed for disposal at the Summerhill Waste Management Centre or another approved waste disposal site. Any such action is to be confirmed by the submission of evidence of disposal to the Principal Certifying Authority, eg. copy of docket from disposal centre.
11. All building materials, plant and equipment is to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves including the road reserve is not permitted.
12. Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.
13. All building work must be carried out in accordance with the provisions of the National Construction Code.

14. In the case of residential building work for which the *Home Building Act 1989* (NSW) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.
15. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (a) protect and support the building, structure or work from possible damage from the excavation, and
  - (b) where necessary, underpin the building, structure or work to prevent any such damage.

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

16. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
  - Monday to Friday, 7:00 am to 6:00 pm and
  - Saturday, 8:00 am to 1:00 pm.

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

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

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

18. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> Edition - Vol. 1* (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
19. During construction works, an assessment of acid sulfate soil potential is to be undertaken in the area of excavation. If acid sulfate soils are found to be present, soils are to be treated in accordance with the New South Wales Acid Sulfate Soil Management Advisory Committee's '*Acid Sulfate Soil Manual*'.
20. All public trees that are required to be retained must be physically protected in accordance with the City of Newcastle Urban Forest Technical Manual 'Section 8.0 Protection Measures'. The tree protection fencing must remain in place and be maintained until all works have been completed, with no waste materials, washouts, equipment or machinery to be stored within the fenced area.
21. A Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries, is to be submitted to the Principal Certifying Authority before construction is commenced.
22. A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 Roads Act 1993 (NSW), before the

commencement of works.

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

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

24. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council's satisfaction prior to the completion of demolition work or prior to the issue of any occupation certificate in respect of development involving building work.
25. All works within the road reserve required by this consent are to be completed prior to the issue of a Final Occupation Certificate.
26. Prior to the issue of an Occupation Certificate, smoke alarms shall be installed in the existing dwelling, in accordance with the provisions of the National Construction Code.

#### **ADVISORY MATTERS**

- For the purpose of applying the provisions of the National Construction Code for Class 1 buildings, it is advised that the proposed building is located in a Flood Hazard Area and the:
  - a) Defined Flood Level (DFL) is 2.2m Australian Height Datum (AHD)
  - b) Flood Hazard Level is 2.5m AHD (Freeboard is 300mm above DFL)
  - c) Maximum Flow Velocity of floodwaters for the Defined Flood Event is 0.2m/s
- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979* (NSW), which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- Retaining walls not clearly noted on the approved plans or outside of the parameters of 'exempt development' as specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (NSW) are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to the retaining wall taking place.

- Prior to commencing any building works, the following provisions of Division 6.2 of the *Environmental Planning and Assessment Act 1979* are to be complied with:
  - a) A Construction Certificate is to be obtained; and
  - b) A Principal Certifier is to be appointed for the building works and Council is to be notified of the appointment; and
  - c) Council is to be given at least two days notice of the date intended for commencement of building works.
- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000* (NSW).

## **END OF CONDITIONS**

## **SCHEDULE 2**

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

The determination decision was reached for the following reasons:

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

## **REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED**

The following conditions are applied to:

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

**DEVELOPMENT APPLICATIONS COMMITTEE MEETING**

**18 February 2020**

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**DAC 18/02/2020**

**DA2019/00962 - 65 Gipps Street Carrington**

**Attachment C: Processing Chronology**

**DISTRIBUTED UNDER SEPARATE COVER**

**PROCESSING CHRONOLOGY**

**DA2019/00962 - 65 Gipps Street Carrington**

2 September 2019	-	Application lodged
24 September 2019	-	Public notification of application (14 days)
11 December 2019	-	Discussion with applicant regarding Development Applications Committee meeting, reports and schedule
20 February 2020	-	Application scheduled to proceed to Development Applications Committee meeting.

## **ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**ITEM 2      DA2018/00968 - 37 ALFRED STREET NEWCASTLE EAST**

**Alterations and additions to dwelling**

**Attachment A** - Submitted Plans

**Attachment B** - Draft Schedule of Conditions

**Attachment C** - Processing Chronology

**DISTRIBUTED UNDER SEPARATE COVER**

**DEVELOPMENT APPLICATIONS COMMITTEE MEETING**

**18 February 2020**

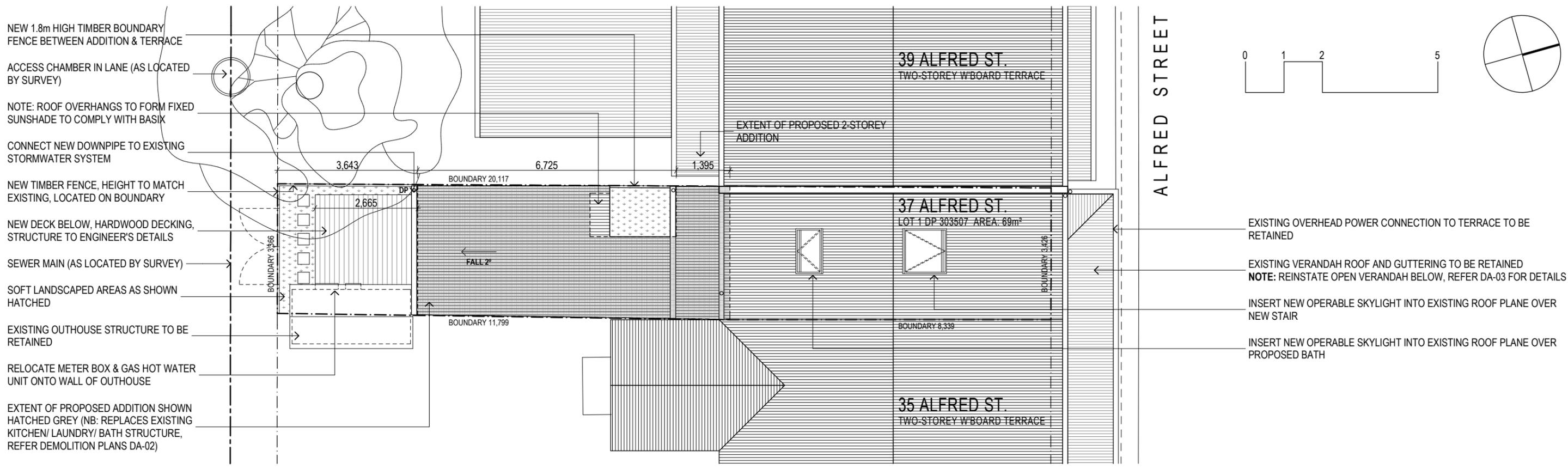
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**DAC 18/02/2020**

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

**Attachment A: Submitted Plans**

**DISTRIBUTED UNDER SEPARATE COVER**



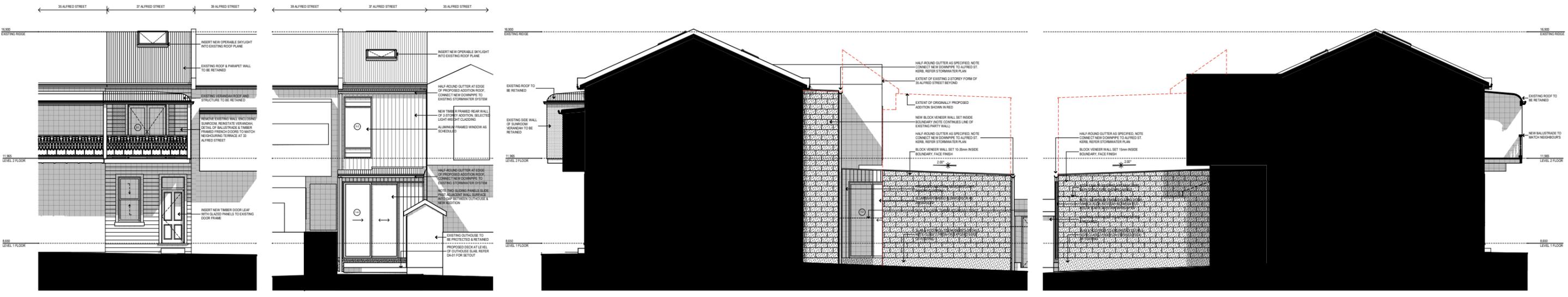
- NEW 1.8m HIGH TIMBER BOUNDARY FENCE BETWEEN ADDITION & TERRACE
- ACCESS CHAMBER IN LANE (AS LOCATED BY SURVEY)
- NOTE: ROOF OVERHANGS TO FORM FIXED SUNSHADE TO COMPLY WITH BASIX
- CONNECT NEW DOWNPIPE TO EXISTING STORMWATER SYSTEM
- NEW TIMBER FENCE, HEIGHT TO MATCH EXISTING, LOCATED ON BOUNDARY
- NEW DECK BELOW, HARDWOOD DECKING, STRUCTURE TO ENGINEER'S DETAILS
- SEWER MAIN (AS LOCATED BY SURVEY)
- SOFT LANDSCAPED AREAS AS SHOWN HATCHED
- EXISTING OUTHOUSE STRUCTURE TO BE RETAINED
- RELOCATE METER BOX & GAS HOT WATER UNIT ONTO WALL OF OUTHOUSE
- EXTENT OF PROPOSED ADDITION SHOWN HATCHED GREY (NB: REPLACES EXISTING KITCHEN/ LAUNDRY/ BATH STRUCTURE, REFER DEMOLITION PLANS DA-02)

- EXISTING OVERHEAD POWER CONNECTION TO TERRACE TO BE RETAINED
- EXISTING VERANDAH ROOF AND GUTTERING TO BE RETAINED  
**NOTE: REINSTATE OPEN VERANDAH BELOW, REFER DA-03 FOR DETAILS**
- INSERT NEW OPERABLE SKYLIGHT INTO EXISTING ROOF PLANE OVER NEW STAIR
- INSERT NEW OPERABLE SKYLIGHT INTO EXISTING ROOF PLANE OVER PROPOSED BATH

SITE / ROOF PLAN

1

1:100



ALFRED STREET ELEVATION      SOUTH ELEVATION      WEST ELEVATION      EAST ELEVATION

NOTIFICATION ELEVATIONS

2

1:150

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Project Name  
**SCARBOROUGH**  
37 ALFRED STREET NEWCASTLE EAST

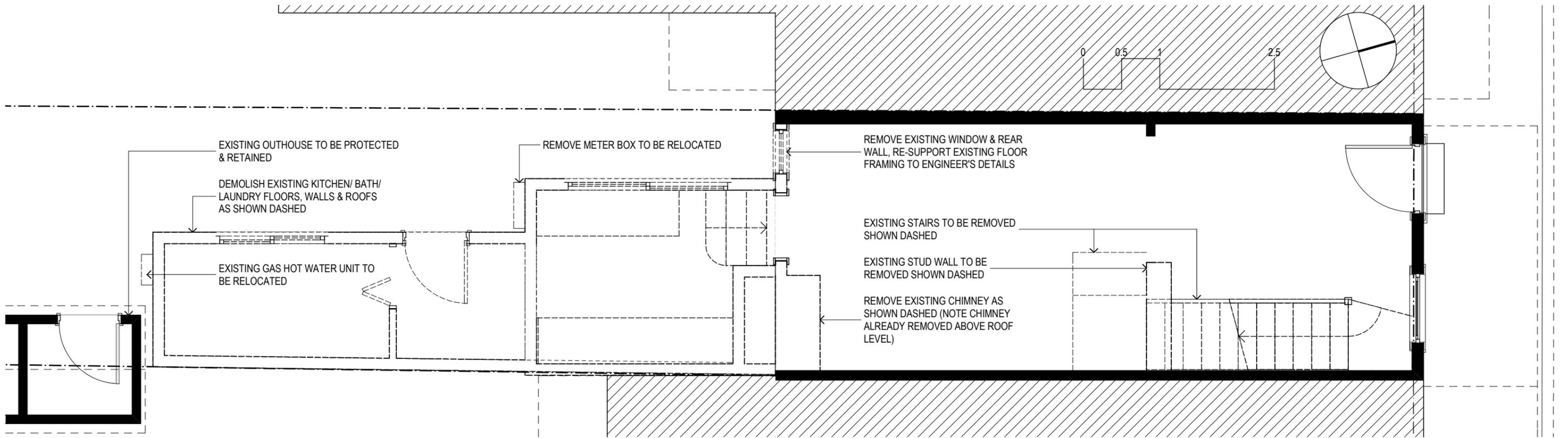
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**ROOF/ SITE PLAN**

Status: DEVELOPMENT APPLICATION

Project No:	Drawing No.:
<b>497</b>	<b>DA-01</b>

ISSUE	AMENDMENT	DATE
C	AMENDED DA ISSUE	10/09/19
B	DA ISSUE	13/08/18
A	ISSUE FOR CLIENT APPROVAL	03/07/18

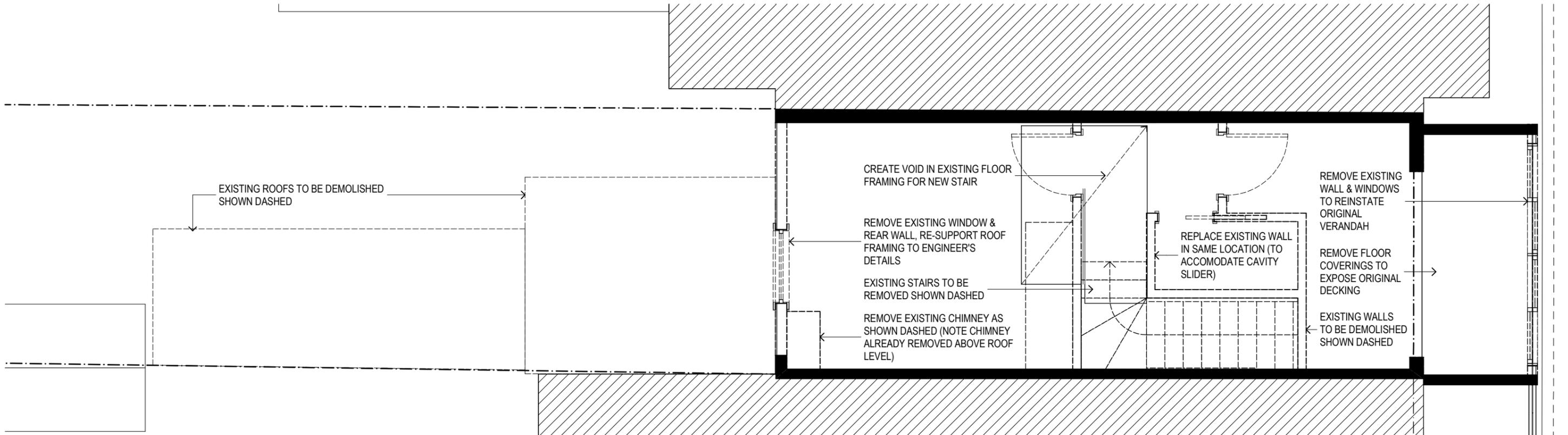
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1

LEVEL 1 DEMOLITION PLAN

1:50



2

LEVEL 2 DEMOLITION PLAN

1:50

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A	ISSUE TO CLIENT	26/09/17

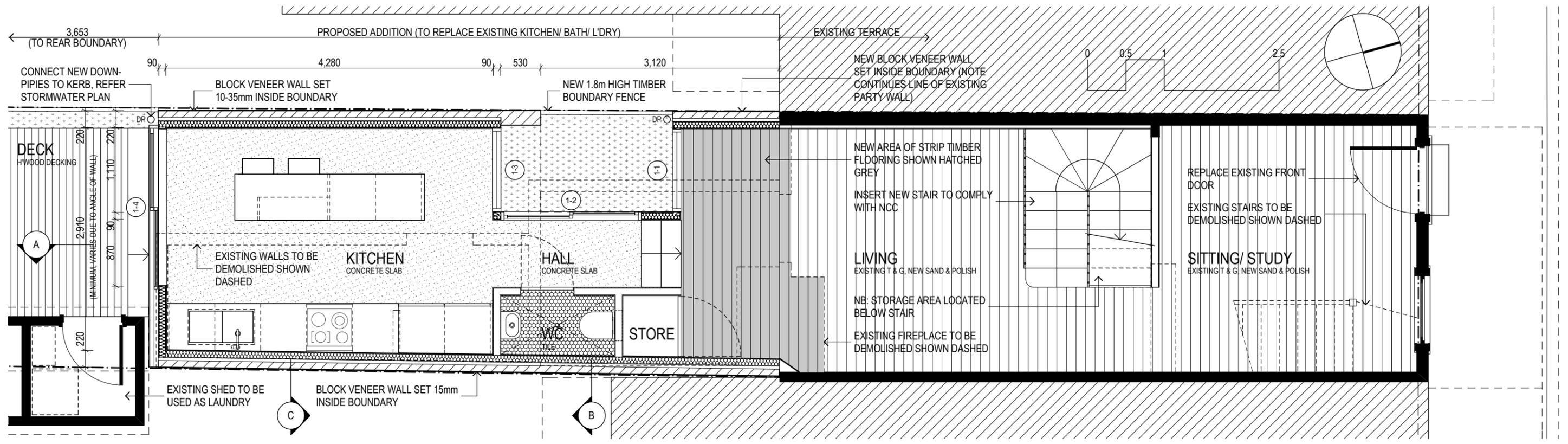
Project Name  
**SCARBOROUGH**  
37 ALFRED STREET NEWCASTLE EAST

Drawing Title:  
**DEMOLITION PLANS**

Status: DEVELOPMENT APPLICATION

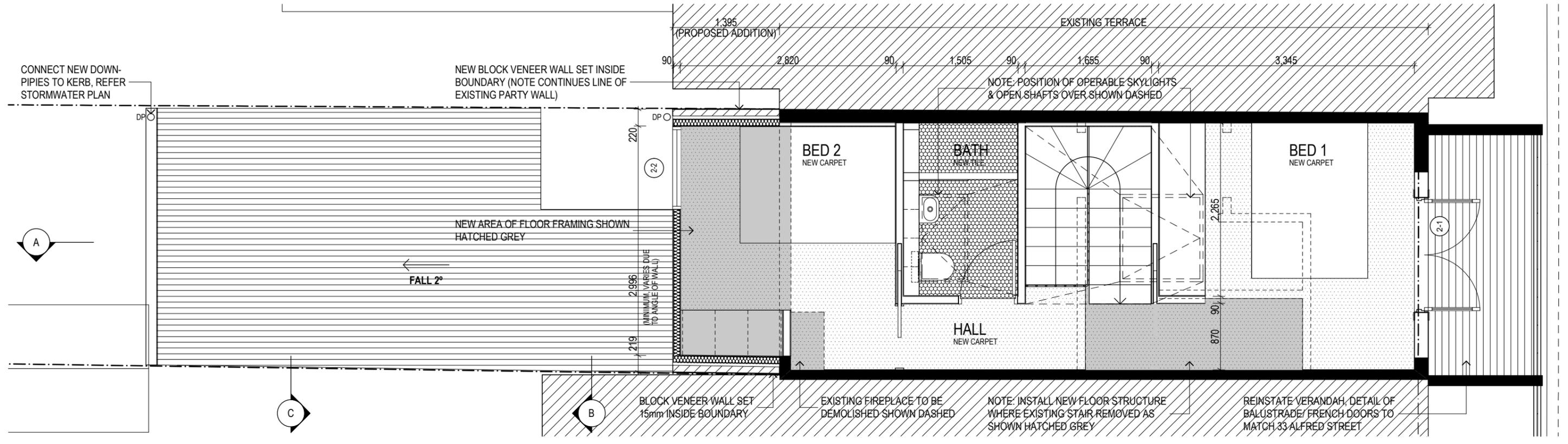
Project No: **497** Drawing No.: **DA-02**

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LEVEL 1 PLAN

1:50



LEVEL 2 PLAN

1:50

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**SCARBOROUGH**  
37 ALFRED STREET NEWCASTLE EAST

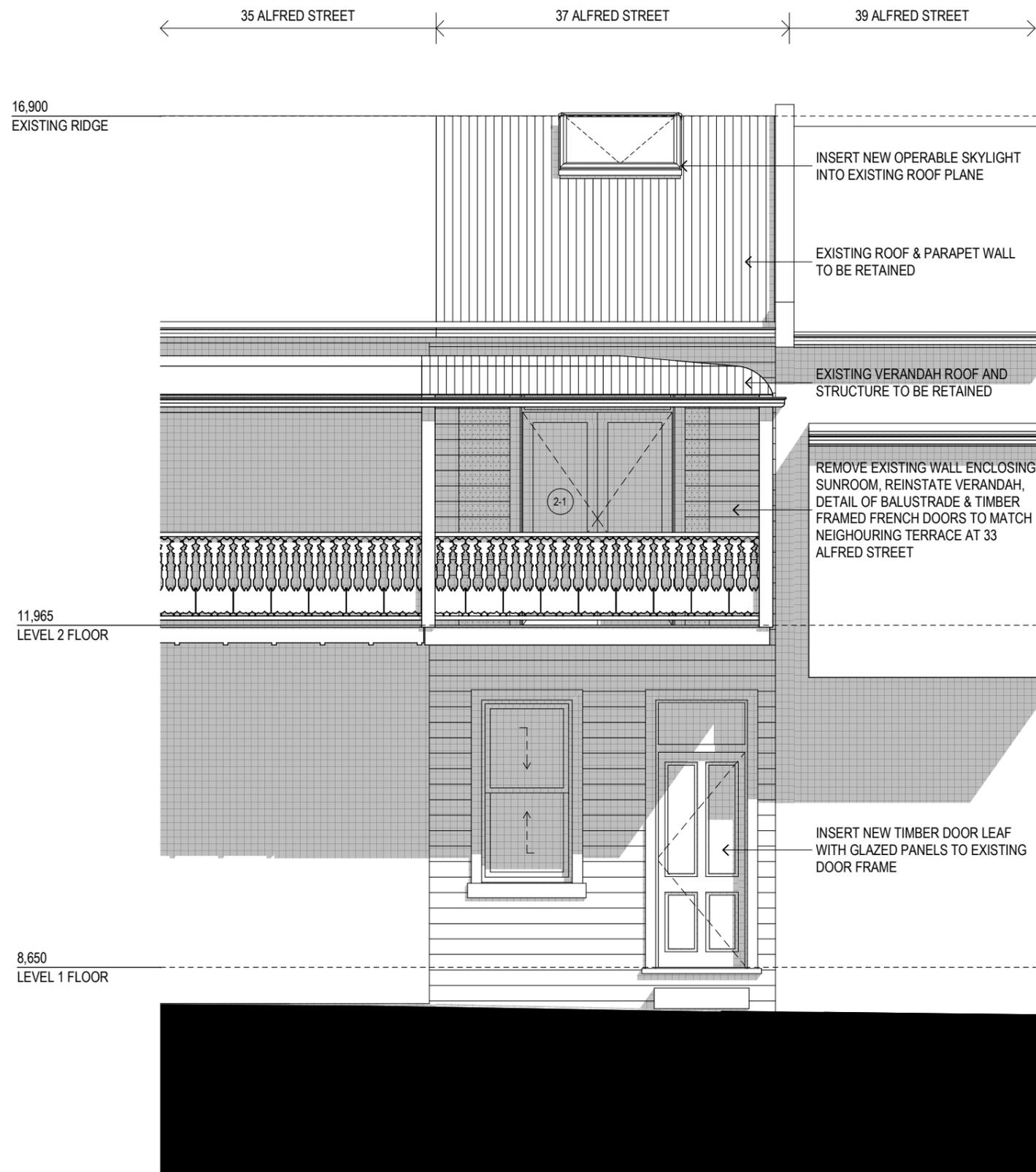
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**FLOOR PLANS**

Status: DEVELOPMENT APPLICATION

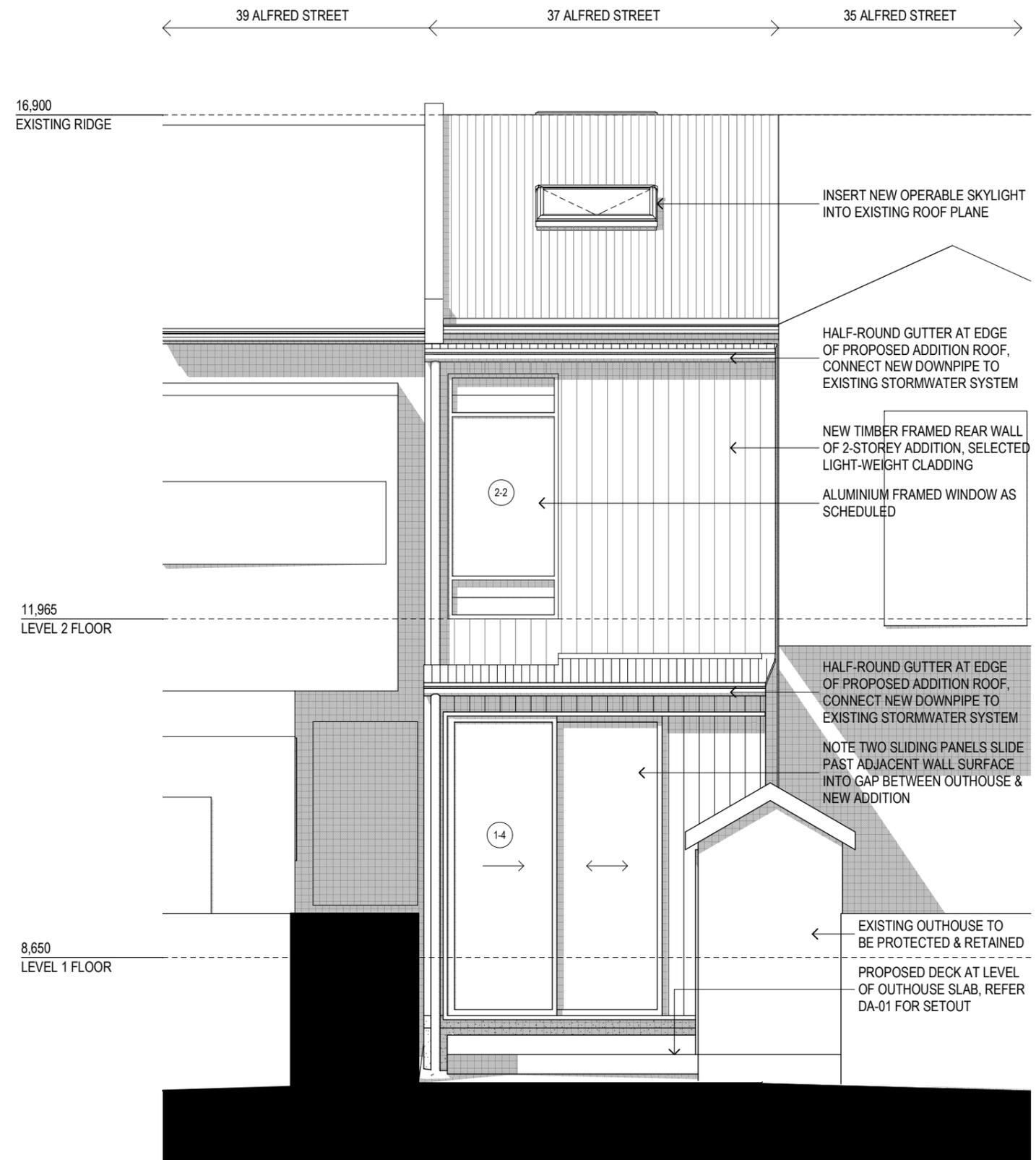
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ISSUE	AMENDMENT	DATE
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C	DA ISSUE	13/08/18
B	ISSUE FOR CLIENT APPROVAL	03/07/18
A	ISSUE TO CLIENT	26/09/17

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1 ALFRED STREET ELEVATION 1:50



2 SOUTH ELEVATION 1:50

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Project Name  
**SCARBOROUGH**  
 37 ALFRED STREET NEWCASTLE EAST

Drawing Title:  
**ELEVATIONS**

Status: DEVELOPMENT APPLICATION

Project No: <b>497</b>	Drawing No.: <b>DA-04</b>
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16,900  
EXISTING RIDGE

EXISTING ROOF TO  
BE RETAINED

EXISTING SIDE WALL  
OF SUNROOM/  
VERANDAH TO BE  
RETAINED

11,965  
LEVEL 2 FLOOR

8,650  
LEVEL 1 FLOOR

HALF-ROUND GUTTER AS SPECIFIED, NOTE  
CONNECT NEW DOWNPIPE TO ALFRED ST.  
KERB, REFER STORMWATER PLAN

EXTENT OF EXISTING 2-STOREY FORM OF  
35 ALFRED STREET BEYOND

EXTENT OF ORIGINALLY PROPOSED  
ADDITION SHOWN IN RED

NEW BLOCK VENEER WALL SET INSIDE  
BOUNDARY (NOTE CONTINUES LINE OF  
EXISTING PARTY WALL)

HALF-ROUND GUTTER AS SPECIFIED, NOTE  
CONNECT NEW DOWNPIPE TO ALFRED ST.  
KERB, REFER STORMWATER PLAN

BLOCK VENEER WALL SET 10-35mm INSIDE  
BOUNDARY, FACE FINISH

2.00°

PROPOSED ADDITION, SELECTED LIGHT-  
WEIGHT CLADDING

ALUMINIUM FRAMED SLIDING DOOR AS  
SCHEDULED

NEW 1.8m HIGH TIMBER BOUNDARY FENCE

SLAB & FOOTINGS TO ENGINEER'S DETAILS,  
NOTE CLASS 2 FINISH ON EXPOSED EDGE  
OF FOOTING

1-2

1

# WEST ELEVATION

1:50

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**SCARBOROUGH**  
37 ALFRED STREET NEWCASTLE EAST

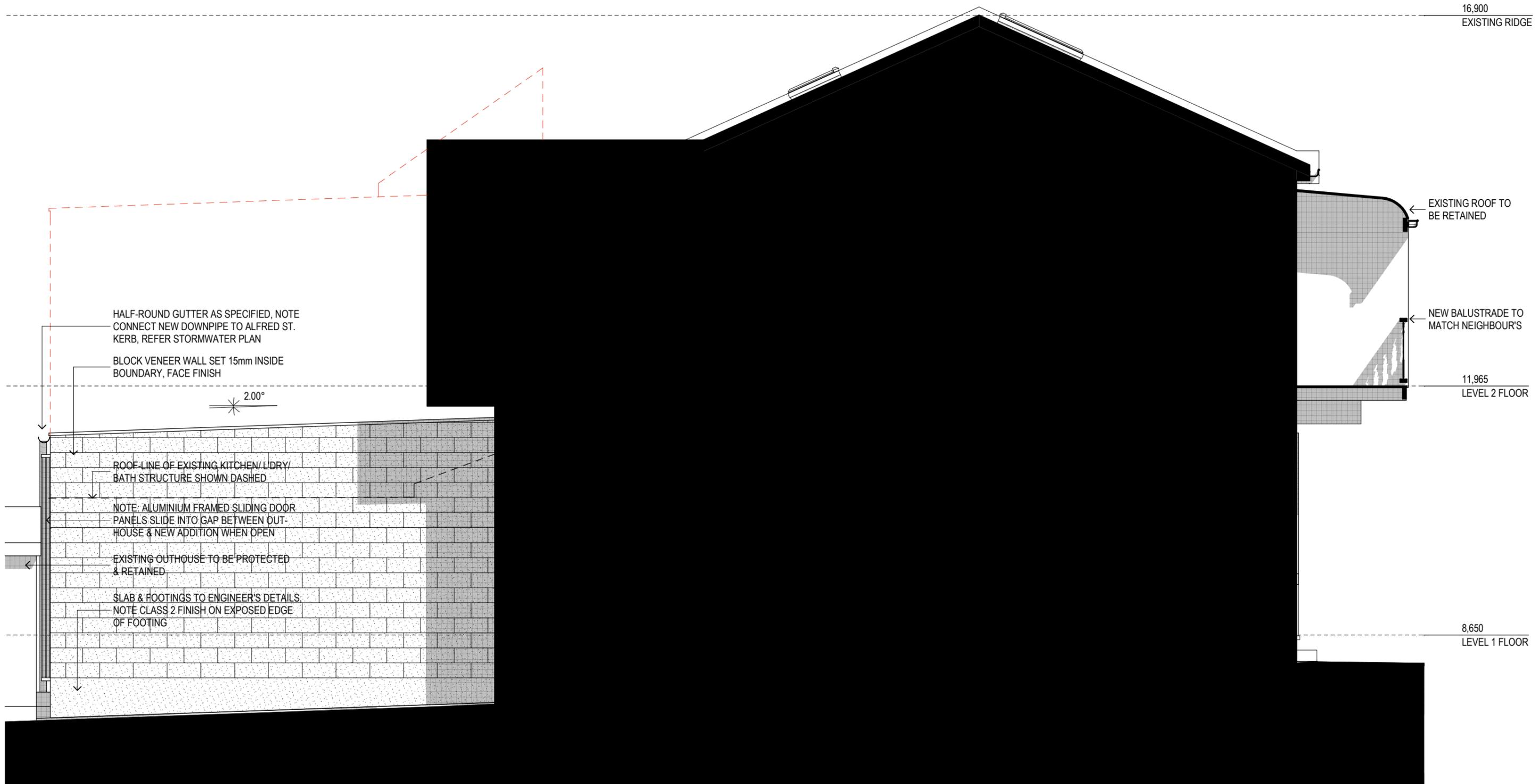
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**WEST ELEVATION**

Status: DEVELOPMENT APPLICATION

Project No:  
**497**

Drawing No.:  
**DA-05**

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1

EAST ELEVATION

1:50

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**SCARBOROUGH**  
37 ALFRED STREET NEWCASTLE EAST

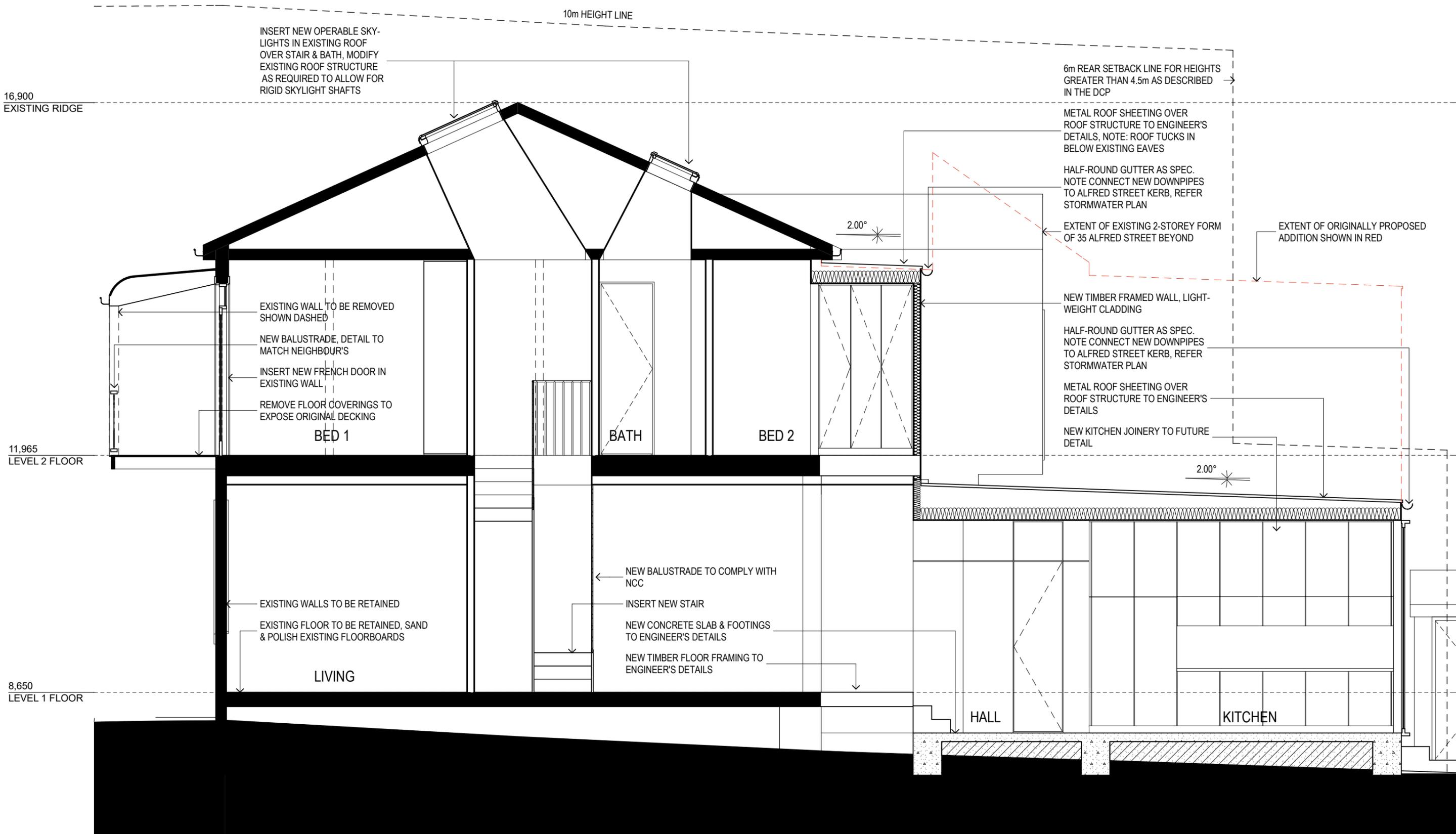
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**EAST ELEVATION**

Status: DEVELOPMENT APPLICATION

Project No:  
**497**

Drawing No.:  
**DA-06**

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SECTION AA

1

1:50

**BOURNE + BLUE**  
**ARCHITECTURE**  
 WWW.BOURNEBLUE.COM.AU PO BOX 295,  
 NEWCASTLE, NSW 2300 T 02 4929 1450 F 02 4927 1623  
 ABN 95 114 746 897 NOMINATED NSW REGISTERED  
 ARCHITECT SHANE BLUE REGISTRATION NO. 5689

SAFE DESIGN - A Safe Design Report has been prepared in association with this drawing. Ensure that this report is referred to prior to undertaking any work onsite and that further issues of this drawing include a copy of the Safe Design Report. The builder shall check and verify all dimensions, and verify all errors and omissions with the Architect. Do not scale off the drawings. Drawings shall not be used for Construction purposes until issued by the Architect for Construction. This drawing is copyright.

ISSUE	AMENDMENT	DATE
D	AMENDED DA ISSUE	10/09/19
C	DA ISSUE	13/08/18
B	ISSUE FOR CLIENT APPROVAL	03/07/18
A	ISSUE TO CLIENT	26/09/17

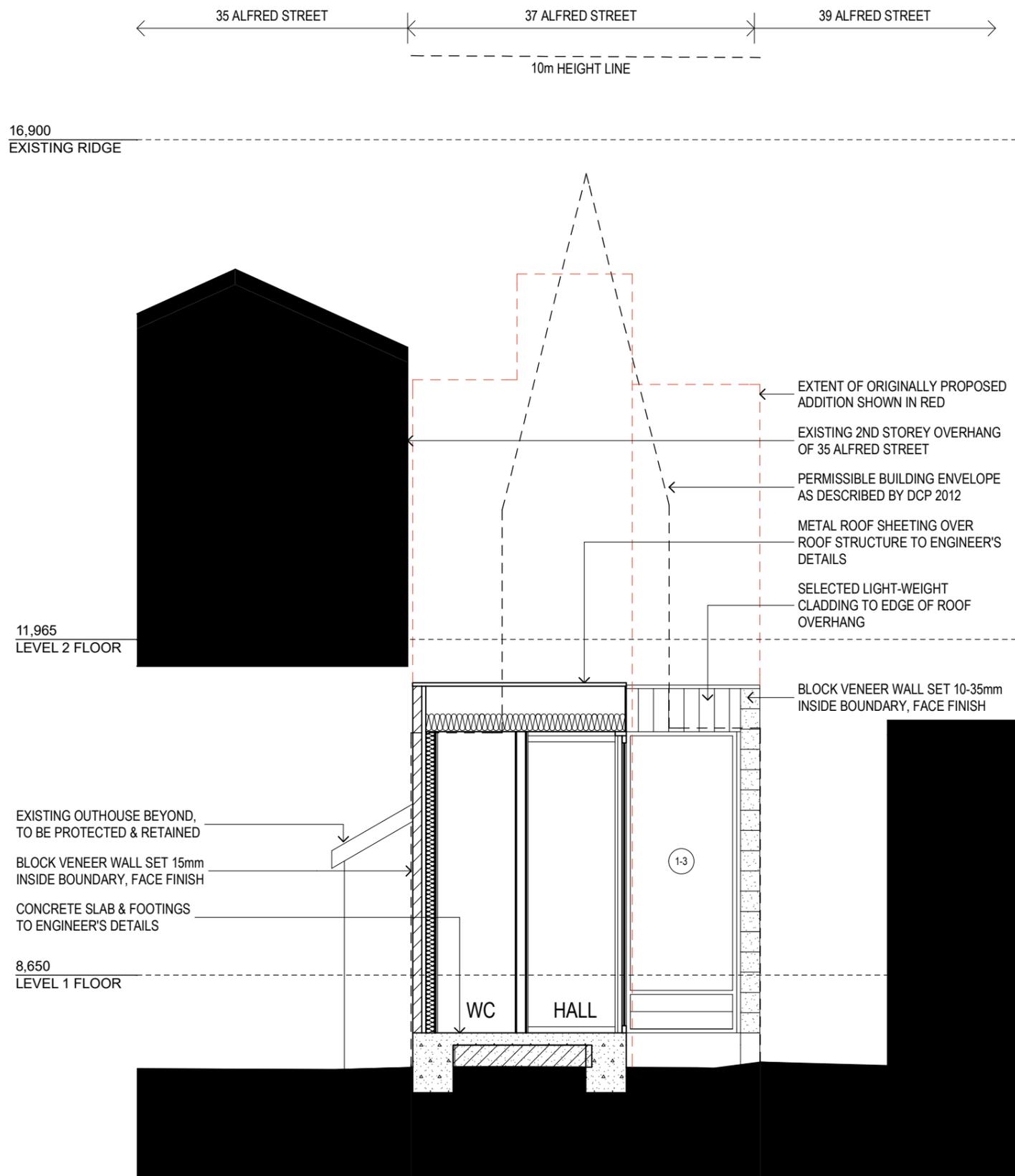
Project Name  
**SCARBOROUGH**  
 37 ALFRED STREET NEWCASTLE EAST

Drawing Title:  
**SECTION AA**

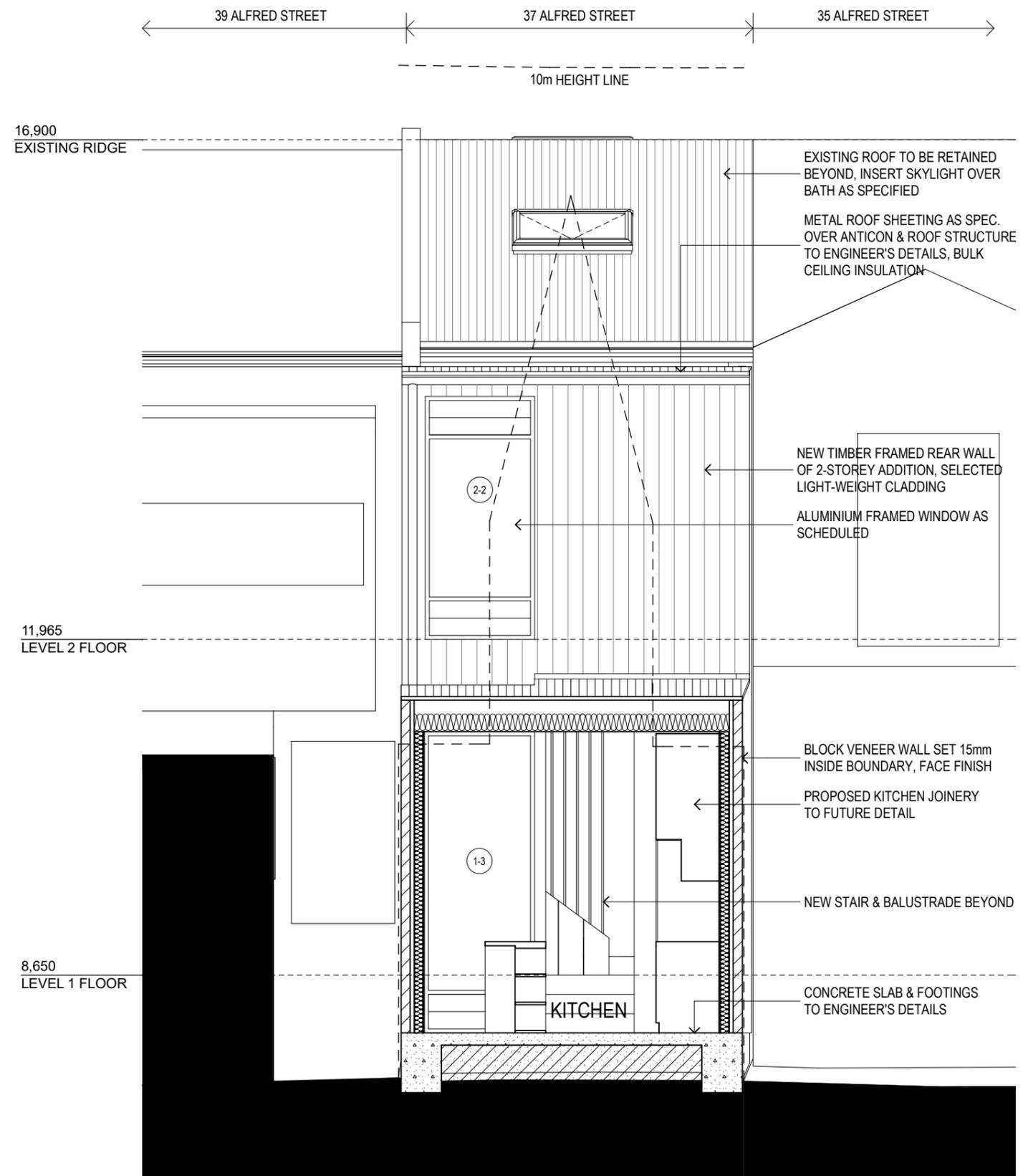
Status: DEVELOPMENT APPLICATION

Project No: **497** Drawing No.: **DA-07**

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1 SECTION BB 1:50



2 SECTION CC 1:50

**BOURNE + BLUE**  
ARCHITECTURE

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NEWCASTLE, NSW 2300 T 02 4929 1450 F 02 4927 1623  
ABN 95 114 746 897 NOMINATED NSW REGISTERED  
ARCHITECT SHANE BLUE REGISTRATION NO. 5689

SAFE DESIGN - A Safe Design Report has been prepared in association with this drawing. Ensure that this report is referred to prior to undertaking any work onsite and that further issues of this drawing include a copy of the Safe Design Report. The builder shall check and verify all dimensions, and verify all errors and omissions with the Architect. Do not scale off the drawings. Drawings shall not be used for Construction purposes until issued by the Architect for Construction. This drawing is copyright.

Project Name  
**SCARBOROUGH**  
37 ALFRED STREET NEWCASTLE EAST

Drawing Title:  
**SECTIONS BB & CC**

Status: DEVELOPMENT APPLICATION

Project No:

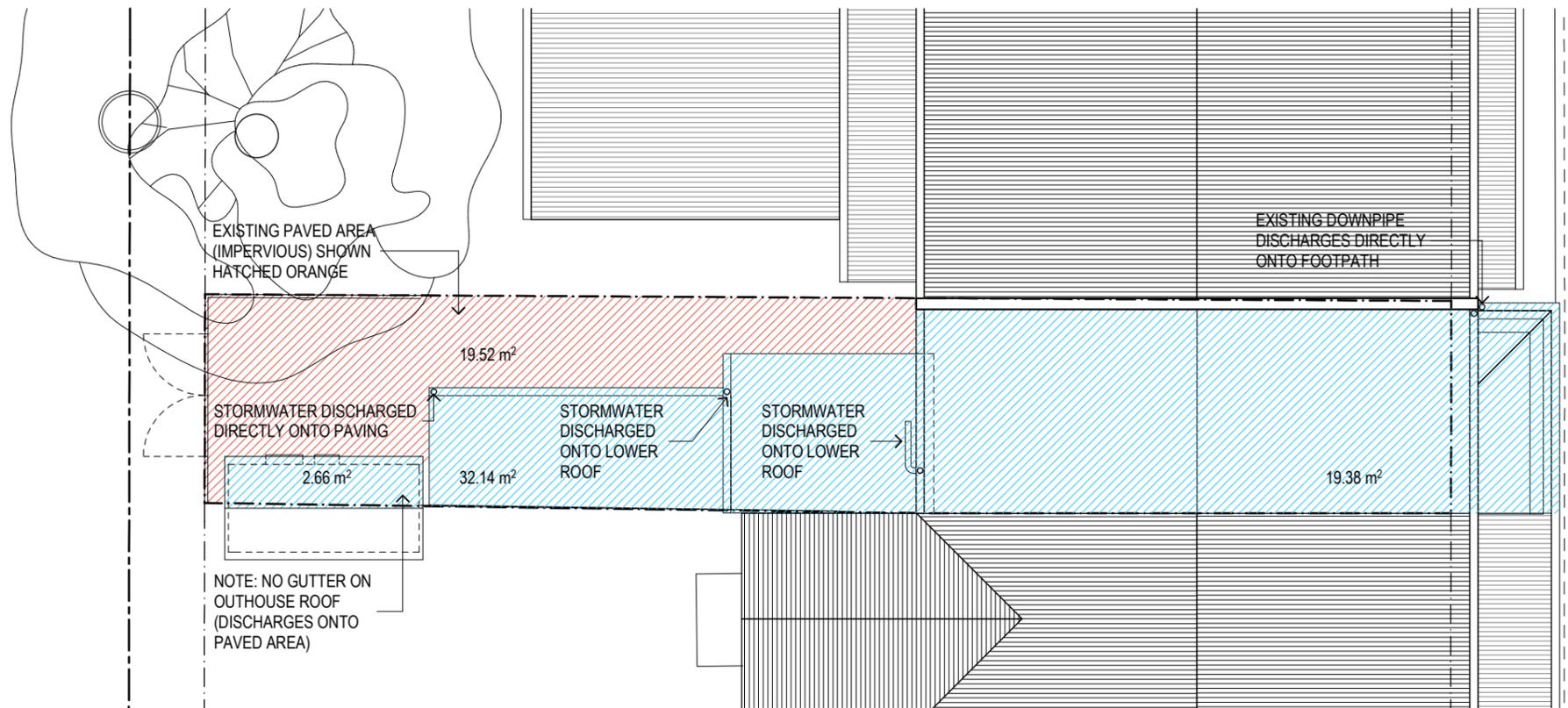
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Drawing No.:

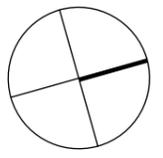
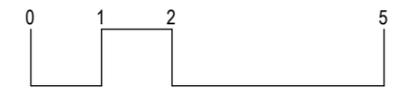
**DA-08**

ISSUE	AMENDMENT	DATE
D	AMENDED DA ISSUE	10/09/19
C	DA ISSUE	13/08/18
B	ISSUE FOR CLIENT APPROVAL	03/07/18
A	ISSUE TO CLIENT	26/09/17

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ALFRED STREET

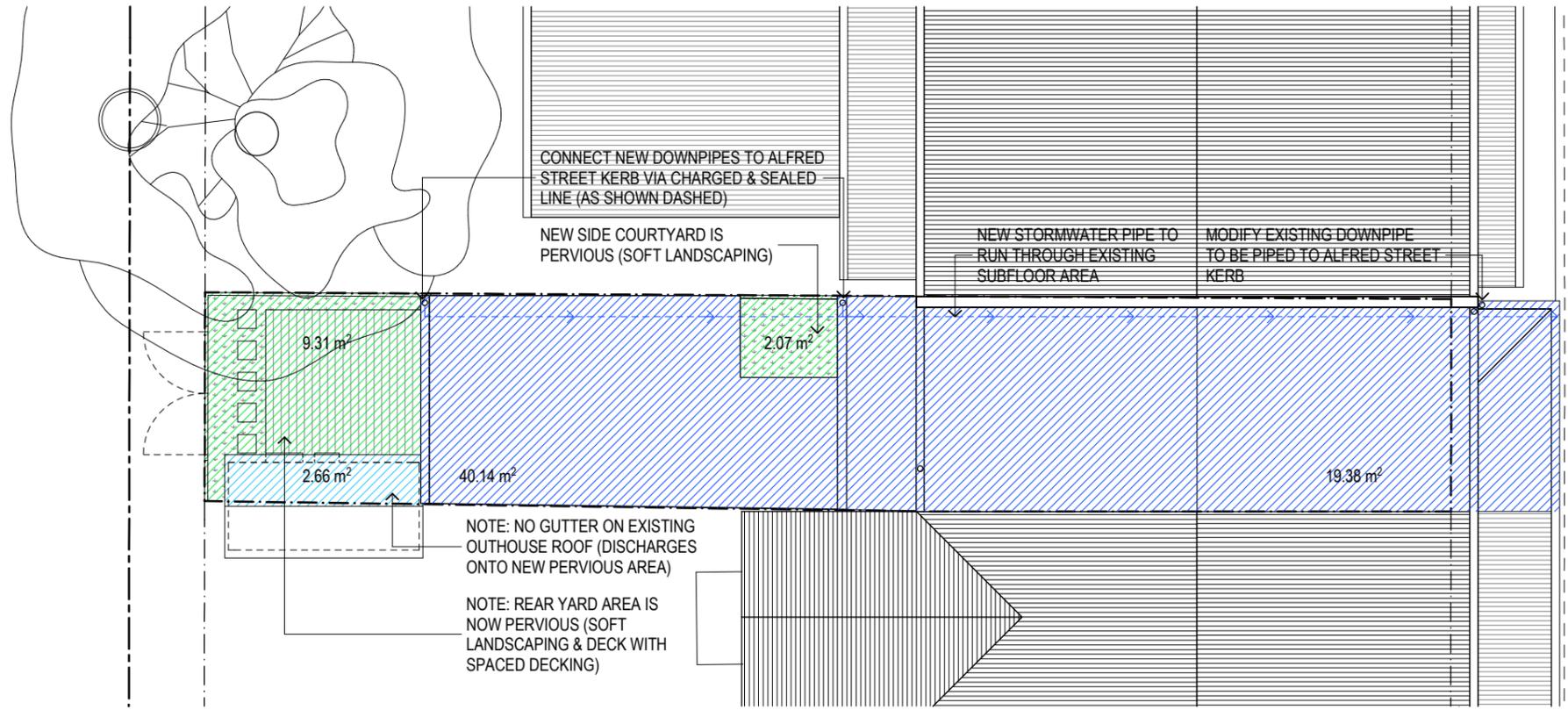


**EXISTING STORMWATER ARRANGEMENTS**  
**NOTE:** 100% OF STORMWATER IS CURRENTLY UN-MANAGED.  
**73.7m² UN-MANAGED STORMWATER:** REAR LEAN-TO ROOFS (32.14m²) & OUTHOUSE ROOF (2.66m²) AS SHOWN HATCHED LIGHT BLUE + PAVING AREA (19.52m²) AS SHOWN HATCHED ORANGE  
**NOTE:** NO PERVIOUS AREA  
**NOTE:** THERE DO NOT APPEAR TO BE ANY STORMWATER PITS LOCATED IN THE EXISTING REAR PAVED AREA OR IN THE ADJACENT REAR LANE.

1

STORMWATER PLAN - EXISTING

1:100



ALFRED STREET

**PROPOSED STORMWATER ARRANGEMENTS**  
**59.52m² STORMWATER PIPED TO COUNCIL STORMWATER SYSTEM AT ALFRED STREET KERB:** FRONT ROOF (19.38m²) + REAR ROOFS (40.14m²) AS SHOWN HATCHED DARK BLUE  
**2.66m² UN-MANAGED STORMWATER:** OUTHOUSE ROOF AS SHOWN HATCHED LIGHT BLUE - NOTE THIS NOW DISCHARGES ONTO PERVIOUS AREA RATHER THAN PAVING.  
**11.38m² PERVIOUS AREA:** SIDE COURTYARD (2.07m²) + REAR YARD AREA (9.31m²) AS SHOWN HATCHED GREEN.  
**NOTE:** NEW CHARGED & SEALED STORMWATER LINE TO BE 100mm SEWER GAUGE UPVC PIPE

2

STORMWATER PLAN - PROPOSED

1:100

**BOURNE + BLUE ARCHITECTURE**

WWW.BOURNEBLUE.COM.AU PO BOX 295, NEWCASTLE, NSW 2300 T 02 4929 1450 F 02 4927 1623  
 ABN 95 114 746 897 NOMINATED NSW REGISTERED ARCHITECT SHANE BLUE REGISTRATION NO. 5689

SAFE DESIGN - A Safe Design Report has been prepared in association with this drawing. Ensure that this report is referred to prior to undertaking any work onsite and that further issues of this drawing include a copy of the Safe Design Report. The builder shall check and verify all dimensions, and verify all errors and omissions with the Architect. Do not scale off the drawings. Drawings shall not be used for Construction purposes until issued by the Architect for Construction. This drawing is copyright.

ISSUE	AMENDMENT	DATE
C	AMENDED DA ISSUE	10/09/19
B	MODIFIED ISSUE	15/04/19
A	DA ISSUE	11/04/19

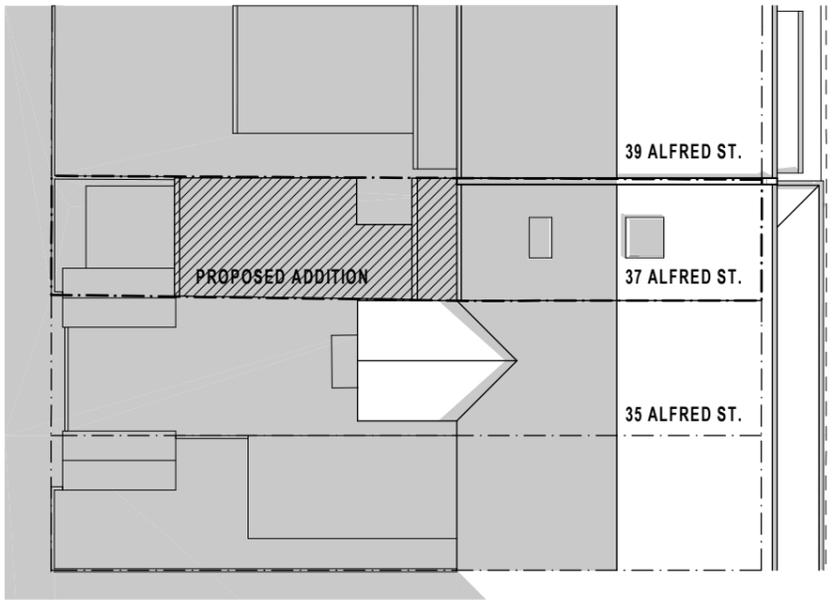
Project Name  
**SCARBOROUGH**  
 37 ALFRED STREET NEWCASTLE EAST

Drawing Title:  
**STORMWATER PLAN**

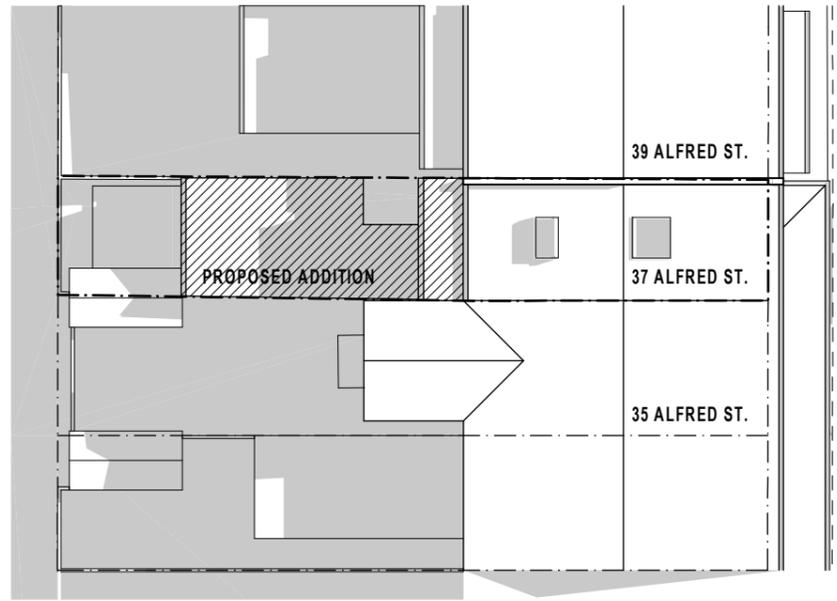
Status: DEVELOPMENT APPLICATION

Project No.: **497** Drawing No.: **DA-09**

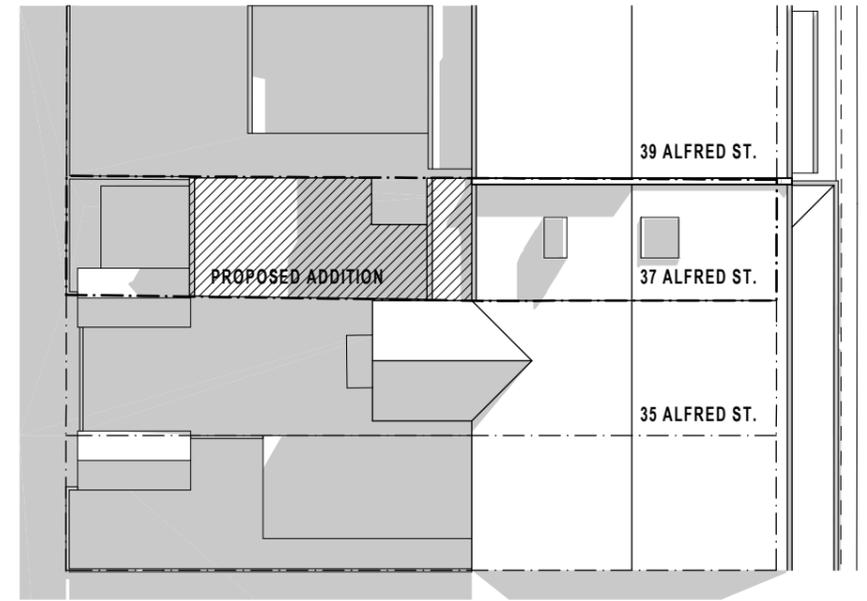
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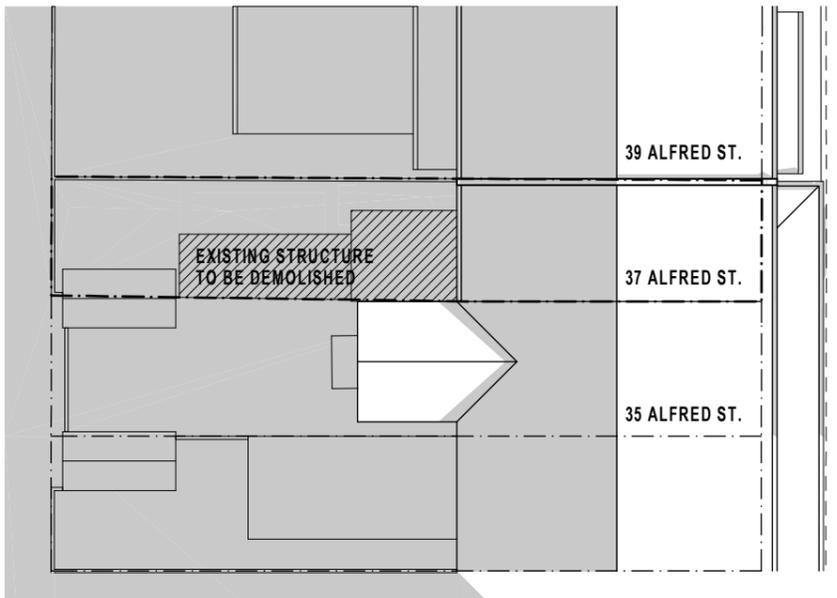
9AM - PROPOSED DEVELOPMENT



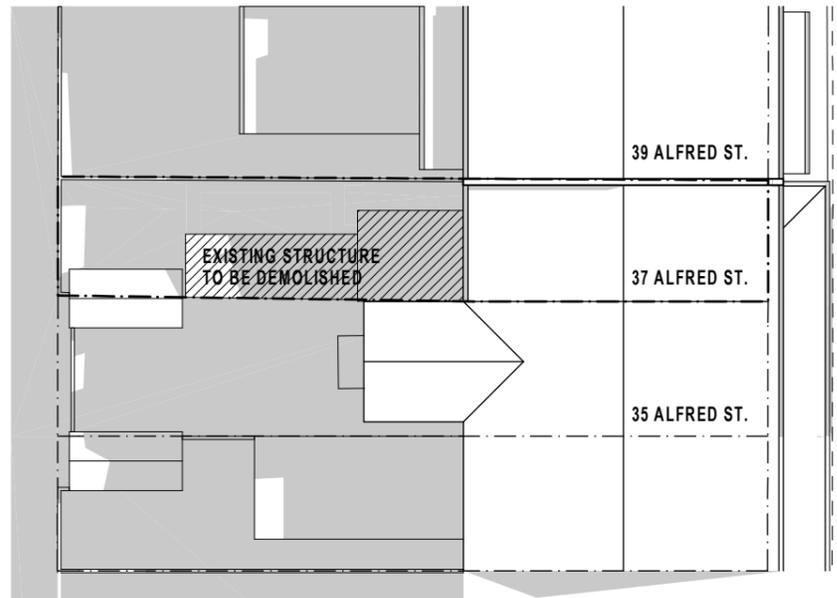
12 NOON - PROPOSED DEVELOPMENT



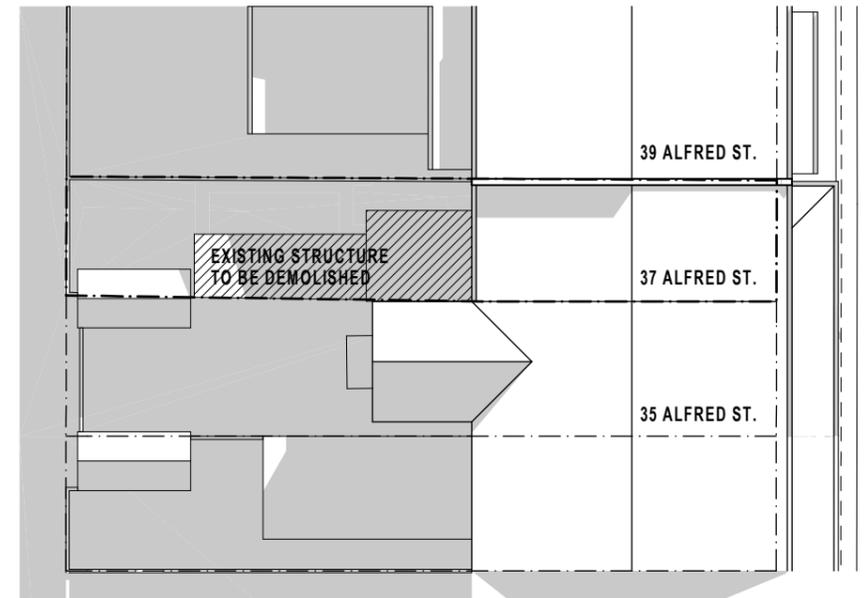
3PM - PROPOSED DEVELOPMENT



9AM - EXISTING SITUATION

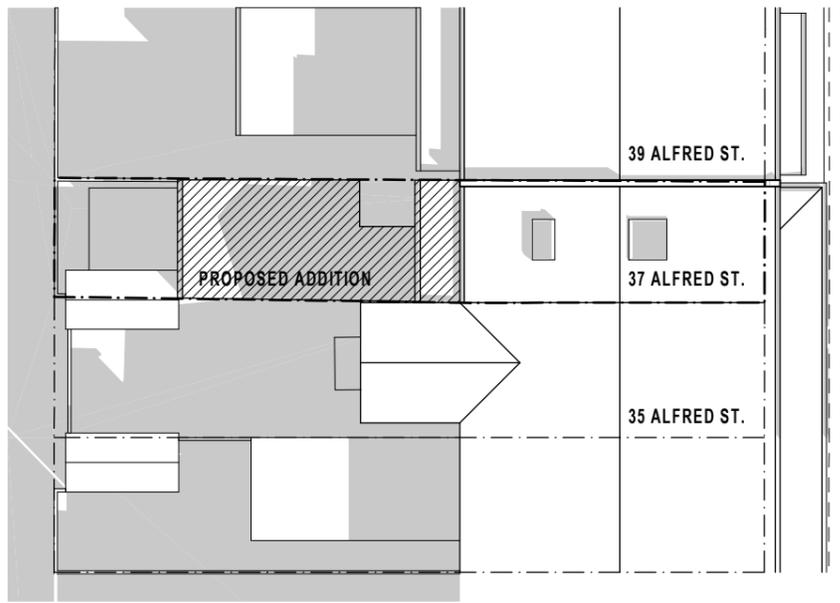


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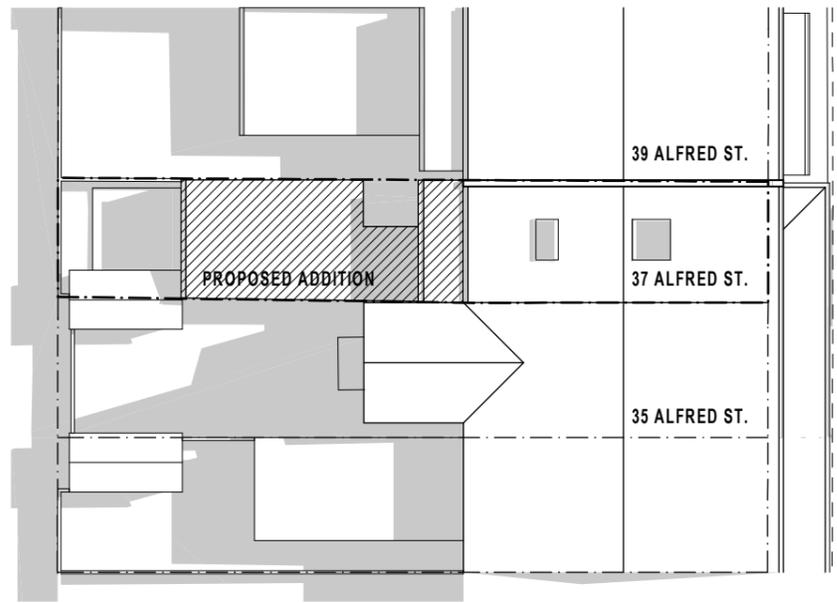


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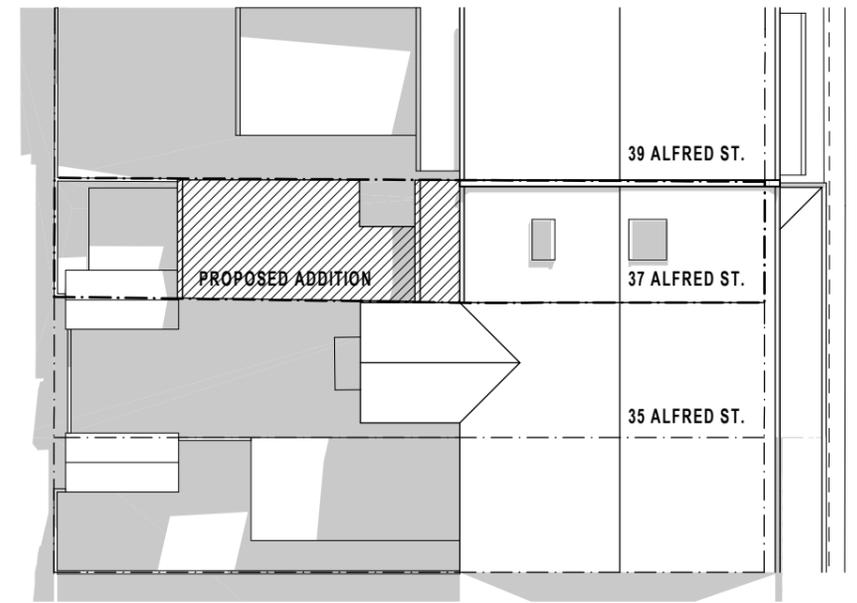




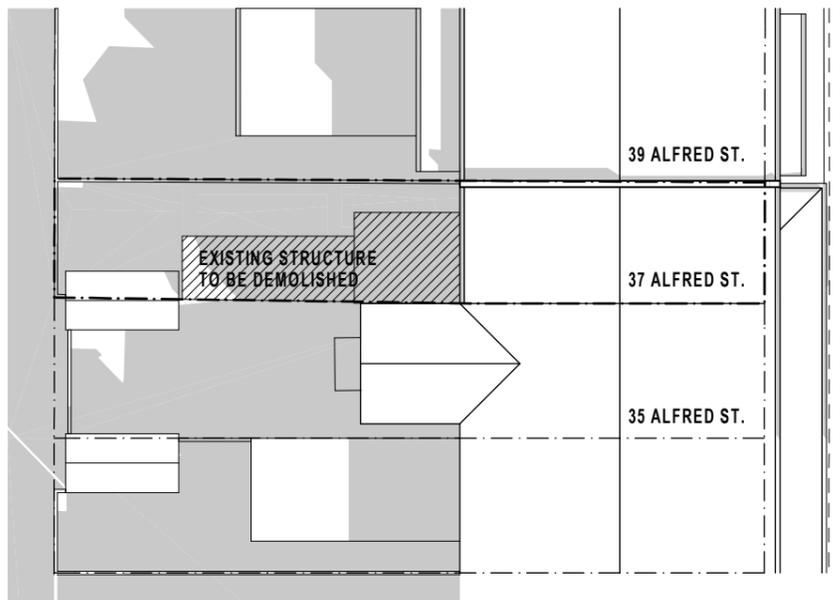
9AM - PROPOSED DEVELOPMENT



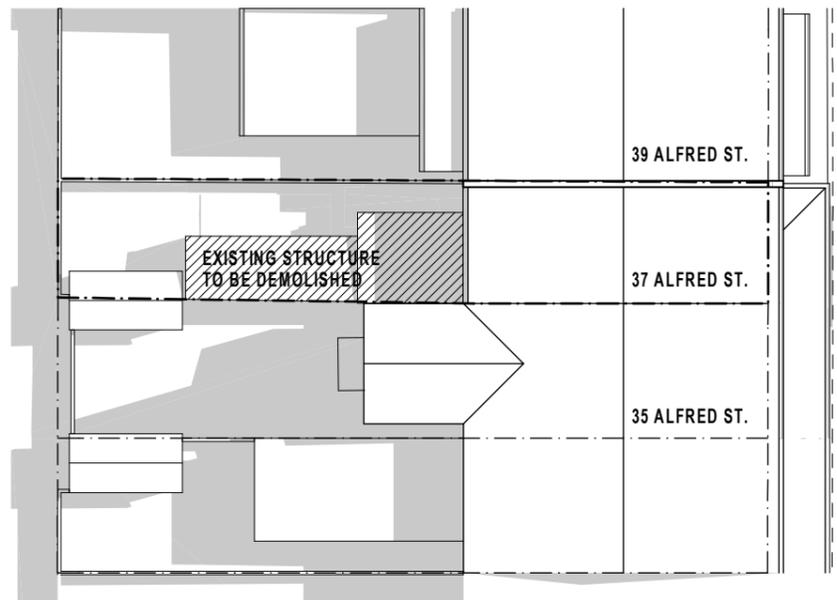
12 NOON - PROPOSED DEVELOPMENT



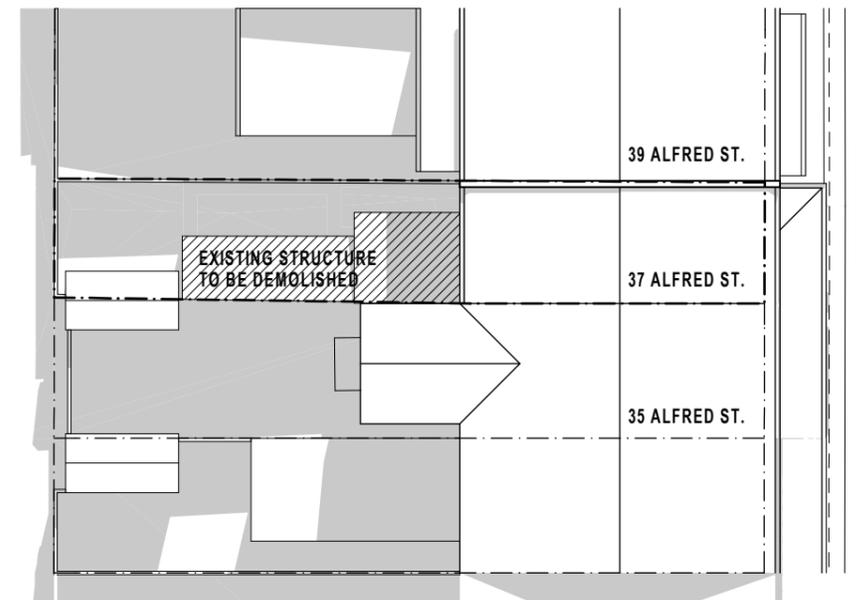
3PM - PROPOSED DEVELOPMENT



9AM - EXISTING SITUATION



12 NOON - EXISTING SITUATION



3PM - EXISTING SITUATION



**DEVELOPMENT APPLICATIONS COMMITTEE MEETING**

**18 February 2020**

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**DAC 18/02/2020**

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

**Attachment B: Draft Schedule of Conditions**

**DISTRIBUTED UNDER SEPARATE COVER**

<b>Application No:</b>	DA2018/00968
<b>Land:</b>	Lot 1 DP 303507
<b>Property Address:</b>	37 Alfred Street Newcastle East NSW 2300
<b>Proposed Development:</b>	Dwelling alterations and additions

## 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.

<b>Plan No / Supporting Document</b>	<b>Reference / Version</b>	<b>Prepared by</b>	<b>Dated</b>
Site/Roof Plan	497 (issue C)	Bourne and Blue Architecture	10/09/2019
Level 1 Demolition Plan	497 (issue D)	Bourne and Blue Architecture	10/09/2019
Level 2 Demolition Plan	497 (issue D)	Bourne and Blue Architecture	10/09/2019
Level 1 Plan	497 (issue D)	Bourne and Blue Architecture	10/09/2019
Level 2 Plan	497 (issue D)	Bourne and Blue Architecture	10/09/2019
Alfred Street Elevation	497 (issue D)	Bourne and Blue Architecture	10/09/2019
South Elevation	497 (issue D)	Bourne and Blue Architecture	10/09/2019
West Elevation	497 (issue D)	Bourne and Blue Architecture	10/09/2019
East Elevation	497 (issue D)	Bourne and Blue Architecture	10/09/2019
Section AA, BB & CC	497 (issue D)	Bourne and Blue Architecture	10/09/2019
Stormwater Plan	497 (issue C)	Bourne and Blue Architecture	10/09/2019
Statement of Environmental Effects	37 Alfred Street, Newcastle East	Bourne and Blue Architecture	Not dated
Basix Certificate	A293649_02	Bourne and Blue Architecture	11/09/2019

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.

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

- The applicant is to comply with the requirements of the Hunter Water Corporation in respect of any building or structure proposed to be erected over any services or drain under the Corporation's control. Details addressing any requirements of the Hunter Water Corporation are to be included in documentation for a Construction Certificate application.
- A privacy screen with a minimum height of 1.7m (measured above finished floor level) must be provided along the western edge of the level 1 side deck. The privacy screen

is to have a maximum area of 25% openings, is permanently fixed and made of durable materials. Full details to be submitted with the Construction Certificate Application.

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

4. Building demolition is to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures.
5. A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with Australian Standard 2601:2001 - The Demolition of Structures. A copy of the Hazardous Substances Management Plan is to be provided to Council (marked to Attention: Compliance Services) and the demolisher prior to commencement of work.
6. The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:
  - a) Demolition works shall be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan shall be kept on-site for the duration of the proposed development
  - b) The removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
  - c) A copy of all waste disposal receipts are to be kept on-site for the duration of the proposed development and made available to authorised Council Officers upon request
  - d) Seven working days' notice in writing is to be given to Council and the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor. Notification to owners/occupiers of neighbouring premises shall also include Council's contact telephone number (49742000) and the Workcover Authority of NSW telephone number (49212900) and
  - e) On sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.
7. Any waste containers used in association with the proposed demolition are to be located on the site where possible.

Note: Where this is not feasible, application must be made for Council's approval to position the container on the adjacent public road in accordance with Council's adopted Building Waste Container Policy.
8. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
9. A Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries, is to

be submitted to the Principal Certifying Authority before construction is commenced.

10. Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.
11. A rigid and durable sign is to be erected on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:
  - a) showing the name, address and telephone number of the Principal Certifying Authority for building work and subdivision work, and
  - b) showing the name, address and telephone number of the Principal Contractor for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
  - c) stating that unauthorised entry to the work site is prohibited, and
  - d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

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

12. All building work must be carried out in accordance with the provisions of the National Construction Code.
13. In the case of residential building work for which the *Home Building Act 1989* (NSW) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.
14. All building materials, plant and equipment is to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves including the road reserve is not permitted.
15. A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 Roads Act 1993 (NSW), before the commencement of works.
16. All roof and surface waters are to be conveyed to the street gutter by way of a sealed pipe system, extending through the footway to Council requirements, in accordance with Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012.
17. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
  - Monday to Friday, 7:00 am to 6:00 pm and
  - Saturday, 8:00 am to 1:00 pm.

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

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

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

19. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
20. The following waste management measures are to be implemented during construction:
  - a) waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste
  - b) the waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets
  - c) appropriate provision is to be made to prevent wind blown rubbish leaving the site and
  - d) footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

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

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

21. All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to the issue of an Occupation Certificate. Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to Council within fourteen days of receipt.
22. The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.
23. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council's satisfaction prior to the completion of demolition work or prior to the issue of any occupation certificate in respect of development involving building work.
24. All works within the road reserve required by this consent are to be completed prior to the issue of a Final Occupation Certificate.

## ADVISORY MATTERS

- Development applications are not assessed against the provisions of the National Construction Code. An application to modify the application under the *Environmental Planning and Assessment Act 1979* (NSW) will be required if design amendments that cause the proposal to be inconsistent with the development consent are necessary to comply with the provisions of the Building Code of Australia.
- The carrying out of the development may be affected by the 'declared racing area' under the *Motor Racing (Sydney and Newcastle) Act 2008*. The ability for works to occur on the site or within the road reserve in the vicinity of the property may be impacted between the first week in October and end of December each year that motor racing is conducted in the area. Further consultation is required in the nominated area during this period with the possibility of access restrictions being imposed. For further information and assistance please contact the City's Major Events Team at [events@ncc.nsw.gov.au](mailto:events@ncc.nsw.gov.au) <<mailto:events@ncc.nsw.gov.au>>.
- Retaining walls not clearly noted on the approved plans or outside of the parameters of 'exempt development' as specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (NSW) are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to the retaining wall taking place.
- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Prior to commencing any building works, the following provisions of Division 6.2 of the *Environmental Planning and Assessment Act 1979* are to be complied with:
  - a) A Construction Certificate is to be obtained; and
  - b) A Principal Certifier is to be appointed for the building works and Council is to be notified of the appointment; and
  - c) Council is to be given at least two days notice of the date intended for commencement of building works.
- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000* (NSW).
- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.

- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979* (NSW), which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.

**END OF CONDITIONS**

## **SCHEDULE 2**

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

The determination decision was reached for the following reasons:

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

### **REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED**

The following conditions are applied to:

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

**DEVELOPMENT APPLICATIONS COMMITTEE MEETING**

**18 February 2020**

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**DAC 18/02/2020**

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

**Attachment C: Processing Chronology**

**DISTRIBUTED UNDER SEPARATE COVER**

**PROCESSING CHRONOLOGY**

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

29/08/2018	-	Application lodged
10/09/2018	-	Public notification
08/04/2019	-	Application presented to Public Voice Committee meeting
18/06/2019	-	Application presented to Development Approvals Committee meeting (no motion put forward to determine application)
11/09/2019	-	Amended plans received
13/09/2019	-	Public notification
03/12/2019		Application presented to Public Voice Committee meeting.
20/02/2020	-	Application scheduled to proceed to Development Applications Committee meeting.

## **ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**ITEM 3            DA2002/1583.01 - 31 THROSBY STREET WICKHAM**

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

**Attachment A - Submitted Plans**

**Attachment B - Draft Schedule of Conditions**

**Attachment C - Processing Chronology**

**DEVELOPMENT APPLICATIONS COMMITTEE MEETING**

**18 February 2020**

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**DAC 18/02/2020**

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

**Attachment A: Submitted Plans**

**DISTRIBUTED UNDER SEPARATE COVER**

# Throsby Street Dual Occupancy

## Clause 4.55 Modification

**Project Location:**  
31 Throsby Street Wickham 2293

**Client:**  
John Hersee

### Drawing Catalogue: (survey by others)

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



**SUBJECT SITE - NTS**



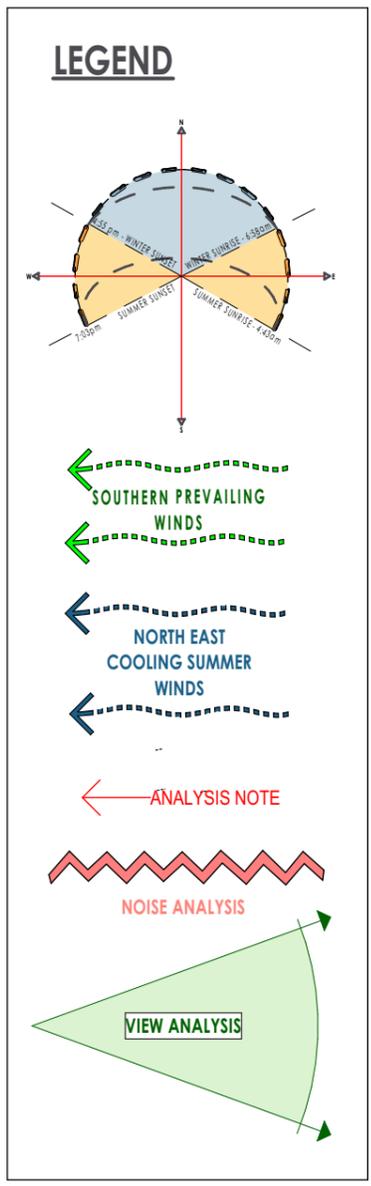
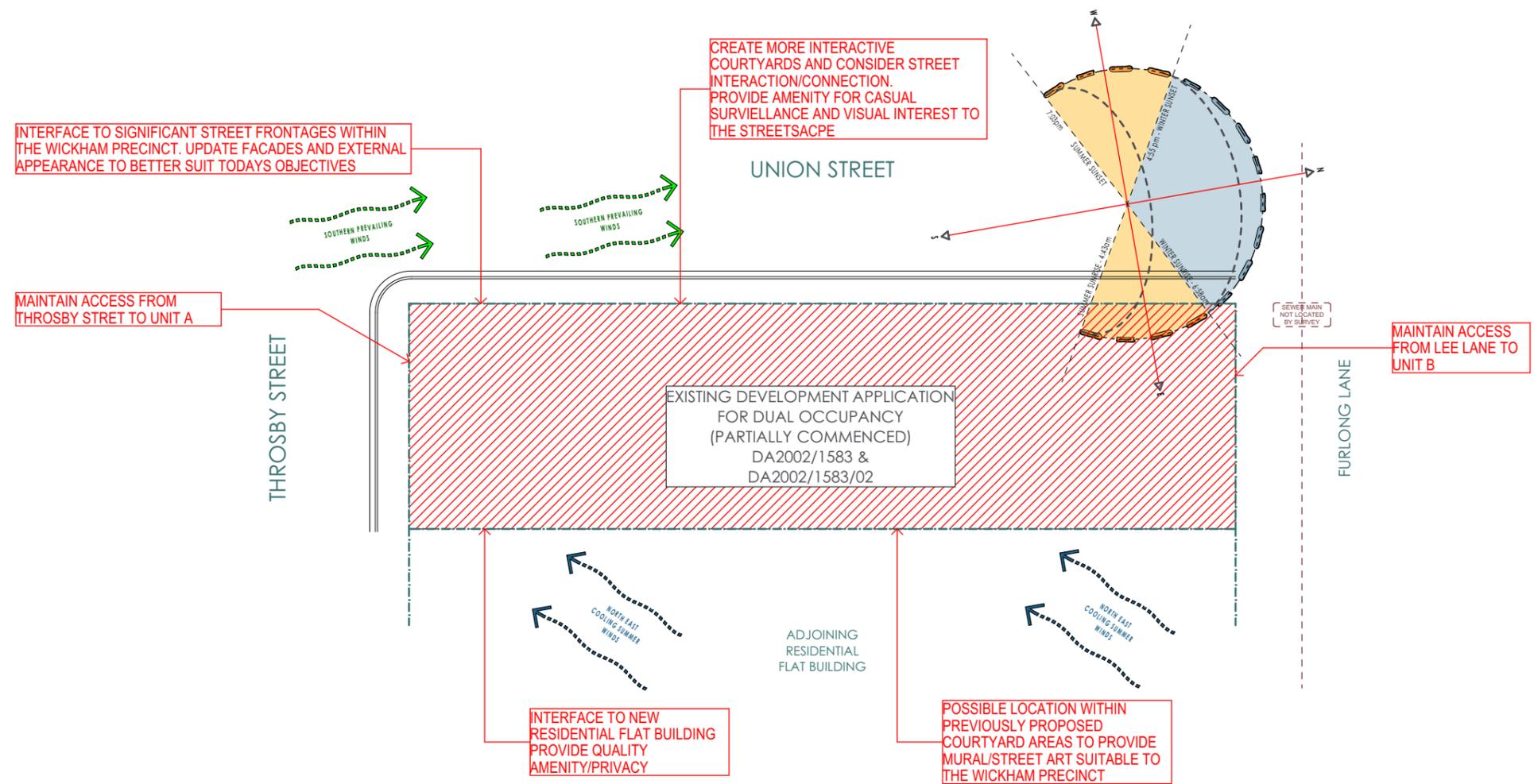
**LOCATION - NTS**

### Site Information

<b>Client</b>	John Hersee
<b>Site Address</b>	31 Throsby Street Wickham 2293 Sec -, Lot 1, DP 797752, SP -
<b>LGA</b>	Newcastle
<b>Land Zoning</b>	B4
<b>Precinct</b>	Wickham
<b>FSR/Site Coverage</b>	1.5
<b>Maximum Height</b>	10 meters
<b>Flood Area</b>	TBC
<b>Mine Subsidence Area</b>	Yes
<b>Bushfire Area</b>	TBC
<b>Heritage Area</b>	TBC



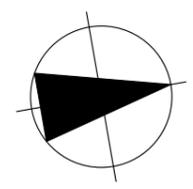
e : joel@shadedesign.net.au  
m : 0412 879 643



W-01	SITE ANALYSIS
1:250	

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

**Client**  
John Hersee



**Drawing**  
Site Analysis Plan

**Drawing No.**  
DA-001

**Project Number**  
1905

**Scale**  
As Shown @ A3

**ASSUMED R.L. 2.000**

Revision	Description	Date
A	Clause 4.6 Modification	21.03.19
B	Modification - Amended	15.10.19
C	Modification - Amended	12.11.19
D	Modification - Amended RL	10.12.19
E	Modification - Amended GF RL	08.01.20

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**LEGEND**

T1 ABOVE GROUND WATER STORAGE TANK TO ENGINEERS AND BASIX DETAILS

RW RETAINING WALLS TO ENGINEERS SPECIFICATIONS & DETAILS

EXISTING TREE TO BE DEMOLISHED

EXISTING TREE TO BE RETAINED

TO BE DEMOLISHED

BUILDING FOOTPRINT

**STORMWATER**

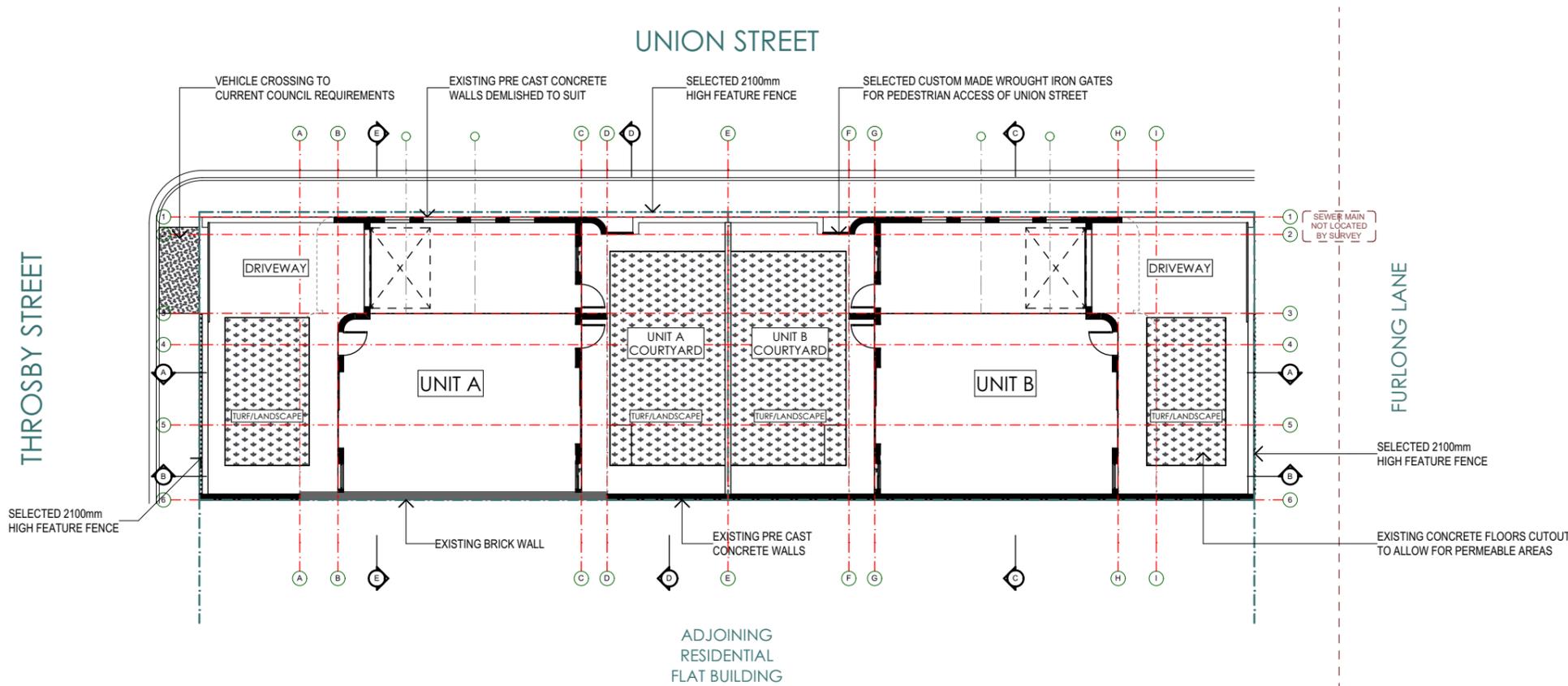
PLEASE REFER TO CONSULTING ENGINEERS DRAWINGS FOR STORMWATER DETAILS

**NOTES**

VERTICAL CONTROL JOINTS INDICATIVE ONLY LOCATED IN ALL EXTERNAL WALLS 5000-6000mm CTS MAX AS PER ENGINEERS SPECIFICATIONS TO AS/NZS 4773.2 & TN 61. (BUILDER TO CONFIRM LOCATIONS)

DOWNPIPE POSITIONS ARE INDICATIVE ONLY. POSITION OF DOWNPIPES TO BE CONFIRMED BY BUILDER.

**NOTES:**  
 - BUILDER TO CONFIRM LEVELS AND DIMENSIONS PRIOR TO AND DURING CONSTRUCTION. ANY DISCREPANCIES ARE TO BE REPORTED TO THE BUILDING DESIGNER BEFORE CONSTRUCTION.  
 - USE FIGURED DIMENSIONS ONLY. **DO NOT** SCALE FROM DRAWINGS  
 - BOUNDARY INFORMATION SUPPLIED BY BUILDER/SURVEYOR. BUILDER TO CONFIRM ALL BOUNDARY INFORMATION PRIOR TO CONTRACTS AND/OR COMMENCEMENT OF WORK.  
 - ALL SETBACKS TO COMPLY WITH LOCAL REQUIREMENTS UNLESS NOTED ON THIS SHEET, IN WHICH CASE A SEPARATE APPLICATION FOR RELAXATION IS TO BE APPLIED FOR AS PART OF BUILDING APPROVAL.  
 - BUILDER AND/OR CERTIFYING AUTHORITY TO NOTIFY BUILDING DESIGNER JOEL COLEMAN OF ANY DISCREPANCIES PRIOR TO APPROVAL.  
 - DOWNPIPE LOCATIONS ARE INDICATIVE ONLY. THE BUILDER IS TO CONFIRM THE LOCATION OF ALL DOWNPIPES PRIOR TO CONSTRUCTION AND MAKE REFERENCE TO THE HYDRAULIC ENGINEERS DOCUMENTATION AS REQUIRED.



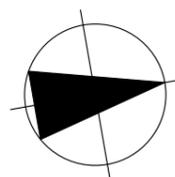
**NOTES:**  
 - SETBACKS ARE APPROXIMATES ONLY & BASED OF CURRENT SURVEYORS DOCUMENTATION AT THE TIME OF BEING ISSUED TO THE DESIGNER WITH THE CONCEPT DESIGNS  
 - ALL SITE BOUNDARIES ARE TO BE CONFIRMED BY THE SURVEYOR PRIOR TO & DURING CONSTRUCTION  
 - ALL SETBACKS ARE TO BE CONFIRMED ON SITE BY THE SURVEYOR PRIOR TO & DURING CONSTRUCTION  
 - ANY SITE/SURVEY DISCREPANCIES ARE TO BE REPORTED TO SHADE DESIGN NEWCASTLE PTY LTD IMMEDIATELY

1:200	Site Plan
-------	-----------

**DIAL BEFORE YOU DIG 1100**

**ASSUMED R.L. 2.000**

**Project**  
 Throsby Street Dual Occupancy  
 31 Throsby Street Wickham 2293  
**Client**  
 John Hersee



**Drawing**  
 Site Plan  
**Drawing No.**  
 DA-002

**Project Number**  
 1905  
**Scale**  
 As Shown @ A3

Revision	Description	Date
A	Clause 4.6 Modification	21.03.19
B	Modification - Amended	15.10.19
C	Modification - Amended	12.11.19
D	Modification - Amended RL	10.12.19
E	Modification - Amended GF RL	08.01.20

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AMENDED EXTERNAL FACADES  
TO BETTER REFLECT CURRENT  
PRECINCT APPEARANCE AND  
LOCAL INTENT

RAW IMAGE

**Project**

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

**Client**

John Hersee

**Drawing**

Perspectives

**Drawing No.**

DA-050

**Project Number**

1905

**Scale**

As Shown @ A3

**ASSUMED R.L. 2.000**

Revision	Description	Date
A	Clause 4.6 Modification	21.03.19
B	Modification - Amended	15.10.19
C	Modification - Amended	12.11.19
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INDICATIVE CURRENT STREETSCAPE AND BUILT FORMS TO OUTLINE RECONSIDERED DESIGN INTENT

FENCING TO CONTRIBUTE TO CURRENT STREETSCAPE AND BUILT FORMS

RAW IMAGE

Project  
**Throsby Street Dual Occupancy**  
 31 Throsby Street Wickham 2293  
 Client  
 John Hersee

Drawing  
 Perspectives  
 Drawing No.  
 DA-051

Project Number  
 1905  
 Scale  
 As Shown @ A3

**ASSUMED R.L. 2.000**

Revision	Description	Date
A	Clause 4.6 Modification	21.03.19
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RAW IMAGE

**Project**

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

**Client**

John Hersee

**Drawing**

Perspectives

**Drawing No.**

DA-052

**Project Number**

1905

**Scale**

As Shown @ A3

**ASSUMED R.L. 2.000**

Revision	Description	Date
A	Clause 4.6 Modification	21.03.19
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RAW IMAGE

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

PARAPET WALL OF NEIGHBOURING BUILDING

CONTRIBUTORY LANDSCAPING OUTCOME USE PROPRIETARY PLANTER BOXES

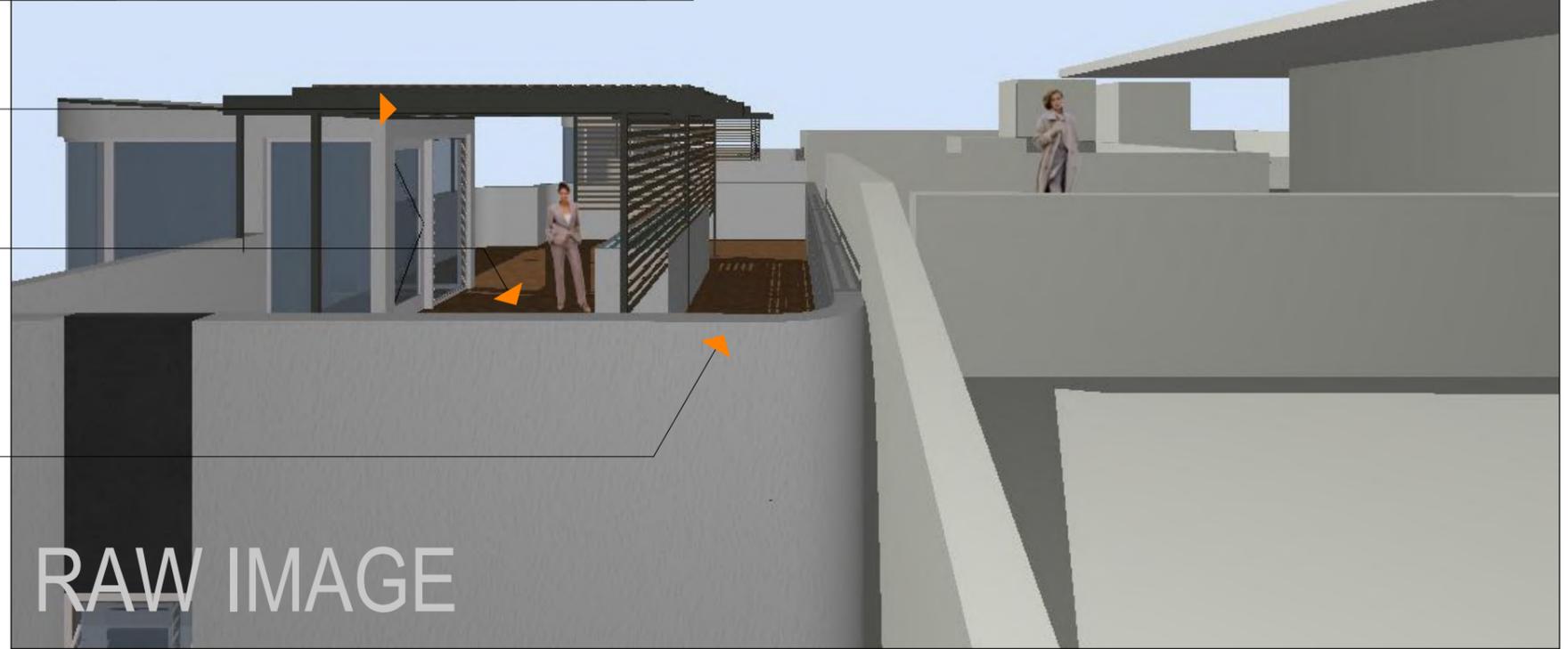
NEIGHBOURING TERRACE SOLID ROOF STRUCTURE

PROPOSED TERRACE STRUCTURE CONTRIBUTES TO OCCUPANT AMENITY AND PRIVACY OUTCOMES

LOWER PROPOSED TERRACE THAN THAT OF NEIGHBOURING TERRACE ENHANCES SEPARATION

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

TRANSPARENT MASSING TOWARD STREET FRONTAGES



RAW IMAGE

**Project**  
**Throsby Street Dual Occupancy**  
 31 Throsby Street Wickham 2293  
**Client**  
 John Hersee

**Drawing**  
 Rooftop Terrace Analysis  
**Drawing No.**  
 DA-053

**Project Number**  
 1905  
**Scale**  
 As Shown @ A3

**ASSUMED R.L. 2.000**

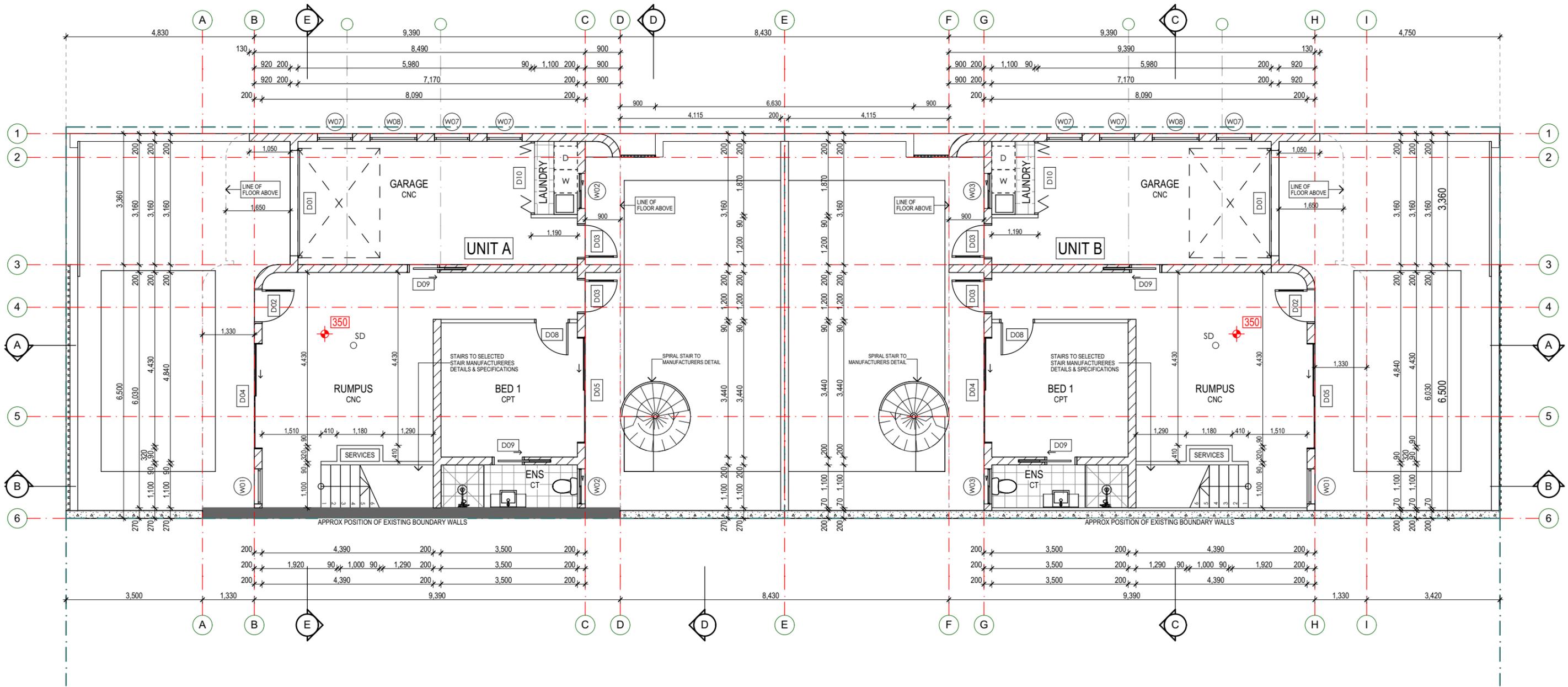
Revision	Description	Date
A	Clause 4.6 Modification	21.03.19
B	Modification - Amended	15.10.19
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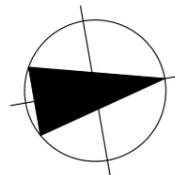
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1:100	Ground Floor Plan
-------	-------------------

**Project**  
**Throsby Street Dual Occupancy**  
 31 Throsby Street Wickham 2293  
**Client**  
 John Hersee



**Drawing**  
 Ground Floor Plan  
**Drawing No.**  
 DA-100

**Project Number**  
 1905  
**Scale**  
 As Shown @ A3

**ASSUMED R.L. 2.000**

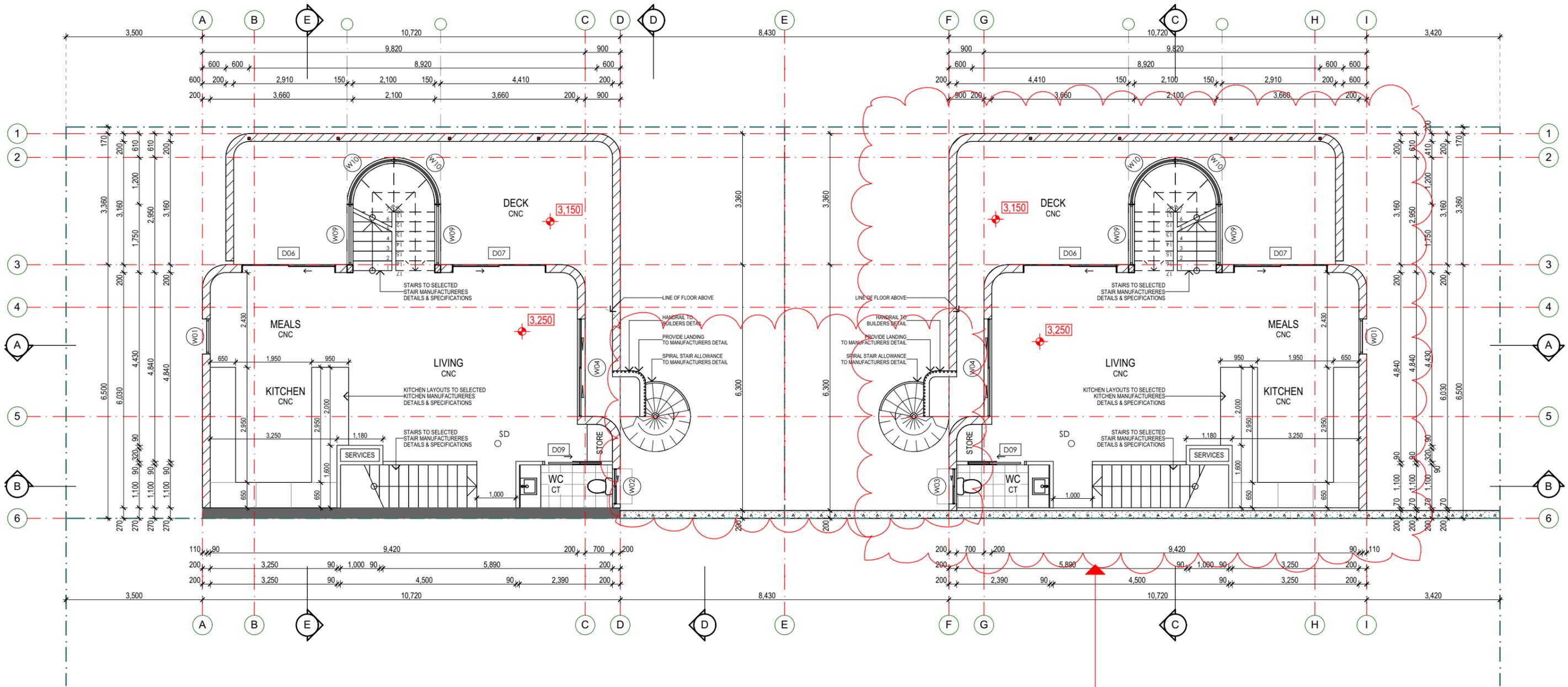
Revision	Description	Date
A	Clause 4.6 Modification	21.03.19
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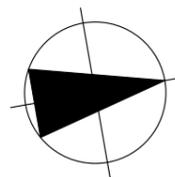


UNIT B FLOOR PLAN AMENDED TO REFLECT THE SAME AS UNIT A

1:100	First Floor Plan
-------	------------------

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

**Client**  
 John Hersee



**Drawing**  
 First Floor Plan

**Drawing No.**  
 DA-101

**Project Number**  
 1905

**Scale**  
 As Shown @ A3

**ASSUMED R.L. 2.000**

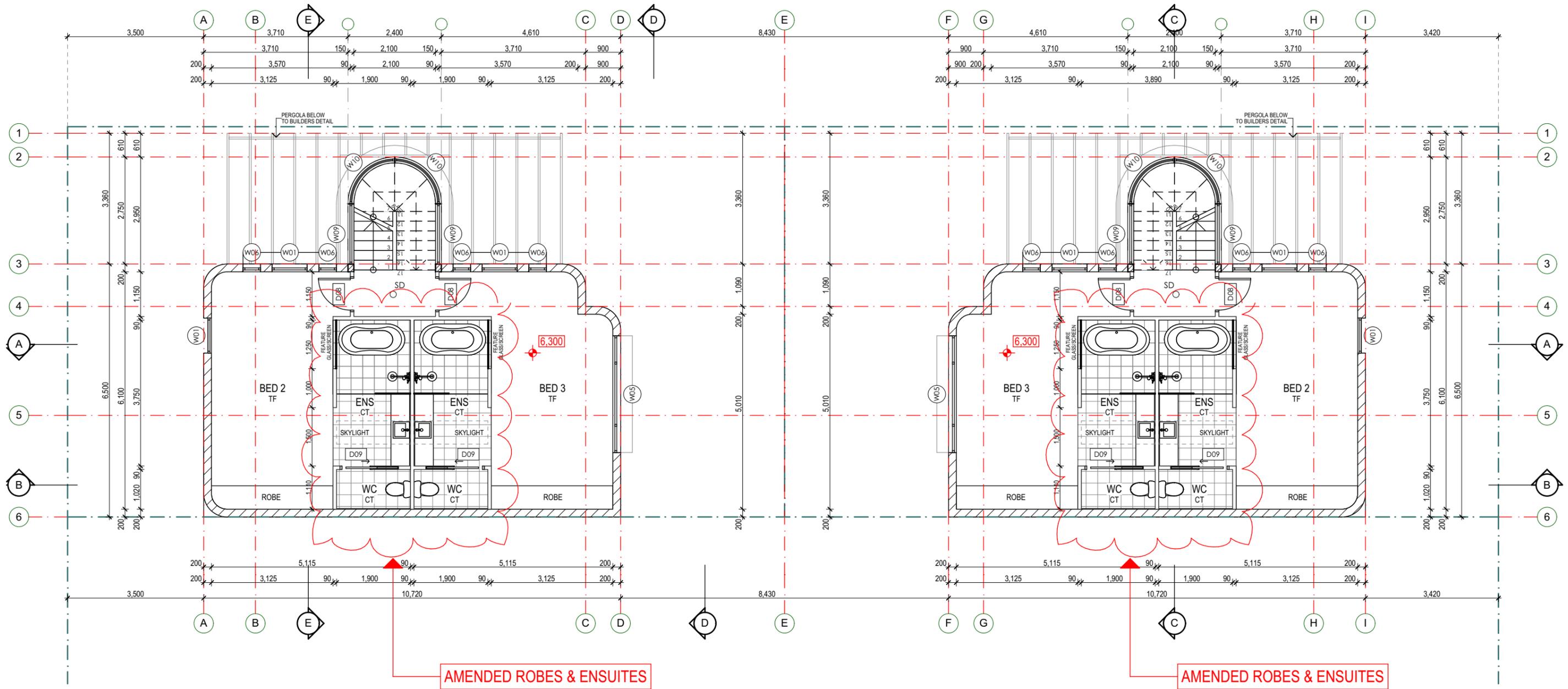
Revision	Description	Date
A	Clause 4.6 Modification	21.03.19
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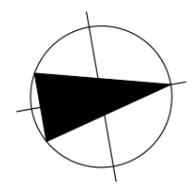
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1:100 Second Floor Plan

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

**Client**  
 John Hersee



**Drawing**  
 Second Floor Plan

**Drawing No.**  
 DA-102

**Project Number**  
 1905

**Scale**  
 As Shown @ A3

**ASSUMED R.L. 2.000**

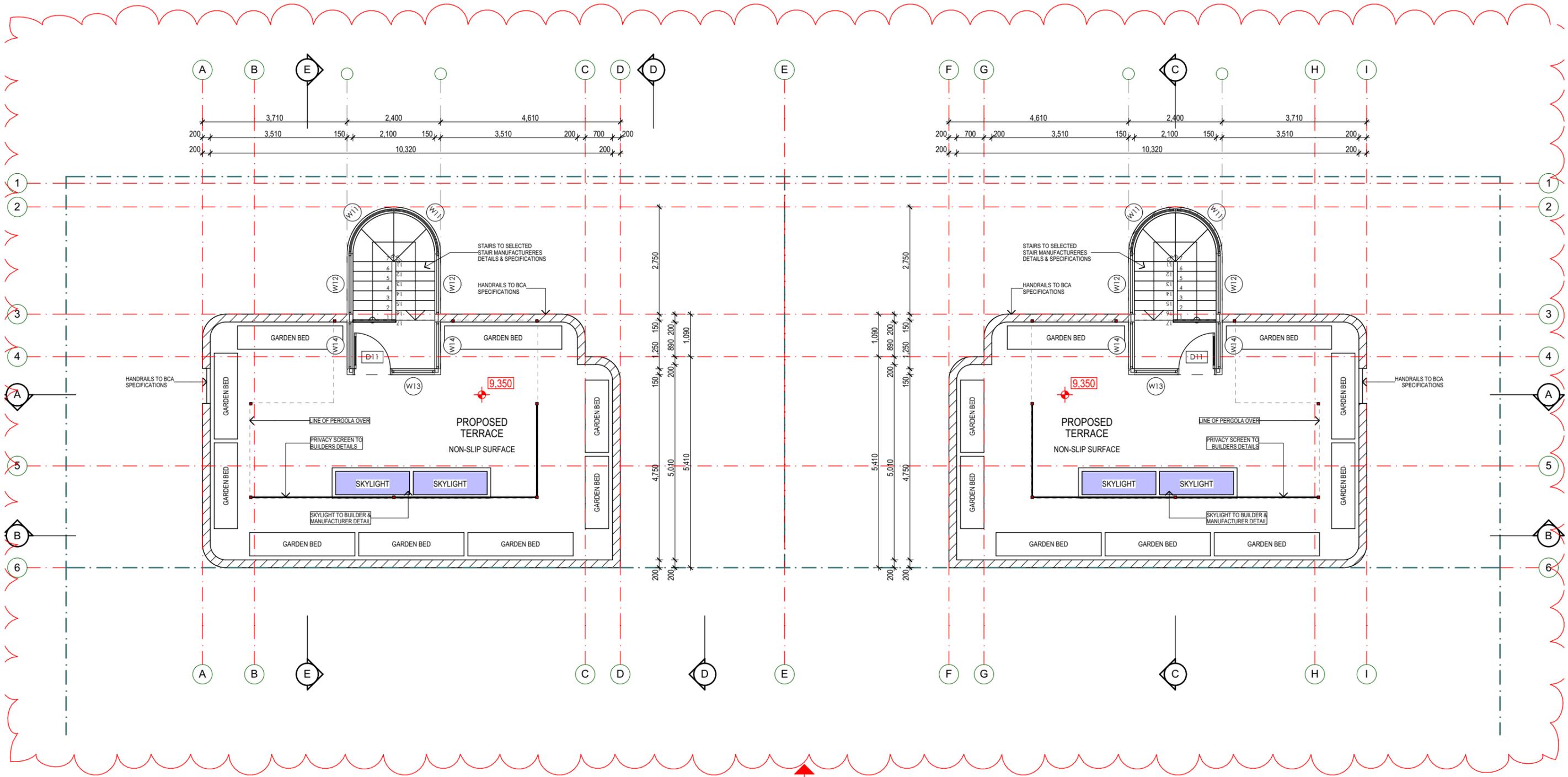
Revision	Description	Date
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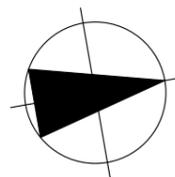
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U3-U4	Rooftop Terrace Plan
1:100	

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

**Project**  
**Throsby Street Dual Occupancy**  
 31 Throsby Street Wickham 2293  
**Client**  
 John Hersee



**Drawing**  
 Rooftop Terrace Plan  
**Drawing No.**  
 DA-103

**Project Number**  
 1905  
**Scale**  
 As Shown @ A3

**ASSUMED R.L. 2.000**

Revision	Description	Date
A	Clause 4.6 Modification	21.03.19
B	Modification - Amended	15.10.19
C	Modification - Amended	12.11.19
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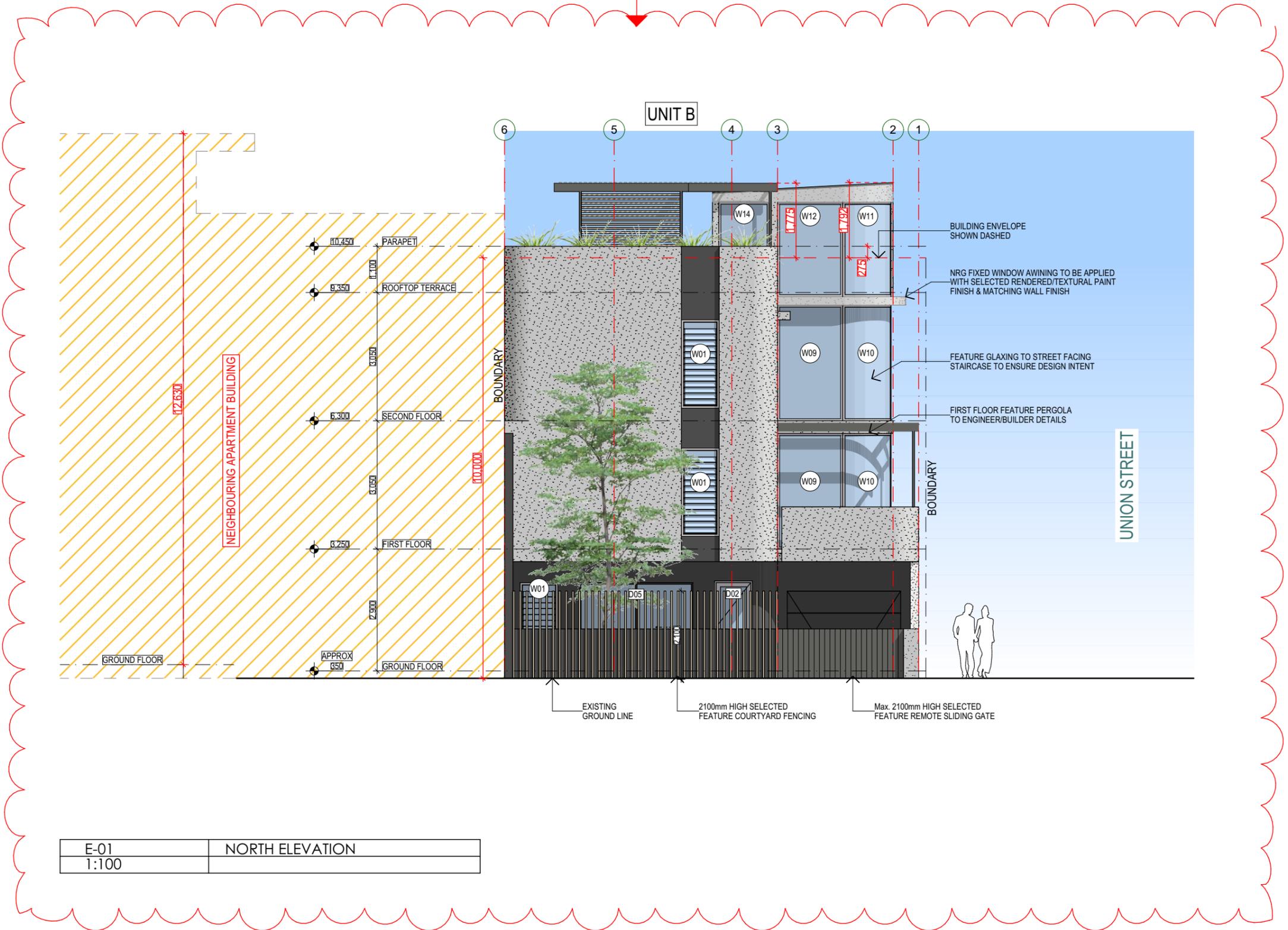
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AMENDED ELEVATIONS/SECTIONS TO REFLECT RECONSIDERED DESIGN INTENT (PREVIOUSLY APPROVED FLOOR HEIGHTS TO REMAIN)



E-01	NORTH ELEVATION
1:100	

Project  
**Throsby Street Dual Occupancy**  
 31 Throsby Street Wickham 2293  
 Client  
 John Hersee

Drawing  
 North Elevation  
 Drawing No.  
 DA-300

Project Number  
 1905  
 Scale  
 As Shown @ A3

**ASSUMED R.L. 2.000**

Revision	Description	Date
A	Clause 4.6 Modification	21.03.19
B	Modification - Amended	15.10.19
C	Modification - Amended	12.11.19
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AMENDED ELEVATIONS/SECTIONS TO REFLECT RECONSIDERED DESIGN INTENT (PREVIOUSLY APPROVED FLOOR HEIGHTS TO REMAIN)



E-03	SOUTH ELEVATION
1:100	

Project  
**Throsby Street Dual Occupancy**  
 31 Throsby Street Wickham 2293  
 Client  
 John Hersee

Drawing  
 South Elevation  
 Drawing No.  
 DA-301

Project Number  
 1905  
 Scale  
 As Shown @ A3

**ASSUMED R.L. 2.000**

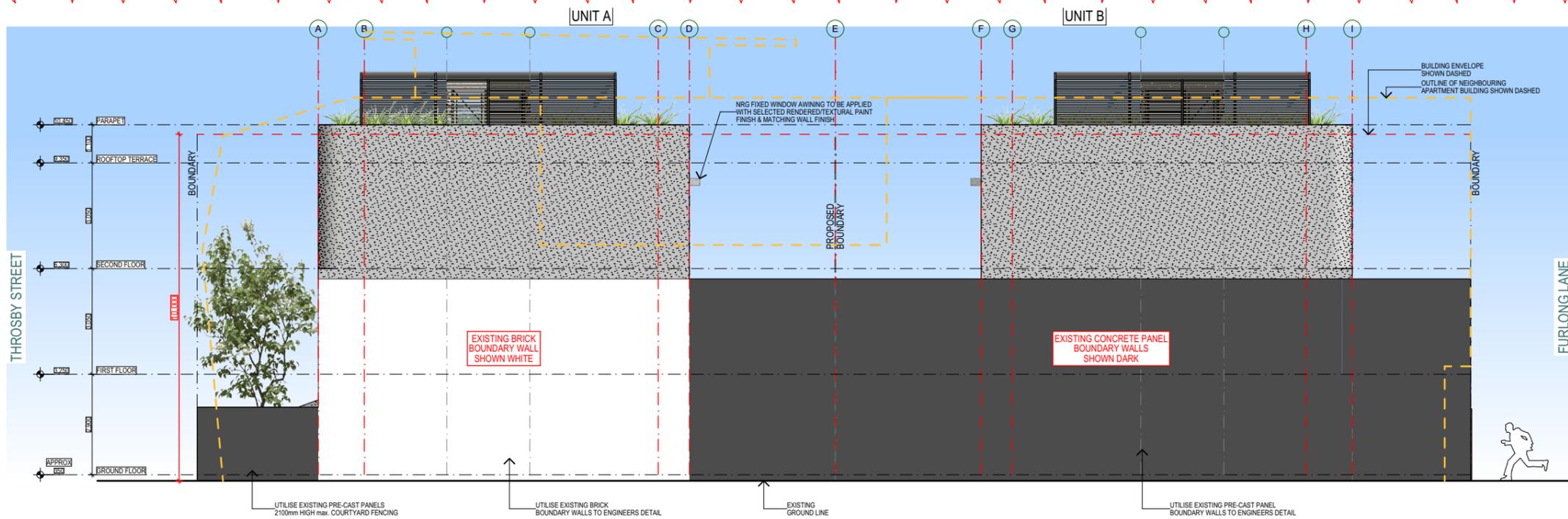
Revision	Description	Date
A	Clause 4.6 Modification	21.03.19
B	Modification - Amended	15.10.19
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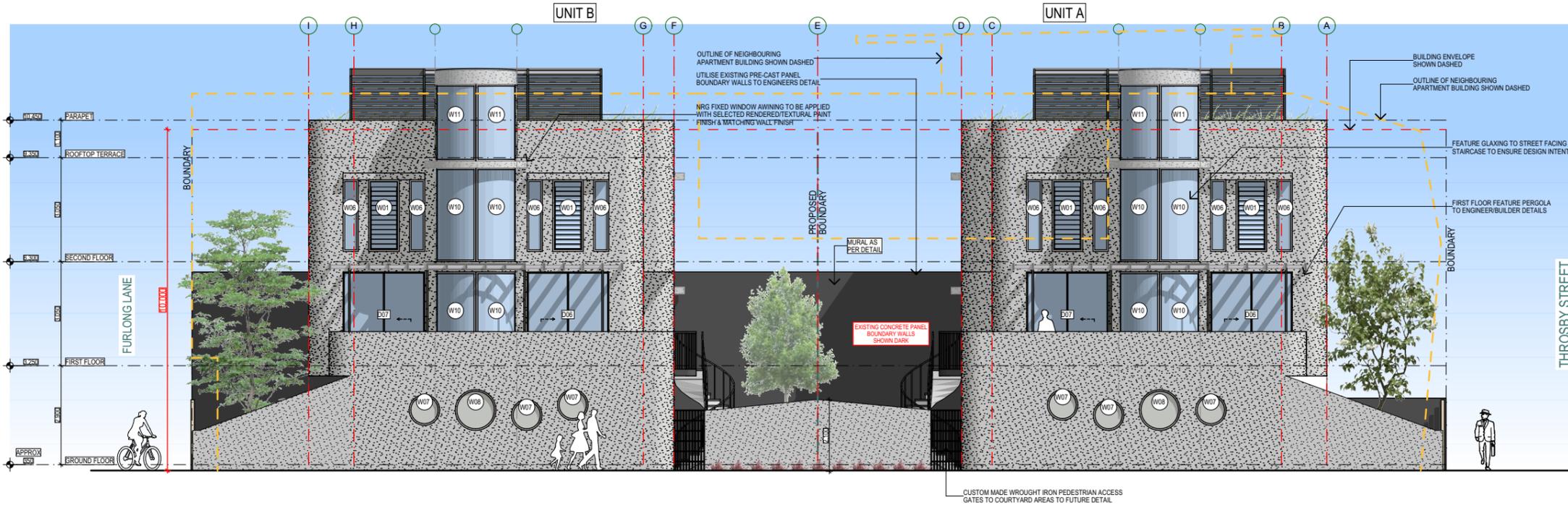
e: joel@shadedesign.net.au  
 m: 0412 879 643

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E-02 EAST ELEVATION  
1:150

AMENDED ELEVATIONS/SECTIONS TO REFLECT RECONSIDERED DESIGN INTENT (PREVIOUSLY APPROVED FLOOR HEIGHTS TO REMAIN)



E-04 WEST ELEVATION  
1:150

ASSUMED R.L. 2.000

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

**Client**  
John Hersee

**Drawing**  
East & West Elevations

**Drawing No.**  
DA-302

**Project Number**  
1905

**Scale**  
As Shown @ A3

Revision	Description	Date
A	Clause 4.6 Modification	21.03.19
B	Modification - Amended	15.10.19
C	Modification - Amended	12.11.19
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# THROSBY STREET



E-100	Throsby Street Elevation
1:150	

**Project**

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

**Client**

John Hersee

**Drawing**

Throsby Street Elevation

**Drawing No.**

DA-303

**Project Number**

1905

**Scale**

As Shown @ A3

**ASSUMED R.L. 2.000**

Revision	Description	Date
A	Clause 4.6 Modification	21.03.19
B	Modification - Amended	15.10.19
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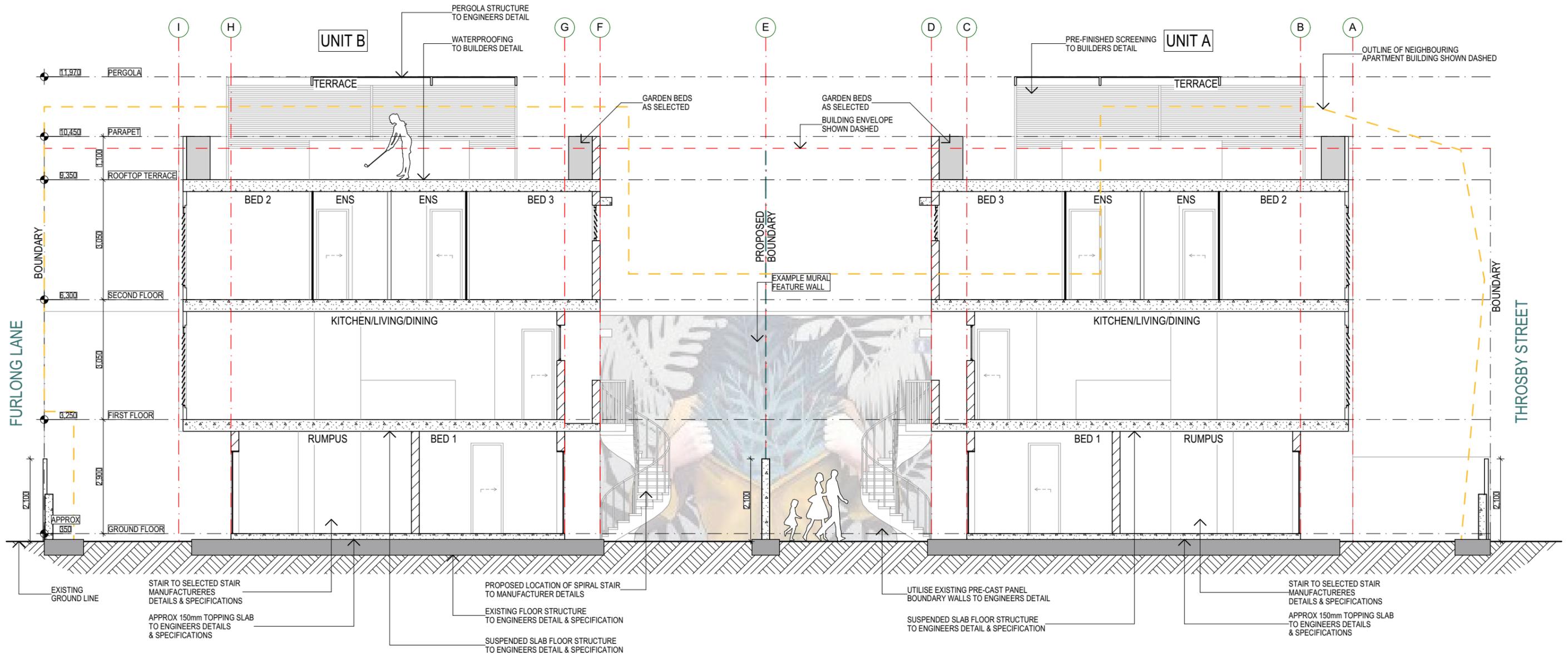


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m: 0412 879 643

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**SECTION NOTES:**

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- INSTALLATION OF WET AREA WATERPROOFING WHERE MOISTURE/WATER ARE CONCERNED INCLUDING ROOF/SHOWER/CONCRETE SLAB IN CONSTRUCTION OF THIS DWELLING ARE TO BE SUITABLY FLASHED AND TREATED IN ACCORDANCE WITH AS 3740 AND RELEVANT STANDARDS.
- ALL TREATMENT IN ACCORDANCE WITH AS 3660.1 NEW BUILDING WORK.
- ALL BEAMS TO PITCHING POINTS e.g BULKHEADS TO FRAMING MANUFACTURERS SPECIFICATION.



A	SECTION A-A
1:100	

CONFIRM EXISTING BUILDING DIMENSIONS & LEVELS PRIOR TO & DURING CONSTRUCTION

ASSUMED R.L. 2.000

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

**Client**  
 John Hersee

**Drawing**  
 Section A-A

**Drawing No.**  
 DA-400

**Project Number**  
 1905

**Scale**  
 As Shown @ A3

Revision	Description	Date
A	Clause 4.6 Modification	21.03.19
B	Modification - Amended	15.10.19
C	Modification - Amended	12.11.19
D	Modification - Amended RL	10.12.19
E	Modification - Amended GF RL	08.01.20

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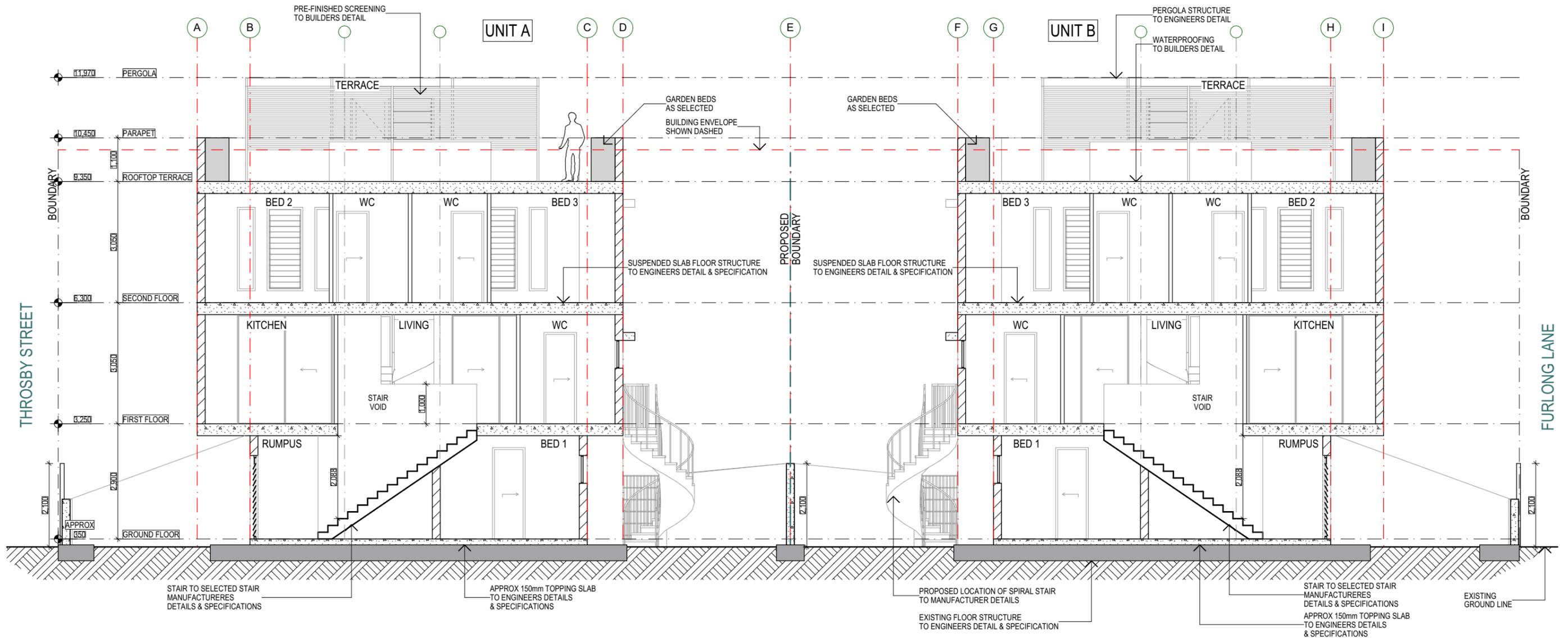


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 m: 0412 879 643

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B	SECTION B-B
1:100	

CONFIRM EXISTING BUILDING DIMENSIONS & LEVELS PRIOR TO & DURING CONSTRUCTION

ASSUMED R.L. 2.000

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

**Client**  
 John Hersee

**Drawing**  
 Section B-B

**Drawing No.**  
 DA-401

**Project Number**  
 1905

**Scale**  
 As Shown @ A3

Revision	Description	Date
A	Clause 4.6 Modification	21.03.19
B	Modification - Amended	15.10.19
C	Modification - Amended	12.11.19
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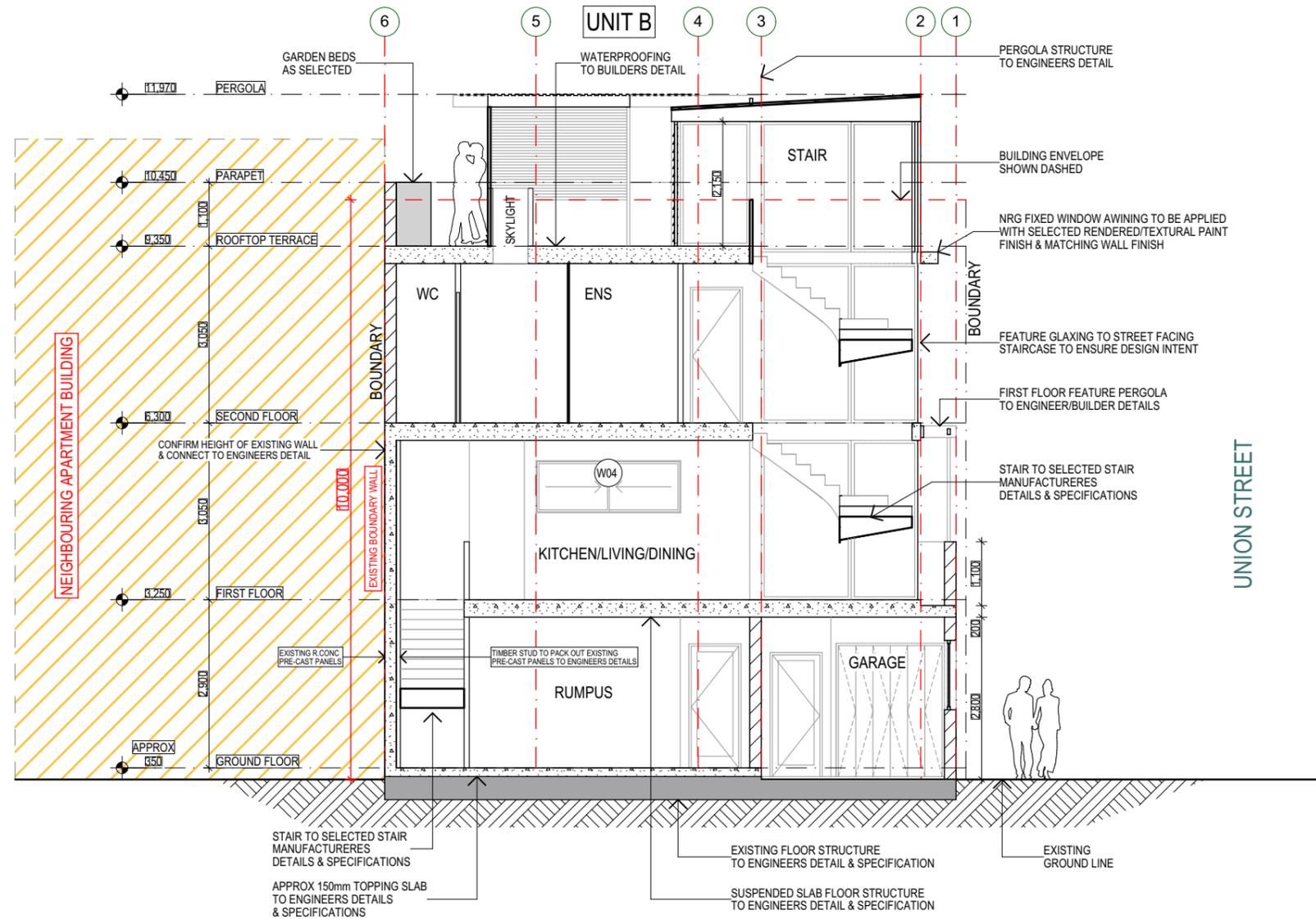


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C	SECTION C-C
1:100	

**CONFIRM EXISTING BUILDING DIMENSIONS & LEVELS PRIOR TO & DURING CONSTRUCTION**

**ASSUMED R.L. 2.000**

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

**Client**  
 John Hersee

**Drawing**  
 Section C-C

**Drawing No.**  
 DA-402

**Project Number**  
 1905

**Scale**  
 As Shown @ A3

Revision	Description	Date
A	Clause 4.6 Modification	21.03.19
B	Modification - Amended	15.10.19
C	Modification - Amended	12.11.19
D	Modification - Amended RL	10.12.19
E	Modification - Amended GF RL	08.01.20

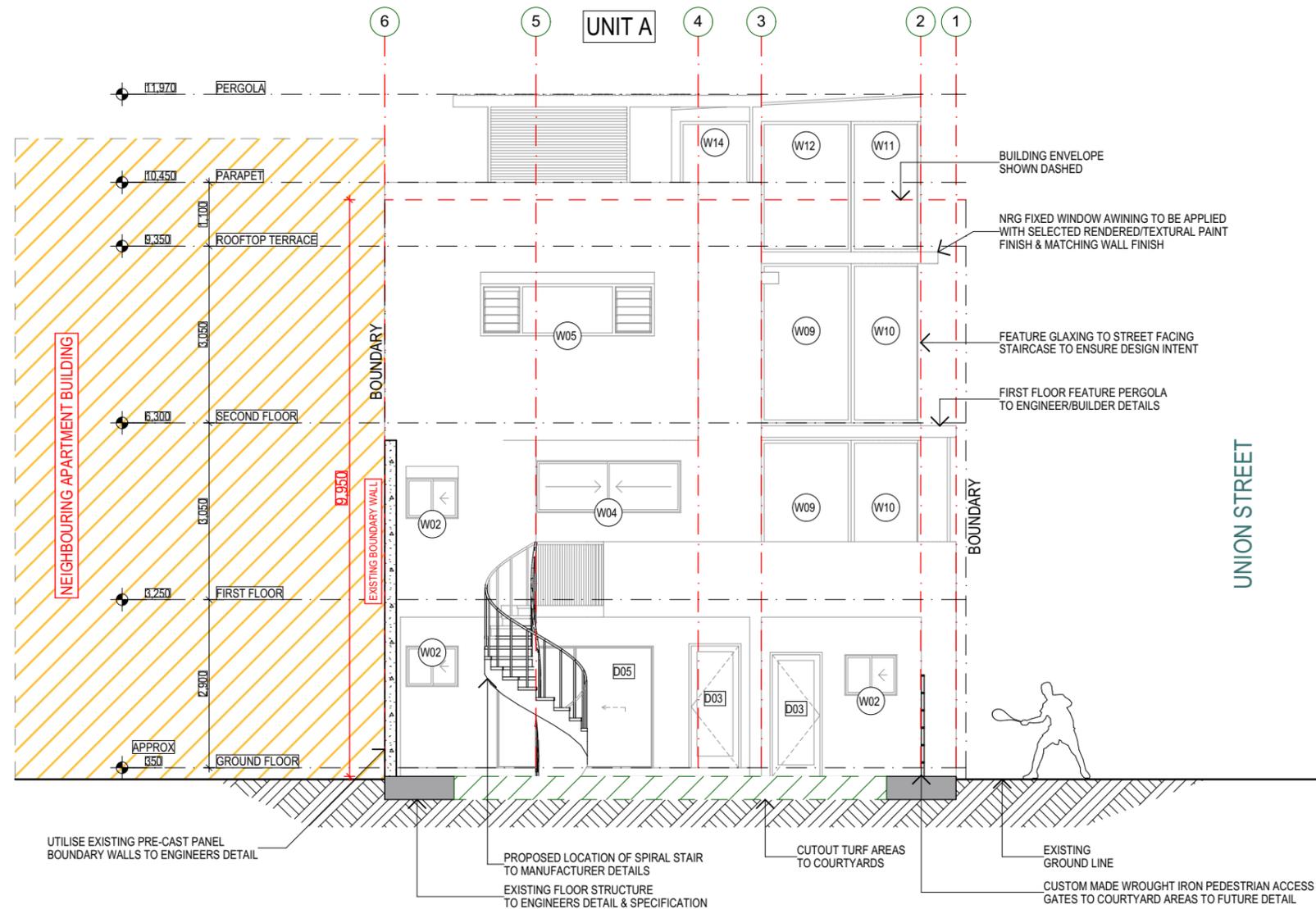
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D	SECTION D-D
1:100	

**CONFIRM EXISTING BUILDING DIMENSIONS & LEVELS PRIOR TO & DURING CONSTRUCTION**

**ASSUMED R.L. 2.000**

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

**Client**  
 John Hersee

**Drawing**  
 Section D-D

**Drawing No.**  
 DA-403

**Project Number**  
 1905

**Scale**  
 As Shown @ A3

Revision	Description	Date
A	Clause 4.6 Modification	21.03.19
B	Modification - Amended	15.10.19
C	Modification - Amended	12.11.19
D	Modification - Amended RL	10.12.19
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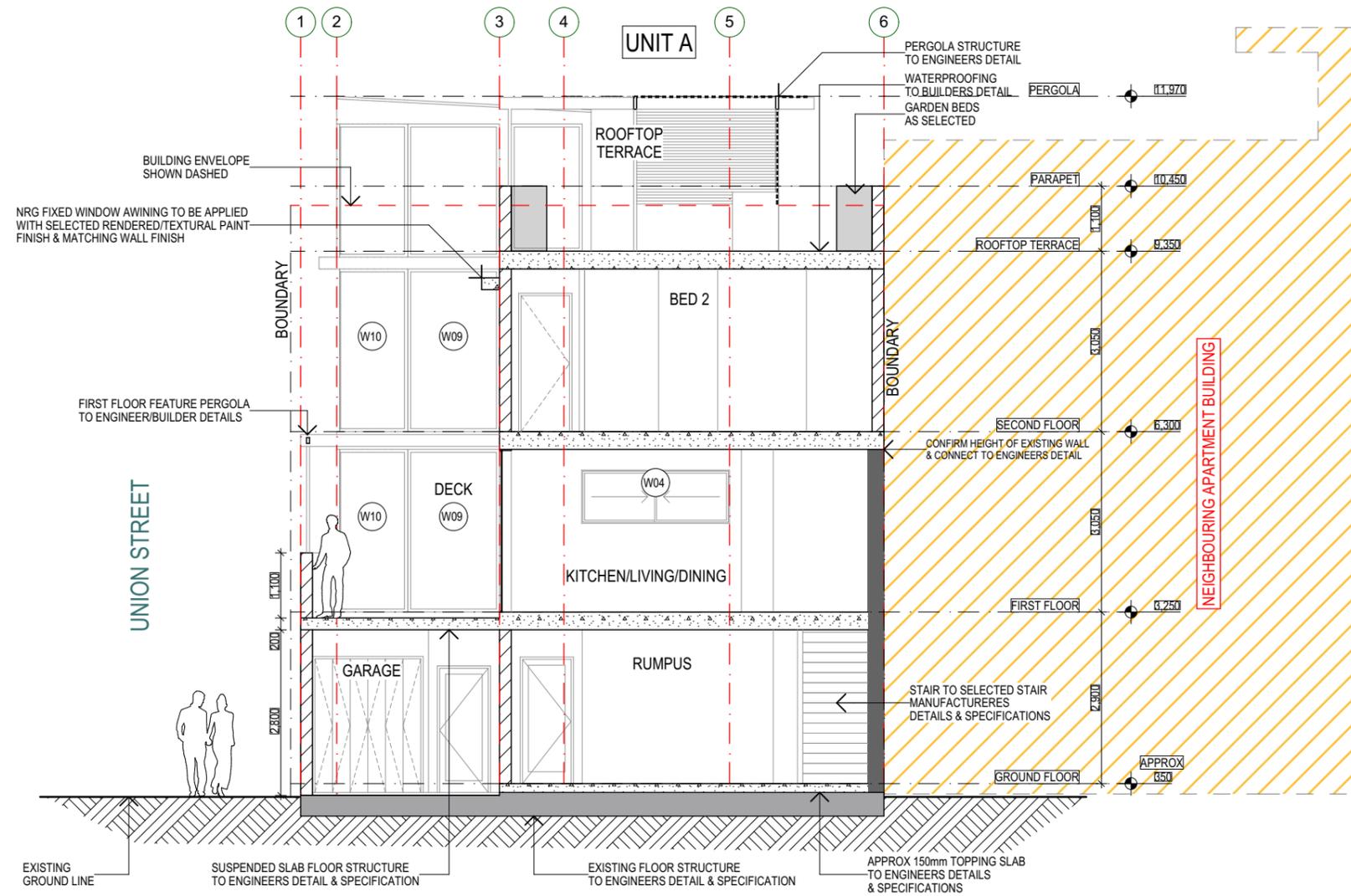
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E	SECTION E-E
1:100	

**CONFIRM EXISTING BUILDING DIMENSIONS & LEVELS PRIOR TO & DURING CONSTRUCTION**

**ASSUMED R.L. 2.000**

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

**Client**  
 John Hersee

**Drawing**  
 Section E-E

**Drawing No.**  
 DA-404

**Project Number**  
 1905

**Scale**  
 As Shown @ A3

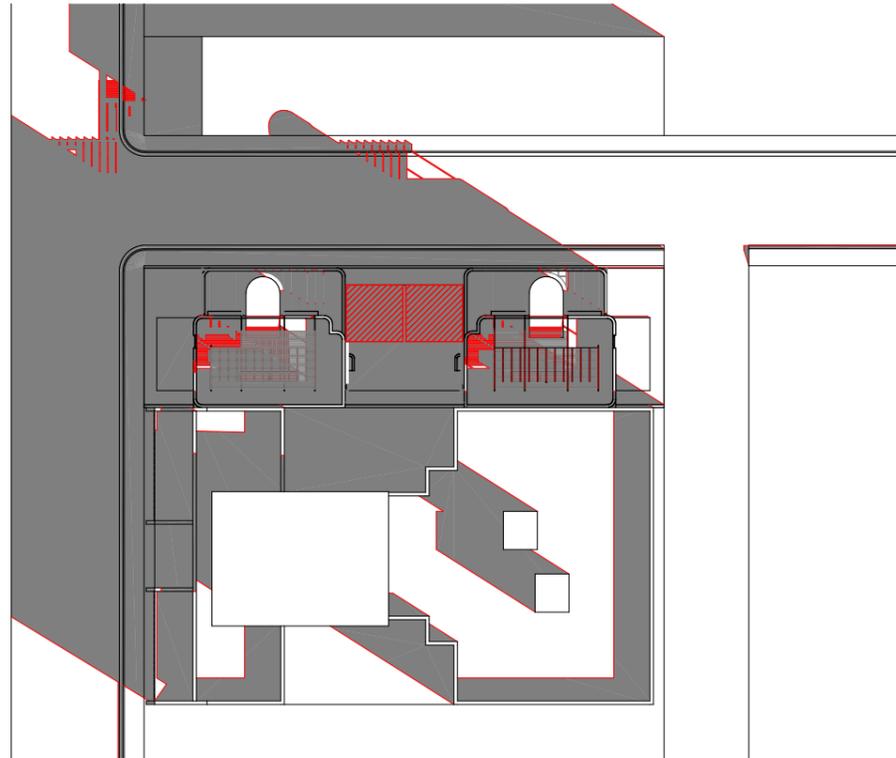
Revision	Description	Date
A	Clause 4.6 Modification	21.03.19
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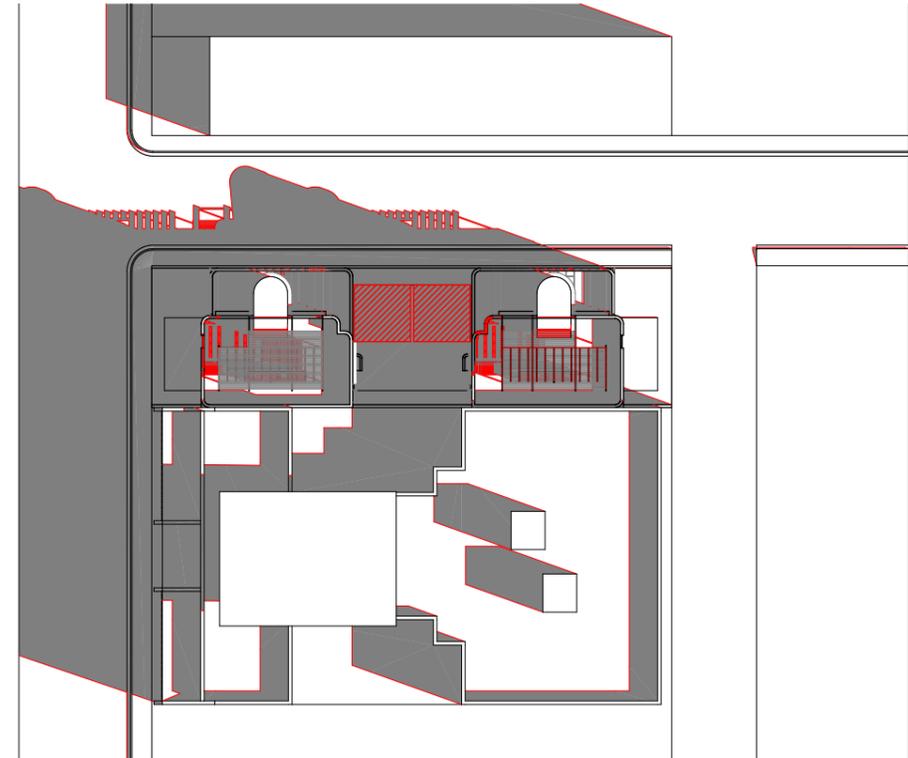


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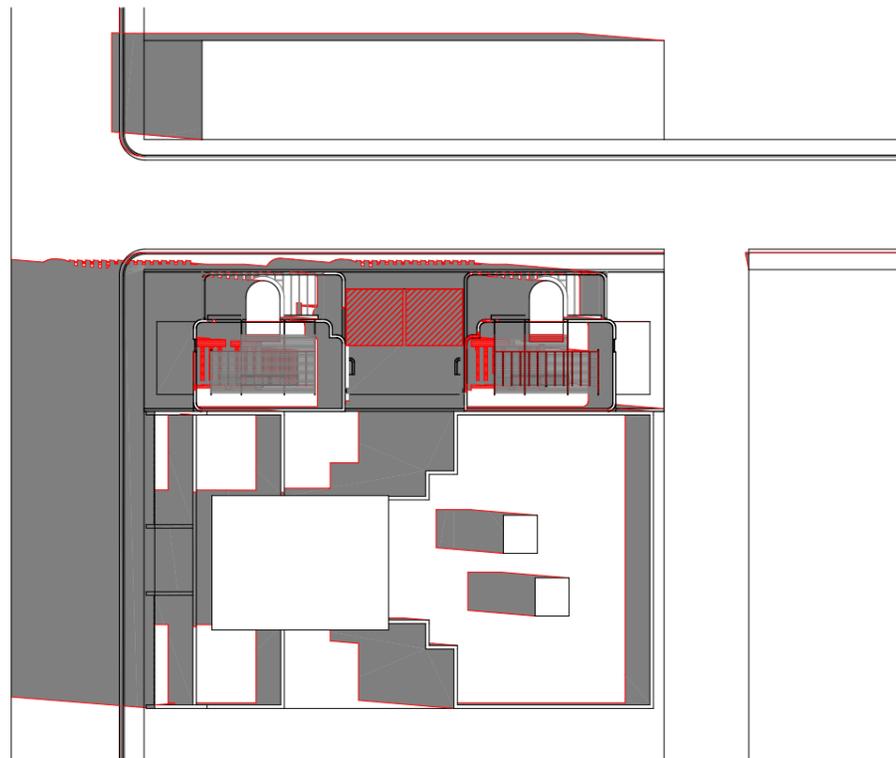
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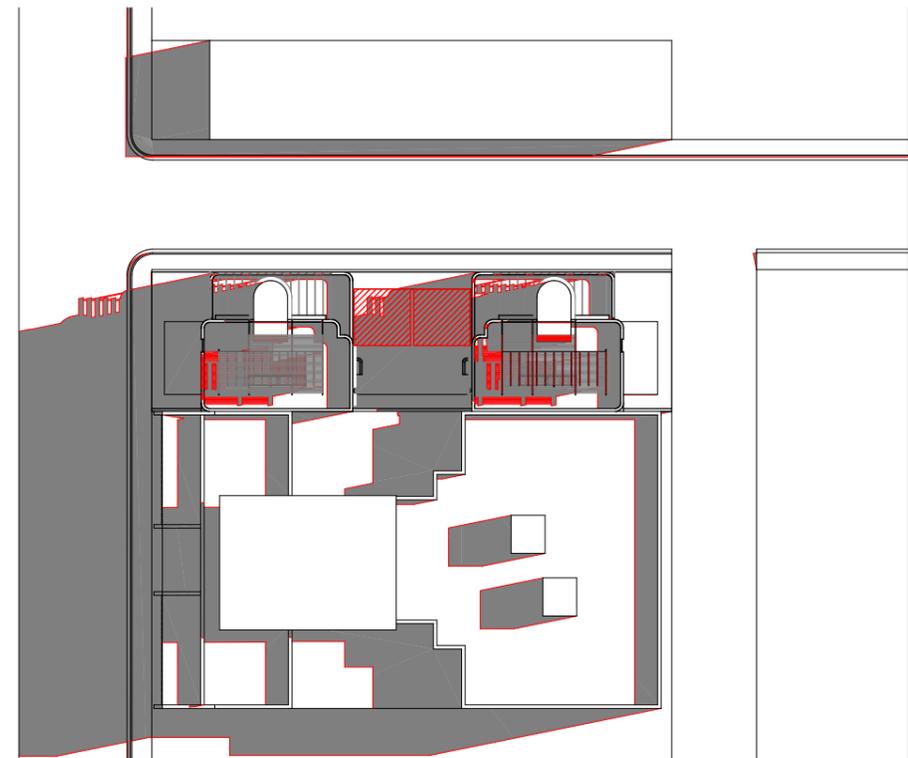
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1:500	



02	21 JUN at 1000h
1:500	



03	21 JUN at 1100h
1:500	

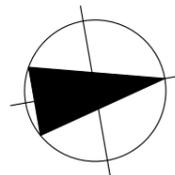


04	21 JUN at 1200h
1:500	

**ASSUMED R.L. 2.000**

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

**Client**  
 John Hersee



**Drawing**  
 Shadow Diagrams - JUN 21st

**Drawing No.**  
 DA-500

**Project Number**  
 1905

**Scale**  
 As Shown @ A3

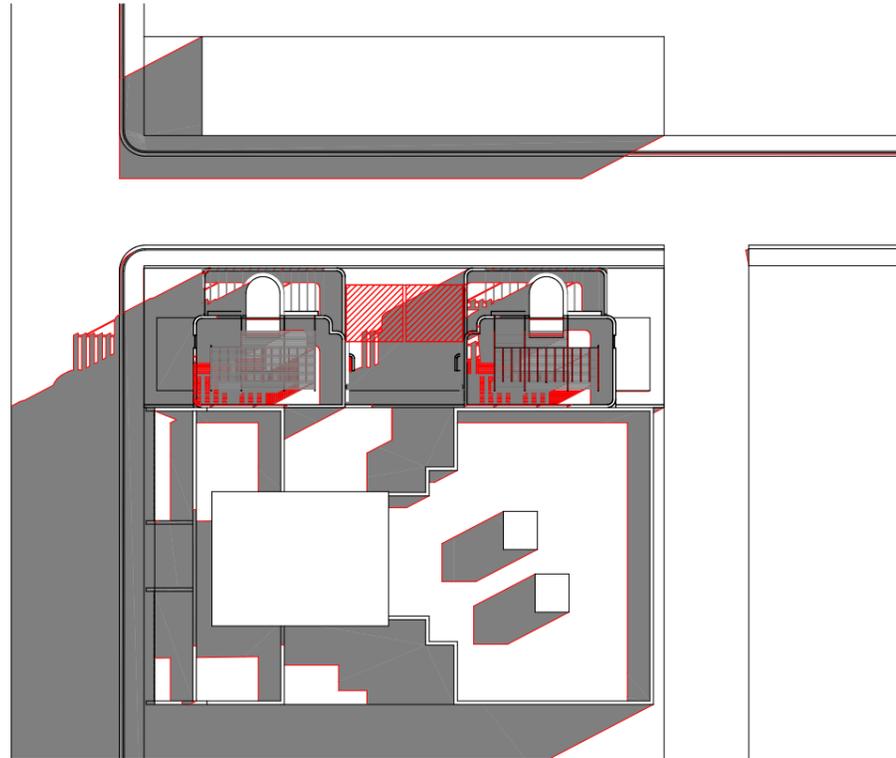
Revision	Description	Date
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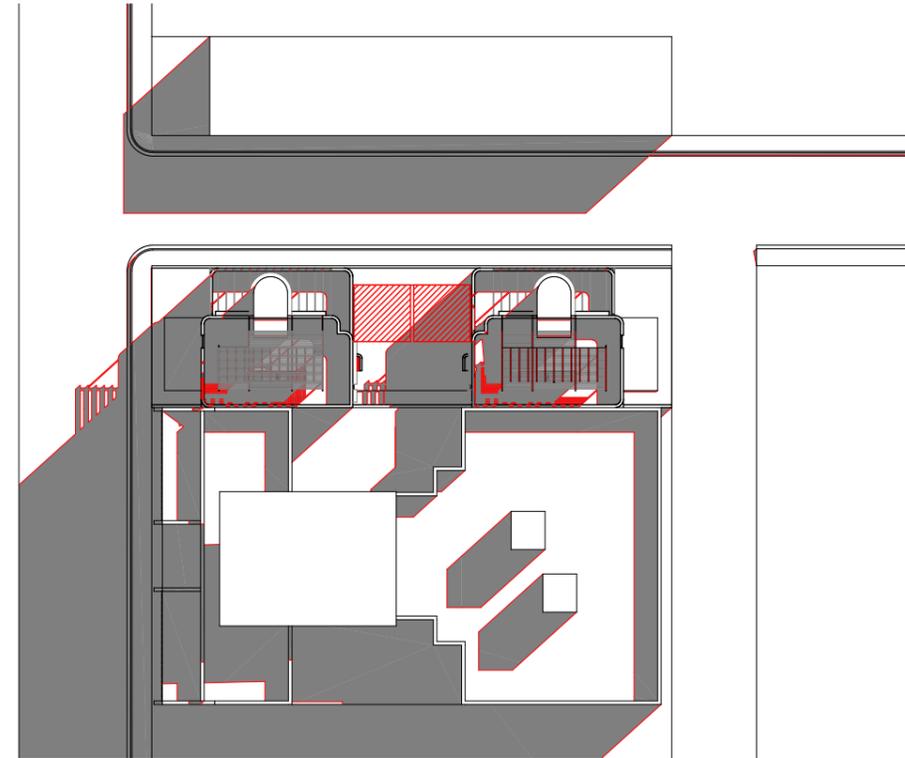


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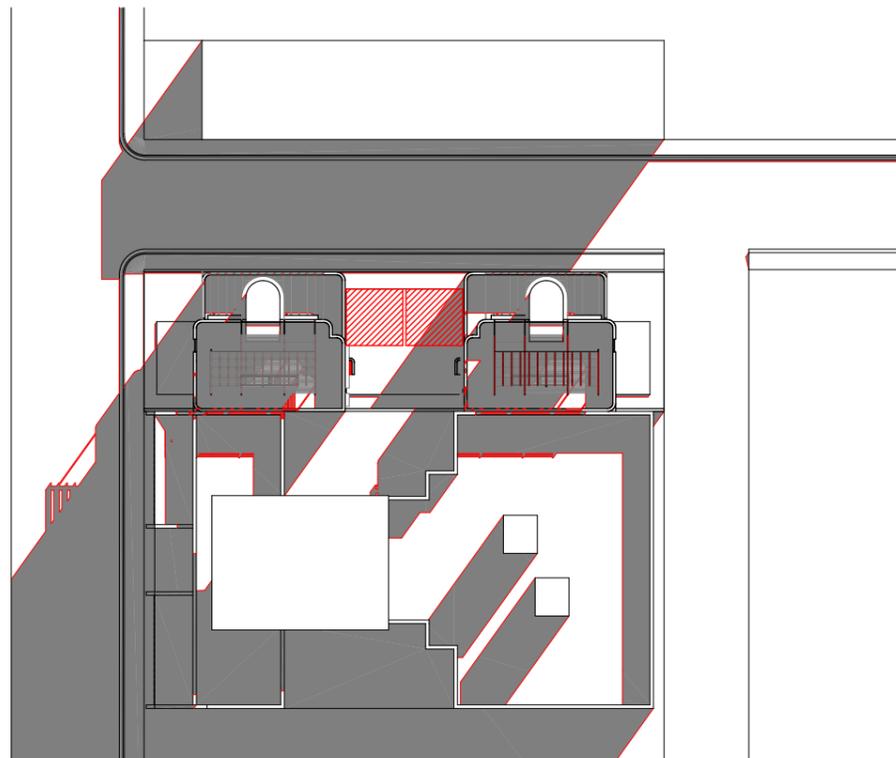
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1:500	



06	21 JUN at 1400h
1:500	



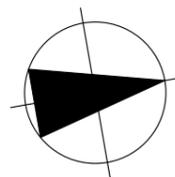
07	21 JUN at 1500h
1:500	

**Project**

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

**Client**

John Hersee



**Drawing**

Shadow Diagrams - JUN 21st

**Drawing No.**

DA-501

**Project Number**

1905

**Scale**

As Shown @ A3

**ASSUMED R.L. 2.000**

Revision	Description	Date
A	Clause 4.6 Modification	21.03.19
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C	Modification - Amended	12.11.19
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E	Modification - Amended GF RL	08.01.20

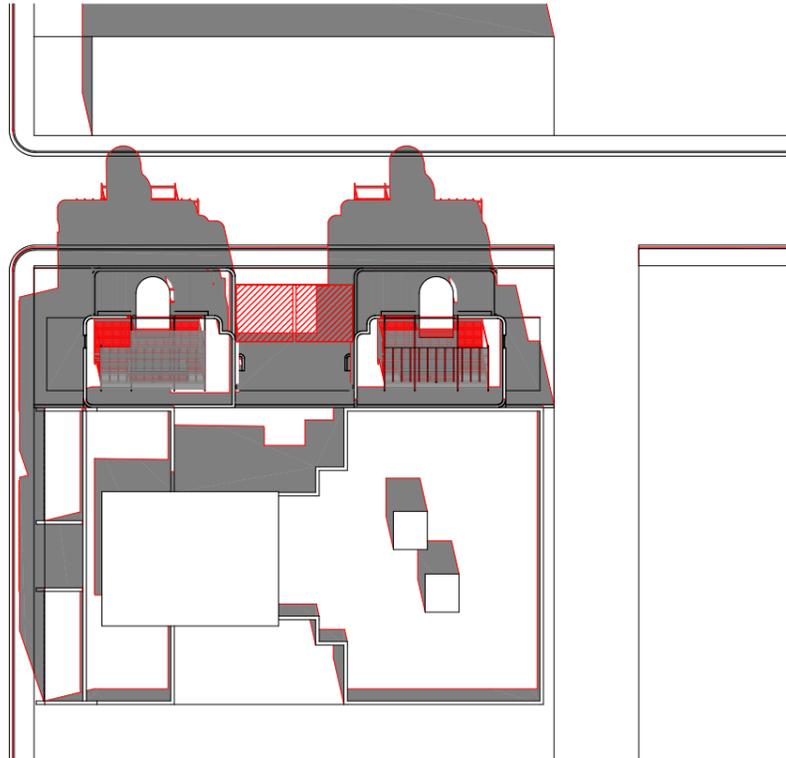
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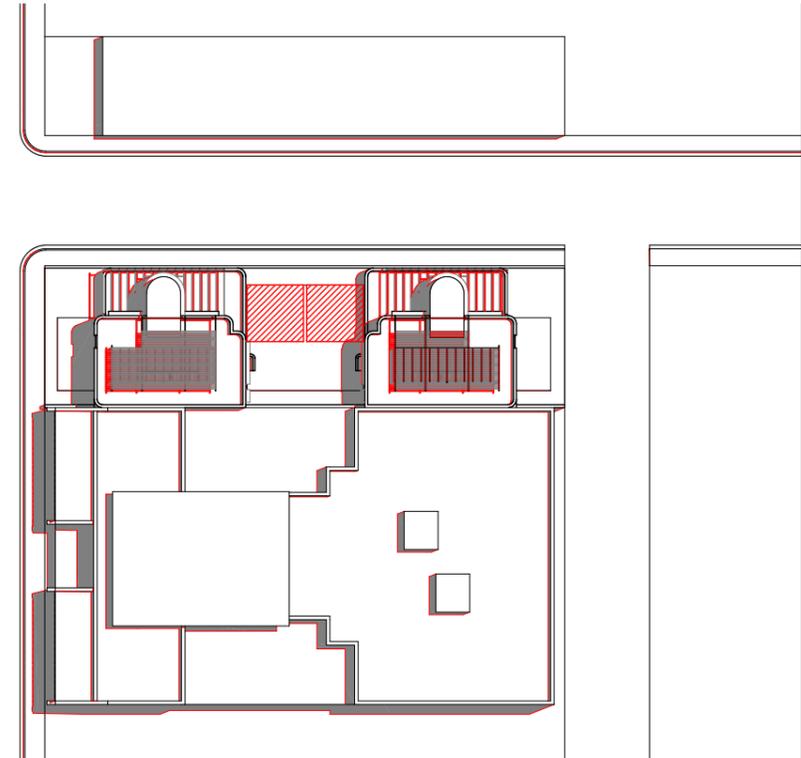
e : joel@shadedesign.net.au  
m : 0412 879 643

**NOTES**

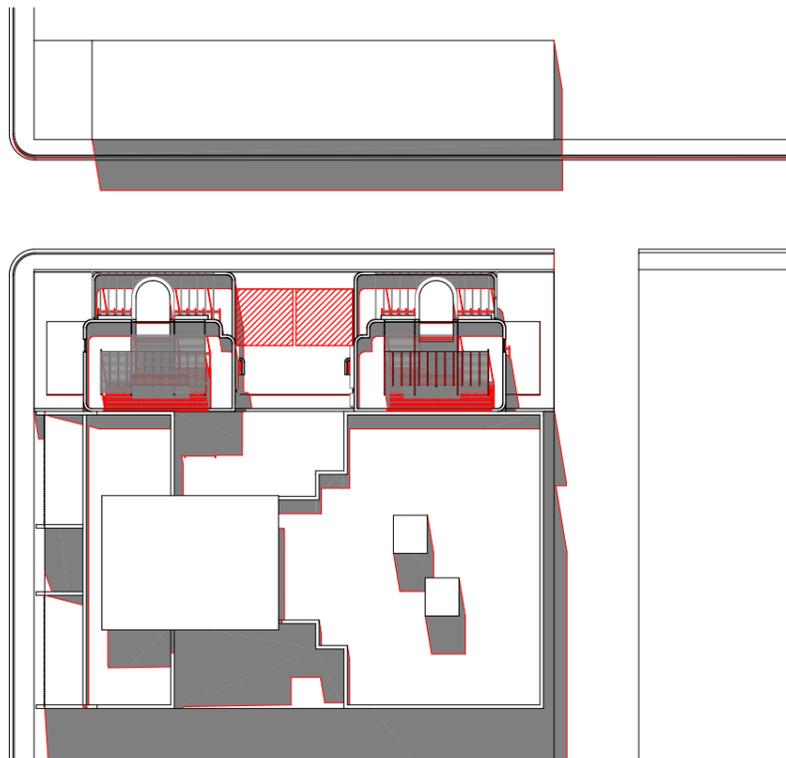
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08	21 DEC 9am
1:500	



09	21 DEC 12pm
1:500	



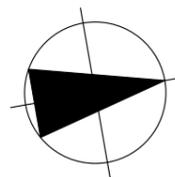
10	21 DEC 3pm
1:500	

**Project**

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

**Client**

John Hersee



**Drawing**

Shadow Diagrams - DEC 21st

**Drawing No.**

DA-502

**Project Number**

1905

**Scale**

As Shown @ A3

**ASSUMED R.L. 2.000**

Revision	Description	Date
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**Sediment and erosion control**

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

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

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

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

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

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

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

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

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

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

**Soil conservation**

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

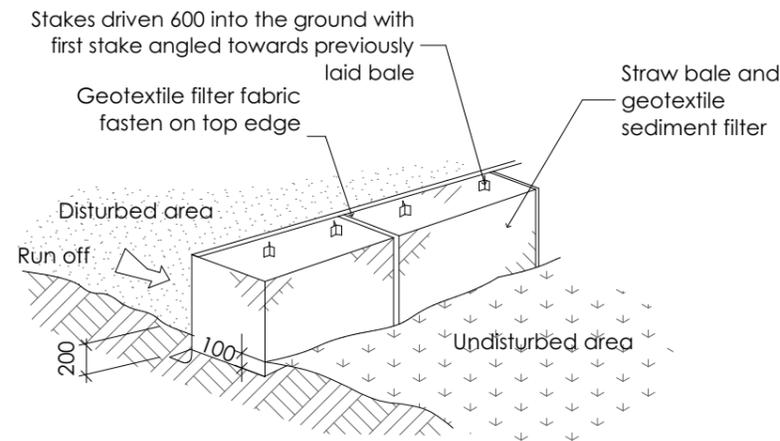
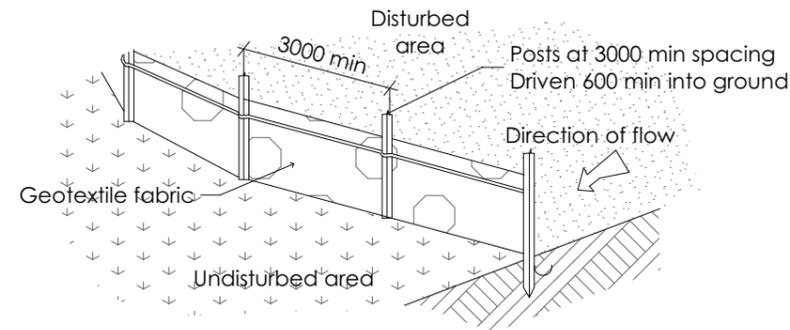
Maintain the above during the course of construction, and clear the 'sediment trap' after each storm.

**Sediment trap**

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

**Sediment fence**

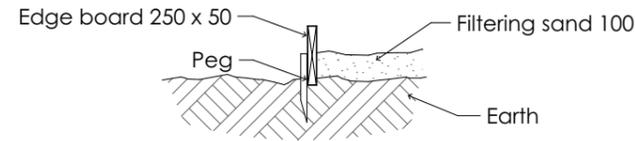
Provide sediment fence on down slope boundary as shown on plan. Fabric to be buried below ground at lower edge.



Drainage area 0.5 ha. max. slope gradient 1:2  
max. slope length 50m.

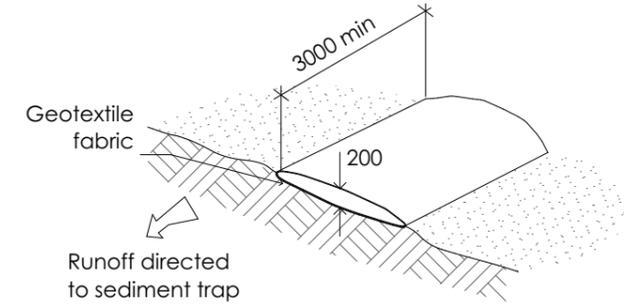
**Washout area**

to be 1800 x 1800 allocated for the washing of tool and equipment



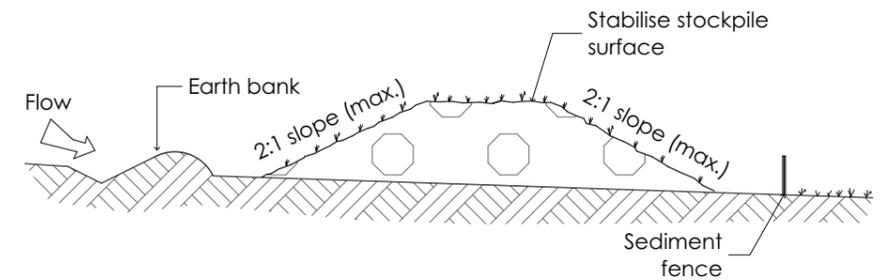
**Vehicle access to site**

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



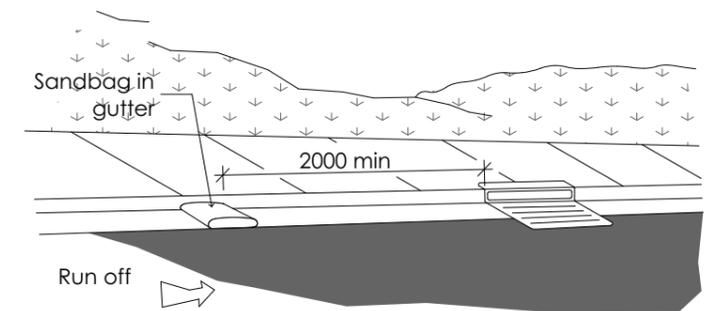
**Building material stockpiles**

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



**Sandbag kerb sediment trap**

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



**Project**

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

**Client**

John Hersee

**Drawing**

Sediment Control

**Drawing No.**

DA-900

**Project Number**

1905

**Scale**

As Shown @ A3

**ASSUMED R.L. 2.000**

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A	Clause 4.6 Modification	21.03.19
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m: 0412 879 643

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**DEVELOPMENT APPLICATIONS COMMITTEE MEETING**

**18 February 2020**

---

**DAC 18/02/2020**

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

**Attachment B: Draft Schedule of Conditions**

**DISTRIBUTED UNDER SEPARATE COVER**

**Application No:** DA2002/1583.01

**Land:** Lot 1 DP 797752

**Property Address:** 31 Throsby Street Wickham NSW 2293

**Proposed Development:** Changes to floor plans, roof design, facade treatment and fencing

**MODIFICATION DETAILS**

**A. Amended conditions**

Condition 1

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

Plan No./Supporting Document	Reference/Version	Prepared by	Dated
Site Plan	DA-002 Rev C	Shade Design	12/11/19
Ground Floor	DA-100 Rev C	Shade Design	12/11/19
First Floor	DA-101 Rev C	Shade Design	12/11/19
Second Floor	DA-102 Rev C	Shade Design	12/11/19
Rooftop Terrace	DA-103 Rev C	Shade Design	12/11/19
North Elevation	DA-300 Rev C	Shade Design	12/11/19
South Elevation	DA-301 Rev C	Shade Design	12/11/19
East & West Elevations	DA-302 Rev C	Shade Design	12/11/19
Throsby Street Elevation	DA-303 Rev C	Shade Design	12/11/19
Section A-A	DA-400 Rev C	Shade Design	12/11/19
Section B-B	DA-401 Rev C	Shade Design	12/11/19
Section C-C	DA-402 Rev C	Shade Design	12/11/19
Section D-D	DA-403 Rev C	Shade Design	12/11/19
Section E-E	DA-404 Rev C	Shade Design	12/11/19
Sediment Control	DA-900 Rev C	Shade Design	12/11/19

Acoustic Assessment	Ref: 31 Throsby Street	Hunter Acoustics	Received 13/12/02
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In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

## SCHEDULE 1

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

Plan No./Supporting Document	Reference/Version	Prepared by	Dated
Site Plan, Elevations, Floor Plan (unit 50A)	Sheet 1 of 2	Victor Topic and Associates PTY LTD	January 2019
Elevations, Sections (unit 50A)	Sheet 2 of 2	Victor Topic and Associates PTY LTD	January 2019
Floor Plans (unit 50B)	Sheet 2 of 4	Victor Topic and Associates PTY LTD	November 2014
Driveway Concept Plan	DRG no. 265-19	CSG Engineers Pty Ltd	Received 18/06/19
Strata Subdivision Plan	Sheet 4 of 4	Victor Topic and Associates PTY LTD	November 2014
BASIX	A339496	Building Sustainability Assessments	5 Feb 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.

## 2 Conditions Requiring Payment of a Monetary Contribution Dedication of Land / Carrying Out of Off Site Works

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

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

**Note:** i) This condition is imposed in accordance with the provisions of the Newcastle City Council Contributions Plan No 1, 2001 operational from 8 October 2001. A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm [excluding public holidays].

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

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

2.2 A residential type vehicular crossing 2.7 m wide being constructed across the public footway at each of the proposed driveway entrance/exit points at no cost to Council and in accordance with Council's A017 Series (Concrete Vehicular Crossings) design specifications and such crossing being properly maintained.

**Reason:** To ensure that any such proposed works do not disrupt existing natural stormwater flows in the vicinity.

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

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

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

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

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

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

- 3.6 The applicant complying with all requirements of the Hunter Water Corporation Ltd regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's certificate of compliance is to be included in documentation for a Construction Certificate application.

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

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

**Reason:** To ensure adequate garbage storage and removal arrangements in the interest of public health, safety and sanitation and to ensure that the required on-site garbage storage facilities do not unreasonably detract from the overall appearance of the proposed development.

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

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

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

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

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

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

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

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

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

- 3.1 The proposed driveway/s, being constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. Full details are to be included in documentation for a Construction Certificate application.

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

- 3.2 Any alteration to natural surface levels on the site being undertaken in such a manner as to ensure that no surface water is drained onto or impounded on adjoining properties. Full details are to be included in documentation for a Construction Certificate application.

**Reason:** To ensure that any such proposed works do not disrupt existing natural stormwater flows in the vicinity.

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

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

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

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

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

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

- 3.6 The applicant complying with all requirements of the Hunter Water Corporation Ltd regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's certificate of compliance is to be included in documentation for a Construction Certificate application.

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

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

**Reason:** To ensure adequate garbage storage and removal arrangements in the interest of public health, safety and sanitation and to ensure that the required on-site garbage storage facilities do not unreasonably detract from the overall appearance of the proposed development.

#### **4 Conditions Requiring the Submission of Future Applications to Council or The Approval of Other Authorities**

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

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

#### **5 General Conditions**

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

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

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

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

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

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

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

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

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

- a) must preserve and protect the building from damage, and
- b) if necessary, must underpin and support the building in an approved manner, and
- c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of

intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Reason:** To minimise the risk of injury or damage to property as a result of the proposed demolition.

Any building waste containers used in association with the proposed demolition being located on the site where possible.

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

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

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

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

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

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

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

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

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

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

b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

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

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

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

- a) stating that unauthorised entry to the work site is prohibited, and
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

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

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

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

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

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

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

## **7 Advisory Matters**

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

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

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

7.2 Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:

- a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.

- b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and form 7 of schedule 1 to the Regulations.
- c) Council is to be given at least two days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.

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

## END OF CONDITIONS

## SCHEDULE 2

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

The determination decision was reached for the following reasons:

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

### REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

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

**DEVELOPMENT APPLICATIONS COMMITTEE MEETING**

**18 February 2020**

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**DAC 18/02/2020**

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

**Attachment C: Processing Chronology**

**DISTRIBUTED UNDER SEPARATE COVER**

**PROCESSING CHRONOLOGY**

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

- 11 April 2019 - Application lodged
- 23 April 2019 - Public notification
- 23 May 2019 - Request for additional information sent to applicant
- 20 June 2019 - Additional information received
- 26 July 2019 - Request for additional information sent to applicant
- 15 August 2019 - Additional information received from applicant
- 30 August 2019 - Request for additional information
- 15 October 2019 - Additional information received
- 8 November 2019 - Request for additional information sent to applicant
- 4 December 2019 - Referred to Development Assessment Panel
- 6 December 2019 - Request for additional information sent to applicant
- 8 January 2020 - Additional information received

## **ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**ITEM 4            DA2018/01251 - 150 DARBY STREET COOKS HILL**

**Mixed use, one commercial and 9 shop top houses**

**Attachment A** - Submitted Plans

**Attachment B** - Draft Schedule of Conditions

**Attachment C** - Processing Chronology

**DISTRIBUTED UNDER SEPARATE COVER**

**DEVELOPMENT APPLICATIONS COMMITTEE MEETING**

**18 February 2020**

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**DAC 18/02/2020**

**DA2018/01251 - 150 Darby Street Cooks Hill**

**Attachment A: Submitted Plans**

**DISTRIBUTED UNDER SEPARATE COVER**

# 150 DARBY STREET COOKS HILL

## NEW SHOP TOP DEVELOPMENT DEVELOPMENT APPLICATION

### DRAWING SCHEDULE

Number	Title	Scale @ A1
A0001	Cover Sheet	N/A
A0002	Site Plan	1:100
A0003	Floor Plan I	1:100
A0004	Floor Plan II	1:100
A0005	Elevations	1:100
A0006	Section	1:100
A1001	Site Analysis Plan	1:300
A1002	Shadow Diagrams	1:250
A1003	Solar Access Plans	1:100
A0104	Ventilation Plans	1:100
A1005	Area Calculations Plans	1:100

### BUILDING FINISHES

Ref	Material Description	Specification
AL	Aluminium Screen in Powdercoat Finish 1	Commercial System in Charcoal Powdercoat - Dulux Powdercoat Anotec® Silver Grey
G	Glass- Aluminium Window System-Powdercoat Finish 2	Commercial Aluminium Window System - Dulux Powdercoat Eternity® Charcoal Pearl
HWD	Hardwood Timber- Oiled finish	Natural Decking Oil
FB-1	Face Brick Type 1	Austral Paloma Series- Gaudi
FB-2	Face Brick Type 2	Austral Paloma Series- Miro
FC	Fibre Cement Cladding System	CSR Barestone
MDR	Metal Deck Roof Sheeting	Lysaght Longline 305- Colorbond Basalt Matt
OFC	Off-Form Concrete	Off-Form Insitu Concrete
PF-1	Paint Finish 1	Dulux equivalent to
PF-2	Paint Finish 2	Dulux Olive Creed
PF-3	Paint Finish 3	Dulux Discretion
S	Steel with Protective Steel Coating- Micaceous Iron Oxide	Dulux Ferrodor, Natural Grey
SP	Stone Pavers	French Pattern Bluestone pavers



Aluminium- Powdercoat Finish 1



Metal Deck Roof Sheeting



Stone Pavers



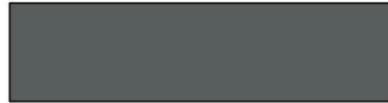
Window Framing- Powdercoat Finish 2



Off form Concrete



Hardwood Timber-Oiled finish



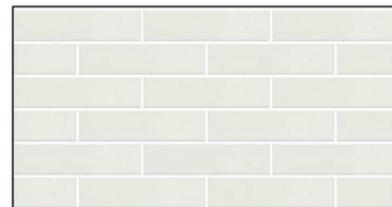
Paint Finish 1



Face Brick Type 1



Paint Finish 2



Face Brick Type 2



Paint Finish 3



Steel- Micaceous Iron Oxide

### Basix Building Fabric Requirements: (150 Darby St)

Element	Material Type	Detail
External walls	Cavity Brick + R2.0 Insulation + PB	Light and dark colour
Internal walls	Plasterboard on studs	Intra-tenancy walls
	Brick + Plasterboard	Inter-tenancy walls
Windows	ALM-002-01 A Aluminium B SG Clear	NFRC Glazing System values: ⇒ U ≤ 6.70 and SHGC = 0.70 (± 5%)
	ALM-004-01 A Aluminium B DG Air Fill Clear-Clear Modifying units: 103, 203 and 303 (Darby street windows only)	NFRC Glazing System values: ⇒ U ≤ 4.80 and SHGC = 0.59 (± 5%)
Skylights	Single Glazed	
Downlights	Sealed	
Floor	Concrete slab	Tile (wet and kitchen) Carpet (bedrooms and living)
	Concrete slab + R1.0 Insulation	To outside air/non conditioned space below car park
Ceiling	Plasterboard + R3.0 Insulation (top floor)	
Roof	Concrete	Medium colour

**NATIONWIDE HOUSE**  
ENERGY RATING SCHEME  
www.nathers.gov.au

Certificate no.: 0003103140  
Assessor Name: Hamidul islam  
Accreditation no.: 100982  
Certificate date: 24 August 2018  
Dwelling Address:  
150 Darby St  
Cooks Hill, NSW  
2300  
www.nathers.gov.au

**CAUTION**  
Copies of drawings which do not show status have not been verified by the architect and are not to be used for any purpose other than for preliminary information. Do not scale from drawings. Check all dimensions on site and refer discrepancies to the architect.  
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Issue description	date	Issue description	date
C	Amendments to DA-as noted	11/6/19	
B	Amendments to DA-as noted	3/4/19	
A	Development Application	27/8/18	

client  
**Andrew + Rob Dawson**

macphail & sproul architects pty limited  
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a.b.n. 94 052 147 834

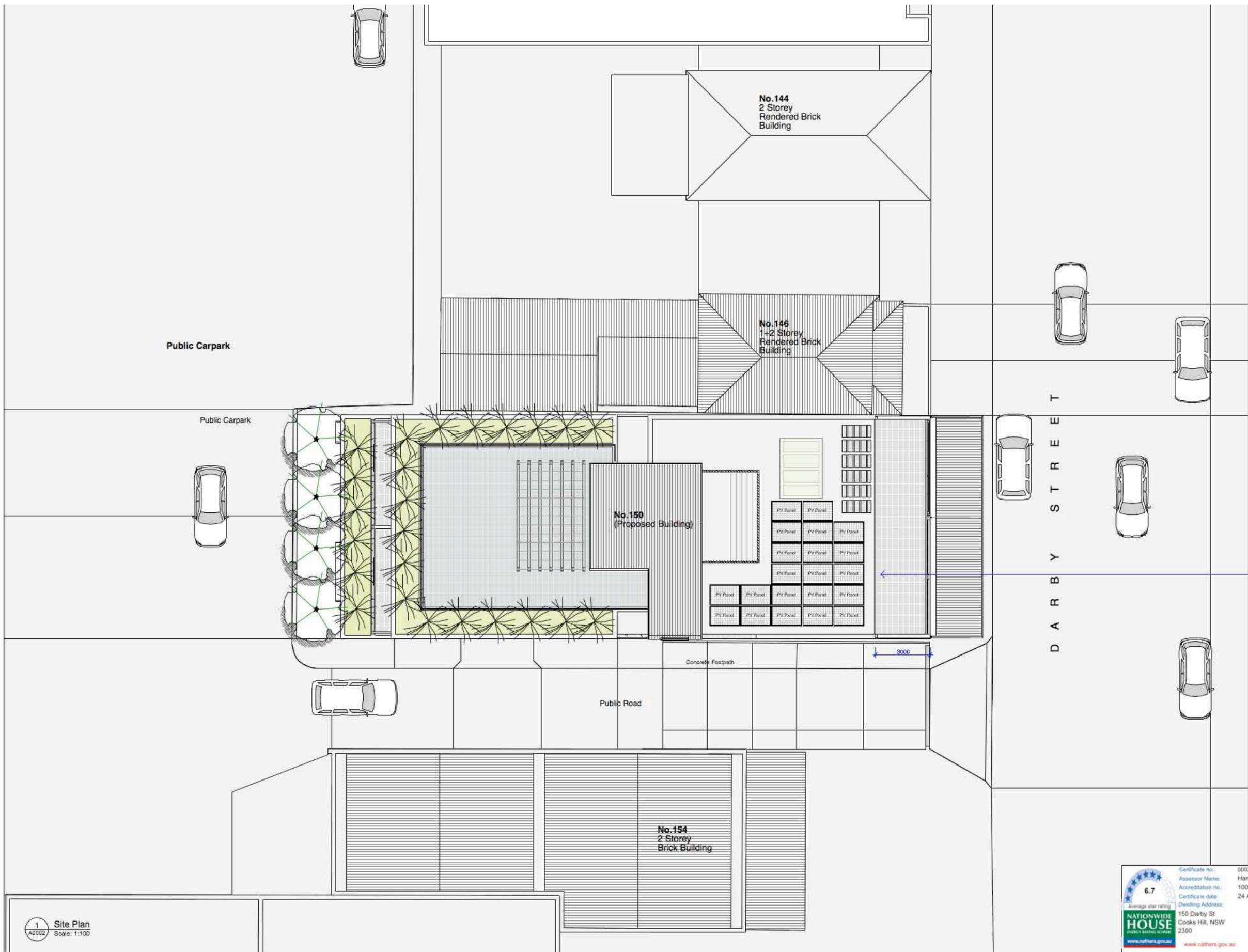
macphail & sproul architects

project  
**New Shop-Top Development**  
150 Darby Street, Cooks Hill, NSW

drawing title  
**Cover Sheet**

job no : 15.14  
cad file : 15.14 DA01 Drawings.wvx  
date : DS  
drawn : August 2018  
scale : AS NOTED

**A001 C**



DA AMENDMENT 1  
Building facade moved to comply with DCP Setback

1 Site Plan  
A0002 Scale: 1:100

Certificate no.: 0003103140  
Assessor Name: Hamidul Islam  
Accreditation no.: 100982  
Certificate date: 24 August 2018  
Dwelling Address: 150 Darby St, Cooks Hill, NSW 2300  
www.nathers.gov.au

**6.7**  
Average star rating  
**NATIONWIDE HOUSE**  
www.nathers.gov.au

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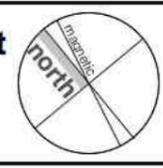
Issue description	date	Issue description	date
C Amendments to DA-as noted	11/6/19		
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A Development Application	27/8/18		

client  
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email design@msarchitects.com.au a.b.n. 94 092 147 834

macphail & sproul architects

project  
**New Shop-Top Development**  
150 Darby Street, Cooks Hill, NSW  
drawing title  
**Site Plan**



job no : 15.14  
cad file : 15\_14 DA01 Drawings.vwx  
date : DS  
drawn : August 2018  
scale : AS NOTED  
**A0002 C**

**DESIGN COMPLIANCE**

**LEP CONTROLS**

**FSR Calculations**  
 Site: 427m<sup>2</sup>  
 FSR: 2:1  
 Allowable area: 854m<sup>2</sup>  
**Proposed Area:**  
 Level G: 122m<sup>2</sup>  
 Level 1: 260m<sup>2</sup>  
 Level 2: 230m<sup>2</sup>  
 Level 3: 230m<sup>2</sup>  
 Total: 842m<sup>2</sup>

**Building Height**  
 Max. Height: 14m  
 Proposed Height: 14m - (Non-compliance to part of Unit 303)

**SEPP 65 APARTMENT DESIGN GUIDE**

**Communal Open Space**  
 Required Space = 25% of Site  
 = 107m<sup>2</sup>  
**Space Proposed= 140m<sup>2</sup>**

**Deep Soil Zone**  
 Required Space = 7% of Site  
 = 30m<sup>2</sup>  
**Space Proposed= 30m<sup>2</sup>**

**Apartment Sizes Required**  
 1 Bed Units = 50m<sup>2</sup> (min)  
 2 Bed Units = 70m<sup>2</sup> (min)  
 3 Bed Units = 90m<sup>2</sup> (min)

**Apartment Sizes Proposed:**  
 1 Bed Units = 55m<sup>2</sup>  
 3 Bed Units = 107/138m<sup>2</sup>

**Solar Access Requirement 1:**  
 70% minimum number of apartments to have solar access<sup>1</sup> living room and Private Outdoor Space for 2 hrs between the hours of 9am-3pm 21 June

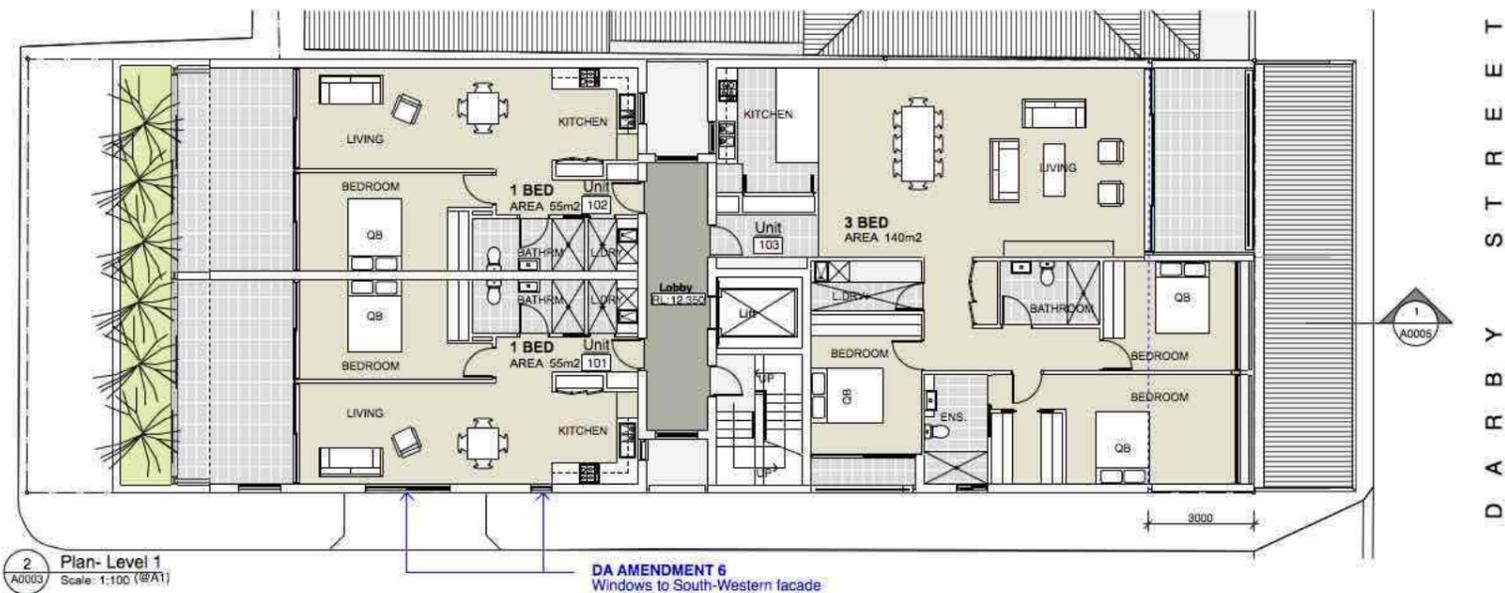
**CRITERIA:** 9 unit Development @ 70%  
**REQUIRED:** 7 units (min)  
**PROPOSED:** 7 units - **COMPLIES**

**Solar Access Requirement 2:**  
 15% maximum number of apartments permitted to have no solar access

**CRITERIA:** 9 unit Development @ 70%  
**PERMITTED:** 2 units (max)  
**PROPOSED:** 2 units - **COMPLIES**

**Ventilation:**  
 60% of apartments to have natural cross-flow ventilation  
 9 unit Development @ 60%

**REQUIRED:** 6 units (min)  
**PROPOSED:** 9 units 100%



2 Plan- Level 1  
 A0003 Scale: 1:100 (A1)

DA AMENDMENT 6  
 Windows to South-Western facade

Certificate no: 0003103140  
 Assessor Name: Hamidul Islam  
 Accreditation no: 100962  
 Certificate date: 24 August 2018  
 Dwelling Address: 150 Darby St, Cooks Hill, NSW 2300  
 www.nathers.gov.au

**NATIONWIDE HOUSE**  
 Average star rating: 6.7  
 www.nathers.gov.au

**ABSA**

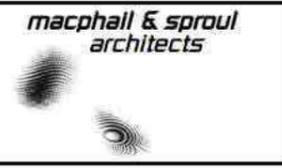
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Issue description	date	Issue description	date
C Amendments to DA-as noted	11/6/19		
B Amendments to DA-as noted	3/4/19		
A Development Application	27/8/18		

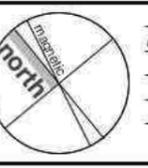
**client**  
**Andrew + Rob Dawson**

**macphail & sproul architects pty limited**  
 suite 4.1, 105 kippax street, surry hills, 2010 nsw  
 t 02 9261 9800, f 02 9261 3800  
 habitat, suite 44, building C3, 1 porter street, byron bay, 2480 nsw  
 m 0408 804 010  
 email design@msarchitects.com.au  
 a.b.n. 94 092 147 834



**project**  
**New Shop-Top Development**  
 150 Darby Street, Cooks Hill, NSW

**drawing title**  
**Floor Plans I**



**Job no : 15.14**  
**cad file : 15\_14 DA01 Drawings.vwx**  
**date : DS**  
**drawn : August 2018**  
**scale : AS NOTED**  
**A0003 C**

**DESIGN COMPLIANCE**

**LEP CONTROLS**

**FSR Calculations**  
 Site: 427m<sup>2</sup>  
 FSR: 2:1  
 Allowable area: 854m<sup>2</sup>  
**Proposed Area:**  
 Level 0: 122m<sup>2</sup>  
 Level 1: 260m<sup>2</sup>  
 Level 2: 230m<sup>2</sup>  
 Level 3: 230m<sup>2</sup>  
 Total: 842m<sup>2</sup>

**Building Height**  
 Max. Height: 14m  
 Proposed Height: 14m- (Non-compliance to part of Unit 303)

**SEPP 65 APARTMENT DESIGN GUIDE**

**Communal Open Space**  
 Required Space = 25% of Site = 107m<sup>2</sup>  
**Space Proposed= 140m<sup>2</sup>**

**Deep Soil Zone**  
 Required Space = 7% of Site = 30m<sup>2</sup>  
**Space Proposed= 30m<sup>2</sup>**

**Apartment Sizes Required**  
 1 Bed Units = 50m<sup>2</sup> (min)  
 2 Bed Units = 70m<sup>2</sup> (min)  
 3 Bed Units = 90m<sup>2</sup> (min)

**Apartment Sizes Proposed:**  
 1 Bed Units = 55m<sup>2</sup>  
 3 Bed Units = 107/139m<sup>2</sup>

**Solar Access Requirement 1:**  
 70% minimum number of apartments to have solar access<sup>1</sup> living room and Private Outdoor Space for 2 hrs between the hours of 9am-3pm 21 June

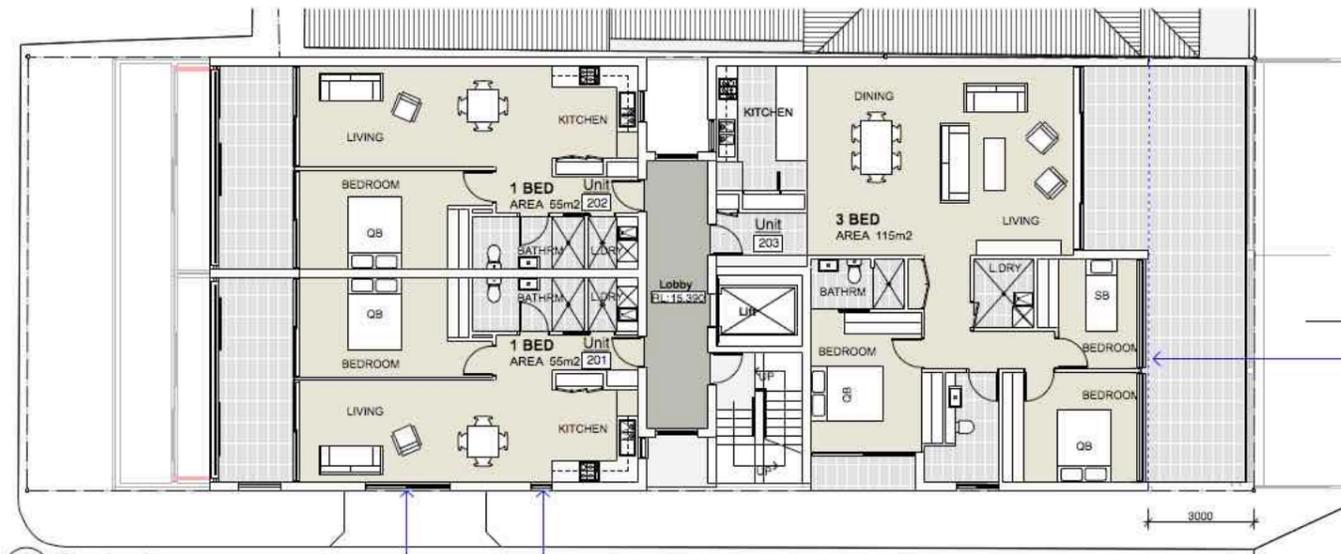
**CRITERIA:** 9 unit Development @ 70%  
**REQUIRED:** 7 units (min)  
**PROPOSED:** 7 units - **COMPLIES**

**Solar Access Requirement 2:**  
 15% maximum number of apartments permitted to have no solar access

**CRITERIA:** 9 unit Development @ 70%  
**PERMITTED:** 2 units (max)  
**PROPOSED:** 2 units - **COMPLIES**

**Ventilation:**  
 60% of apartments to have natural cross-flow ventilation  
 9 unit Development @ 60%

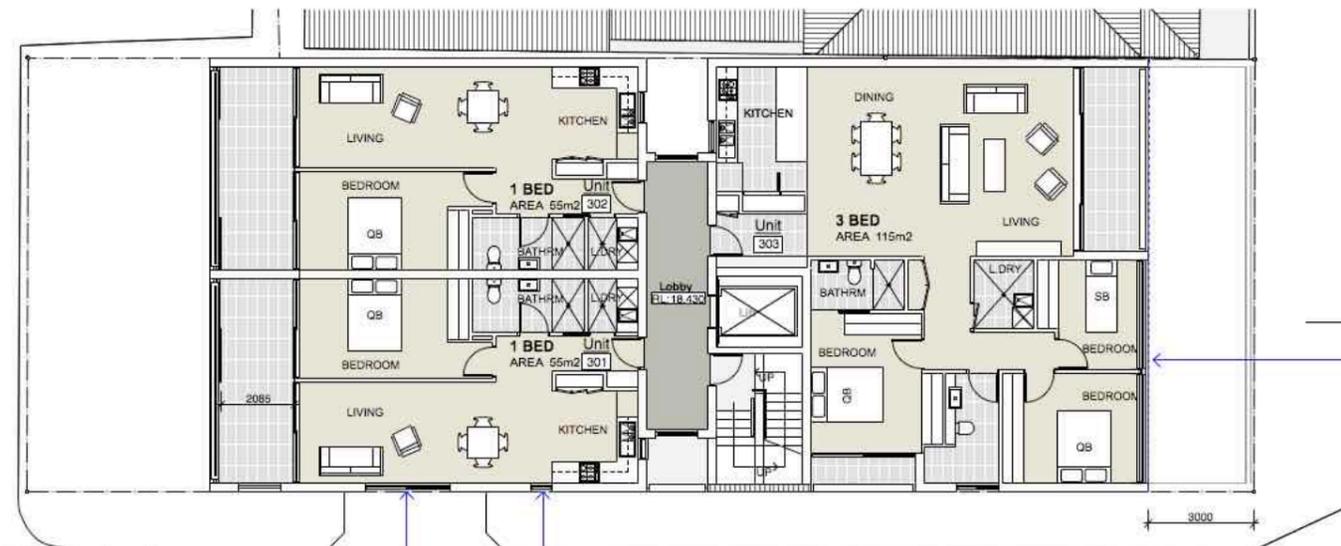
**REQUIRED:** 6 units (min)  
**PROPOSED:** 9 units 100%



3 Plan- Level 2  
 Scale: 1:100 (@A1)

**DA AMENDMENT 6**  
 Windows to South-Western facade

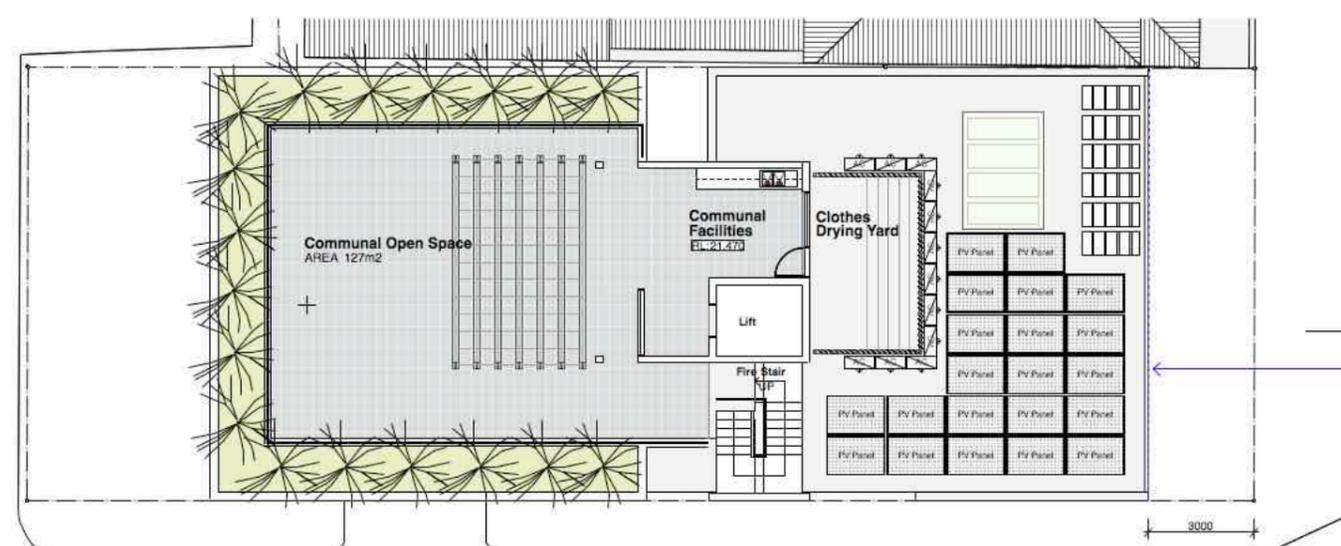
**DA AMENDMENT 1**  
 Building facade moved to comply with DCP Setback



4 Plan- Level 3  
 Scale: 1:100 (@A1)

**DA AMENDMENT 6**  
 Windows to South-Western facade

**DA AMENDMENT 1**  
 Building facade moved to comply with DCP Setback



5 Plan- Roof  
 Scale: 1:100 (@A1)

**DA AMENDMENT 1**  
 Building facade moved to comply with DCP Setback

D A R B Y S T R E E T

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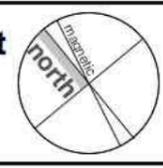
**client**  
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**macphail & sproul architects**

**project**  
**New Shop-Top Development**  
 150 Darby Street, Cooks Hill, NSW

**drawing title**  
**Floor Plans II**

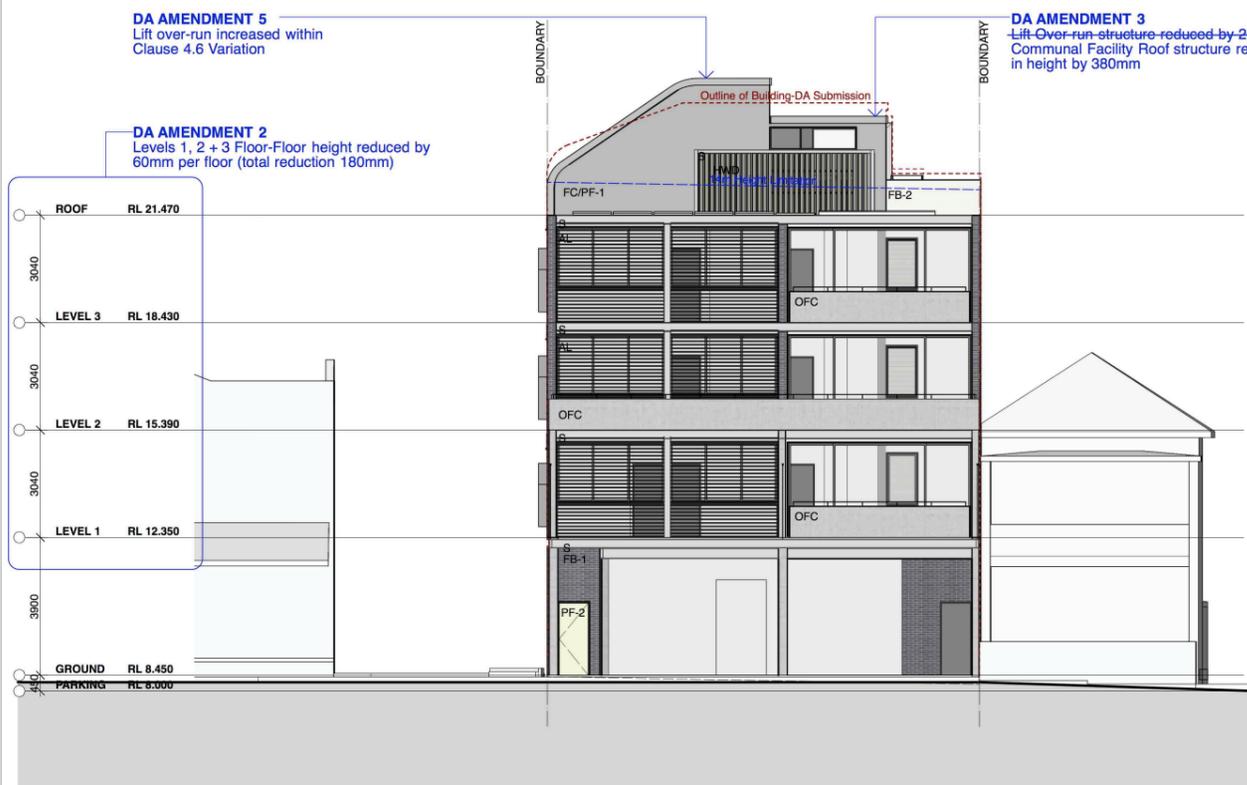


**job no :** 15.14  
**cad file :** 15\_14 DA01 Drawings.vwx  
**date :** DS  
**drawn :** August 2018  
**scale :** AS NOTED  
**A0004 C**

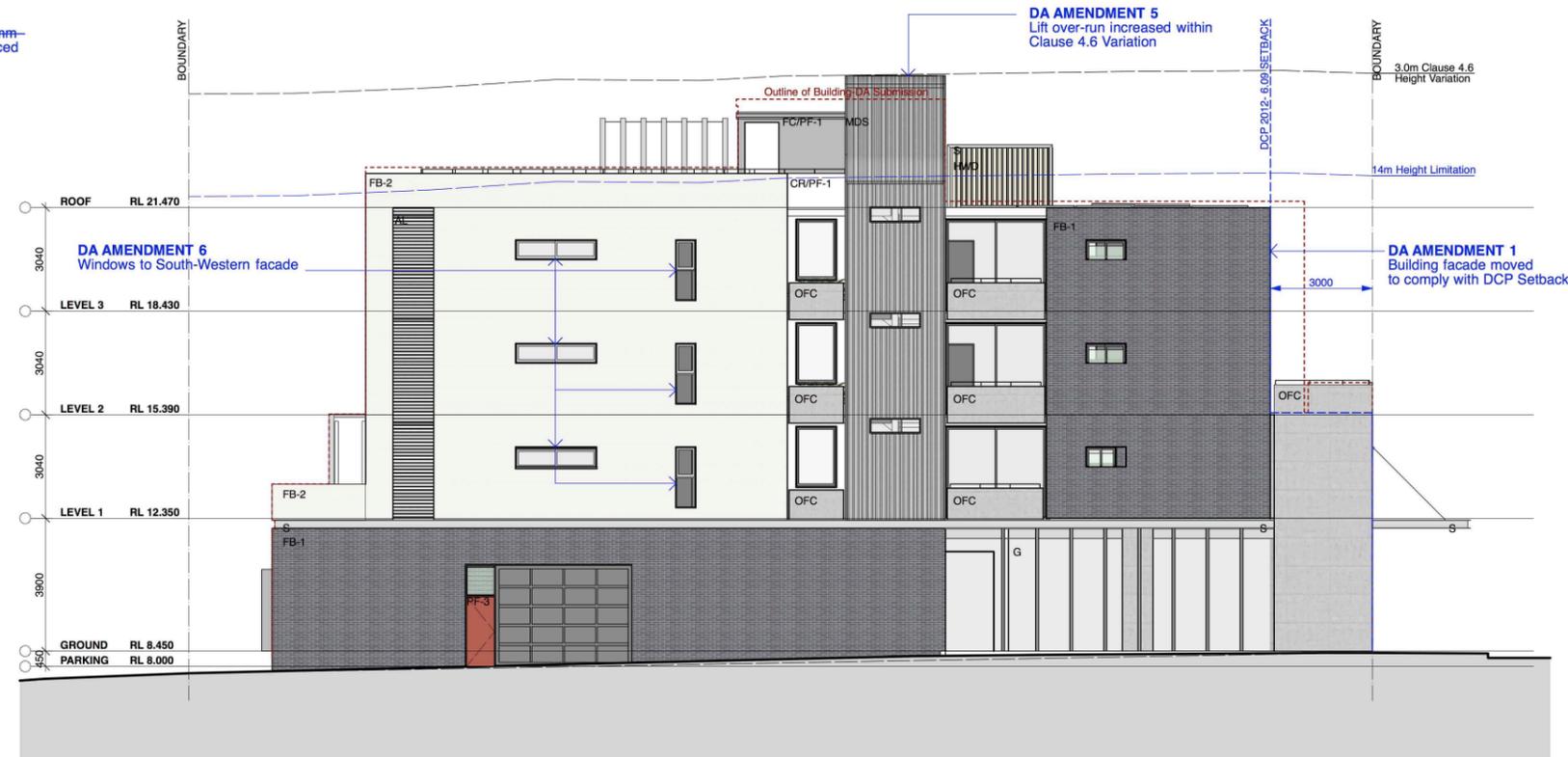
Certificate no.: 0003103140  
 Assessor Name: Hamidul Islam  
 Accreditation no.: 100982  
 Certificate date: 24 August 2018

**NATIONWIDE HOUSE**  
 Average star rating: 6.7  
 www.nathouse.gov.au

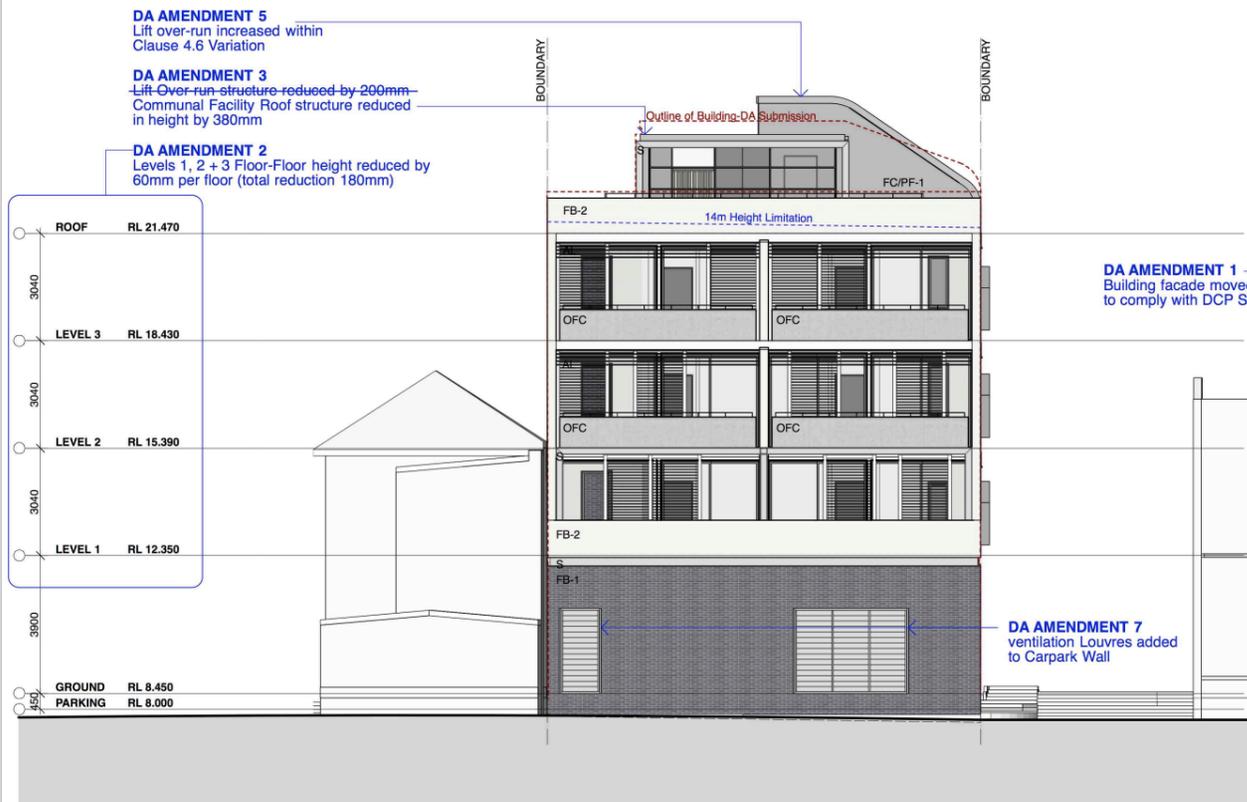
150 Darby St  
 Cooks Hill, NSW  
 2300



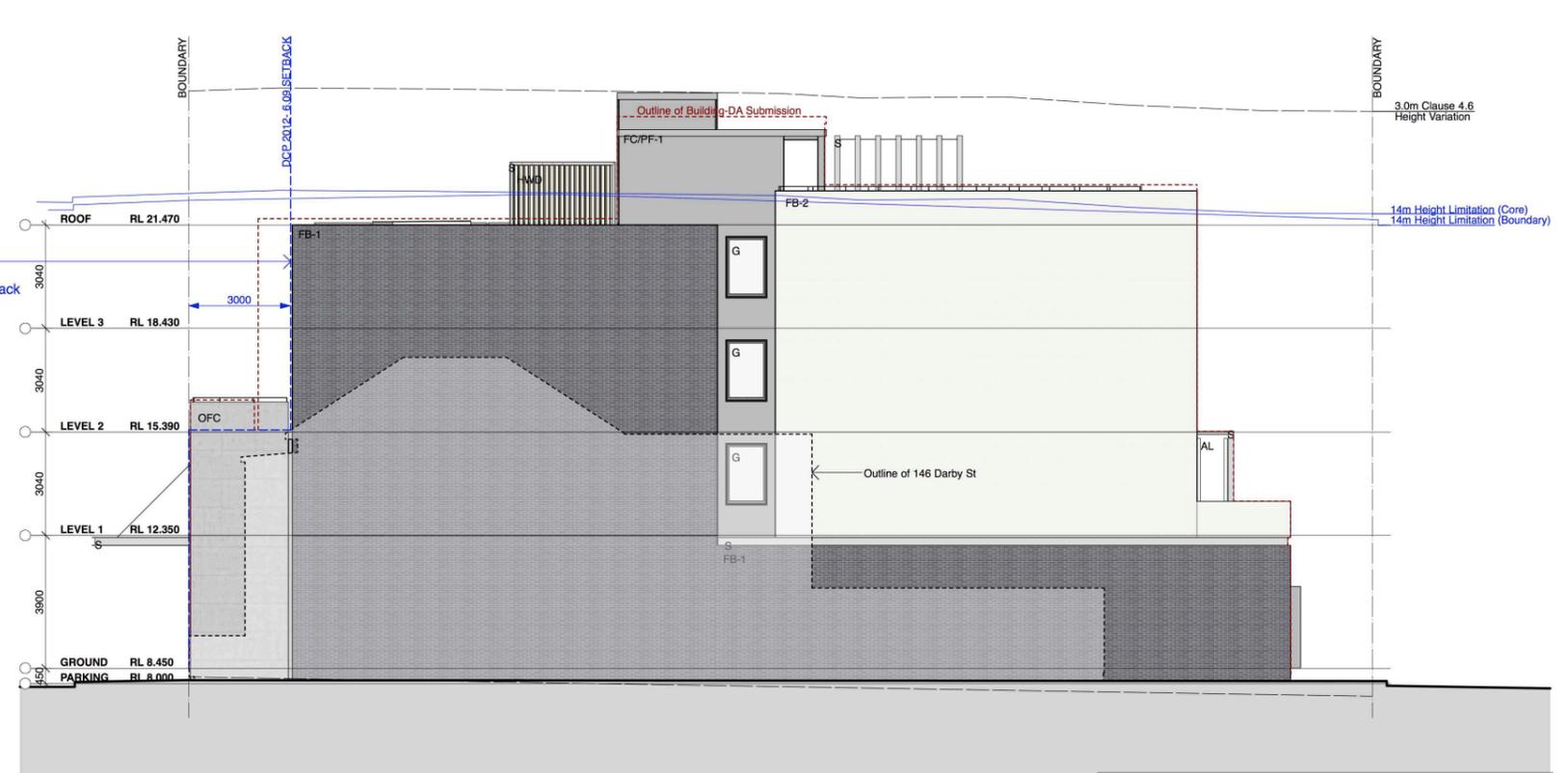
1 Elevation-East, Darby Street  
Scale: 1:100



2 Elevation-South  
Scale: 1:100



3 Elevation-West  
Scale: 1:100



4 Elevation-North  
Scale: 1:100

Certificate no.: 0003103140  
Assessor Name: Hamidul islam  
Accreditation no.: 100982  
Certificate date: 24 August 2018  
Dwelling Address: 150 Darby St, Cooks Hill, NSW 2300  
www.nathers.gov.au

**6.7**  
Average star rating  
**NATIONWIDE HOUSE**  
ENERGY RATING SCHEME  
www.nathers.gov.au

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**Andrew + Rob Dawson**

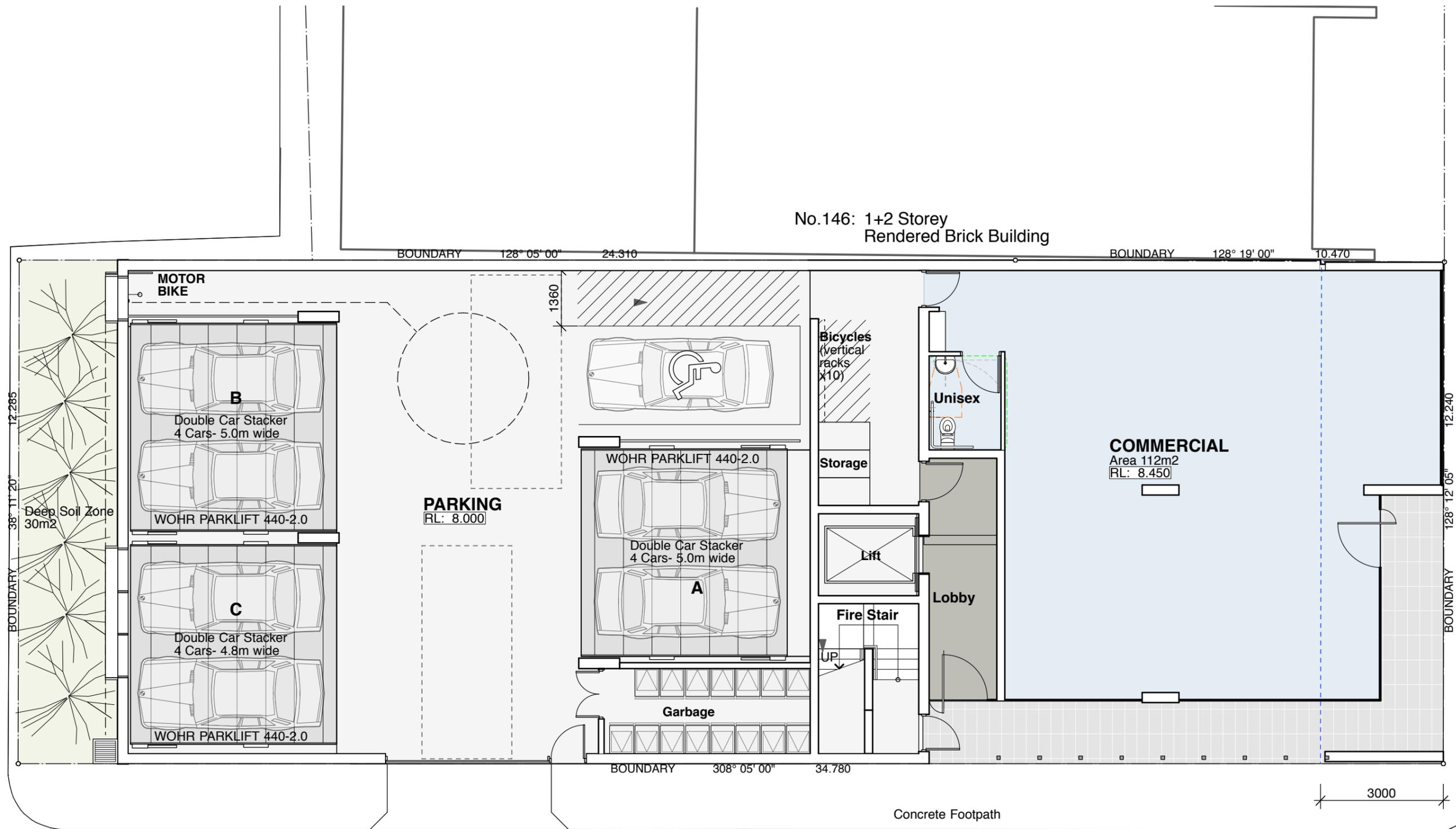
macphail & sproul architects pty limited  
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macphail & sproul architects

project  
**New Shop-Top Development**  
150 Darby Street, Cooks Hill, NSW  
drawing title  
**Elevations**

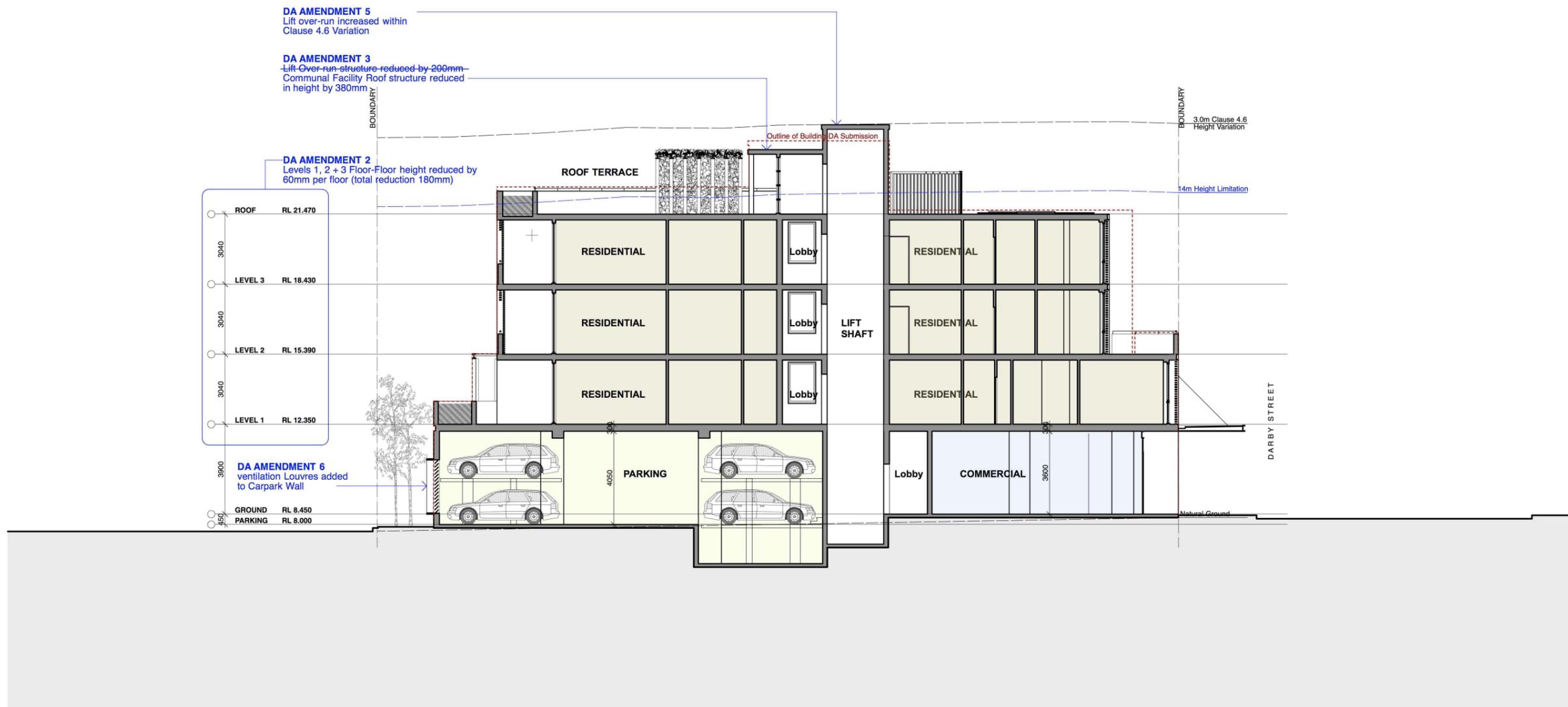
Job no : 15.14  
cad file : 15.14 DA01 Drawings.vwx  
date : DS  
drawn : August 2018  
scale : AS NOTED  
**A005 C**

No.146: 1+2 Storey  
Rendered Brick Building



No.154: 2 Storey Brick Building

**GROUND FLOOR  
GARBAGE ROOM ALTERNATIVE LAYOUT**



1 Section  
A0006 Scale: 1:100

Certificate no.: 0003103140  
 Assessor Name: Hamidul islam  
 Accreditation no.: 100982  
 Certificate date: 24 August 2018  
 Dwelling Address:  
 150 Darby St  
 Cooks Hill, NSW  
 2300  
 www.nathers.gov.au

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**NATIONWIDE HOUSE ENERGY RATING SCHEME**  
 www.nathers.gov.au

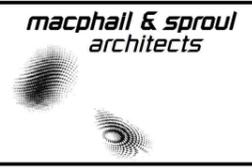
ABSA  
 Australian Building Sustainability Association

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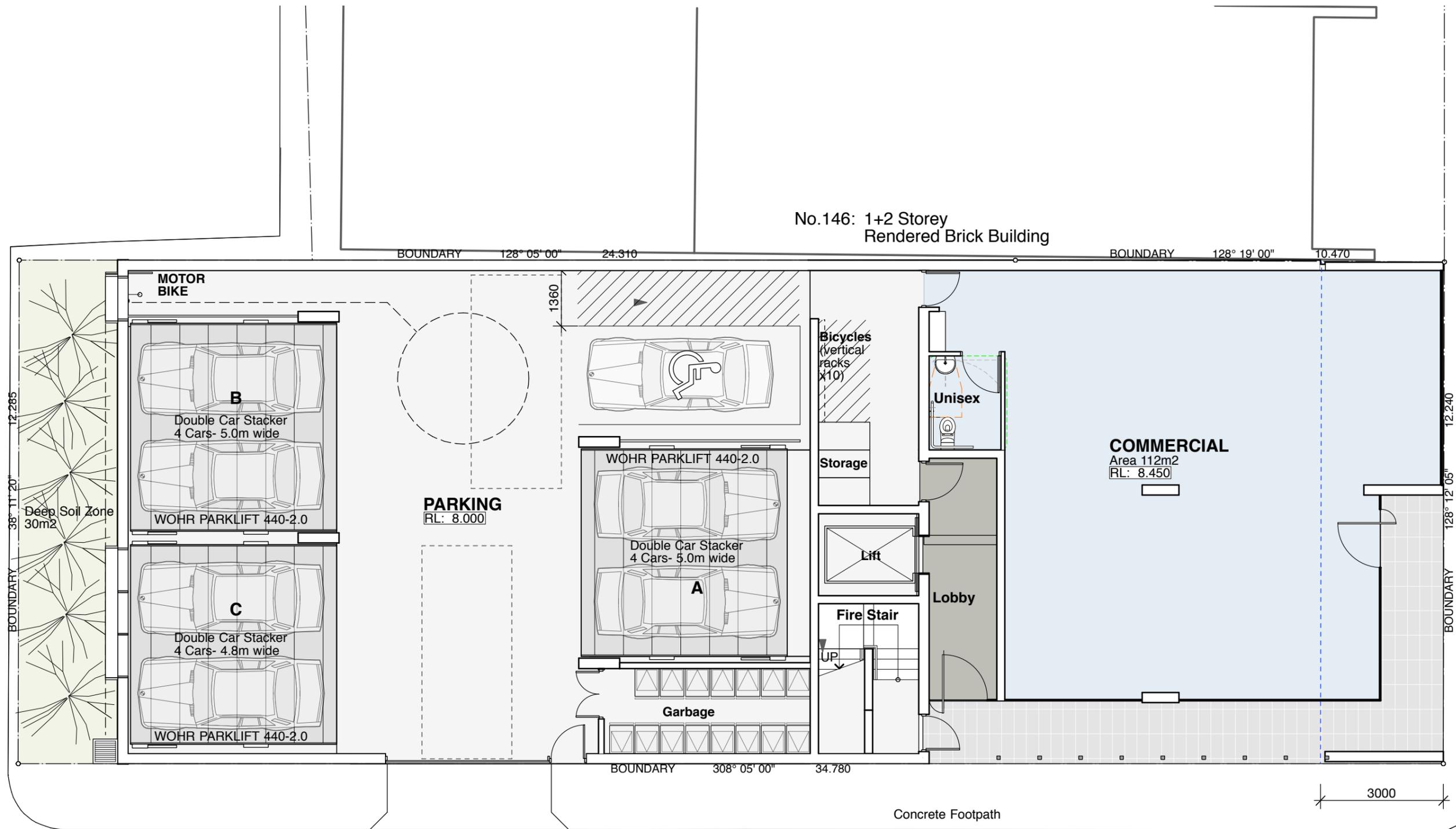
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project  
**New Shop-Top Development**  
 150 Darby Street, Cooks Hill, NSW  
 drawing title  
**Sections**

Job no : 15.14  
 15.14 DA01  
 cad file : Drawings.vwx  
 date : DS  
 drawn : August 2018  
 scale : AS NOTED  
**A0006 C**

No.146: 1+2 Storey  
Rendered Brick Building



No.154: 2 Storey Brick Building

**GROUND FLOOR  
GARBAGE ROOM ALTERNATIVE LAYOUT**

**DEVELOPMENT APPLICATIONS COMMITTEE MEETING**

**18 February 2020**

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**DAC 18/02/2020**

**DA2018/01251 - 150 Darby Street Cooks Hill**

**Attachment B: Draft Schedule of Conditions**

**DISTRIBUTED UNDER SEPARATE COVER**

**Application No:** DA2018/01251

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

**Property Address:** 150 Darby Street Cooks Hill NSW 2300

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

**SCHEDULE 1**

**APPROVED DOCUMENTATION**

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

<b>Plan No / Supporting Document</b>	<b>Reference / Version</b>	<b>Prepared by</b>	<b>Dated</b>
Site Plan	A0002 Rev: C	Macphall & Sproul Architects	August 2018
Ground and First Floor Plan	A0003 Rev: C	Macphall & Sproul Architects	August 2018
Floor Plans	A0004 Rev: C	Macphall & Sproul Architects	August 2018
Elevations	A0005 Rev: C	Macphall & Sproul Architects	August 2018
Sections	A0006 Rev: C	Macphall & Sproul Architects	August 2018
Stormwater Management Plan	Project No NE180225 Rev: A	ACOR Consultants	Oct 2018
Detailed Survey Plan	Job No 13041 Rev: A	David R Walpole PTY.LTD	Aug 2016
Statement of Environmental Effects		Think Planners	Aug 2018
Statement of Heritage Impact		Martine Craswell	June 2019
Traffic Impact Assessment Report	Ref: 16245	Transport and Traffic Planning and Associates	June 2019
Acoustic Report	Ref: 630.12429-R01	SLR consultants	Sep 2018

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

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

2. A total monetary contribution of \$33,611.40 is to be paid to Council, pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.

Note:

- a) This condition is imposed in accordance with the provisions of *The City of Newcastle S94A Development Contributions Plan 2009* (updated version operational from 15 March 2011). A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.
- b) The City of Newcastle S94A Development Contributions Plan 2009 permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement. Refer to the s94A Development Contributions Plan 2009.
- c) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

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

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

3. Working drawings and specifications of the proposed building are to be submitted to the NSW Mine Subsidence Board for approval prior to an application for a Construction Certificate and any requirements of the Board are to be included in the documentation for a Construction Certificate application.
4. On-site parking accommodation is to be provided for a minimum of thirteen (13) cars, one (1) motorcycle, eleven (11) bicycles and such be set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012. Full details are to be included in documentation for a Construction Certificate application.
5. A dilapidation report prepared by a suitability qualified person shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate. The dilapidation report shall document and photograph the current structural condition of the adjoining buildings, infrastructure and roads.

6. A design verification statement from a qualified designer shall be submitted to the Certifying Authority. The statement shall confirm the Construction Certificate plans and specifications achieve or improve the design quality of the development for which consent is granted, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development*.

Full details are to be included in the documentation for the relevant Construction Certificate.

Note: 'Qualified Designer' means a person registered as an architect in accordance with the *Architects Act 2003*. This condition is imposed in accordance with Clauses 143A of the *Environmental Planning and Assessment Regulation 2000*.

7. The car parking and vehicular access is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities. Full details are to be included in documentation for a Construction Certificate application.
8. Install, operate and maintain a garage roller door opening audible/flashing beacon warning system to alert pedestrians and cyclists on footpath. Install and maintain two (2) convex safety mirrors near the garage roller door within property boundary to improve visibility of pedestrians and cyclists on footpath. Full details are to be included in documentation for a Construction Certificate application.
9. All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. Full details are to be included in documentation for a Construction Certificate application.
10. Roof water is to be directed to the proposed water tank with a minimum capacity of 10,000 litres and be reticulated to any new toilet cisterns and cold water washing machine taps. A mains water top-up system is to be installed to maintain a minimum water depth of 100mm within the tank. Alternatively, an electronically activated mechanical valve device is to be installed to switch to mains water when the water level in the tank falls below the minimum depth. The water tank and plumbing are to be installed in accordance with the Plumbing Code of Australia. Full details are to be included in documentation for a Construction Certificate application.
11. Overflows from the roof water tank and any additional discharge controls (if required) are to be directed to Council's drainage system by means of an interallotment drainage line or underground pipe directly to the street gutter. Full details are to be included in documentation for a Construction Certificate application.
12. A residential vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:
  - a) Constructed in accordance with Council's A1300 – Driveway Crossings Standard Design Details.
  - b) The driveway crossing, within the road reserve, shall be a maximum of 4.5 metres wide.
  - c) Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 metre, in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance.
  - d) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve.
  - e) The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any

drainage pit.

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

13. All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls, full details are to be included in documentation for a Construction Certificate application.
14. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on an Erosion and Sediment Control Plan that is to be submitted for approval with the Construction Certificate application. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
15. The Developer designing and constructing the following works in connection with the proposed development within the Darby Street and unnamed laneway road reserves, adjacent to the site, at no cost to Council and in accordance with Council's guidelines and design specifications:
  - a) Reconstruct new pedestrian footway across Darby Street site frontage;
  - b) Reconstruct kerb and gutter across Darby Street site frontage;
  - c) Removal of raised concrete footpath to facilitate new entrance to development carpark within unnamed laneway and provide transition ramps on either side;
  - d) Road shoulder pavement, as required.

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

16. The car lift system in the proposed carpark shall be the Wohn Parklift 440-2.0 double lift model, or suitable equivalent approved by the Certifying Authority. Full details are to be included in documentation for a Construction Certificate application.
17. The acoustic performance of all mechanical plant and equipment associated with the building being assessed by an appropriately qualified acoustic consultant prior to the issue of any required Construction Certificate. Appropriate acoustic treatment as recommended by the acoustic consultant being designed prior to the issue of a Construction Certificate.
18. Adequate ventilation being provided to the residential units in accordance with the requirements of the Building Code of Australia, whilst maintaining the required level of acoustic attenuation as detailed in Table 9 of the acoustic report prepared by SLR Consulting dated September 2018 (Ref 630.12429 -R01). Full details are to be included in the documentation for a Construction Certificate application.
19. The sound insulation requirements of *F5 "Sound Transmission and Insulation" of the National Construction Code 2016 (NCC)* must be achieved. Full details are to be included in the documentation for a Construction Certificate application.

20. Kerbing or dwarf walls having a minimum height of 100mm are to be constructed along the edge of all garden or lawn areas adjacent to driveways and parking bays sufficient to discourage the encroachment of vehicles thereon. Full details are to be included in documentation for a Construction Certificate application.
21. All stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable, as indicated on the stormwater management concept plan prepared by Macphall & Sproul Architects (Drawing No. 15.14 A0003, Revision B dated 3 April 2019). Full details are to be included in documentation for a Construction Certificate application.
22. All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required under the conditions of this consent are required to be detailed on a landscape plan and specification. The plan and specifications is to be prepared in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:
  - a) cross sections through the site where appropriate
  - b) proposed contours or spot levels
  - c) botanical names
  - d) quantities and container size of all proposed trees
  - e) shrubs and ground cover
  - f) details of proposed soil preparation
  - g) mulching and staking
  - h) treatment of external surfaces and retaining walls where proposed
  - i) drainage, location of taps and
  - j) appropriate maintenance periods.

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

23. The car park is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities. Details are to be included in documentation for a Construction Certificate application.
24. The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's compliance certificate (refer s50 Hunter Water Act 1991) is to be included in documentation for a Construction Certificate application.
25. A group type mailbox is to be provided at the street frontage in accordance with the requirements of Australia Post, clearly displaying individual unit numbers and the required house number. Full details are to be included in the documentation for a Construction Certificate application.

26. The car parking and vehicular access is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities. Full details are to be included in documentation for a Construction Certificate application.

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

27. Prior to commencement of site works the developer is to submit to Council for approval a Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase.
28. Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development
29. The Construction Traffic Management Plan is to be prepared by a Roads & Maritime Services accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3:2009 - Manual of uniform traffic devices - traffic control for works on roads. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.
30. On-site car parking accommodation is to be provided for a minimum of thirteen (13) cars, one (1) motorcycle, eleven (11) bicycles and such being set out generally in accordance with the details indicated on the submitted plans except as otherwise provided by the conditions of consent.
31. Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.
32. Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Order that is permitted to be used as a fill material under the conditions of the associated Resource Recovery Exemption, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment (Waste) Regulation 2014*.
33. Documentation demonstrating the compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption must be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Exemption. This documentation must be provided to Council officers or the Principal Certifying Authority on request.
34. Toilet facilities are to be available or provided at the work site before works begin and be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet is to:

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

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

Standard 2601:2001 - The Demolition of Structures.

36. A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with Australian Standard 2601:2001 - The Demolition of Structures. A copy of the Hazardous Substances Management Plan is to be provided to Council (marked to Attention: Compliance Services) and the demolisher prior to commencement of work.
37. The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:
- a) Demolition works shall be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan shall be kept on-site for the duration of the proposed development
  - b) The removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
  - c) A copy of all waste disposal receipts are to be kept on-site for the duration of the proposed development and made available to authorised Council Officers upon request
  - d) Seven working days' notice in writing is to be given to Council and the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor. Notification to owners/occupiers of neighbouring premises shall also include Council's contact telephone number (49742000) and the Workcover Authority of NSW telephone number (49212900) and
  - e) On sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.
38. The demolisher is to ensure that all services (ie water, telecommunications, gas, electricity, sewerage etc), are disconnected in accordance with the relevant authority's requirements prior to demolition.
39. Any waste containers used in association with the proposed demolition are to be located on the site where possible.

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

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

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

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

42. Waste management shall be implemented in accordance with the approved Waste Management Plan. At a minimum, the following measures shall be implemented during the construction phase:

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

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

43. A rigid and durable sign is to be erected on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:

- a) showing the name, address and telephone number of the Principal Certifying Authority for building work and subdivision work, and
- b) showing the name, address and telephone number of the Principal Contractor for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
- c) stating that unauthorised entry to the work site is prohibited, and
- d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

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

44. All excavations and backfilling are to be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.

45. All building materials, plant and equipment is to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves including the road reserve is not permitted.

46. Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.

47. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:

- Monday to Friday, 7:00 am to 6:00 pm and
- Saturday, 8:00 am to 1:00 pm.

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

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

Note: Council's 'PREVENT POLLUTION' sign can be obtained by presenting your development application receipt at Council's Customer Enquiry Counter at 282 King Street Newcastle.

49. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
50. Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to Council by a Surveyor registered under the *Surveying and Spatial Information Act 2002* (NSW).
51. All building work must be carried out in accordance with the provisions of the National Construction Code.
52. In the case of residential building work for which the *Home Building Act 1989* (NSW) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.
53. If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided and adequate provision must be made for drainage.
54. Prior to the commencement of work, a 3m wide all weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.

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

55. The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.
56. Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by SLR Consulting, dated September 2018. Written final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation Certificate.

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

57. The proposed mechanical stack parking systems shall be regularly serviced and maintained to the requirements set out by the manufacturer of the system. In this regard the owner or the occupier of the building is to enter into an annual service and maintenance contract with the manufacturer's service agent for the life of the system. A copy of the initial service and maintenance contract is to be provided to Council prior to issue of an Occupation Certificate.

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

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

59. A design verification statement from a qualified designer shall be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first. The statement shall confirm the development has been constructed in accordance with the quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development*.

Note: 'Qualified Designer' means a person registered as an architect in accordance with the *Architects Act 2003*. This condition is imposed in accordance with Clauses 154A of the *Environmental Planning and Assessment Regulation 2000*.

60. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council's satisfaction prior to the completion of demolition work or prior to the issue of any occupation certificate in respect of development involving building work.

61. All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to the issue of an Occupation Certificate. Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to Council within fourteen days of receipt.

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

63. Any redundant existing vehicular crossing is to be removed at no cost to Council. The road reserve and kerb being restored to, Council's satisfaction, to match the existing infrastructure. Works are to be completed prior to the issuing of a Final Occupation Certificate for the proposed development.

64. A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, shall be submitted to the Principal Certifying Authority and to The City of Newcastle prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

65. A Landscape Practical Completion Report is to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate. The report is to verify

that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.

66. The premises are to be identified by the provision of house and street numbers on the building exterior and mailbox, respectively, such that they are clearly visible from the road frontage.

The minimum numeral heights shall be:

- a) Exterior of the building = 75mm and
- b) Group mailbox - street number = 150mm  
- house number = 50mm

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

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

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

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

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

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

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

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

## ADVISORY MATTERS

- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979* (NSW), which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- Prior to commencing any building works, the following provisions of Division 6.2 of the *Environmental Planning and Assessment Act 1979* are to be complied with:
  - a) A Construction Certificate is to be obtained; and
  - b) A Principal Certifier is to be appointed for the building works and Council is to be notified of the appointment; and
  - c) Council is to be given at least two days notice of the date intended for commencement of building works.

## END OF CONDITIONS

## **SCHEDULE 2**

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

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Newcastle Local Environmental Plan 2012* (NLEP) and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012 (NDCP).
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.
- Public submissions have been considered in the assessment of the application.

### **REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED**

The following conditions are applied to:

- Confirm and clarify the terms of Council's determination;
- Provide for the ongoing management of the development.

**DEVELOPMENT APPLICATIONS COMMITTEE MEETING**

**18 February 2020**

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**DAC 18/02/2020**

**DA2018/01251 - 150 Darby Street Cooks Hill**

**Attachment C: Processing Chronology**

**DISTRIBUTED UNDER SEPARATE COVER**

## **PROCESSING CHRONOLOGY**

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

- |                 |   |                                                                                                         |
|-----------------|---|---------------------------------------------------------------------------------------------------------|
| 2 November 2018 | - | Application lodged                                                                                      |
| 5 November 2018 | - | Public notification                                                                                     |
| 8 January 2019  | - | Applicant advised of issues raised after assessment of the application and through public submissions   |
| 3 April 2019    | - | Additional information received from applicant                                                          |
| 17 April 2019   | - | Second visit to Urban Design Consultative Group                                                         |
| 18 August 2019  |   | Public Voice Meeting                                                                                    |
| 2 October 2019  |   | Applicant provided a detailed response to some of issues raised during Public Voice                     |
| 17 October 2019 |   | Additional information received from the applicant – amended ground floor parking and garbage storeroom |

## **ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**ITEM 5            DA2019/00062.01 - 8 LINGARD STREET MEREWETHER**

**Change to parking numbers and layout, consent conditions**

**Attachment A** - Submitted Plans

**Attachment B** - Draft Schedule of Conditions

**Attachment C** - Processing Chronology

**DISTRIBUTED UNDER SEPARATE COVER**

**DEVELOPMENT APPLICATIONS COMMITTEE MEETING**

**18 February 2020**

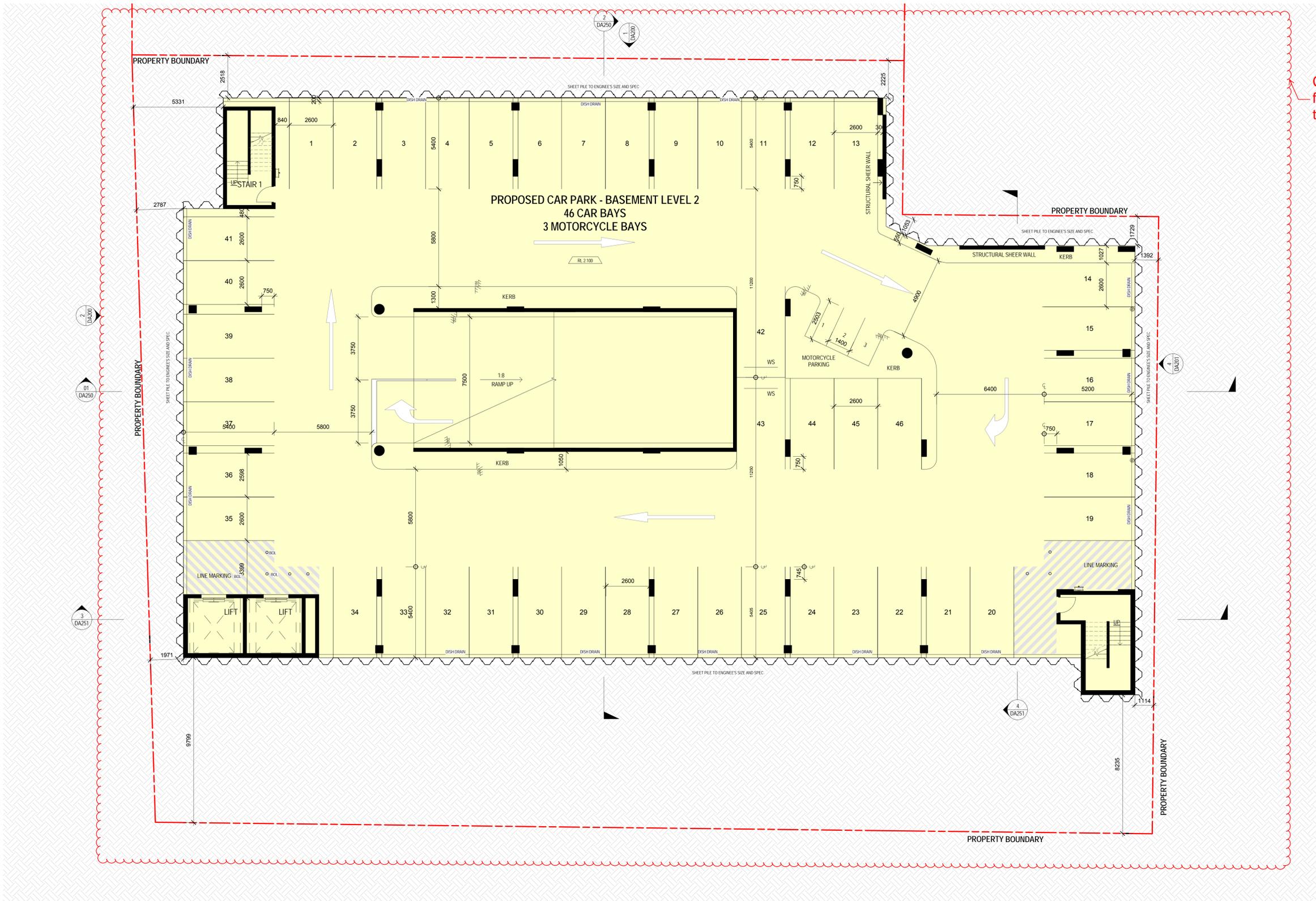
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**DAC 18/02/2020**

**DA2019/00062.01 - 8 Lingard Street Merewether**

**Attachment A: Submitted Plans**

**DISTRIBUTED UNDER SEPARATE COVER**



Conversion from Storage to Carparking

ISSUE	REVISION	DRN	CHK'D	DATE
-	PRELIMINARY	JL	SS	18/09/2017
A	ISSUE FOR COORDINATION	AA	SS	10/10/2017
B	FOR APPROVAL	JL	SS	07/11/2017
C	\$4.55 MODIFICATION			10/09/2019

CONSULTANTS:

healthcare



HS PC HEALTH ARCHITECTS

Melbourne  
 Level 1, 525 Flinders Street  
 Melbourne Victoria 3000  
 T + 61 3 9923 2333  
 E info@hspc.com.au

Sydney  
 Level 6, 61 Market Street  
 Sydney NSW 2000  
 T + 61 2 8289 5777  
 W www.hspc.com.au

REASON FOR ISSUE  
**APPROVAL**

THE CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR MAKING OF ANY SHOP DRAWINGS. FIGURED DIMENSIONS MUST BE USED IN PREFERENCE TO SCALED DIMENSIONS. ALL SCALED DIMENSIONS MUST BE VERIFIED ON SITE. THIS DRAWING IS COPYRIGHT AND REMAINS THE PROPERTY OF THE ARCHITECT.

PROJECT No.:  
 40-6027



PROJECT:  
 LINGARD - DAY SURGERY & CAR PARK  
 PROJECT ADDRESS:  
 23 MEREWETHER STREET,  
 MEREWETHER, NSW  
 CLIENT:  
 HEALTHe CARE

DRAWING TITLE:  
 PROPOSED FLOOR PLAN - LEVEL B2

SCALE:  
 1 : 100 @ B1

PROJECT DATE:  
 NOV 2017

DRAWING No.:  
**DA030**

REVISION:  
**B**

11/2/2017 6:46:46 PM





**DEVELOPMENT APPLICATIONS COMMITTEE MEETING**

**18 February 2020**

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**DAC 18/02/2020**

**DA2019/00062.01 - 8 Lingard Street Merewether**

**Attachment B: Draft Schedule of Conditions**

**DISTRIBUTED UNDER SEPARATE COVER**

**Application No:** DA2019/00062.01

**Land:** Lot 100 DP 1251777

**Property Address:** 6 Lingard Street Merewether NSW 2291

**Proposed Development:** Change to parking numbers and layout, consent conditions

**S4.55 MODIFIED CONDITIONS**

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

<b>Plan no/Supporting Document</b>	<b>Reference/Version</b>	<b>Prepared by</b>	<b>Dated</b>
Proposed Site Plan	DA020 Revision D	HSPC Architects Health	20/02/2019
Proposed Floor Plan – Level B2	DA030 Revision C	HSPC Architects Health	<b>10/09/2019</b>
Proposed Floor Plan – Level B1	DA031 Revision C	HSPC Architects Health	<b>10/09/2019</b>
Proposed Floor Plan – Level Ground / Upper Ground	DA032 Revision K	HSPC Architects Health	<b>10/09/2019</b>
Proposed Floor Plan – Level 1	DA033 Revision E	HSPC Architects Health	20/02/2019
Proposed Floor Plan – Level 2	DA034 Revision E	HSPC Architects Health	20/02/2019
Elevations – Sheet 1	DA200 Revision D	HSPC Architects Health	20/02/2019
Elevations – Sheet 2	DA201 Revision F	HSPC Architects Health	1/05/2019
Sections – Sheet 1	DA250 Revision F	HSPC Architects Health	20/02/2019
Sections – Sheet 2	DA251 Revision E	HSPC Architects Health	20/02/2019
Perspective Views	DA510 Revision C	HSPC Architects Health	17/01/2019
Material Board	DA550 Revision C	HSPC Architects Health	17/01/2019
Signage Details	DA700	HSPC Architects Health	25/06/2019
Statement of Environmental Effects	Job No. 18571	KDC	29 January 2019
Noise Impact Assessment report	MAC180606-05LR1V1	Muller Acoustic Consulting	17 January 2017
Traffic and Parking Assessment	Issue F	Intersect Traffic	29 January 2019
Validation Report	Revision 0	Practical	September 2017

		Environmental Solutions	
Revised Clause 4.6 Variation Justification		KDC	22 February 2019
Crime Prevention Through Environmental Design Assessment		KDC	18 January 2019
Waste Management Plan		KDC	January 2019
Landscape Plan	LC-002 Revision C	Moir Landscape Architecture	7 December 2017
Landscape Theme and Schedule	LD-201 Revision C	Moir Landscape Architecture	7 December 2017
SEPP 33 Risk Screening Document	December 2018	Hazkem Pty Ltd	December 2018
Validation Report		Precise Environmental	May 2019
Letter from Northrop Consulting confirming Stormwater Design being done as part of DA2016/0394.02	170254	Northrop Consulting	18 January 2019
Traffic Committee Presentation letter	18571	KDC	3 May 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.

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

#### S.4.55 CONDITIONS TO BE DELETED

55. Consistent with the terms of this development consent, Basement Level 2 must only be used for the purposes of storage and not the parking of vehicles for the lifetime of this development unless this consent is formally modified by application to remove this condition.

65. A gate, barrier or bollards are to be installed at the entrance to Basement Level 2 to prevent vehicular access to this level and unauthorised use of this level for the purposes of car parking.

## SCHEDULE 1

### APPROVED DOCUMENTATION

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

Plan no/Supporting Document	Reference/Version	Prepared by	Dated
Proposed Site Plan	DA020 Revision D	HSPC Architects Health	20/02/2019
Proposed Floor Plan – Level B2	DA030 Revision C	HSPC Architects Health	<b>10/09/2019</b>
Proposed Floor Plan – Level B1	DA031 Revision C	HSPC Architects Health	<b>10/09/2019</b>
Proposed Floor Plan – Level Ground / Upper Ground	DA032 Revision K	HSPC Architects Health	<b>10/09/2019</b>
Proposed Floor Plan – Level 1	DA033 Revision E	HSPC Architects Health	20/02/2019
Proposed Floor Plan – Level 2	DA034 Revision E	HSPC Architects Health	20/02/2019
Elevations – Sheet 1	DA200 Revision D	HSPC Architects Health	20/02/2019
Elevations – Sheet 2	DA201 Revision F	HSPC Architects Health	1/05/2019
Sections – Sheet 1	DA250 Revision F	HSPC Architects Health	20/02/2019
Sections – Sheet 2	DA251 Revision E	HSPC Architects Health	20/02/2019
Perspective Views	DA510 Revision C	HSPC Architects Health	17/01/2019
Material Board	DA550 Revision C	HSPC Architects Health	17/01/2019
Signage Details	DA700	HSPC Architects Health	25/06/2019
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Validation Report	Revision 0	Practical Environmental Solutions	September 2017
Revised Clause 4.6 Variation Justification		KDC	22 February 2019
Crime Prevention Through		KDC	18 January 2019

Environmental Design Assessment			
Waste Management Plan		KDC	January 2019
Landscape Plan	LC-002 Revision C	Moir Landscape Architecture	7 December 2017
Landscape Theme and Schedule	LD-201 Revision C	Moir Landscape Architecture	7 December 2017
SEPP 33 Risk Screening Document	December 2018	Hazkem Pty Ltd	December 2018
Validation Report		Precise Environmental	May 2019
Letter from Northrop Consulting confirming Stormwater Design being done as part of DA2016/0394.02	170254	Northrop Consulting	18 January 2019
Traffic Committee Presentation letter	18571	KDC	3 May 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.

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

2. Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2m in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance in accordance with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. The fencing at the north-western boundary adjacent to the driveway entry is to be setback 2.5m to allow for sightlines for exiting vehicles. Full details are to be included in documentation for a Construction Certificate application.
3. An appropriate flood emergency response plan is to be prepared by independent consulting engineers, experienced in flood management and put in place by the applicant prior to occupation of this site for the intended use. Such plan is to be effectively updated and maintained by the occupiers; to include an education and awareness component for the workforce and detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan (where appropriate) and to include provisions for any third parties likely to be involved.

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

- a) Likely flood behaviour
- b) Flood warning systems
- c) Education awareness program
- d) Evacuation and evasion procedures
- e) Evacuation routes and flood refuges and

- f) Flood preparedness and awareness procedures for residents and visitors

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

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

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

5. A Parking Management Plan is to be provided to Council for approval prior to the release of any Construction Certificate detailing a breakdown and the location of the allocated staff, patients and visitors car parking spaces for the whole development, including the 50 off-street parking spaces required for 23 Merewether Street, Merewether (Lingard Hospital) in accordance with Condition 4(A) of the development consent for DA2015/10349. The Plan is to also include ongoing maintenance, on-site signage and management measures, communication measures and incentives to actively encourage staff to park on-site and not in the surrounding residential streets.
6. The projecting fin wall located at the centre of the Lingard Street elevation is to be reduced in height such that it is the same maximum height as the parapet roof (RL 15.750m) and does not exceed the maximum height development standard of 10m. Relevant details are to be included in all relevant architectural plans prior to release of the Construction Certificate.
7. The 'Main Entry' vertical signage proposed at the corner of the building adjacent to the main pedestrian entry is to be deleted and replaced with a horizontally orientated under-awning sign and/or a horizontally orientated awning fascia sign that is prominently located and complements the design and finished colours of the other signage and the building. Relevant details are to be included in the plans and details submitted with the application for the Construction Certificate.
8. The 'Lingard Private' building identification signage is to be illuminated in such a way so as to not result in excessive glare to motorists, pedestrians or adjoining development such that it would have a detrimental impact on safety or general amenity. Relevant details demonstrating compliance with this condition are to be submitted with the application for the Construction Certificate.
9. The design of the landscaped works is to be amended to ensure that all proposed landscaping is contained within the boundaries of the site. A revised landscape plan is to be submitted with the application for the Construction Certificate.
10. A total monetary contribution of \$49,604.26 is to be paid to Council, pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979*, such

contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.

Note:

- a) This condition is imposed in accordance with the provisions of *The City of Newcastle S94A Development Contributions Plan 2009* (updated version operational from 15 March 2011). A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.
- b) The City of Newcastle S94A Development Contributions Plan 2009 permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement. Refer to the s94A Development Contributions Plan 2009.
- c) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

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

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

11. The car park is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities. Details are to be included in documentation for a Construction Certificate application.
12. Adequate facilities are to be provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements being made for regular removal and disposal of same. The required garbage facility is to be suitable for the accommodation of Council approved wheel type bins or bulk waste containers. Full details are to be included in documentation for a Construction Certificate application.
13. All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. The driveways are to be constructed in accordance with AS2890-(off street parking) and to Council design specifications. Full details are to be included in documentation for a Construction Certificate application.
14. All stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as

applicable, as indicated on the stormwater management concept plan prepared by Northrop Engineers Job No. NL170254, dated 18/01/2019. Full details are to be included in documentation for a Construction Certificate application.

15. All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required under the conditions of this consent are required to be detailed on a landscape plan and specification. The plan and specifications is to be prepared in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:
  - a) cross sections through the site where appropriate
  - b) proposed contours or spot levels
  - c) botanical names
  - d) quantities and container size of all proposed trees
  - e) shrubs and ground cover
  - f) details of proposed soil preparation
  - g) mulching and staking
  - h) treatment of external surfaces and retaining walls where proposed
  - i) drainage, location of taps and
  - j) appropriate maintenance periods.

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

16. The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's compliance certificate (refer s50 Hunter Water Act 1991) is to be included in documentation for a Construction Certificate application.
17. A commercial vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:
  - a) Constructed in accordance with Council's A1300 - Driveway Crossings Standard Design Details.
  - b) Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 metre, in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance
  - c) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve
  - d) The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.

These works are not approved until consent under Section 138 of the *Roads Act 1993* (NSW) has been granted by Council. An application under Section 138 must be applied for and approved before the issue of a Construction Certificate.

18. A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993 (NSW)*, before the issue of a Construction Certificate. The consent must be obtained, or other satisfactory arrangements confirmed in writing from Council, before the issue of a Construction Certificate.
19. On-site parking accommodation is to be provided for a minimum of 84 vehicles, out of which 34 car spaces are to be allocated to the approved development at 6-8 Lingard Street, Merewether and 50 car spaces are to be allocated for the exclusive use of the development at 23 Merewether Street, Merewether (Lingard Hospital) in accordance with Condition 4(A) of the development consent for DA2015/10349. **The surplus parking is not required to be allocated and can be shared between 6-8 Lingard Street, Merewether and 23 Merewether Street, Merewether.** A minimum of 10 bicycle parking spaces (Class 2) and 3 motorbike parking spaces is to be provided. The parking plan is to clearly indicate the 34 allocated car parking spaces for 6-8 Lingard Street, Merewether and the 50 allocated car parking spaces for 23 Merewether Street, Merewether. The 10 bicycle spaces and 3 motorbike spaces are to be set out generally in accordance with the minimum layout standards indicated in Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012. The ambulance parking bay is to be designed generally as indicated on the approved architectural plans. Details are to be included in documentation for a Construction Certificate application.

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

20. Prior to commencement of site works the developer is to submit to Council for approval a Construction Traffic Management Plan ('CTMP') addressing traffic control measures to be utilised in the public road reserve during the construction phase. The CTMP is to be prepared by a Roads & Maritime Services accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3:2009 - Manual of uniform traffic devices - traffic control for works on roads. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.
21. Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.
22. Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Order that is permitted to be used as a fill material under the conditions of the associated Resource Recovery Exemption, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment (Waste) Regulation 2014*.
23. Documentation demonstrating the compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption must be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Exemption. This documentation must be provided to Council officers or the Principal Certifying Authority on request.
24. Prior to any site works commencing, the Developer preparing a Construction Management Plan (CMP) such to be designed and implemented to manage all environmental aspects associated with the construction works, including off site impacts such as transport to and from the site. Two copies of the CMP are to be provided to the Principal Certifying Authority and the CMP is to be maintained on site during all site works and be made available to Authorised Officers upon request. The CMP is to include but not be limited to:

- A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
  - A soil and water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water and groundwater. Procedures should be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
  - A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions.
  - A waste minimisation strategy that aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
  - A community relations plan that aims to inform local residents and other local stakeholders of the proposed nature and timeframes for construction activities together with contact details for site management.
  - A noise management strategy detailing measures to minimise the impact of the construction phase on the amenity of the locality, in accordance with Australian Standard AS 2436, 1981 'Guide to Noise control on Construction, Maintenance and Demolition Sites'. Noise monitoring during the construction phase should be incorporated into the program.
25. The vehicular entrance and exit driveways and the direction of traffic movement within the site are to be clearly indicated by means of reflectorised signs and pavement markings.
26. Any waste containers used in association with the proposed demolition are to be located on the site where possible.
- Note: Where this is not feasible, application must be made for Council's approval to position the container on the adjacent public road in accordance with Council's adopted Building Waste Container Policy.
27. Any demolition/waste building materials that are not suitable for recycling are to be disposed of at Council's Summerhill Waste Management Facility or other approved site.
28. Toilet facilities are to be available or provided at the work site before works begin and be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- Each toilet is to:
- a) Be a standard flushing toilet connected to a public sewer, or
  - b) Have an on-site effluent disposal system approved under the *Local Government Act 1993* (NSW), or
  - c) Be a temporary chemical closet approved under the *Local Government Act 1993* (NSW).
29. If construction / demolition work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any

substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

30. An application is to be made to and approved by Council for the erection of a hoarding or part closure of the footway prior to construction being commenced. Such overhead structure or protective fence shall comply with the *Work Health and Safety Act 2011* (NSW), *Work Health and Safety Regulation 2011* (NSW) and any relevant approved industry code of practice. Notice of intention of commencement must be given to WorkCover New South Wales.
31. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
32. A rigid and durable sign is to be erected on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:
  - a) showing the name, address and telephone number of the Principal Certifying Authority for building work and subdivision work, and
  - b) showing the name, address and telephone number of the Principal Contractor for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
  - c) stating that unauthorised entry to the work site is prohibited, and
  - d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

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

33. All building work must be carried out in accordance with the provisions of the National Construction Code.
34. All excavations and backfilling are to be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.
35. All building materials, plant and equipment is to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves including the road reserve is not permitted.
36. Council's 'Prevent Pollution' sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary so it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of demolition and construction work.

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

37. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:
  - a) Control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through the installation of erosion control

devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins and controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover. Erosion and sediment control measures are to be designed in accordance with the requirements of the *Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> Edition - Vol. 1* (the 'Blue Book') published by Landcom, 2004.

38. Prior to the commencement of work, a 3m wide all weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.
39. All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are limited to:
  - a) Restricting topsoil removal
  - b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion)
  - c) Alter or cease construction work during periods of high wind and
  - d) Erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.
40. Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to Council by a Surveyor registered under the *Surveying and Spatial Information Act 2002* (NSW).
41. All external items of air conditioning plant are to be screened or positioned in such a manner as to not detract from the visual presentation of the building.
42. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
  - Monday to Friday, 7:00 am to 6:00 pm and
  - Saturday, 8:00 am to 1:00 pm.

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

43. All public trees that are required to be retained must be physically protected in accordance with the City of Newcastle Urban Forest Technical Manual 'Section 8.0 Protection Measures'.

The tree protection fencing must remain in place and maintained until all works have been completed, with no waste materials, washouts, equipment or machinery to be stored within the fenced area.

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

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

issue of an Occupation Certificate.

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

45. An appropriate notation is to be placed on the plan of subdivision and an instrument under Section 88B of the *Conveyancing Act 1919* (NSW) being submitted to Council setting out the terms of use for the 50 off-street car parking spaces which have been allocated for the exclusive use by the development at 23 Merewether Street, Merewether (Lingard Hospital) in accordance with Condition 4(A) of the development consent for DA2015/10349 and as required by this consent. The accompanying instrument under Section 88B of the *Conveyancing Act 1919* is to provide that the 50 car parking spaces are unable to be released, varied or modified without the concurrence of Newcastle City Council.
46. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council's satisfaction prior to the completion of demolition work or prior to the issue of any occupation certificate in respect of development involving building work.
47. All works within the road reserve required by this consent are to be completed prior to the issue of a Final Occupation Certificate.
48. A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, shall be submitted to the Principal Certifying Authority and to The City of Newcastle prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
49. A Landscape Practical Completion Report is to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.
50. The premises are to be identified by the provision of house numbers on the building exterior and mailbox such that they are clearly visible from the road frontage.  
  
The minimum numeral height shall be 75mm.
51. The lots making up the site are to be consolidated into one allotment prior to the issuing of the Final Occupation Certificate.

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

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

53. The Parking Management Plan required by Condition 5 is to be implemented for the lifetime of the development.
54. The illumination of the 'Lingard Private' building identification signage and all other building signage is to be limited to opening hours and delivery hours only, being 5am to 10pm Mondays to Fridays.
55. DELETED
56. Any loading or unloading activities involving the transportation of contaminated medical waste, linen or medical gasses across a public footpath and any part of the road reserve are to be carried out in a responsible and professional manner and, at appropriate times so as to avoid likely exposure of these materials to the public and, in regard to the medical waste and linen, such materials must be transported in a sealed container across these public places.
57. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.
58. Unless a separate application to vary hours of operation has been submitted to and approved by Council, the operating hours of the day surgery facility and consulting suites are not to be more than from 7am to 6pm Mondays to Fridays and, deliveries are not to be undertaken outside the hours of 5am and 10pm Mondays to Fridays.
59. The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997* (NSW).

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

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

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

61. Designated approved parking areas, vehicle bays, driveways and turning areas are to be maintained clear of obstruction and be used exclusively for purposes of car parking, loading and unloading, and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.
62. Any liquid wastes from the premises, other than stormwater are to be either discharged to the sewers of the Hunter Water Corporation in accordance with an approved Trade Waste Agreement or collected and disposed of by a licensed waste

transport contractor in accordance with the Department of Environment and Climate Change 'Waste Classification Guidelines Part 1: Classifying Waste'.

63. All parking and loading bays are to be permanently marked out on the pavement surface, with loading bays and visitor parking facilities being clearly indicated by signs.
64. The proposed customer/staff parking bays are to be permanently marked out on the pavement surface and being clearly indicated by means of signs and/or pavement markings.
65. DELETED

## ADVISORY MATTERS

- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Prior to commencing any building works, the following provisions of Division 6.2 of the *Environmental Planning and Assessment Act 1979* are to be complied with:
  - a) A Construction Certificate is to be obtained; and
  - b) A Principal Certifier is to be appointed for the building works and Council is to be notified of the appointment; and
  - c) Council is to be given at least two days notice of the date intended for commencement of building works.
- A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building and/or on the land and include a separate list of any fire safety measures that already exist at the premises. The lists must describe the extent, capability and basis of design of each of the measures.
- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000* (NSW).
- A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- An annual Fire Safety Statement in the form described in Clause 175 of the *Environmental Planning and Assessment Regulation 2000* (NSW) is to be submitted to Council and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of New South Wales Fire Brigades. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

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

**END OF CONDITIONS**

## **SCHEDULE 2**

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

The determination decision was reached for the following reasons:

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

### **REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED**

The following conditions are applied to:

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

**DEVELOPMENT APPLICATIONS COMMITTEE MEETING**

**18 February 2020**

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**DAC 18/02/2020**

**DA2019/00062.01 - 8 Lingard Street Merewether**

**Attachment C: Processing Chronology**

**DISTRIBUTED UNDER SEPARATE COVER**

**PROCESSING CHRONOLOGY**

**DA2019/00062.01 - 8 Lingard Street Merewether**

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

## **ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**ITEM 6**      **DA2003/2991.01 - 89 PARK AVENUE KOTARA**

**Modify - outside core trading hours and access**

**Attachment A** - Submitted Plans

**Attachment B** - Draft Schedule of Conditions

**Attachment C** - Processing Chronology

**DISTRIBUTED UNDER SEPARATE COVER**

**DEVELOPMENT APPLICATIONS COMMITTEE MEETING**

**18 February 2020**

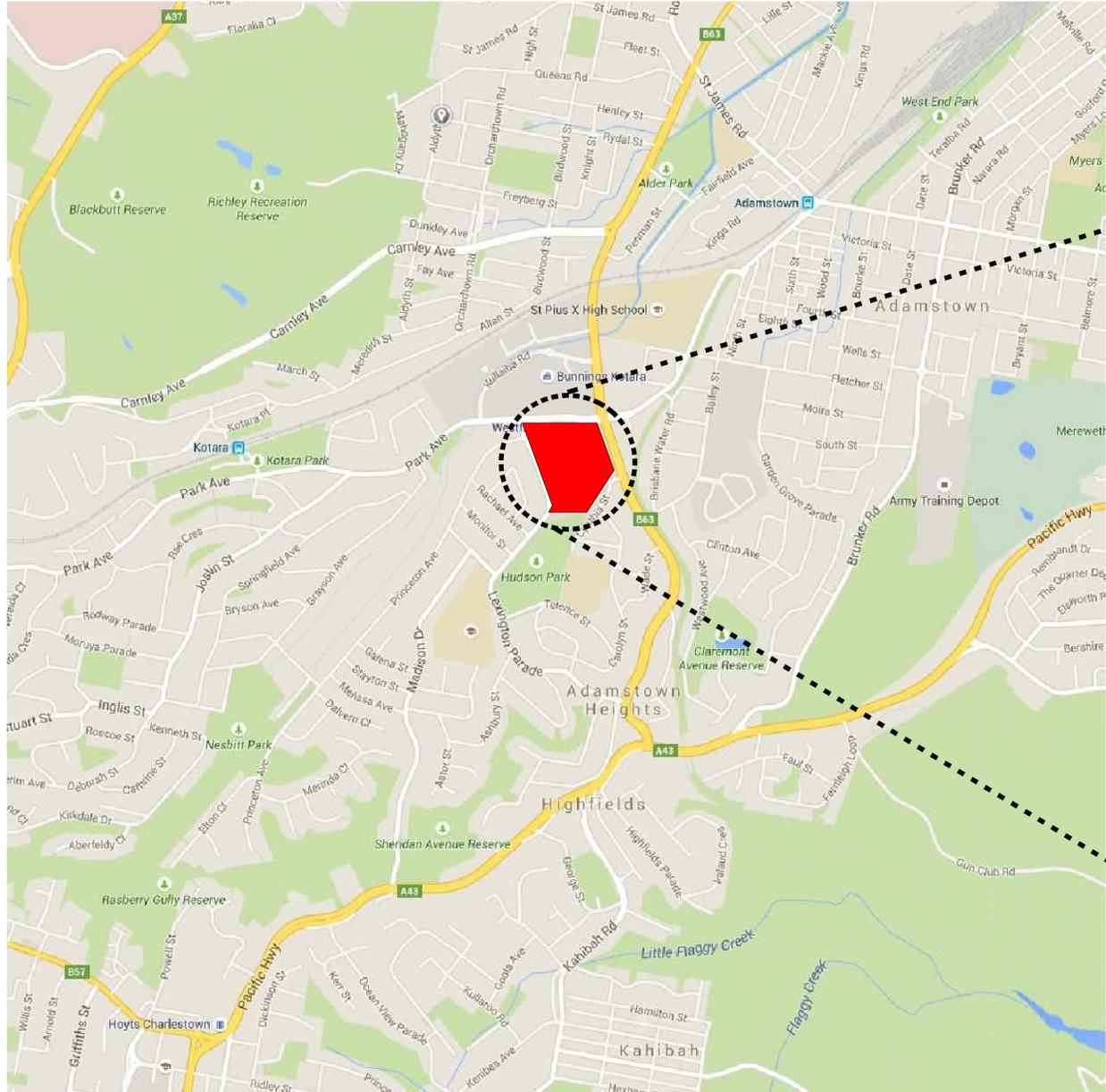
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**DAC 18/02/2020**

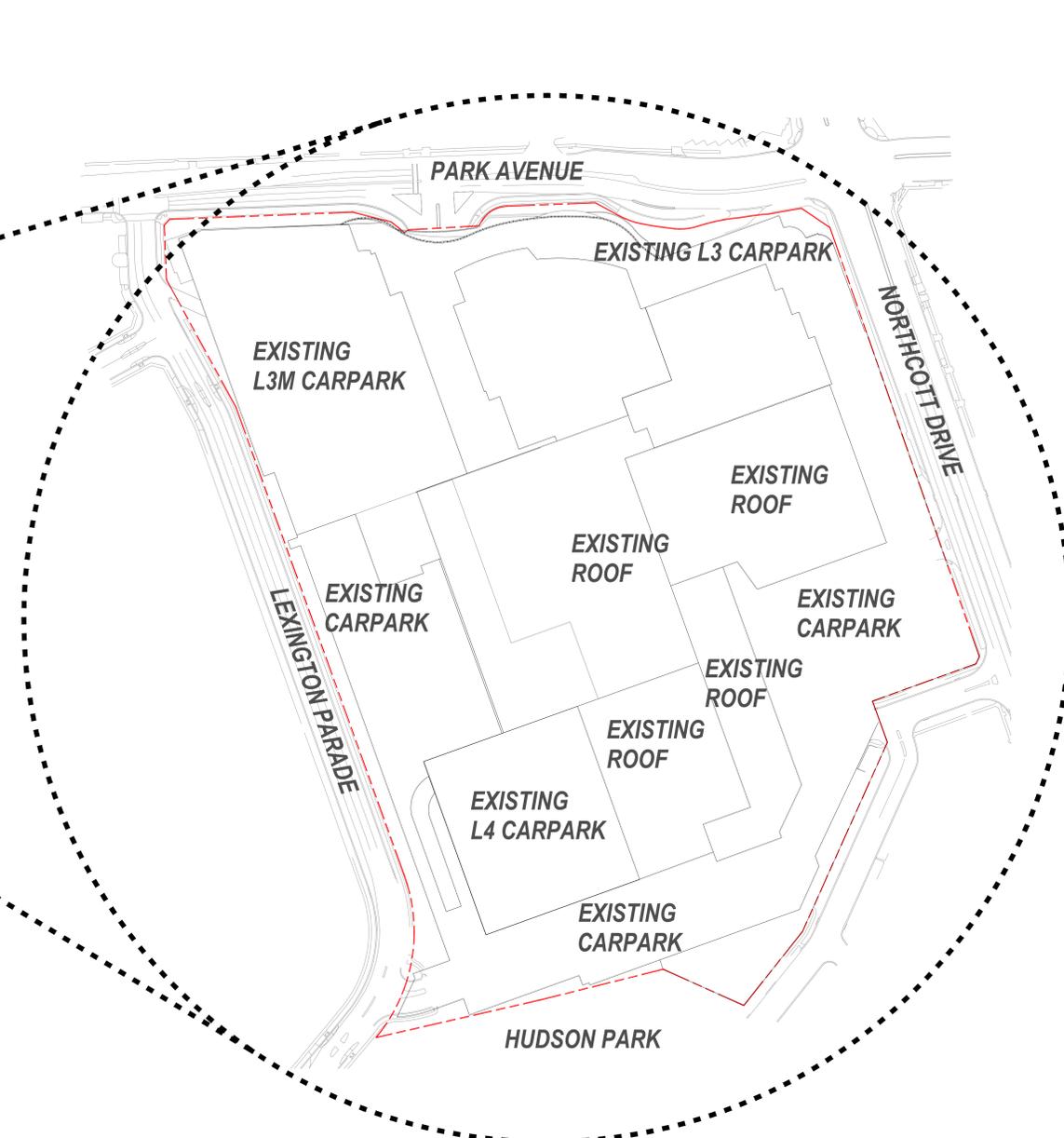
**DA2003/2991.01 - 89 Park Avenue Kotara**

**Attachment A: Submitted Plans**

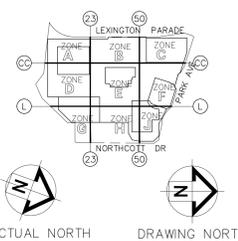
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1 SITE LOCATION  
NOT TO SCALE



2 SITE PLAN: SCOPE OF WORKS  
1:1000 @ A0



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

**SCENTRE GROUP**  
Owner and Operator of Westfield in Australia and New Zealand

Scentre Design and Construction Pty Limited  
 85 Castlereagh Street Sydney NSW 2000  
 Phone (02) 9358 7000 Fax (02) 9028 8500  
 GPO Box 4004 Sydney NSW 2001  
 ACN 100 067 266

LOCATION PLAN

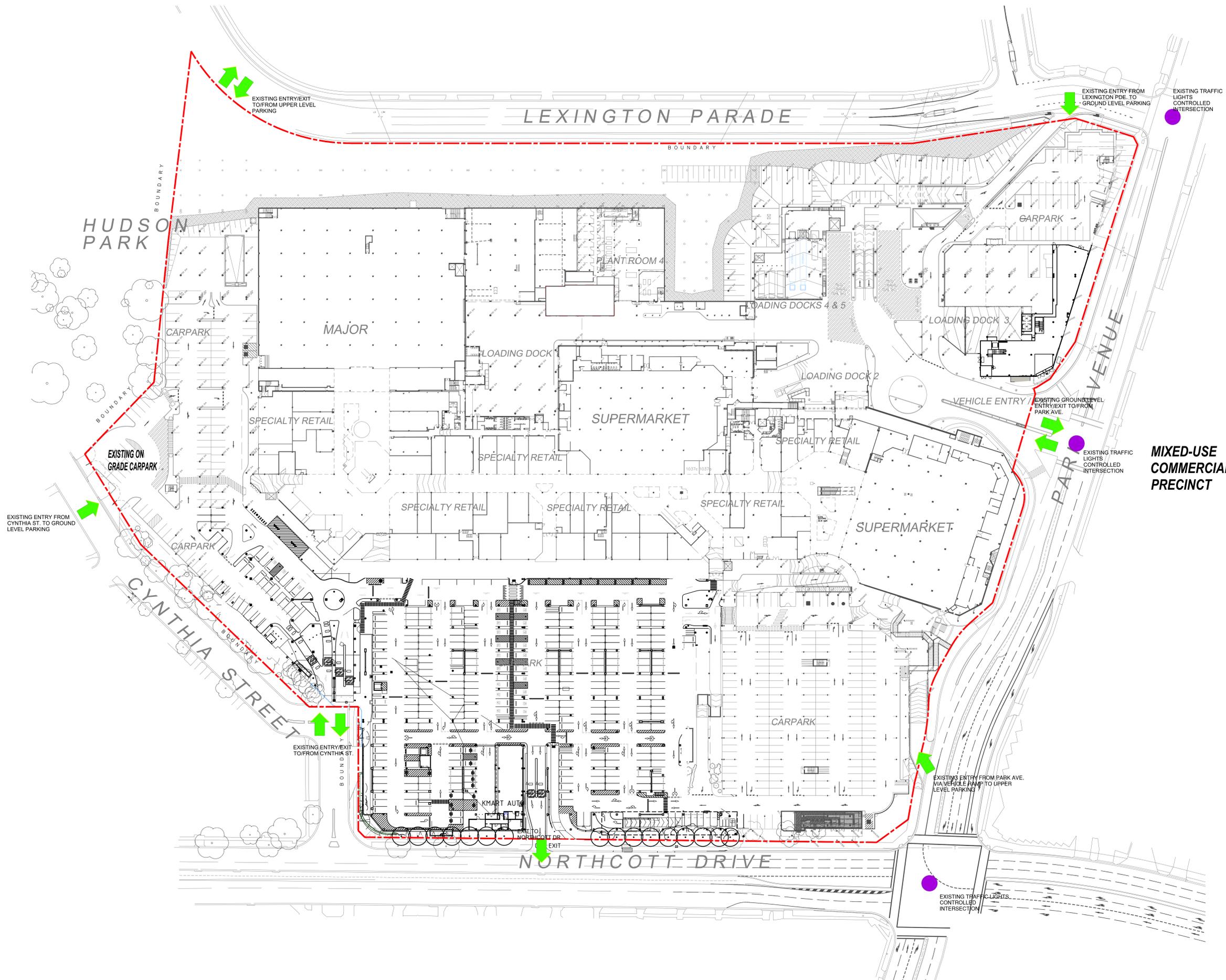
Centre

**KOTARA**  
 SCHEME 14H

DEVELOPMENT  
 APPLICATION  
 SECTION 96

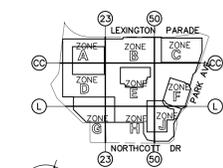
Project No.	Drawing No.	Revision
10708		
Drawing Scale	01.5001	7
Plot Date	20/08/2019	





- LEGEND**
- EXISTING:**
- EXISTING RETAIL
- PROPOSED:**
- PROPOSED MAJOR
  - PROPOSED MINI MAJOR
  - PROPOSED SPECIALTY
  - PROPOSED FOOD SPECIALTY
  - PROPOSED VERTICAL TRANSPORT
  - STORAGE
  - PROPOSED COMMON MALL
  - PROPOSED CAR PARK
  - PROPOSED SERVICES
- BOUNDARY LINE**
- TENANT STORAGE**
- DEMOLISHED AREA**
- DEMOLISHED CAR PARK BAY**
- PROPOSED AREA**

**MIXED-USE  
COMMERCIAL  
PRECINCT**



**ACTUAL NORTH**

- NOTES:**
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**SITE ANALYSIS  
LEVEL 1**

**KOTARA  
SCHEME 14H**

**DEVELOPMENT  
APPLICATION  
SECTION 96**

Project No. 10708	Drawing No.	Revision
Drawing Scale 1:500@A0	<b>01.5003</b>	<b>7</b>
Plot Date 19/08/2019		



**DEVELOPMENT APPLICATIONS COMMITTEE MEETING**

**18 February 2020**

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**DAC 18/02/2020**

**DA2003/2991.01 - 89 Park Avenue Kotara**

**Attachment B: Draft Schedule of Conditions**

**DISTRIBUTED UNDER SEPARATE COVER**

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

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## S4.55 MODIFIED CONDITION

- 2.17 a) The Cynthia Street driveways and the southern driveway in Lexington parade are to be closed to traffic by means of a locked gate at 6:00pm each evening, except Thursdays, on which day such driveways are to be closed to traffic after 9:30pm. Appropriate signage is to be placed at these driveways indicating the driveway closing time.
- b) Notwithstanding (a) above, the use of Cynthia Street driveways and the southern driveway in Lexington parade may operate to 10:00pm Mondays to Sundays, for a trial period of one year from the date of issue of this modification. During the trial period, noise monitoring is to be conducted by an appropriately qualified acoustic consultant to determine traffic noise impacts at the most affected residential receivers on Lexington Parade. The monitoring is to be conducted for a period of no less than seven days during the month of November and again in December. The said consultant is to prepare a report in accordance with the assessment and reporting methodology outlined in Appendix B of the DECCWNSW *Road Noise Policy – measurements and preparing a noise assessment report*. The report must also compare the monitoring results with noise level predictions provided in the report by Acoustic Logic dated 24/01/2020 (Document Reference 20190449.2/2401A/R8/VF).
- c) A further application may be lodged to continue the operating hours outlined in (b) above. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the findings of the acoustic assessment report outlined in (b) above.

All other conditions remain unchanged

# MODIFIED NOTICE OF DETERMINATION

Modified Application No: DA2003/2991.01

## SCHEDULE 1

### 1 GENERAL

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

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

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

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

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

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

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

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

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

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

**Reason:** To allow registered charities to use the Centre to obtain donations.

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

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

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

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

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

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

- 1.9 The applicant complying with all requirements of the Hunter Water Corporation Ltd regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's certificate of compliance is to be included in documentation for a Construction Certificate application.

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

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

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

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

**Reason:** To prevent environmental pollution, to ensure observance of appropriate public health standards and to protect the existing amenity of the neighbourhood.

1.12 Any proposed floodlighting of the premises being so positioned, directed and shielded as to not interfere with traffic safety or detract from the amenity of the adjacent premises.

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

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

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

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

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

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

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

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

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

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

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

1.18 Council's "PREVENT POLLUTION" sign being erected and maintained in a conspicuous location on or adjacent to the property boundary so that it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of construction work.

**Note:** Council's PREVENT POLLUTION sign can be obtained by presenting your development application receipt at Council's Customer Enquiry Counter at 282 King Street Newcastle or at the Master Builders Association office.

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

1.19 The entire building being upgraded to conform with the current requirements of Parts C, D, E, G and H of the Building Code of Australia. Full details are to be submitted with the required Construction Certificate application.

**Reason:** To ensure the fire protection of the building will be appropriate for the proposed use in accordance with Clause 94 of the Environmental Planning and assessment Regulation 2000.

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

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

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

2) \* A qualified Access Advisor is a current member of

Association of Consultants in Access Aust Inc  
326 Autumn Street, HERNE HILL, VIC. 3218.  
Ph (03) 5221 2820  
[www.access.asn.au](http://www.access.asn.au)

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

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

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

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

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

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

b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

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

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

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

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

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

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

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

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

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

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

## 2 ENGINEERING ASPECTS

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

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

2.2 The traffic signals at the intersection of Park Avenue and Lexington Parade being modified to incorporate the additional right turn traffic, including busses into the

proposed direct entry off Lexington Parade, with provision for pedestrian movement on all legs. Modifications are to be to the requirements of the RTA.

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

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

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

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

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

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

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

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

**Reason:** To comply with relevant Australian Standards and to prevent the queuing of vehicles onto Northcott Drive whilst maintaining an appropriate level of pedestrian safety and amenity.

2.7 The Developer constructing full width concrete foot paving from the limit of landscaping to the back of kerb such that the minimum foot paving width is 3 metres for the full Park Avenue frontage of the Shopping Centre.

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

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

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

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

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

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

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

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

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

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

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

2.13 The pedestrian crossing from the Woolworths undercroft carparking area to the internal stairs leading to the Woolworths foyer is to be deleted and replaced with an appropriate pedestrian refuge treatment that assigns priority to vehicles rather than pedestrians.

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

2.14 All on-site pedestrian facilities not within the building being provided with an appropriate awning or covered way.

**Reason:** To ensure provision of all weather access comfort for pedestrians.

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

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

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

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

2.17a) Modified DA2003/2991.01

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

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

c) A further application may be lodged to continue the operating hours outlined in (b) above not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the findings of the acoustic assessment report outlined in (b) above.

**Reason:** To limit the possibility of invasive or offensive noise impacting upon the amenity of the adjacent residential area.

2.18 Opposing traffic flows on car park ramps being separated by the provision of an appropriate kerb and/or safety barrier. Full details are to be included in documentation for a Construction Certificate application.

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

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

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

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

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

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

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

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

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

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

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

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

**Reason:** To ensure the provision of adequate clearly defined and properly constructed means of all-weather vehicular access to the site in order

to encourage the use of on-site parking facilities and in the interest of maximising vehicular and pedestrian safety and convenience.

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

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

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

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

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

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

- 2.28 All proposed driveways, parking bays, loading bays and vehicular turning areas being constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. Pavement design details are to be engineer certified.

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

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

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

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

**Reason:** To ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking spaces and driveway access and in the interest of traffic safety and convenience.

2.31 All parking and loading bays being permanently marked out on the pavement surface with loading bays being clearly identified by signs.

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

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

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

2.33 Application being made to and approved by Council for the erection of a hoarding or part closure of the footway prior to construction being commenced. Such overhead structure or protective fence shall comply with the Construction Safety Act 1912 and Regulation 1950. Notice of intention of commencement must be given to Workcover New South Wales.

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

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

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

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

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

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

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

2.37 The Contractor making provision for safe, continuous movement of traffic and pedestrians in public roads and erecting traffic warning signs conforming to the Roads and Traffic Authority's General Specifications (RTA Spec. Part G10 "Control of Traffic" and RTA Spec.3355). Traffic control is to only be carried out by flagmen with certification that they have been trained in accordance with Australian Standard 1742.3 – 1996.

**Reason:** To ensure the proposed development does not unreasonably interfere with the convenience or safety of the general public.

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

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

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

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

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

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

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

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

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

**Reason:** To reduce risk to the public resulting from flooding.

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

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

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

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

### 3 ENVIRONMENTAL MANAGEMENT

#### Construction / Demolition Phase

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

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

3.2 Construction works being undertaken in accordance with Australian Standard AS 2436 - Guide to Noise Control on Construction, Maintenance and Demolition Sites and NSW EPA guidelines. Should Council consider offensive noise is being emitted as a result of the proposed works, the developer will be

required to cease the noise generating activity immediately and institute appropriate noise control measures in accordance with the Australian Standard, to the satisfaction of Council, prior to recommencement of such works on site.

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

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

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

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

**Reason:** To confirm the terms of consent, allow assessment of noise and vibration impacts on neighbouring properties and ensure compliance with the relevant assessment criteria.

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

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

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

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

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

- 3.7 No driven piling being carried out on site.

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

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

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

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

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

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

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

- 3.10 Specific prior approval for any work outside the standard construction/demolition times being sought from Council by the submission of an application in the form of a written *Notice for After Hours Work* at least two weeks prior to the

commencement of the said work. Such an application is to be accompanied by the following:

- (i) A detailed description of the proposed work, where it is to be undertaken, why it must be undertaken outside the standard construction / demolition times, the duration of works and a contingency arrangement should the application for after hours works be refused or revoked.
- (ii) An acoustic assessment of the proposed works, undertaken by an appropriately qualified acoustic consultant, demonstrating the  $L_{Aeq}$  noise level of works will not exceed a criteria of background plus 5dB(A) and detailing any required mitigation measures.
- (iii) A program to undertake real time acoustic monitoring during works.
- (iv) Contact details for an appropriately qualified acoustic consultant who will be on call during the proposed works to review monitoring results, respond to complaints and identify and implement noise control measures as necessary.
- (v) A notification plan for potentially effected residents.

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

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

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

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

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

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

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

3.13 The applicant providing the owner/occupiers of neighbouring residential and commercial premises with a monthly update of the construction / demolition works program by way of letter following the commencement of works on site. The monthly update is to include contact details for the 24-hour telephone complaints.

**Reason:** To ensure that nearby owner/occupiers are kept informed of progress during the construction phase of the project.

- 3.14 Appropriate control measures being implemented during demolition, excavation and construction works to minimise the generation and off-site transportation of dust, including the use of water sprays on all disturbed and stockpile areas and suspension of operations during conditions conducive to the generation of air borne dust.

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Operational Phase**

- 3.21 The applicant submitting to the Principal Certifying Authority with the required Construction Certificate an Acoustic Design Report and mechanical specifications detailing all new and retained mechanical plant to be installed and

noise control measures to be implemented to achieve the acoustic design criteria, as set out in the report prepared by The Acoustic Group, dated 27 September 2004, at the residential boundary or façade, as appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

3.25 Absorbent matting being placed on the deck of the loading dock adjacent to Cynthia Street.

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

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

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

#### 4 LANDSCAPING

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

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

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

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

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

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

- An accurate survey of tree locations;
- Assessment by the arborist of the likely impacts of the proposed development on the trees in question;

- The arborist's recommendations regarding which trees can realistically be retained, and which will have to be removed due to conflict with the proposed works; and
- An accurate plan to scale, indicating the location and canopy spread of trees to be retained and trees to be removed along the entire boundary between Hudson Park and the proposed multi-level car park.

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

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

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

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

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

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

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

**Reason:** To protect the public tree assets and their critical roots from mechanical damage, compaction or any other adverse impacts resulting from construction activity.

4.6 No construction machinery having access over or being used on public land/Hudson Park. No storage or stockpiling of materials is permitted on public land/Hudson Park.

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

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

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

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

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

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

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

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

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

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

4.11 Screen planting along the building on Westfield land being maintained by the Developer to a good standard for the life of the building.

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

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

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

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

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

## 5 CRIME PREVENTION / SECURITY

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

- a) The development and identification of strategies for the management of the Centre after hours (including noise and movement) to prevent disturbance to the surrounding neighbourhood, minimise crime and anti-social behaviour and develop effective responses to such incidents. These strategies are to be incorporated into a comprehensive 'Extended Hours Trading Plan'. The Extended Hours Trading Plan is to also include restrictions on access points to the car park after normal trading hours (ie. closure of gates in Lexington Parade and Cynthia Street).
- b) Measures recommended by the NSW Police Service to ensure crime prevention, as detailed on the attached Schedule A.
- c) Appointment of a Westfield Security Manager to oversee all security staff operating within the Centre. Security personnel are to be
- d) appropriately trained and available to the Centre 24-hours a day. Patrolling strategies are to be developed with an increased presence after hours.

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

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

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

## 6 Advisory Matters

- 6.1 Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:

- a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
- b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and form 7 of schedule 1 to the Regulations.
- c) Council is to be given at least two days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.

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

- 6.2 Prior to the occupation of a new building, or, occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building. An application for an Occupation Certificate must be set out in the form of the relevant part of Form 12 of the Environmental Planning and Assessment Regulations and must be accompanied by the relevant information required by Form 12.

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

- 6.3 A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

**Reason:** To ensure compliance with Clause 80E of the Environmental Planning and Assessment Regulations.

## **SCHEDULE 2**

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

The determination decision was reached for the following reasons:

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

### **REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED**

The following conditions are applied to:

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

**DEVELOPMENT APPLICATIONS COMMITTEE MEETING**

**18 February 2020**

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**DAC 18/02/2020**

**DA2003/2991.01 - 89 Park Avenue Kotara**

**Attachment C: Processing Chronology**

**DISTRIBUTED UNDER SEPARATE COVER**

**PROCESSING CHRONOLOGY**

**DA2003/2991.01 - 89 Park Avenue Kotara**

- |                  |   |                                                  |
|------------------|---|--------------------------------------------------|
| 18 July 2019     | - | Modification application lodged                  |
| 26 July 2019     | - | Public notification                              |
| 19 November 2019 | - | Public Voice Committee meeting                   |
| 20 December 2019 | - | Additional traffic and acoustic reports received |
| 24 January 2020  | - | Amended acoustic report submitted                |

## **ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**ITEM 7            DA2017/00681.01 - 18 GREY STREET WICKHAM**

**Mixed Use Development - Modification - Additions  
communal roof top terrace**

**Attachment A** - Submitted Plans

**Attachment B** - Draft Schedule of Conditions

**Attachment C** - Processing Chronology

**DISTRIBUTED UNDER SEPARATE COVER**

**DEVELOPMENT APPLICATIONS COMMITTEE MEETING**

**18 February 2020**

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**DAC 18/02/2020**

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

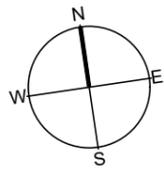
**Attachment A: Submitted Plans**

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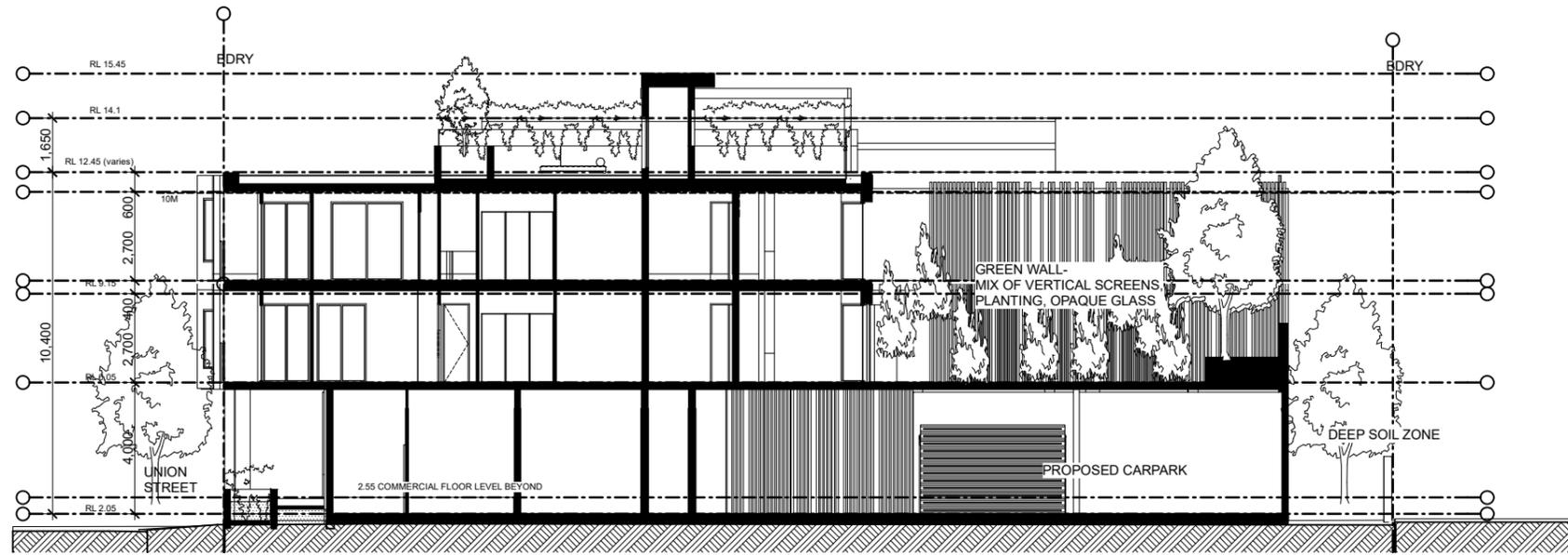
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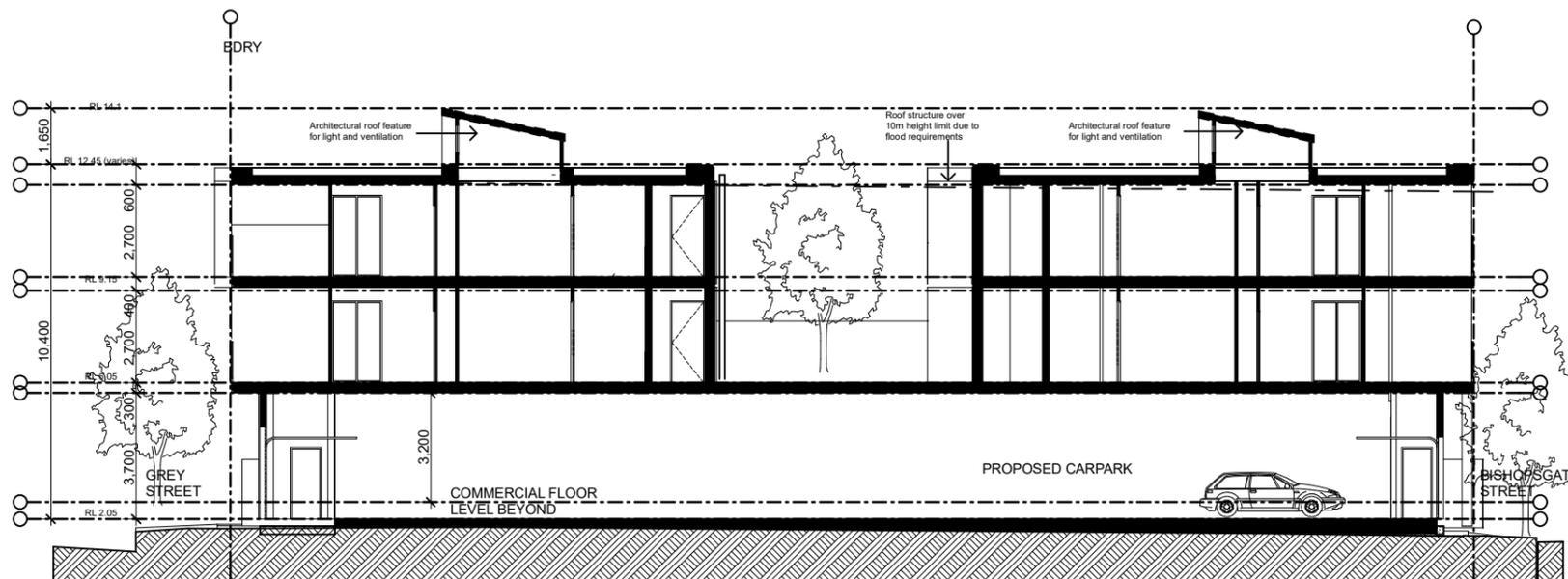
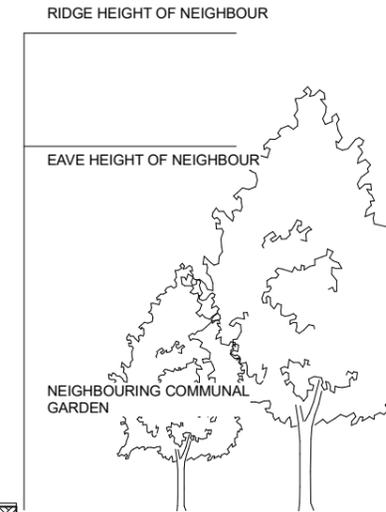
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 LOCATION: 18 GREY STREET WICKHAM SCALE:  
 CLIENT: GREY STREET PTY LTD DATE: 1-3-19  
 PROJECT No: 1102- DAAMEND1 ISSUE: C  
 DRAWING: 08 ROOF





SECTION AA 1:200



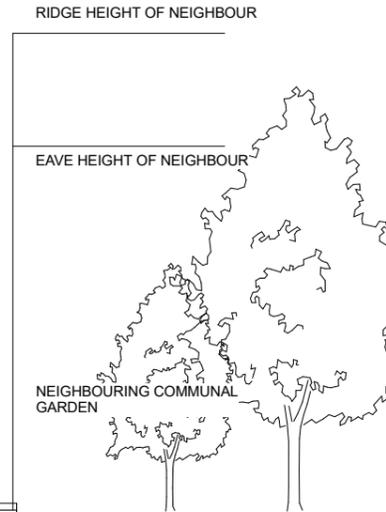
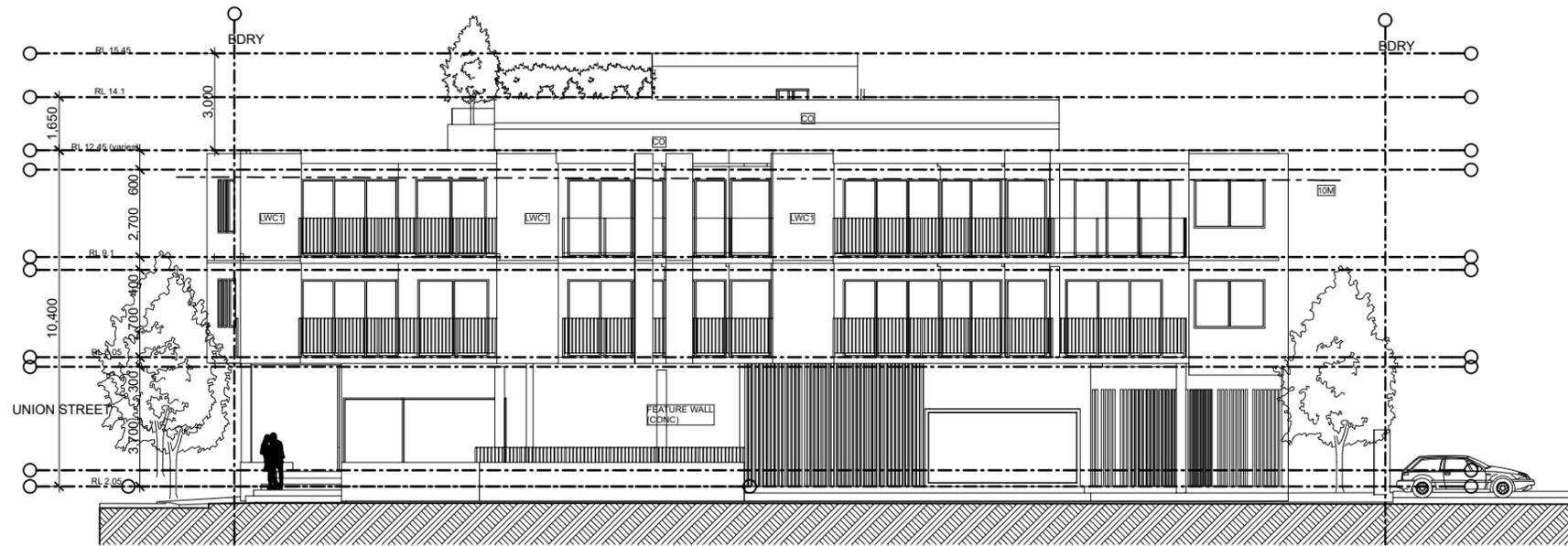
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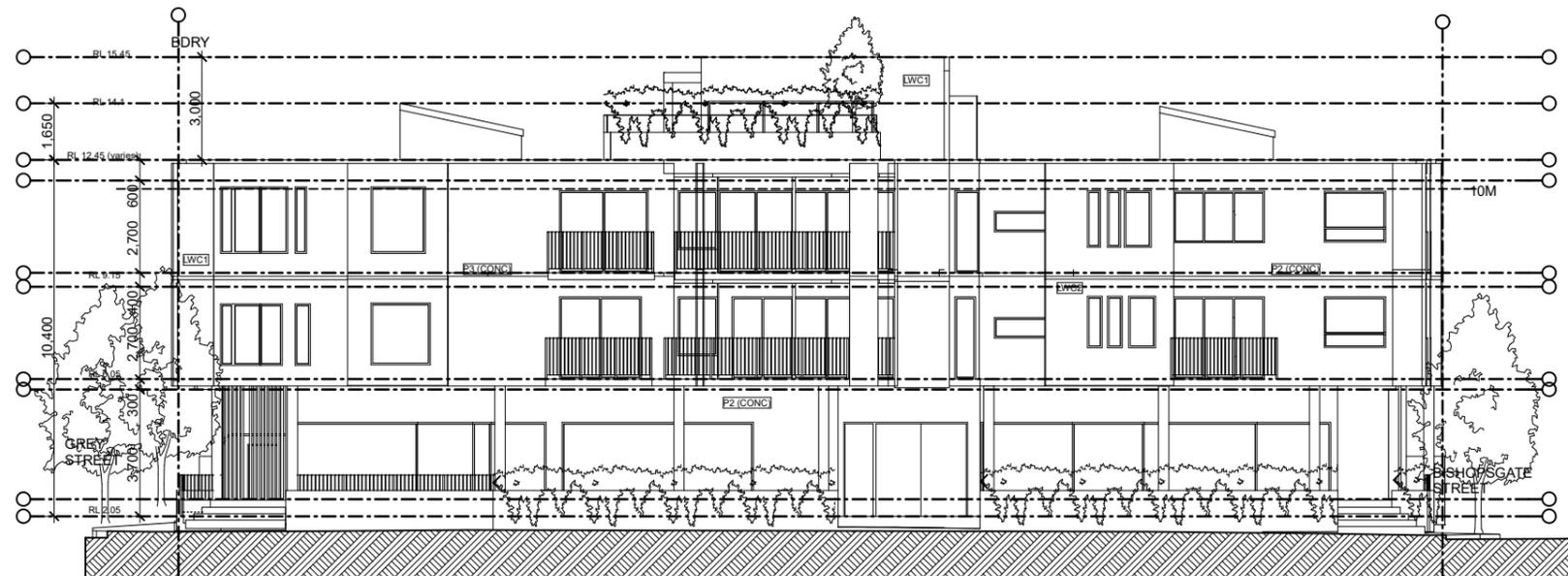
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 CLIENT: GREY STREET PTY LTD DATE: 1-3-19  
 PROJECT No: 1102- DAAMEND1 ISSUE: C  
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BISHOPSGATE STREET 1:200



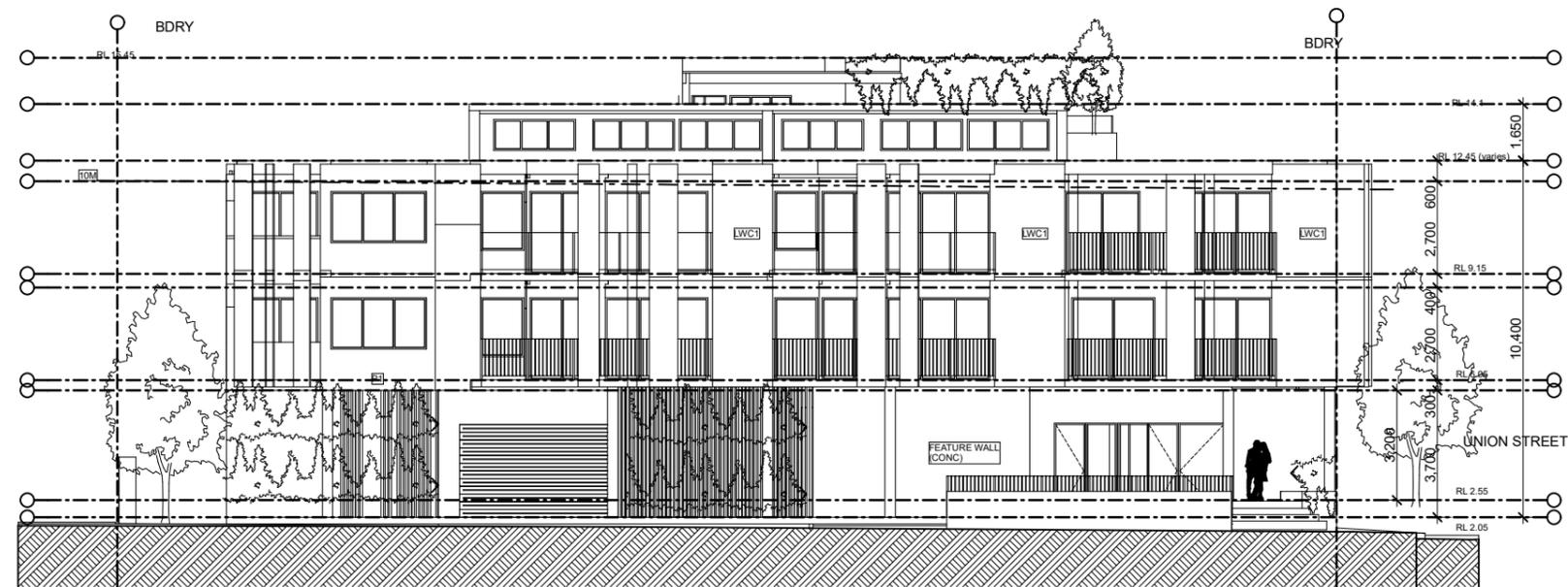
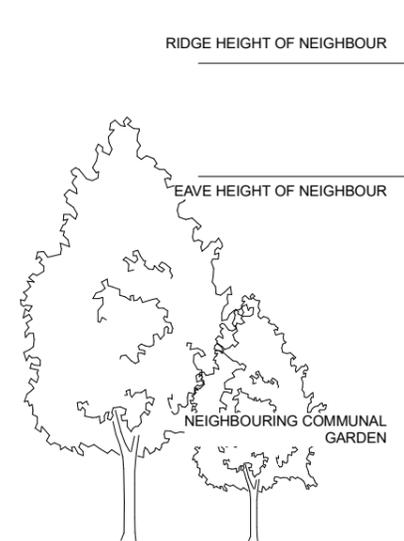
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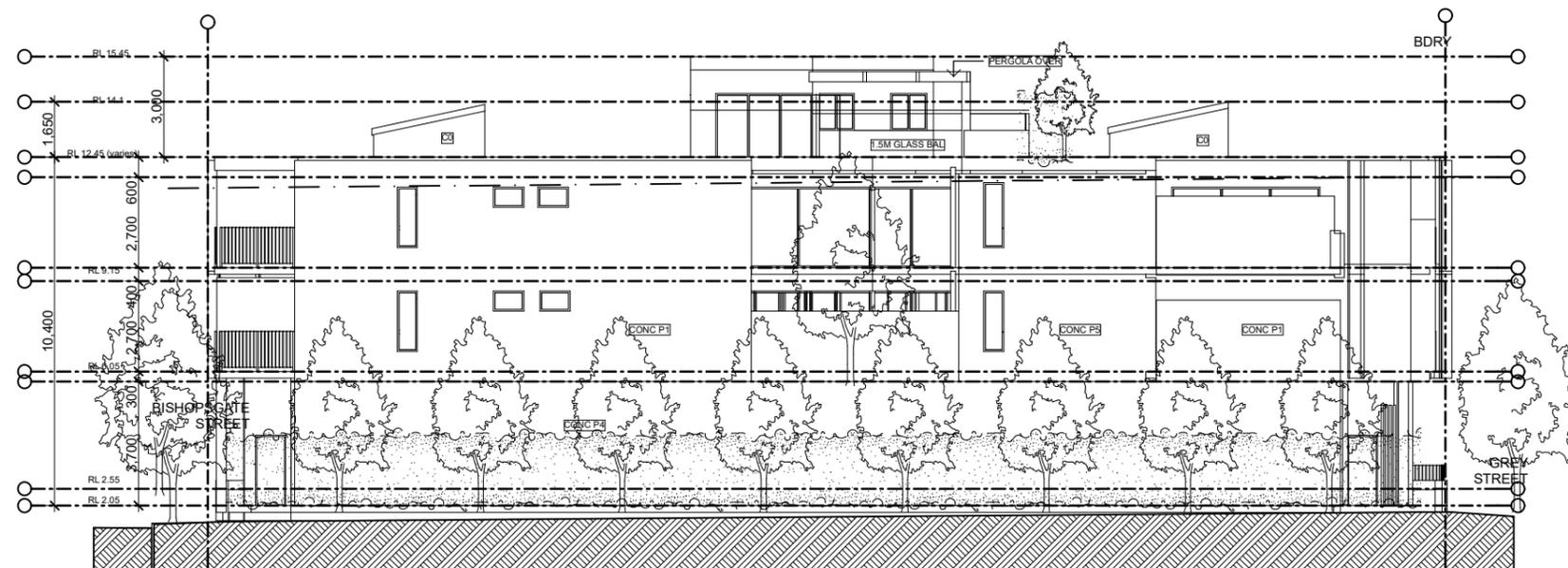
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 WICKHAM  
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 PROJECT No: 1102- DAAMEND1 ISSUE: C  
 DRAWING: 10  
 ELEVATION





GREY STREET 1:200



EASTERN ELEVATION 1:200

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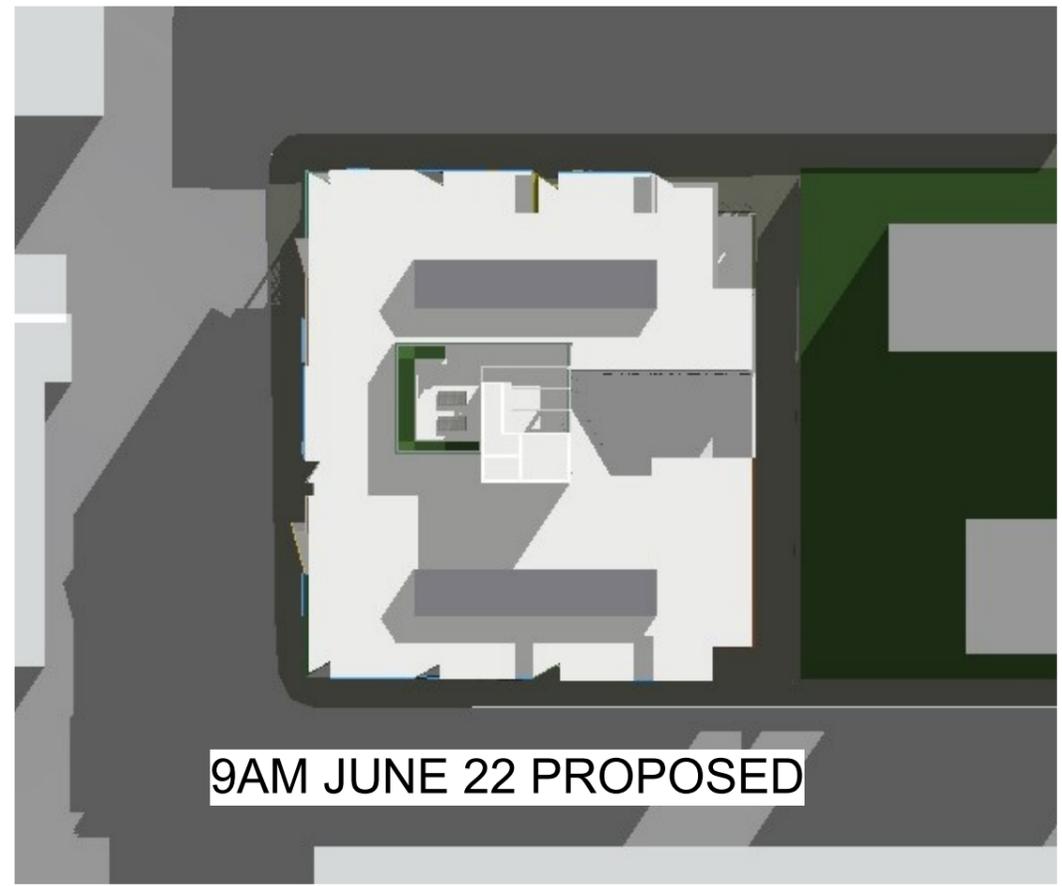
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 WICKHAM  
 CLIENT: GREY STREET PTY LTD DATE: 1-3-19  
 PROJECT No: 1102- DAAMEND1 ISSUE: C  
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 ELEVATIONS





9AM JUNE 22 DA APPROVED



9AM JUNE 22 PROPOSED



12PM JUNE 22

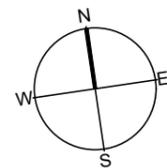


12PM JUNE 22 PROPOSED

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SHADOW DIAGRAMS 1:500



PROJECT: MIXED USE DEVELOPMENT DRAWN: KO  
 LOCATION: 18 GREY STREET WICKHAM SCALE:  
 CLIENT: GREY STREET PTY LTD DATE: 1-3-19  
 PROJECT No: 1102- DAAMEND1 ISSUE: C  
 DRAWING: 22 SHADOWS



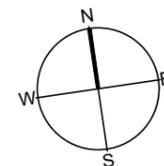


3PM JUNE 22



3PM JUNE 22 PROPOSED

SHADOW DIAGRAMS 1:500



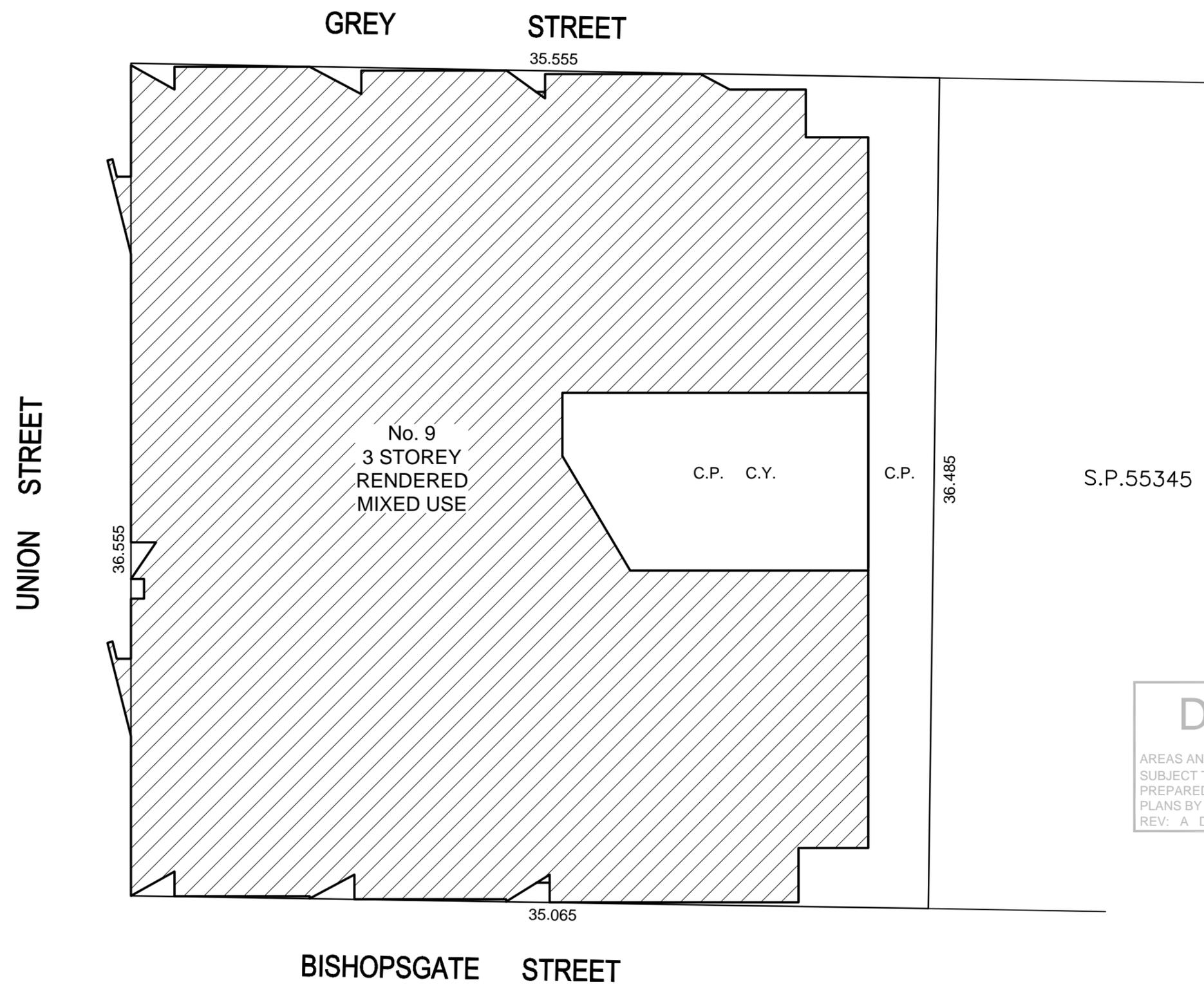
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PROJECT:	MIXED USE DEVELOPMENT	DRAWN:	KO
LOCATION:	18 GREY STREET WICKHAM	SCALE:	
CLIENT:	GREY STREET PTY LTD	DATE:	1-3-19
PROJECT No:	1102- DAAMEND1	ISSUE:	C
DRAWING:	23 SHADOWS		



# LOCATION PLAN



S.P.55345

**DRAFT**

AREAS AND DIMENSIONS ARE  
 SUBJECT TO FINAL SURVEY  
 PREPARED BASED ON ARCHITECTURAL  
 PLANS BY COVE DESIGN  
 REV: A DATE:12-4-19

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

<p><b>SURVEYOR</b>          Name: Jason Lee Harman          Date: 09/07/2019          Reference: 5355-SP</p>	<p><b>PLAN OF SUBDIVISION OF          LOT 10 D.P. 1252880</b></p>	<p>L.G.A. NEWCASTLE          Locality: WICKHAM          Reduction Ratio 1: 200          Lengths are in metres</p>	<p>Registered</p>	<p><b>SP</b></p>
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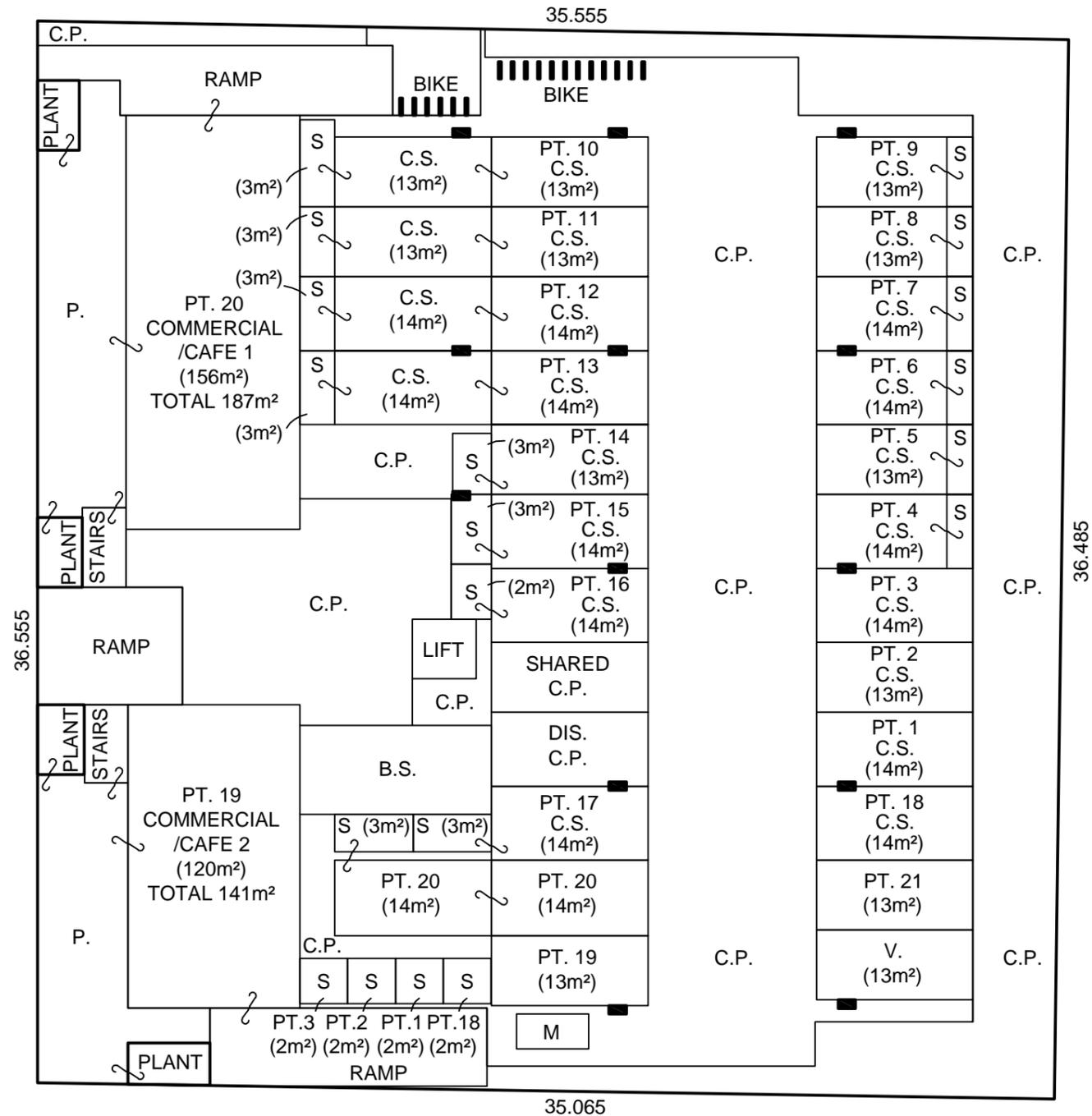
# GROUND FLOOR PLAN

**NOTES:**

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

 - DENOTES RIGHT ANGLE

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

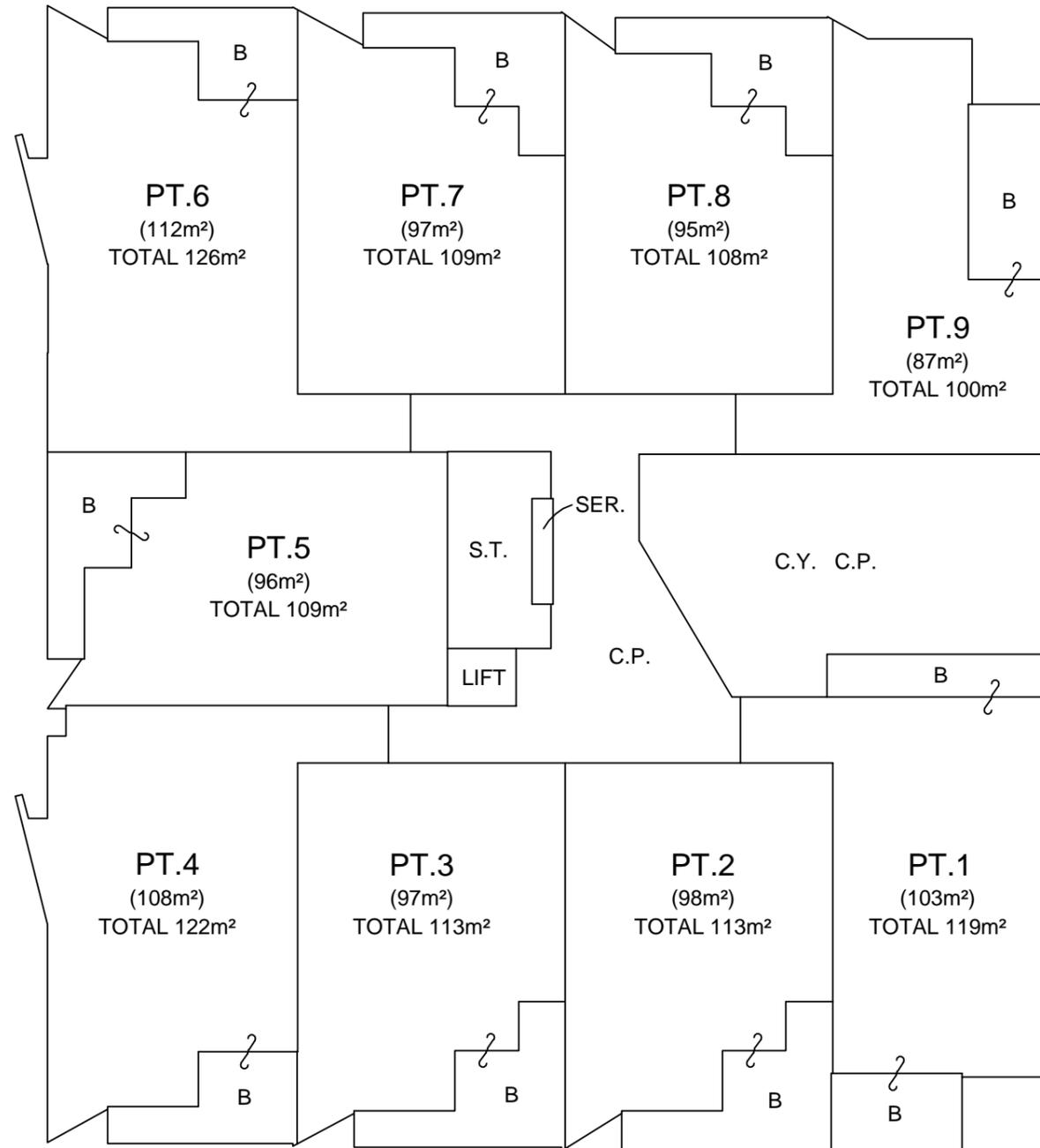


DRAFT

AREAS AND DIMENSIONS ARE SUBJECT TO FINAL SURVEY PREPARED BASED ON ARCHITECTURAL PLANS BY COVE DESIGN  
REV: A DATE:12-4-19

<p><b>SURVEYOR</b> Name: Jason Lee Harman Date: 09/07/2019 Reference: 5355-SP</p>	<p><b>PLAN OF SUBDIVISION OF LOT 10 D.P. 1252880</b></p>	<p>L.G.A. NEWCASTLE Locality: WICKHAM Reduction Ratio 1: 200 Lengths are in metres</p>	<p>Registered</p>	<p>SP</p>
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# FIRST FLOOR



**NOTES:**

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

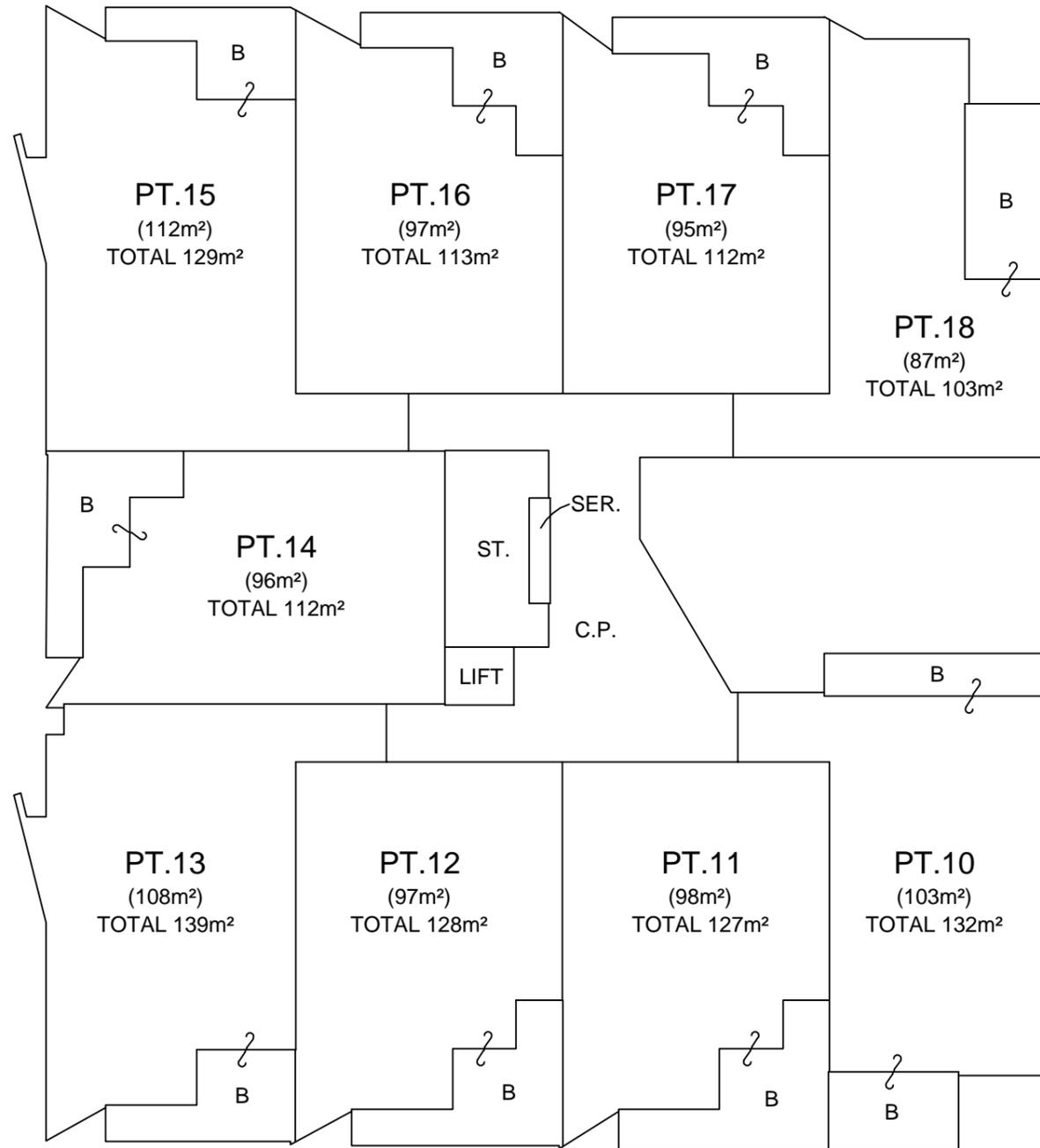
- B. - DENOTES BALCONY
- C.P. - DENOTES COMMON PROPERTY
- C.Y. - DENOTES COURTYARD (COMMON PROPERTY)
- LIFT - DENOTES LIFT (COMMON PROPERTY)
- SER. - DENOTES SERVICES SHAFT (COMMON PROPERTY)
- ST. - DENOTES STAIR WELL (COMMON PROPERTY)

DRAFT

AREAS AND DIMENSIONS ARE SUBJECT TO FINAL SURVEY PREPARED BASED ON ARCHITECTURAL PLANS BY COVE DESIGN  
REV: A DATE:12-4-19

SURVEYOR Name: Jason Lee Harman Date: 09/07/2019 Reference: 5355-SP	<b>PLAN OF SUBDIVISION OF LOT 10 D.P. 1252880</b>	L.G.A. NEWCASTLE Locality: WICKHAM Reduction Ratio 1: 200 Lengths are in metres	Registered	SP
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# SECOND FLOOR



**NOTES:**

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

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

**DRAFT**

AREAS AND DIMENSIONS ARE  
SUBJECT TO FINAL SURVEY  
PREPARED BASED ON ARCHITECTURAL  
PLANS BY COVE DESIGN  
REV: A DATE:12-4-19

<p><b>SURVEYOR</b> Name: Jason Lee Harman Date: 09/07/2019 Reference: 5355-SP</p>	<p><b>PLAN OF SUBDIVISION OF LOT 10 D.P. 1252880</b></p>	<p>L.G.A. NEWCASTLE Locality: WICKHAM Reduction Ratio 1: 200 Lengths are in metres</p>	<p>Registered</p>	<p style="font-size: 24px;"><b>SP</b></p>
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Office Use Only

Office Use Only

Registered:

**STRATA PLAN OF SUBDIVISION OF:**  
**LOT 10 D.P. 1252880**

LGA: NEWCASTLE

Locality: WICKHAM

Parish: NEWCASTLE

County: NORTHUMBERLAND

This is **\*FREEHOLD/\*LEASEHOLD** Strata Scheme**Surveyor's Certificate**

I ..... **JASON LEE HARMAN** .....  
 of ..... **LAND DEVELOPMENT SOLUTIONS PTY LTD.** .....  
**PO BOX 853 THE JUNCTION, NSW 2291** .....  
 being a land surveyor registered under the *Surveying and Spatial Information Act 2002*, certify that the information shown in the accompanying plan is accurate and each applicable requirement of Schedule 1 of the *Strata Schemes Development Act 2015* has been met.

\*The building encroaches on:

\*(a) a public place

~~\*(b) land other than a public place and an appropriate easement to permit the encroachment has been created by ^ .....~~

Signature: .....

Date: .....

Surveyor ID: ..... **4221** .....Surveyor's Reference: ..... **5355-SP** .....

^ Insert the deposited plan number or dealing number of the instrument that created the easement

**Strata Certificate (Accredited Certifier)**

I ..... **ALAN SACCARO** ..... being an Accredited Certifier, accreditation number **BPB0778** ....., certify that in regards to the strata plan with this certificate, I have made the required inspections and I am satisfied the plan complies with clause 17 *Strata Schemes Development Regulation 2016* and the relevant parts of Section 58 or 59 *Strata Schemes Development Act 2015*.

\*~~(a) This plan is part of a development scheme.~~

\*(b) The building encroaches on a public place and in accordance with section 62(3) *Strata Schemes Development Act 2015* the local council has granted a relevant planning approval that is in force for the building with the encroachment or for the subdivision specifying the existence of the encroachment.

\*(c) This certificate is given on the condition contained in the relevant planning approval that lot(s) ^ ..... **21** ..... will be created as utility lots and restricted in accordance with section 63 *Strata Schemes Development Act 2015*.

Certificate Reference: .....

Relevant Planning Approval No.: .....  
 issued by: .....

Signature: .....

Date: .....

^ Insert lot numbers of proposed utility lots.

Office Use Only

Office Use Only

Registered:

**VALUER'S CERTIFICATE**

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

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

**SCHEDULE OF UNIT ENTITLEMENT**

LOT No.	ENTITLEMENT
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	

LOT No.	ENTITLEMENT
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
AGGREGATE	100

**STREET ADDRESS SCHEDULE**

LOT	SUB-ADDRESS NUMBER	ADDRESS NUMBER	ROAD NAME	ROAD TYPE	LOCALITY
CP		9	UNION	STREET	WICKHAM
1	101	9	UNION	STREET	WICKHAM
2	102	9	UNION	STREET	WICKHAM
3	103	9	UNION	STREET	WICKHAM
4	104	9	UNION	STREET	WICKHAM
5	105	9	UNION	STREET	WICKHAM
6	106	9	UNION	STREET	WICKHAM
7	107	9	UNION	STREET	WICKHAM
8	108	9	UNION	STREET	WICKHAM
9	109	9	UNION	STREET	WICKHAM
10	201	9	UNION	STREET	WICKHAM
11	202	9	UNION	STREET	WICKHAM
12	203	9	UNION	STREET	WICKHAM

Office Use Only	Office Use Only
Registered:	

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

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

### STREET ADDRESS SCHEDULE

LOT	SUB-ADDRESS NUMBER	ADDRESS NUMBER	ROAD NAME	ROAD TYPE	LOCALITY
13	204	9	UNION	STREET	WICKHAM
14	205	9	UNION	STREET	WICKHAM
15	206	9	UNION	STREET	WICKHAM
16	207	9	UNION	STREET	WICKHAM
17	208	9	UNION	STREET	WICKHAM
18	209	9	UNION	STREET	WICKHAM
19	1	9	UNION	STREET	WICKHAM
20	2	9	UNION	STREET	WICKHAM

**DEVELOPMENT APPLICATIONS COMMITTEE MEETING**

**18 February 2020**

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**DAC 18/02/2020**

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

**Attachment B: Draft Schedule of Conditions**

**DISTRIBUTED UNDER SEPARATE COVER**

**Application No:** DA2017/00681.01

**Land:** Lot 10 DP 1252880

**Property Address:** 18 Grey Street Wickham NSW 2293

**Proposed Development:** Mixed use development - Modification - addition of rooftop communal area

**Modified Application No:** DA2017/00681.01

**SCHEDULE 1**

**REASONS FOR CONDITIONS**

1. The conditions of this consent have been imposed in accordance with Section 4.17 of the *Environmental Planning and Assessment Act 1979* (NSW). The conditions relate to any matter referred to in Section 4.15 of relevance to the development the subject of the consent and are imposed to ensure that the development is undertaken in an orderly manner, with acceptable impacts on the natural and built environment.

**APPROVED DOCUMENTATION - modified**

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

<b>Plan No / Supporting Document</b>	<b>Reference / Version</b>	<b>Prepared by</b>	<b>Dated</b>
Ground Level	Project No 1102- DA1 Issue: E	O'Connell Architects and design	1/09/17
Level One	Project No 1102- DA1 Issue: E	O'Connell Architects and design	1/09/17
Level Two	Project No 1102- DA1 Issue: E	O'Connell Architects and design	1/09/17
Level 3	Project No 1102- DA_amend1 issue: C	O'Connell Architects and design	1/03/19
Sections AA and BB	Project No 1102- DA_amend1_ Issue: C	O'Connell Architects and design	1/03/19
Bishopsgate and Union Street Elevation	Project No 1102- DA amend_1 Issue: C	O'Connell Architects and design	1/03/19
Grey Street and Eastern Elevation	Project No 1102- DA_amend1 Issue: C	O'Connell Architects and design	1/09/17
Union Street 3D View	Project No 1102- DA1 Issue: E	O'Connell Architects and design	1/09/17

Grey Street 3D View	Project No 1102- DA1 Issue: E	O'Connell Architects and design	1/09/17
Acoustic Report	Ref: 171378/7036	Spectrum Acoustic	8/03/17
DA Access Report		BCA Solutions	31/05/17
Amended Draft Strata Plan	Ref: 5355-SP Sheets 1 to 4	Jason Harman	09/07/19
Statement of Support for the Modification of DA 2017 – 00681 Under Section 4.55 (2)	Ref: 5355	Land Development Solution	August 2019
Clause 4.6 Exception to Development Standard Height of Buildings	Ref: 5355	Land Development Solutions	July 2019
Landscape Plan	DA01 to DA 09	Gary Edwards	30/04/17
Landscape Design Report	Project: 1702HarmonGrey	Gary Edwards	30/04/17

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

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

3. A total monetary contribution of \$105,813.09 is to be paid to Council, pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.

Note:

- a) This condition is imposed in accordance with the provisions of *The City of Newcastle S94A Development Contributions Plan 2009* (updated version operational from 15 March 2011). A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.
- b) The City of Newcastle S94A Development Contributions Plan 2009 permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement. Refer to the s94A Development Contributions Plan 2009.
- c) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

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

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

4. The proposed verandah/awning is to be designed to meet the requirements of Element 7.10 'Street Awnings and Balconies' of the Newcastle Development Control Plan 2012. Details are to be included in documentation for a Construction Certificate application.
5. On-site parking accommodation is to be provided for a minimum of 22 cars and two visitor parking spaces. This parking is to be set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012. Full details are to be included in documentation for a Construction Certificate application.
6. The car park is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities. Details are to be included in documentation for a Construction Certificate application.
7. All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. Full details are to be included in documentation for a Construction Certificate application.
8. The visitor parking bays are to be constructed in paving bricks or in a suitable alternative visually unobtrusive paving material which contrasts in colour and texture with that used in the construction of the driveway. Full details are to be included in documentation for a Construction Certificate application.
9. Kerbing or dwarf walls having a minimum height of 100mm are to be constructed along the edge of all garden or lawn areas adjacent to driveways and parking bays sufficient to discourage the encroachment of vehicles thereon. Full details are to be included in documentation for a Construction Certificate application.
10. All stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable, as generally indicated on the Stormwater Plan prepared by Land Development Solutions (Job No. 5355, Drawing No 1, Edition A, dated 29/03/17).

Full details are to be included in documentation for a Construction Certificate application which needs to address the following identified issues.

- i. Sizing the overflow pipe to the street drainage for the design storm event as per the DCP.
- II. Providing a pressure relief arrangement in the rainwater storage tank for larger storm events.

11. The occupiable floor level of the proposed building being not below the Flood Hazard Level (i.e. reduced level 2.55m Australian Height Datum) and being indicated on plans for a Construction Certificate application. The finished floor levels are to be certified by a registered Surveyor prior to the placement of the floor material and a copy of the Surveyor's Certificate is to be forwarded to the Principal Certifying Authority.
12. The occupiable floor level of the proposed building being not below the Flood Hazard Level (i.e. reduced level 2.55m Australian Height Datum) and being indicated on plans for a Construction Certificate application. The finished floor levels are to be certified by a registered Surveyor prior to the placement of the floor material and a copy of the Surveyor's Certificate is to be forwarded to the Principal Certifying Authority.
13. All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required under the conditions of this consent are required to be detailed on a landscape plan and specification. The plan and specifications is to be prepared in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:
  - a) cross sections through the site where appropriate
  - b) proposed contours or spot levels
  - c) botanical names
  - d) quantities and container size of all proposed trees
  - e) shrubs and ground cover
  - f) details of proposed soil preparation
  - g) mulching and staking
  - h) treatment of external surfaces and retaining walls where proposed
  - i) drainage, location of taps and
  - j) appropriate maintenance periods.

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

14. The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's compliance certificate (refer s50 Hunter Water Act 1991) is to be included in documentation for a Construction Certificate application.
15. Adequate facilities are to be provided within the proposed individual private courtyards, or in another adequately screened location, for the storage of garbage. Full details are to be included in documentation for a Construction Certificate application.
16. A group type mailbox is to be provided at the street frontage in accordance with the requirements of Australia Post, clearly displaying individual unit numbers and the required house number. Full details are to be included in the documentation for a Construction Certificate application.
17. A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 of the Roads Act 1993 (NSW), before

the issue of a Construction Certificate. The required works include:

- a. Carpark entry driveway off Grey Street (minimum 3.8m wide).
  - b. Carpark exit driveway onto Bishopgate Street (minimum 5m wide)
  - c. Footpath works designed to satisfy the requirements of the following standards as provided in Council's City Centre Public Domain Technical Manual (September 2014 or as amended).
    - i. Union Street - Pavement Type 3 - Bluestone pavers and concrete.
    - ii. Grey and Bishopgate Streets - Pavement Type 5 - Bluestone pavers and asphalt.
  - d. Street Trees - (8) *Syzygium paniculata* (Dwarf Lilly Pilly) or approved equivalent.
  - e. Stormwater discharge from the site to the street.
  - f. Any proposed alterations to existing street furniture or signs.
18. Signage being provided within the basement, at the carpark exit onto Bishopgate Street, requiring vehicles to turn left into the one way street. Full details are to be included in documentation for a Construction Certificate application.
19. A design verification statement from a qualified designer shall be submitted to the Certifying Authority. The statement shall confirm the Construction Certificate plans and specifications achieve or improve the design quality of the development for which consent is granted, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development*.
- Full details are to be included in the documentation for the relevant Construction Certificate for the residential flat development.
- Note: '*Qualified Designer*' means a person registered as an architect in accordance with the *Architects Act 2003*. This condition is imposed in accordance with Clauses 143A of the *Environmental Planning and Assessment Regulation 2000*.
20. Prior to the release of the Construction Certificate the applicant shall comply with the recommendations of Ausgrid (Refer to attached letter dated 4 July 2017).

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

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

Each toilet is to:

- a) Be a standard flushing toilet connected to a public sewer, or
  - b) Have an on-site effluent disposal system approved under the *Local Government Act 1993 (NSW)*, or
  - c) Be a temporary chemical closet approved under the *Local Government Act 1993 (NSW)*.
22. A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with Australian Standard 2601:2001 - The Demolition of Structures. A copy of the Hazardous Substances Management Plan is to be provided to Council (marked to Attention: Compliance Services) and the demolisher prior to commencement of work.

23. The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:
- a) Demolition works shall be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan shall be kept on-site for the duration of the proposed development
  - b) The removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
  - c) A copy of all waste disposal receipts are to be kept on-site for the duration of the proposed development and made available to authorised Council Officers upon request
  - d) Seven working days' notice in writing is to be given to Council and the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor. Notification to owners/occupiers of neighbouring premises shall also include Council's contact telephone number (49742000) and the Workcover Authority of NSW telephone number (49212900) and
  - e) On sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.
24. The demolisher is to ensure that all services (ie water, telecommunications, gas, electricity, sewerage etc), are disconnected in accordance with the relevant authority's requirements prior to demolition.
25. Any waste containers used in association with the proposed demolition are to be located on the site where possible.
- Note: Where this is not feasible, application must be made for Council's approval to position the container on the adjacent public road in accordance with Council's adopted Building Waste Container Policy.
26. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
27. Any demolition/waste building materials that are not suitable for recycling are to be disposed of at Council's Summerhill Waste Management Facility or other approved site.
28. Waste management shall be implemented in accordance with the approved Waste Management Plan. At a minimum, the following measures shall be implemented during the construction phase:
- a) A waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste

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

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

29. An application is to be made to and approved by Council for the erection of a hoarding or part closure of the footway prior to construction being commenced. Such overhead structure or protective fence shall comply with the *Work Health and Safety Act 2011* (NSW), *Work Health and Safety Regulation 2011* (NSW) and any relevant approved industry code of practice. Notice of intention of commencement must be given to WorkCover New South Wales.
30. A rigid and durable sign is to be erected on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:
- a) showing the name, address and telephone number of the Principal Certifying Authority for building work and subdivision work, and
  - b) showing the name, address and telephone number of the Principal Contractor for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
  - c) stating that unauthorised entry to the work site is prohibited, and
  - d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

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

31. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
32. In the case of residential building work for which the *Home Building Act 1989* (NSW) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.
33. All excavations and backfilling are to be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.
34. If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided and adequate provision must be made for drainage.
35. All building materials, plant and equipment is to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves including the road reserve is not permitted.
36. A residential vehicular crossing is to be constructed across the road reserve, in

accordance with the following criteria:

- a) Constructed in accordance with Council's A1300 - Driveway Crossings Standard Design Details.
- b) In the case of a single car garage/parking space, the driveway crossing, within the road reserve, shall be a maximum of 3 metres wide.
- c) In the case of a double car garage/parking space, the driveway crossing, within the road reserve, shall be a maximum of 4.5 metres wide.
- d) Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 metre, in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance.
- e) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve.
- f) The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.

These works are not approved until consent under Section 138 of the Roads Act 1993 (NSW) has been granted by Council. An application under Section 138 is to be applied for and approved before the commencement of any construction works on the site the subject of this development application.

37. The Construction Traffic Management Plan is to be prepared by a Roads & Maritime Services accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3:2009 - Manual of uniform traffic devices - traffic control for works on roads. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.
38. Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.
39. The proposed visitor parking bays are to be clearly indicated by means of signs and/or pavement markings.
40. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
  - Monday to Friday, 7:00 am to 6:00 pm and
  - Saturday, 8:00 am to 1:00 pm.

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

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

Note: Council's 'PREVENT POLLUTION' sign can be obtained by presenting your development application receipt at Council's Customer Enquiry Counter at 282 King Street Newcastle.

42. Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.
43. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or

construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

44. Prior to the commencement of work, a 3m wide all weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.
45. All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but 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.
46. Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to Council by a Surveyor registered under the *Surveying and Spatial Information Act 2002* (NSW).
47. All public trees that are required to be retained must be physically protected in accordance with the City of Newcastle Urban Forest Technical Manual 'Section 8.0 Protection Measures'.

The tree protection fencing must remain in place and maintained until all works have been completed, with no waste materials, washouts, equipment or machinery to be stored within the fenced area.

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

48. All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to the issue of an Occupation Certificate. Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to Council within fourteen days of receipt.
49. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council's satisfaction prior to the completion of demolition work or prior to the issue of any occupation certificate in respect of development involving building work.
50. All works within the road reserve required by this consent are to be completed prior to the issue of any Interim/Final Occupation Certificate.
51. Any redundant existing vehicular crossing is to be removed at no cost to Council. The road reserve and kerb being restored to, Council's satisfaction, to match the existing infrastructure. Works are to be completed prior to the issuing of a Final Occupation Certificate for the proposed development.

52. A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, shall be submitted to the Principal Certifying Authority and to The City of Newcastle prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
53. A Landscape Practical Completion Report is to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.
54. The premises are to be identified by the provision of house and street numbers on the building exterior and mailbox, respectively, such that they are clearly visible from the road frontage.

The minimum numeral heights shall be:

- a) Exterior of the building = 75mm and
  - b) Group mailbox - street number = 150mm  
house number = 50mm
55. Written final certification confirming noise emissions from the mechanical plant installed satisfy the applicable noise criterion as set out in the report prepared by Spectrum Acoustics, dated 8 March 2017, is to be submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation Certificate.
  56. An application is to be made for a Strata Certificate in accordance with the requirements of Division 4 of the *Strata Scheme (Freehold Development) Act 1973* (NSW).
  57. A design verification statement from a qualified designer shall be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first. The statement shall confirm the development has been constructed in accordance with the quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development*.

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

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

<b>DAY</b>	<b>START</b>	<b>FINISH</b>
Monday	7:00am	6:00pm
Tuesday	7:00am	6:00pm
Wednesday	7:00am	6:00pm
Thursday	7:00am	6:00pm
Friday	7:00am	6:00pm

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

59. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.
60. Proposed parking areas, vehicle bays, driveways and turning areas are to be maintained

clear of obstruction and be used exclusively for purposes of car parking, loading and unloading, and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.

61. The premises are to be identified by the provision of house and street numbers on the building exterior and mailbox, respectively, such that they are clearly visible from the road frontage.

The minimum numeral heights shall be:

- a) exterior of the building = 75mm and
- b) group mailbox - street number = 150mm  
house number = 50mm

62. The premise/s is/are allocated the following street address/es in accordance with *Council's House Numbering Policy* and the *Surveying and Spatial Regulation*.

Unit/ Dwelling/ Lot Number on plan	Council Allocated Street Addresses			
	House Number	Street Name	Street Type	Suburb
Proposed commercial unit	1/9	Union	Street	Wickham
Proposed commercial unit	2/9	Union	Street	Wickham
Proposed unit	101/9	Union	Street	Wickham
Proposed unit	102/9	Union	Street	Wickham
Proposed unit	103/9	Union	Street	Wickham
Proposed unit	104/9	Union	Street	Wickham
Proposed unit	105/9	Union	Street	Wickham
Proposed unit	106/9	Union	Street	Wickham
Proposed unit	107/9	Union	Street	Wickham
Proposed unit	108/9	Union	Street	Wickham
Proposed unit	109/9	Union	Street	Wickham
Proposed unit	201/9	Union	Street	Wickham
Proposed unit	202/9	Union	Street	Wickham
Proposed unit	203/9	Union	Street	Wickham
Proposed unit	204/9	Union	Street	Wickham
Proposed unit	205/9	Union	Street	Wickham
Proposed unit	206/9	Union	Street	Wickham
Proposed unit	207/9	Union	Street	Wickham
Proposed unit	208/9	Union	Street	Wickham
Proposed unit	209/9	Union	Street	Wickham

63. The proposed visitor parking bays are to be clearly indicated by means of signs and/or pavement markings. The (2) two visitor parking spaces are to be allocated to common property under any strata scheme.

## 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* (NSW) are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to the retaining wall taking place.
- An application is to be submitted to Council for the removal or pruning of any trees located more than three metres from the dwelling, wall measured from the centre of the trunk to the footings of the dwelling, excluding carports and pergolas.
- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required of any adjoining owner under the provisions of the *Dividing Fences Act 1991* (NSW).
- Prior to commencing any construction works, the following provisions of the *Environmental Planning and Assessment Act 1979* (NSW) (the 'Act') are to be complied with:
  - a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act
  - b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and
  - c) Council is to be given at least two days' notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000* (NSW).
- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979* (NSW), which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.

**END OF CONDITIONS**

**DEVELOPMENT APPLICATIONS COMMITTEE MEETING**

**18 February 2020**

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**DAC 18/02/2020**

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

**Attachment C: Processing Chronology**

**DISTRIBUTED UNDER SEPARATE COVER**

**PROCESSING CHRONOLOGY**

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

31 July 2019	Amended development application lodged with Council
14 August 2019	Public Exhibition (14 days)
11 September 2019	Further information requested
12 September 2019	Applicant provided additional information