Development Application Committee Meeting 15 August 2023



5 HH57 < A 9 BHG 8 = GHF = 61 H98 1 B89 F G 9 D 5 F 5 H 9 7 C J 9 F

857'%) #\$, #&' Ë'=6'=G@B; HCB'GHF99H'=G@B; HCB'Ë'85&\$&&#\$%(, &' E'; FCI D'<CA9G'Ë'=B7@ 8=B; '89AC@H=CB'C: '9L=GH=B; ' GHFI7HIF9G'

+'% ·	5 HtJW a Ybh5.	Submitted Plans
+'%	5 HtJW a Ybh6.	Draft schedule of conditions
+'%	5 Ht JW a Ybh7.	Processing Chronology

-BH9BH-CB5 @6 @5 B? 'D5; 9'





Core Islington Development

1b Islington Street Islington NSW 2296 12/-/DP792605

DEVELOPMENT APPLICATION

Side: 1.5m to 4.5m 3m to 8.5m

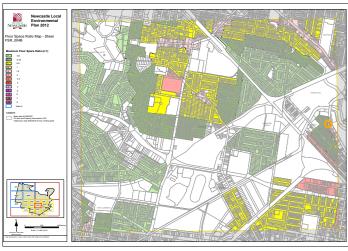
Rear (to Laneway): 3m

Setbacks - DCP.6

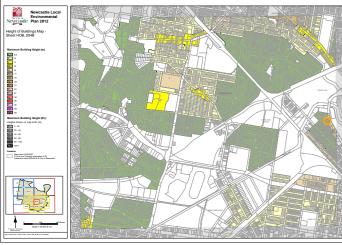
Front: 6m

Side: nil to 8.5m Southern bdy Up to 5m

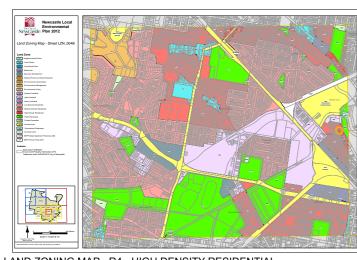
Rear (to Laneway): nil to 8.5m



FLOOR SPACE RATIO - 0.9:1



MAXIMUM BUILDING HEIGHT - 8.5m



LAND ZONING MAP - R4 - HIGH DENSITY RESIDENTIAL

CKDS

NOTE: PRELIMINARY AUTHORITY CONTROL INFORMATION SUBJECT TO PLANNER AND COUNCIL REVIEW AND FURTHER INVESTIGATION

NEWCASTLE CITY COUNCIL DEVELOPMENT CONTROL PLAN

PART 3

- Garages and carports are integrated into a development and do not dominate the streetscape.
- Setbacks provide suitable space for site landscaping.
 - 4. Setbacks provide suitable privacy and amenity for the building occupants Acceptable Solutions

The following controls apply to all forms of residential development

- Compliance with the locality specific controls in section 6 of this DCP. Where there are no locality specific controls front setbacks are:

C. Side and rear setbacks

- Setbacks maintain the amenity and privacy of public spaces and adjoining dwellings and their private open space.
- Significant views from adjoining properties are maintained.
- Sufficient landscape and deep soil areas are provided around the development to conserve existing trees and to accommodate intensive new landscapinn

The following controls apply to all forms of residential development

- Compliance with the locality specific controls in section 6 of the DCP. Where there are no locality specific controls, side and rear setbacks are:
- (a) In the R2 Low Density Residential Zone:

(b) In the R3 Medium Density Residential, R4 High Density Residential and B4 Mixed Use

Wall height	Side and rear setbacks
Up to 4.5	1.5m
4.5 - 8.5m	3m
Over 8.5m	6m

- the wall height and length match an existing or similarly constructed wall on the adjoining site; and
- (b) the proposed wall and the wall on the adjoining property do not contain any opening and
- (c) the wall will not impede the flow of stormwater or overland flow paths.
- In the R3 Medium Density Residential, R4 High Density Residential and B4 Mixed Use zones, side and rear boundary setbacks are increased, where the site directly adjoins a site in the R2 Low Density Residential Zone.

Note: In these cases, building setbacks will need to be sufficient to ensure solar access, amenity and privacy to the adjoining properties.

- Where a rear boundary adjoins a lane, development complies with Section 7.11
 Development adjoining laneways, of this DCP.
- 5 On corner lots, the boundary opposite the primary road frontage is taken to be the rear boundary for the purposes of applying setbacks.

The following controls apply to all forms of residential development

Landscaped areas are provided as follows:

	Minimum landscaped area (% of site area)	Minimum deep soil zone (% of site area)
2 zone	30%	15%
2 zone - Moderate rowth Precinct	25%	12%
3 zone	25%	12%
4 and B4 zones	20%	10%

(iii) the conversion of an existing building, and

The following controls apply to all forms of residential development

No part of a habitable room is more than 8m from a window.

(a) Each dwelling in a dual occupancy or attached dwelling

(b) At least 70% of dwellings in all other forms of residential development.

Daylight is not borrowed from other rooms, except where a room has a frontage to a classified road.

The following controls apply to all forms of residential development except for dual occupancies and attached dwellings

Communal areas and open space are visible from habitable rooms and private open space while maintaining visual privacy.

Establish an appropriate parking standard for the City Centre that recognises its locational advantages in relation to public transport access.

1 space per 20

1 space plus 1 space per 2

1 space per 40m² GLFA

1 space per 40m² GLFA

Sexual Aid

Establishment Escort Agency

8. No part of a kitchen work surface is more than 6m from a window or skylight.

(i) the erection of a new building,

Aims of this section

PART 6

B. Activation of street frontage

Ensure that new development contributes to the character of Maitland Road

- Maintain a pedestrian scale and built form along the street edge.
- Respect the existing fine grain subdivision pattern along Maitland Road frontage

The following control applies to development within Precinct 3

The following controls apply to development within Precinct 3

- Development is built to the front boundary along Maitland Road to reinforce the street edg except where residential uses are located at ground floor, such uses should have a setbac of 8m to front facade (or 4m to the edge of balconies, verandas, pergola or the like) to allo a suitable landersoan briffer.
- Ground floor residential uses fronting Maitland Road contain private open space and individual entries to dwellings.
- Floor levels of ground floor residential uses may be raised to a maximum of 1.2m above ground natural ground level to allow for sub-grade car parking.
- The ground floor of buildings along Maitland Road include adaptable floor plans that enable longevity of use to include retail/commercial or residential occupation.

- Respect and reinforce the existing two and three storey height along the street edge within this precinct.



Property Report 1B ISLINGTON STREET ISLINGTON 2296



Address: 1B ISLINGTON STREET ISLINGTON 2296 Lot/Section 12/-/DP792605 /Plan No:

Summary of planning controls

Local Environmenta Land Zoning Height Of Building Floor Space Ratio Minimum Lot Size Heritage Land Reservation A Foreshore Building

Building Sustainability Assessments ainability.net.au www. buildingsustain:

Important Note The following specification was used to achieve the thermal performance values indicated of

Assessor and NatHERS certificates will no longer be valid. Assessments assume that the BCA provisions for building sealing & ventilation are complied with at construction. BLA provisions for building sealing & ventilation are complied with at construction.

In NSW both BASIX & the BCA variations must be complied with, in particular the following:

- Thermal construction in accordance with Vol 1 Section J1.2 or Vol 2 Part 3.12.1.1

- Thermal breaks for Class 1 dwellings in accordance with Part 3.12.1.2(c) & 3.12.1.4(d)

- Floor insulation for Class 1 dwellings as per Part 3.12.1.5(a)(i), (ii) & (e) or (c), (d) & (e)

- Building sealing in accordance with Section J3 or Part 3.12.3.1 to 3.12.3.6

Thermal Performance Specifications (does not apply to garage)

External Wall Construction

Brick Veneer & Lightweight R2.0 Internal Wall Construction Added Insulation

sterboard + studs + shaft liner + studs + Plasterboard (party walls) R3.5 to ceilings adjacent to roof space Roof Construction Colour (Solar Absorptance) Metal Shale Grey SA 0.43 Foil + R1.0 blanke

Floor Construction Covering (if not noted default values used) Added Insulation Concrete As drawn R1.0 to floors where open below (U4 only) Windows Glass and frame type U value SHGC Range Area sq m

ALM-002-01 A Aluminium Type B Single clear 6.70 0.63 - 0.77 Type A windows are awning windows, bifolds, casements, till 'n 'turn' windows, entry doors, french doors Type B windows are double hung windows, sliding windows & doors, fixed windows, stacker doors, louves

ALM-001-01 A Aluminium Type A Single clear 6.70 0.51 - 0.63 As drawn

Skylights Glass and frame type U SHGC Area sq m

U and SHGC values are according to AFRC. Alternate products may be used if the U value is lower & the SHGC is within the range specified Shade elements

Modelled as drawn and/or to comply with the ventilation and sealing requirements of the BCA Ducting is modelled at 150mm. No insulation losses from downlighting have been modelled. Additional Notes

1B Islington Street Islington

SUMMARY OF BASIX COMMITMENTS FOR EACH UNIT

This is a summary of the BASIX Commitments as detailed in the BASIX Certificate Refer to the CURRENT BASIX Certificate for Complete details. For definitions refer to basix.nsw.gov.au

WATER COMMITMENTS 3 Star Shower Heads 4 Star Kitchen / Basin Taps Yes

Alternative Water Common Tank Size (L) 3000 | Collected from Roof Area (m2) Laundry W/M Cold Tap Yes All Toilets

One Outdoor Tan No THERMAL COMFORT COMMITMENTS - Refer to TPA Specification on plans ENERGY COMMITMENTS

Hot Water Electric instanta Cooling System Living 3 Phase A/C Zoned EER 3.0 - 3.5 3 Phase A/C Zoned EER 3.0 - 3.5 Living 3 Phase A/C Zoned EER 3.0 - 3.5 Bedrooms 3 Phase A/C Zoned EER 3.0 - 3.5 1 x Bathroom Fan ducted to exterior Manual on/off Kitchen Fan ducted to exterior Manual on/off Laundry Fan ducted to exterior Manual on/off

Window/Skylight in Kitchen Natural Lighting No Window/Skylight in Bathrooms/Toilets Number of bedrooms 2 Dedicated Yes Artificial Lighting Number of Living/Dining rooms 1 Dedicated Yes (rooms to be Kitchen Yes Dedicated Yes primarily lit by All Bathrms/Toilets Yes Dedicated Yes orescent or Laundry Yes Dedicated Yes LED lights) All Hallways

OTHER COMMITMENTS Outdoor clothes line No Ventilated refrigerator space Yes

Induction cooktop & electric oven Alternative Energy | Common Photovoltaic System: 7.8kW

Core Islington Development

22024

A-0102

3/4/2023

Architecture | Planning | Interiors

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

ABN 12 129 231 269 Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

Version: 1, Version Date: 18/04/2023

1b Islington Street, Islington, NSW 2296

AS SHOWN

Planning Controls

03

APPLICATION

DEVELOPMENT

Project Brief

6 NDIS Special Disability Accomodation units - High Physical Support in Islington, NSW

SDA BRIEF - 1B Islington Street

Purpose of Development Proposal

- Integration of people with complex/profound (para/quadriplegia) needs into residential
- Opportunity for state of the art accommodation otherwise unaffordable by people whose sole income is the Disability Support Pension
- Meet demand for Disability Accommodation (high demand limited availability)
- · Provide greater opportunity for social and community participation through a sense of

Carer's roles and responsibilities

- Provide support to meet the participant's needs at the participant's preferred times.
- Communicate openly and honestly in a timely manner.
- Advocate for the participant when and where appropriate.
- Listen to the participant's feedback and resolve problems quickly.

The Accommodation

- 6 Units designed and fitted out in strict accordance with the NDIS Special Disability Accommodation Design Standards and AS1428.1-2021
- · All Fully Accessible Units each capable of housing 2 residents requiring High Physical Support
- A Carers Space:
 - o Private discussion space for Carer / Resident interaction
 - Vision over Entry Gate (Security)
 - Toilet for Carers
 - Overnight accommodation for Carers (1 resting / 1 on duty)
- Accessible Community Garden
- Car Parking (see Car Parking Utilisation)

Service provision for the Residents

- All dwellings will house complex support needs as per SDA funding qualification
- Where possible all supports will be pre-arranged and coordinated by 4u Care
- 4u Care support staff (Carers) on Site
 - o 0600-1400 6 Carers
 - o 1400-2200 6 Carers
 - o 2200-0600 2 Carers

Car Park Utilisation

- 7 parking Spaces are provided as follows:
 - Vans capable of transporting 2 wheelchair residents 2 (5.0m length)
 - Carer's / Staff Parking

- Visitors' vehicle

Waste management

- · Outsourced contaminated waste disposal
- Participants will have disposable points in Units to be collected by carers
- Carers will be responsible to take out waste from Units to bins

Security

4u Care as the tenant is responsible for the safety and security of the complex, and without limiting the generality of that obligation must:

- · establish, maintain and comply with appropriate emergency safety and security procedures
- · comply with all laws and good practice relating to health and safety
- . do all things prudent and necessary to protect people and property in the dwelling units and
- prevent any nuisance and unreasonable noise and disturbance to other occupants or visitors in the building
- · secure the site from intruders

Environmental Control

- Natural ventilation and lighting to be provided to all Living Spaces
- Air Conditioning to be provided to
- Living Dining Rooms
- Bedrooms
- Carer's Space

Accessibility

Wheelchair Access required to, in and from:

- Post Boxes to Residence Entries
- Car Park to Residents Entries
- Internal Communal Areas
- Dwellings (All spaces)
- Community Garden Area

Bedrooms and Bathrooms to be fitted with Hoists where required for resident/s.

Fire Protection / Emergency Provisions

The Building is Class 3 under the NCC provision will be made for:

- Fire Hydrants
- Sprinkler System
- Smoke Detectors
- Emergency Lighting
- Uninterruptable Power Supply (UPS) for Bed Hoists and Medical Gases
- Emergency Warning System CCTV / intercom system

Page | 1 Page | 2

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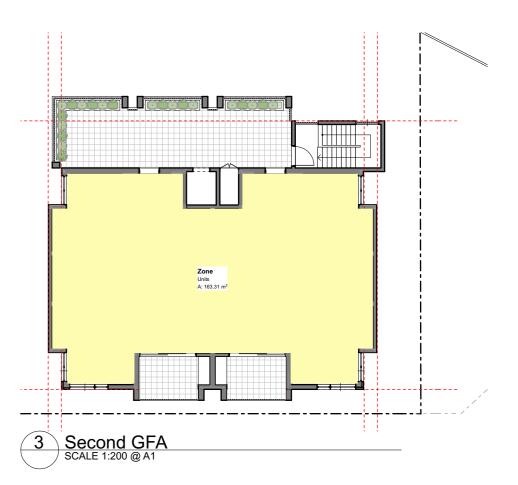
Planning Controls SDA 03 A-0103

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DEVELOPMENT APPLICATION

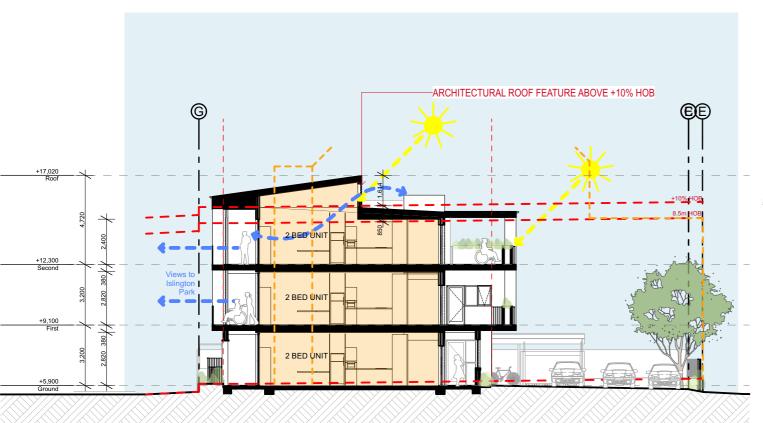






SITE AREA: 590.72m² PERMISSIBLE FSR: 0.9:1 PERMISSIBLE GFA: 531.64m²

PROPOSED GFA Ground :190m² First: 177m² Second: 164m² = 531m²



5.6 Architectural roof features

- (a) to permit variations to maximum building height standards only where roof features contribute to the building design and overall skyline,
- (b) to ensure that the majority of the roof is contained within the maximum building height.
- nt that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent
- - (i) comprises a decorative element on the uppermost portion of a building, and

 - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
- (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

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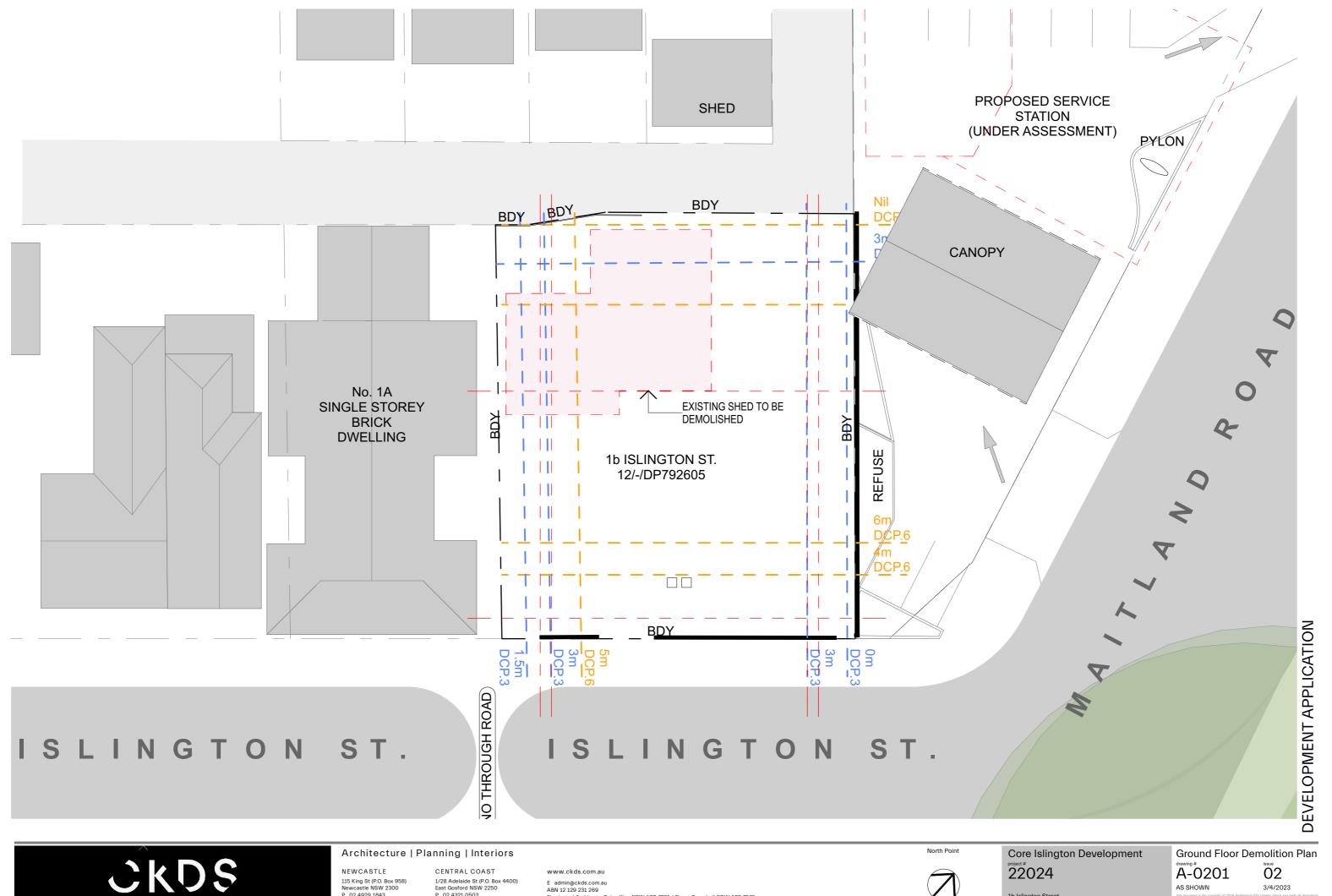
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1b Islington Street, Islington, NSW 2296

LEP Calculations A-0104

03 AS SHOWN 3/4/2023



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A-0201 02 3/4/2023





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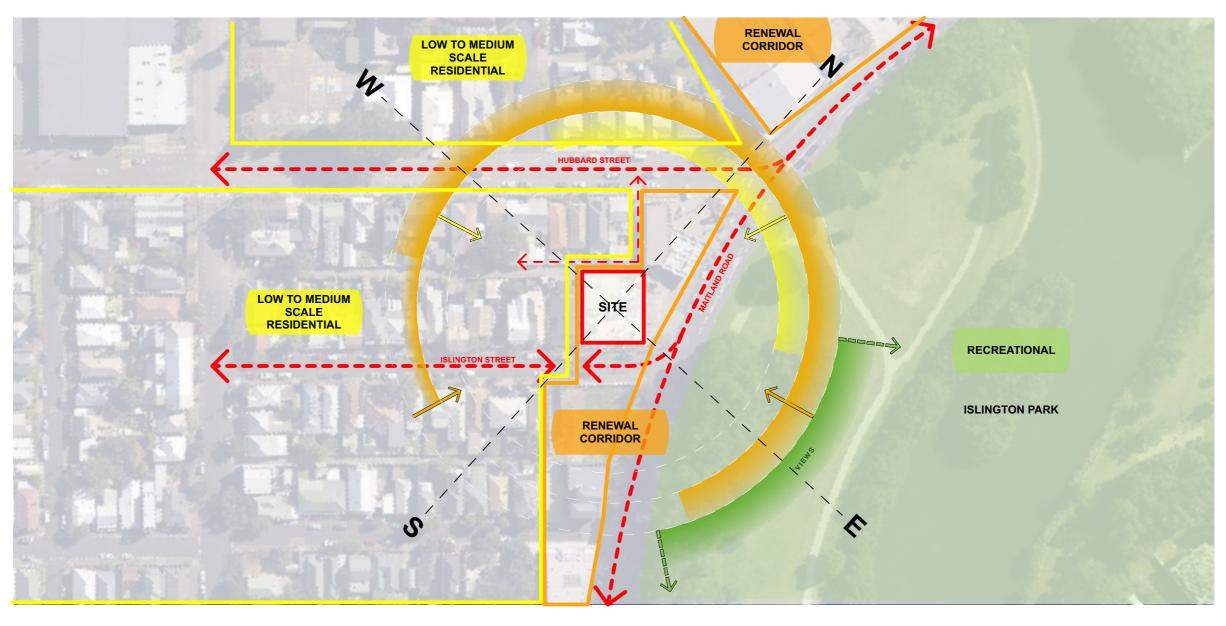
E admin@ckds.com.au
ABN 12 129 231 269
Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

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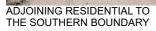
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A-1001 AS SHOWN

03 3/4/2023









ISLINGTON RENEWAL CORRIDOR - TRANSITION FROM MEDIUM TO HIGH DENSITY RESIDENTIAL



VIEW OF THE SITE FROM ISLINGTON STREET. SOUTH-EASTERN ASPECT.



EASTERN VIEWS TOWARDS ISLINGTON PARK

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Core Islington Development

22024 1b Islington Street, Islington, NSW 2296

Site Location A-1002

AS SHOWN 3/4/2023

03

Site Diagram

1. Orientation

The site is oriented South East - North West with conditions in each direction.

North: faces a large undeveloped block along Maitland Road, zoned R4, 14m HOB.

North-West: overlooks a narrow laneway & backyards of Hubbard St. properties.

East: unbroken views towards Islington Park.

South: addresses Islington Street.

2. Active street frontage

The site is at the intersection of the R3 medium density residential zone and R4 + Precinct 3 of the Islington Renewal Corridor locality (DCP.6).

It plays an important role in transitioning between the two zones.

3. Outlook

The site enjoys unbroken views towards Islington Park.

DCP.6 encourages the siting of buildings to maximise views towards Islington Park.

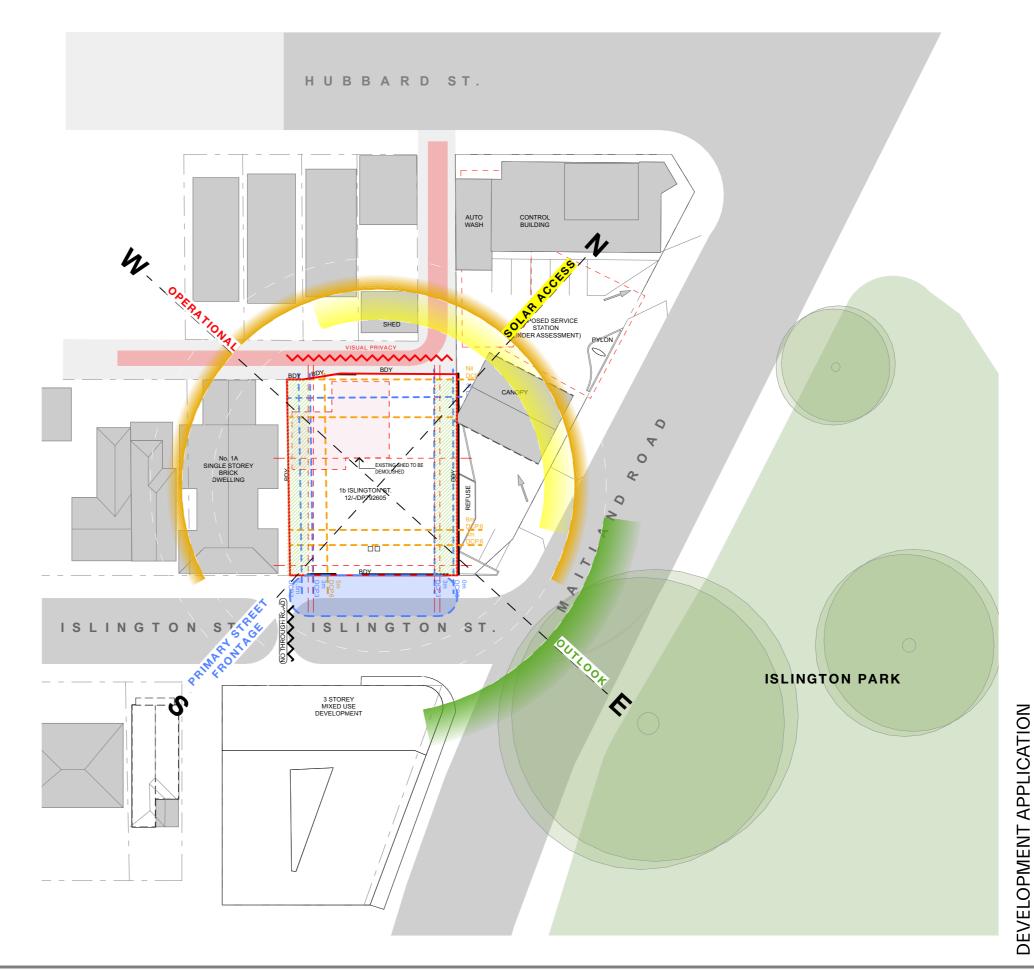
4. Operational

The site, previously occupied by a car yard, is served by an unnamed laneway along the North-Western boundary.

Views over the laneway raise privacy loss issues for residents of Hubbard St.

5. Landscaping

landscaping is used as a buffer to mitigate amenity impact between lots along the Southern boundary.



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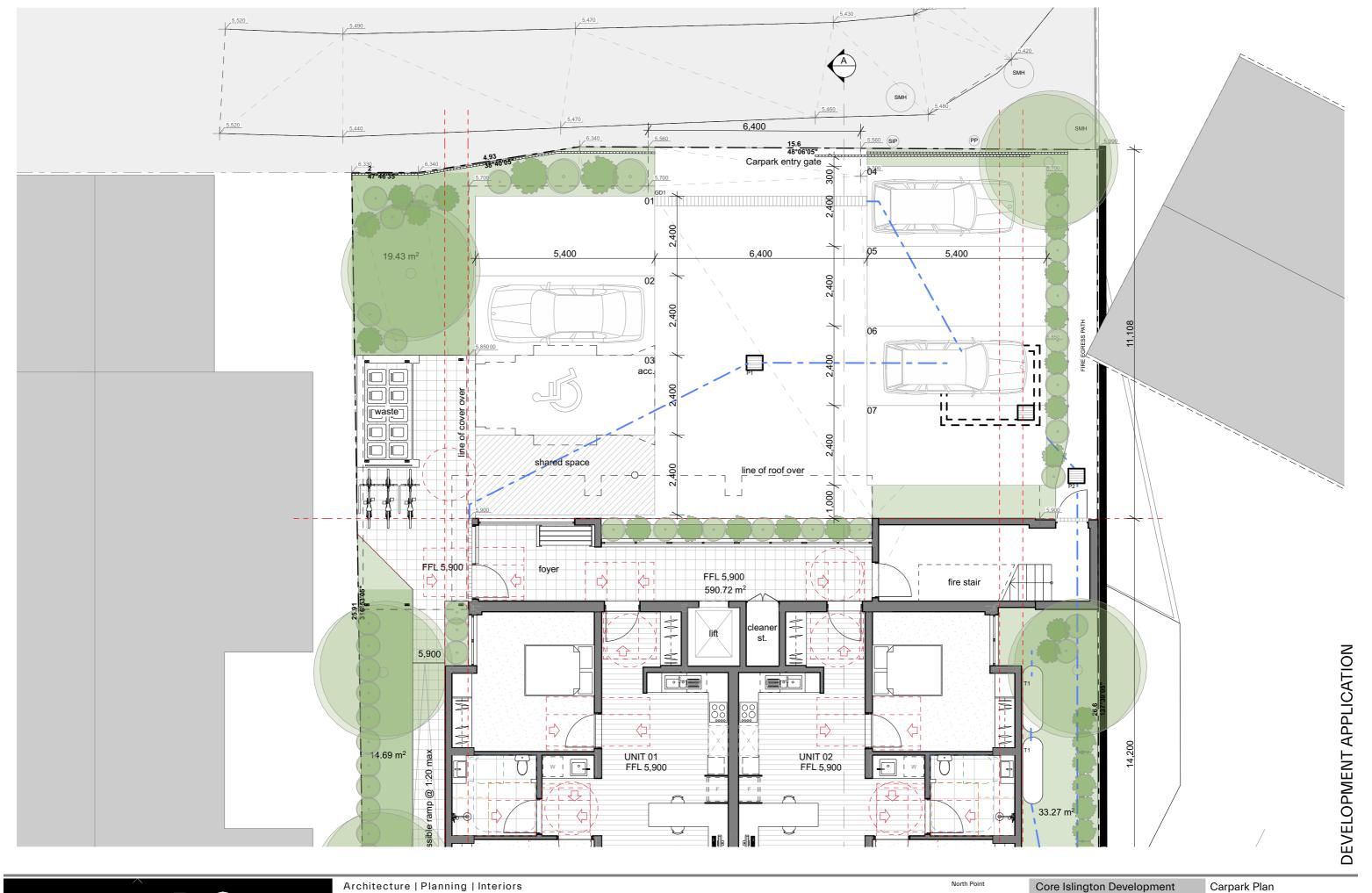
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AS SHOWN

A-1003 03

Site Analysis

3/4/2023



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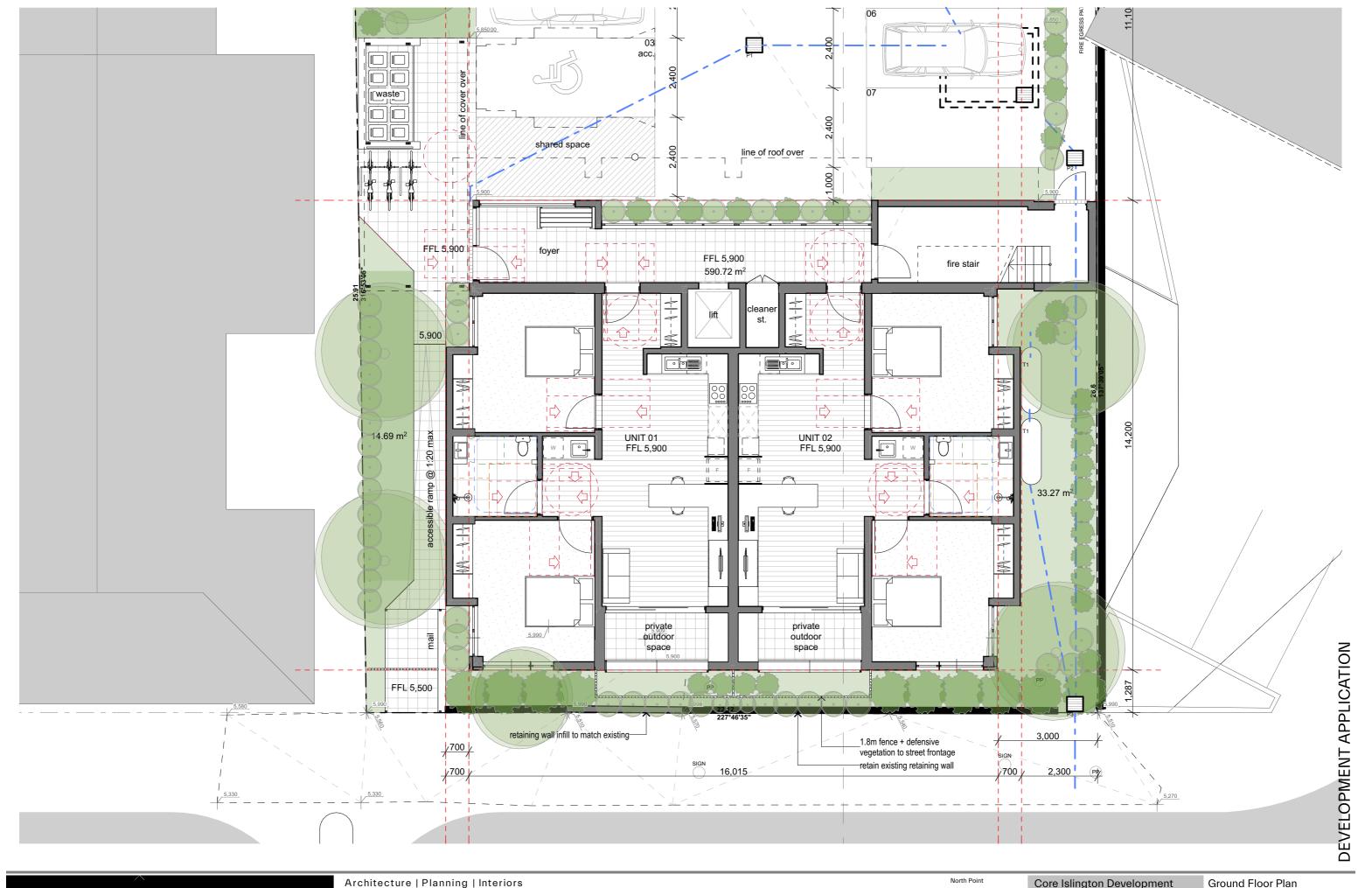
E admin@ckds.com.au ABN 12 129 231 269 Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

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1b Islington Street, Islington, NSW 2296

Carpark Plan A-1101 AS SHOWN

04 3/4/2023



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Core Islington Development

22024 1b Islington Street, Islington, NSW 2296

Ground Floor Plan A-1102 02

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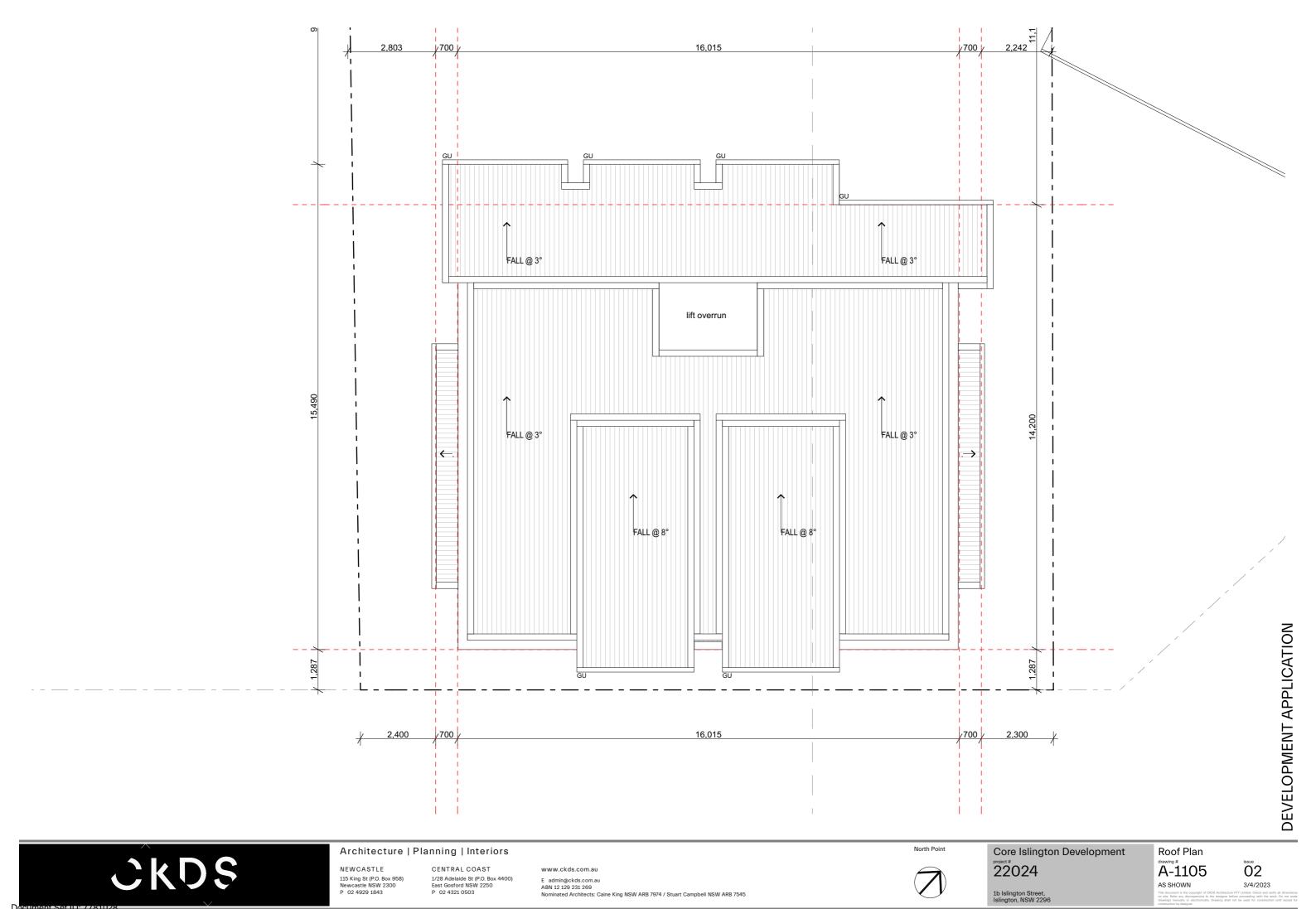
E admin@ckds.com.au ABN 12 129 231 269 Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

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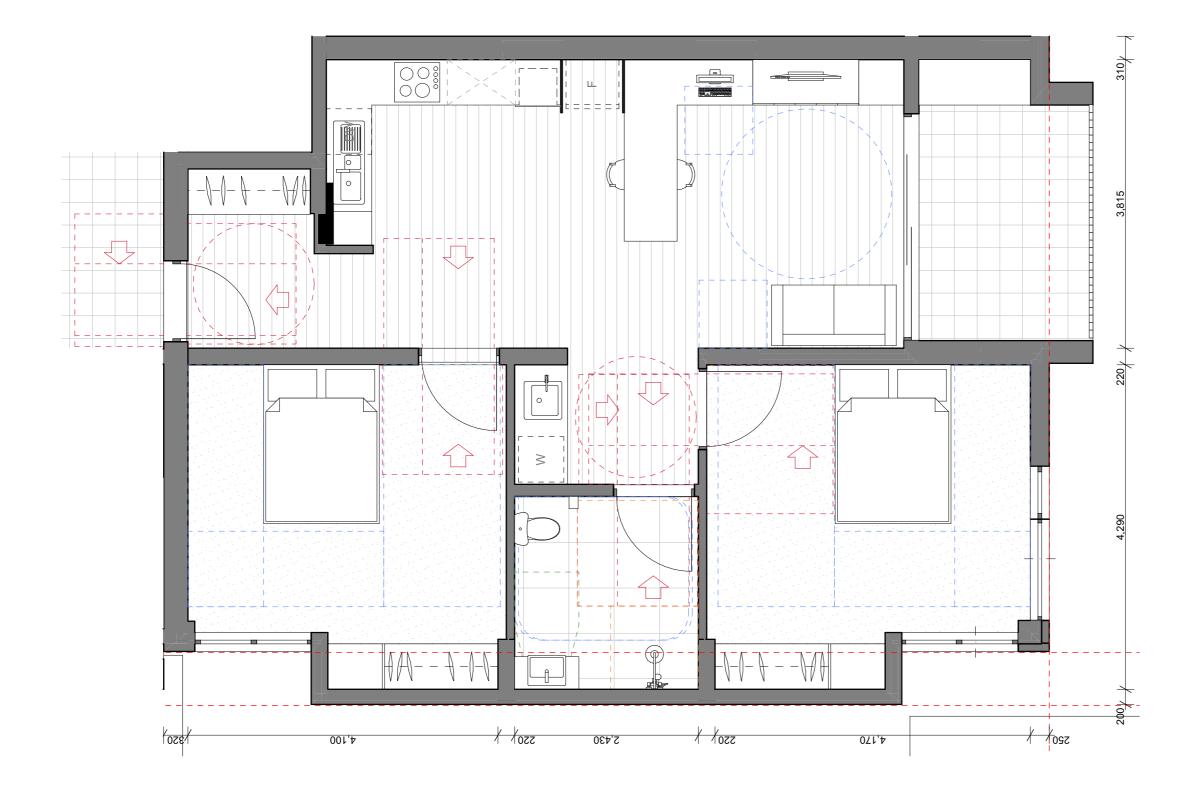
A-1104

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Version: 1, Version Date: 18/04/2023



CIRCULATION CLEARANCES PER SDA GUIDELINES

DDA DOOR CLEARANCES FOR 950 CLEAR OPENING

Core Islington Development 22024

1b Islington Street, Islington, NSW 2296

Typical Unit Plan A-1106

03 AS SHOWN 3/4/2023

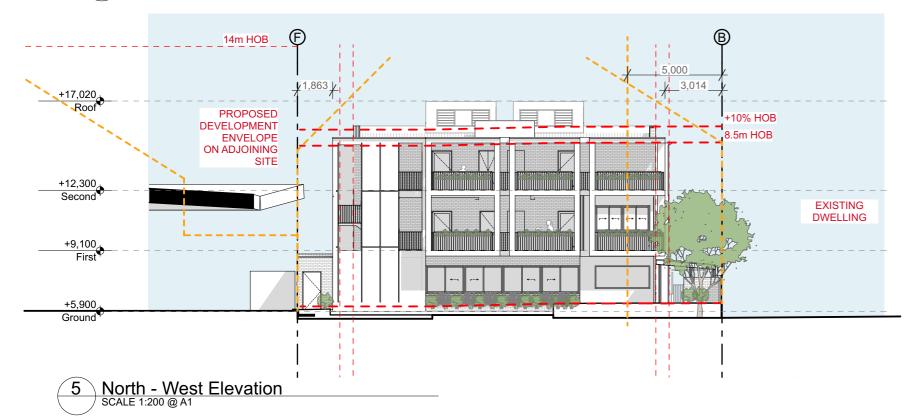
CKDS

Indicates building envelope per DCP.6
Precinct 3.





7 South - East Elevation
SCALE 1:200 @ A1





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

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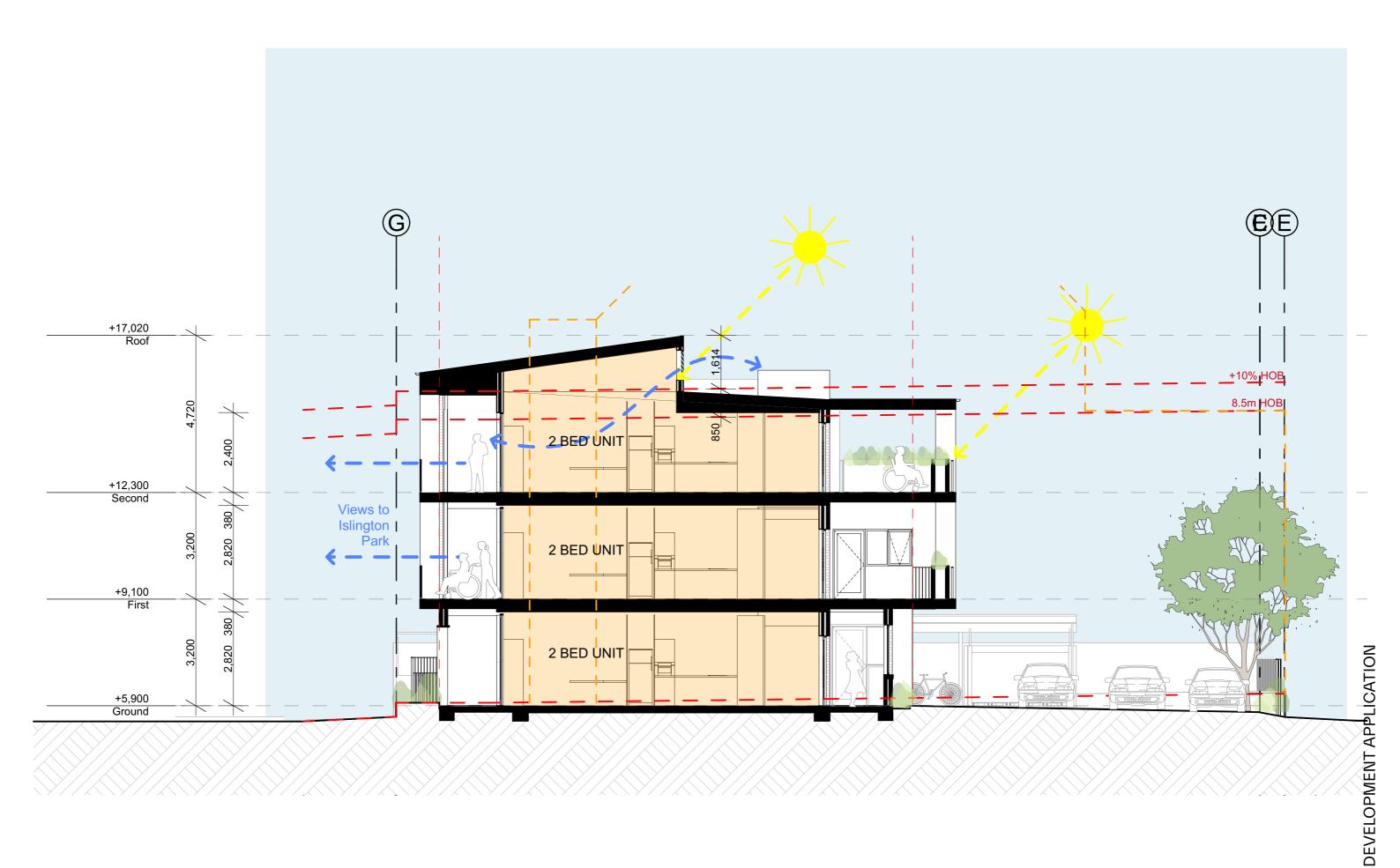
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1b Islington Street, Islington, NSW 2296

Elevations drawing # A-2001

A-2001 03 AS SHOWN 3/4/2023

ocument Set ID: 7781028





Architecture | Planning | Interiors

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Core Islington Development

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Section A-3001

03 3/4/2023 AS SHOWN

1b Islington Street, Islington, NSW 2296





BRICK VENEER COLOUR: LIGHT, SIMILAR TO PGH NATURALS "FROST"

LIGHTWEIGHT CLADDING COLOUR: LIGHT, SIMILAR TO CEMINTEL CLADDING SHEET, RAW

FABRICATED METAL ELEMENTS - BALUSTRADES. COLOUR: MEDIUM, SIMILAR TO COLORBOND MANGROVE

LIGHTWEIGHT CLADDING COLOUR: DARK, SIMILAR TO COLORBOND WALLABY

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Core Islington Development 22024

1b Islington Street, Islington, NSW 2296

Finishes $\overset{\text{drawing \#}}{A\text{-}5001}$ AS SHOWN

03 3/4/2023

Development Application Committee City of Newcastle

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DRAFT SCHEDULE OF CONDITIONS



Application No: DA2022/01482

Land: Lot 12 DP 792605

Property Address: 1B Islington Street, Islington NSW 2296

Proposed Development: Demolition of existing structures and the erection of a residential

flat building comprising six permanent group homes

Reasons for approval

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 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.
- The height of buildings development standard variation made under Clause 4.6 of the Newcastle Local Environmental Plan 2012 has been considered and accepted.

GENERAL CONDITIONS

Condition

1. Approved plans and 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.

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
A-0103	03	SDA Brief	CKDS	03/04/2023
A-0104	03	LEP Calculations	CKDS	
A0201	02	Ground Floor Demolition Plan	CKDS	03/04/2023
A-1001	03	Site Plan	CKDS	03/04/2023
A-1101	04	Carpark Plan	CKDS	03/04/2023
A-1102	02	Ground Floor Plan	CKDS	03/04/2023
A-1103	03	First Floor Plan	CKDS	03/04/2023
A-1104	03	Second Floor Plan	CKDS	03/04/2023
A-1105	02	Roof Plan	CKDS	03/04/2023
A-1106	03	Typical Unit Plan	CKDS	03/04/2023
A-2001	03	Elevations	CKDS	03/04/2023
A-3001	03	Section	CKDS	03/04/2023
A-5001	03	Finishes	CKDS	03/04/2023
DA-L000	В	Landscape Cover Sheet	XERISCAPES	18/11/2022
DA-L101	В	Landscape Concept	XERISCAPES	18/11/2022
DA-L201	A	Indicative Plant Schedule	XERISCAPES	18/11/2022

Approved documents			
Document title	Version	Prepared by	Date of
	number		document
Noise Impact Assessment	23-2847-R1	Reverb Acoustics	April 2023
Apartment Design Guide -	Α	CKDS	22/11/2022
Design Verification			
Statement			
Detailed Site Investigation	001	Hunter Environmental Consulting	07/06/2023
Plan of Management	-	-	-

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.

Condition reason: to ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition

2. Clear public access ways

Before issue of a construction certificate, construction plans must demonstrate that access doors to enclosures for building services and facilities, such as hydrant and sprinkler booster assemblies or the like, except fire stair doors, will not open over the footway or roadway.

Condition reason: to ensure doors used to house building services and facilities do not obstruct pedestrians and vehicles.

3. Erosion and sediment control measures

Before the issue of a construction certificate, details are to be provided demonstrating the erosion and sediment control measures that 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 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.

Condition reason: to require details of erosion and sediment control measures.

4. Car parking requirements

Before the issue of a construction certificate, details of on-site parking accommodation are to be provided for a minimum of seven vehicles meeting the minimum parking layout standards indicated in Section 7.03 *'Traffic, Parking and Access'* of Newcastle Development Control Plan 2012, with full details included in the construction certificate documentation.

Condition reason: to meet on-site car parking numbers and design standards.

5. Car park design

Before the issue of a construction certificate, full details of the design of the car parking and vehicular access complying with the relevant provisions of *AS/NZS 2890 Parking facilities* are to be documented, with full details included in the construction certificate documentation.

Condition reason: to satisfy car parking and vehicular access standards for vehicles.

6. **Driveways basecourse**

Before the issue of a construction certificate, all proposed driveways, parking bays, loading bays and vehicular turning areas are to be designed and constructed with a basecourse of a depth to suit design traffic and be sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers, with full details included in the construction certificate documentation.

Condition reason: to set appropriate design standards for vehicle use on-site.

7. Landscape protection - driveways and parking bays

Before the issue of a construction certificate, kerbing or a dwarf wall having a minimum height of 100mm are to be designed along the edge of all garden or lawn areas adjacent to driveways and parking bays, sufficient to discourage the encroachment of vehicles thereon, with full details included in the construction certificate documentation.

Condition reason: to protect landscaping from vehicle damage.

8. Vehicular crossings standards

Before the issue of a construction certificate, full details are to be provided to, and approval obtained or other satisfactory arrangements confirmed, in writing, from Newcastle City Council, pursuant to section 138 of the *Roads Act 1993* for a commercial vehicular crossing across the road reserve, in accordance with the following criteria:

- a) Constructed in accordance with Newcastle City Council's A1300 Driveway Crossings Standard Design Details.
- b) The driveway crossing, within the road reserve, is to be a maximum of 6.40m wide.
- c) Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2m, in the 2.0m by 2.5m splay within the property boundary, each side of the driveway entrance.
- d) The proposed driveway is to be a minimum of 3.0m clear of the trunk of any tree within the road reserve.
- e) The proposed driveway is to be a minimum of 750mm clear of the centre of any pole or obstruction within the road reserve and 1.0m clear of any drainage pit.

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

Condition reason: to require full details of designs in accordance with council's criteria on vehicular crossings.

9. Electric vehicle circuitry and electric vehicle charging point requirements - new residential

Before the issue of a construction certificate, details are to be provided of electrical plan and specifications for all off-street car parking, prepared by a suitably qualified and experienced person and demonstrating the following;

- a) That each off-street car parking space will be provided with electrical circuitry to support the installation of a 'Level 2' electric vehicle charger point. The construction certificate plans are to:
 - i) Identify the power capacity to each car parking space.
 - ii) Identify the EV Distribution Board and EV Load Management System on each level of parking. Locate EV Distribution Board(s) so that no future EV Ready connection will require a cable of more than 50 metres from the parking bay to connect.
 - iii) Identify the conduit system to allow each car space to install an electric vehicle charger point such as cable trays and/or buried cables underground. This system should allow future installation of cabling to power electric vehicle charger points and allow internet access (run Ethernet cable or install 4G modem).

Note: The installation of a charging point is not required by this clause (a).

- b) A minimum of one 'Level 2' electric charger must be provided and 'Level 2' electric chargers must be provided to not less than 5% of all car parking spaces. The location of all electric vehicle chargers must be shown on the construction certificate plans.
- c) The certifier must be satisfied that the electrical plans and specifications are consistent with (a) and (b) before the issue of the construction certificate.

Full details are to be included in documentation for a construction certificate application.

Note: The minimum electric circuitry requirements for 'Level 2' electric vehicle charging points are:

- a) Privately available spaces: 'Level 2' slow single phase 7kW power; and
- b) Public spaces: 'level 2' fast three-phase 11-22kW power.

Condition reason: to ensure that an acceptable standard of development is provided in relation to electric vehicle parking and charging.

10. Roads Act Approval

Before the issue of a construction certificate, a separate application is to be lodged and consent obtained from Newcastle City Council for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993*. The consent is to be obtained, or other satisfactory arrangements confirmed in writing from the Newcastle City Council.

Condition reason: to ensure compliance with the *Roads Act 1993*.

11. Public domain works required

Before the issue of a construction certificate, full details are to be provided to, and consent obtained, or other satisfactory arrangements confirmed in writing, from Newcastle City Council pursuant to Section 138 of the *Roads Act 1993* for the following works to be constructed by the developer in connection with the proposed development within the 'Unnamed Laneway' and 'Islington Street' public road reserves, adjacent to the site, at no cost to Newcastle City Council and in accordance with Newcastle City Council's guidelines and design specifications:

- a) Reconstruct full width road pavement for the full frontage of the development to the Unnamed Laneway up to the intersection of the laneway with Hubbard Street.
- b) Resurface existing asphalt footway for the full frontage of the development to Islington Street.
- Removal of existing vehicular crossing in Islington Street and reinstatement of new footway paving matching existing.
- d) Reconstruct kerb and gutter along the full frontage of the development to Islington Street with nominal (min. 600mm) mill & resheet of adjacent road pavement.
- e) Construction of a new driveway crossing to the Unnamed Laneway with a maximum width of 6.4m.
- f) Associated drainage works.

Engineering design plans and specifications for the works to be undertaken within the public road reserve are to be prepared by a practising professional engineer with experience and competence in the related field.

Condition reason: to require details and council approval of works within the public road reserve.

12. Water tanks and plumbing direction

Before the issue of a construction certificate, details are to be provided demonstrating roof water from the proposed new work will be directed to the proposed water tank with a minimum capacity of 6,000 litres and being reticulated to any new toilet cisterns and cold water washing machine taps, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing are to be designed in accordance with the Plumbing Code of Australia (National Construction Code Volume 3). Full details are to be provided with the construction certificate documentation.

Condition reason: to ensure appropriate design standards for water tanks and plumbing applicable to the new work are included at the detailed design stage.

13. Rainwater tank screening

Before the issue of a construction certificate, details are to be provided demonstrating that all downpipes discharging to the rainwater tanks will have pre-storage insect, debris and vermin control (eg. a rainwater head being leaf screened and vermin and insect proof) to minimise the contamination of captured roof water. A first flush device is to be provided for the inlet to the tank and a backflow prevention device is to be installed in the tank overflow outlet before connecting to the stormwater drainage system. If the roof downpipes are charged to the rainwater tank, all pipes are to be chemically welded and the stormwater system is to be designed such that the system is capable of being flushed in the event of pipe blockage (eg. capped relief access points at the lowest level of stormwater drainage). Full details are to be included in documentation for a construction certificate application.

Condition reason: to require screening of rainwater tanks.

14. Stormwater management details

Before the issue of a construction certificate, details are to be provided demonstrating how stormwater runoff from the proposed development is to be managed in accordance with the requirements of Section 7.06 'Stormwater' of Newcastle Development Control Plan 2012, the associated Technical Manual and AS/NZS 3500.3 Plumbing and drainage Part 3 Stormwater drainage, as indicated on the stormwater management concept plan prepared by MPC Consulting Engineers (Job No. 220534, Issue 2, dated 29/03/23) except as amended by this consent and including the following requirements:

- a) Calculations to be included in the stormwater management plan demonstrating the proposed infiltration tank is designed to fully contain and infiltrate the critical duration 20year ARI storm for a minimum catchment area equivalent to 80% of the site area (i.e. 80% of 590.7m²). The design of the tank shall be informed by soil permeability tests undertaken at the subject site.
- b) A geotechnical report shall be provided detailing the outcomes of soil permeability testing (minimum two tests) via double-ring infiltrometer test (or equivalent) at the location of the proposed infiltration tank.
- c) The proposed infiltration tank shall be located no closer than 2.0m from boundaries or 3.0m from any structures (including retaining walls) unless a structural engineer certifies the adequacy of any existing or proposed footings in proximity to the proposed infiltration tank.

15. Flooding - verifying floor levels

Before the issue of a construction certificate, full details are to be provided demonstrating that the floor level of all proposed buildings or building additions are to be no lower than 5.90m Australian Height Datum.

Condition reason: to require verification of proposed floor level heights.

16. Flooding - emergency response plan

Before the issue of a construction certificate, a flood emergency response plan is to be prepared by a professional engineer, who is experienced in flood management, and the plan is to be put in place prior to occupation of the site for the intended use. The plan is to include an education and awareness component for the workforce, detailed evacuation procedures to interface with

the Bureau of Meteorology's flood warning system and the local State Emergency Services plan and provisions for any third parties likely to be involved.

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

- a) likely flood behaviour
- b) flood warning systems
- c) education awareness program
- d) evacuation and evasion procedures
- e) evacuation routes and flood refuges and
- f) flood preparedness and awareness procedures for residents and visitors

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

Condition reason: to require a flood emergency response plan.

17. Stormwater control details

Before the issue of a construction certificate, details are to be provided demonstrating that the proposed development is not to increase upstream or downstream flooding for floods over a range of storms from 1:1 to 1:100-year events. This is to be verified by the provision of full stormwater control details included in documentation for a construction certificate application.

Condition reason: to require verification that detailed stormwater controls will cope with flood impacts.

18. Landscape plans and specifications

Before the issue of a construction certificate, all proposed planting and landscape elements indicated on the approved landscape concept plan or otherwise required by the conditions of this consent are to be detailed on a comprehensive landscape plan and specification. The plan and specification are to be prepared in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:

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

The plan and specification are to be prepared by a qualified landscape designer and be included in documentation for the construction certificate application.

Condition reason: to require a detailed landscape plan and specifications.

19. Screening of plant

Before the issue of a construction certificate, details are to be provided demonstrating that all

external items of air conditioning plant will be screened or positioned in such a manner as to not detract from the visual presentation of the building. Full details are to be provided with the construction certificate documentation.

Condition reason: to protect visual amenity.

20. Hunter Water Requirements - compliance certificate

Before the issue of a construction certificate, a copy of a Hunter Water compliance certificate (*Water Act 1991 - Section 50*) must be obtained and included in the construction certificate documentation.

Note: Compliance is required with all of Hunter Water's requirements to provide the development with water supply and sewerage service.

Condition reason: to require a Hunter Water compliance certificate.

21. Limiting noise - general

Before the issue of a construction certificate, details are to be provided demonstrating that all noise generating equipment such as air conditioning units, swimming pool filters, fixed vacuum systems and driveway entry shutters are designed to protect the acoustic privacy of residents and neighbours, and that all such noise generating equipment is acoustically screened. The noise level generated by any equipment does not exceed an LAeq (15 min) of 5dB(A) above background noise at the property boundary. Full details are to be included in the construction certificate documentation.

Condition reason: to ensure the use of noise generating equipment does not give rise to offensive noise and complies under the *Protection of the Environment Operations Act 1997*.

22. SEPP 65 verification statement

Before the issue of a construction certificate, a statement from a qualified designer is to be provided, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles of *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development*.

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

Condition reason: to ensure compliance with the SEPP 65.

23. House numbering

Within one week of lodging an application for a Construction Certificate, the applicant must submit a Street Numbering Application to Newcastle City Council to commence the addressing allocation process. The allocated addressing will be as per the Addressing Allocation document issued by Newcastle City Council and in accordance with the NSW Addressing Policy and the Australian/New Zealand Standard: Rural and Urban Addressing (AS/NZS 4819:2011). Any request for amendments to the Addressing Allocation must be submitted to Newcastle City Council for consideration and if approved, a revised Addressing Allocation document will be issued.

Note: Addressing for this property may change. Please do not use property addressing for advertising material until the Addressing Allocation has been issued. Addressing provided by Newcastle City Council must be correctly implemented prior to the Occupation Certificate being

issued.

Condition reason: to ensure the necessary house numbering is provided in accordance with the NSW Addressing Policy.

24. Fencing

Before the issue of a construction certificate, it shall be demonstrated on development plans that fencing proposed at the boundary to the unnamed laneway is no more than 25% opaque. Full details are to be included in documentation or a construction certificate application.

Condition reason: to ensure visibility.

25. Development contributions – 7.12 General

In accordance with the Newcastle City Council Section 7.12 Development Contributions Plan (the Plan), a monetary contribution of \$25,705.23 shall be paid to the Newcastle City Council for the purposes of the provision, extension or augmentation of transport and social infrastructure.

- (a)If the contribution is not paid within the financial quarter that this consent is granted, the contribution payable will be adjusted in accordance with the provisions of the Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment.
- (b) Subject to prevailing Ministerial Directions, the monetary contribution shall be paid to Newcastle City Council
- (i)prior to the issue of the Subdivision Certificate where the development is for subdivision; or
- (ii)prior to the issue of the first Construction Certificate where the development is for building work.
- (iii)prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
- (iv)prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

Condition reason: To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

BEFORE BUILDING WORK COMMENCES

Condition

26. Hoardings

Before building work commences, if construction / demolition work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence is to be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

Condition reason: to protect public spaces during demolition.

27. Roads Act approval

Before building work commences, a separate application is to be lodged and consent obtained from Newcastle City Council for all works within the road reserve, pursuant to Section 138 of

the Roads Act 1993, prior to the commencement of works.

Condition reason: to ensure compliance with the Roads Act 1993.

28. Traffic management (construction) plan

Before site work and/or building work commences, the developer is to submit to the Newcastle City Council, for approval, a Construction Traffic Management Plan, addressing traffic control measures to be implemented in the public road reserve during the construction phase.

Condition reason: to require a traffic management plan.

29. Traffic management - RMS accredited

Before site work and/or building work commences, a 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. Written acceptance of the Plan must be obtained from the relevant roads authority and Newcastle City Council.

Condition reason: to require a traffic management plan.

30. Erosion and sediment control - vehicle access

Before site work and/or building work commences a 3.0m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand or soil is not to be stockpiled on the all-weather vehicle access.

Condition reason: to prevent soil erosion.

31. Environmental Management Plan

Prior to works commencing, the proponent is to prepare and submit to the PCA and Council an Environmental Management Plan (EMP) for construction/demolition works on the site, which is to be kept on site and made available to authorised Council officers upon request. The EMP 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 water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater and process water.
- A dust management strategy, detailing procedures to minimise dust generation, with reference to control techniques and operational limits under adverse meteorological conditions. This strategy should be cross-referenced with the water management strategy.
- A road management strategy, detailing procedures to ensure that all roads adjacent to and within the proposed application area are kept free and clear from mud and sediment.
- A soil management strategy, detailing measures to be implemented to manage the identification and control and disposal of any acid sulphate soils or soil contamination identified during site works. The soil management strategy must include an unexpected

finds protocol/contingency plan in relation to potential contamination in accordance with Section 11 and 12 of the Detailed Site Investigation (DSI) – 1B Islington Street Islington prepared by Hunter Environmental Consulting dated 06 June 2023 (E0075-DSI-01-Rev0).

- A noise and vibration management program detailing measures to minimise the impact of the construction phase on the amenity of the locality in accordance with *Noise Assessment, Muller Acoustic Consulting, 29 October 2021* (MAC21145601RP1D1) and the *Interim Construction Nose Guideline, DECC, 2009.*
- A waste minimisation strategy, which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
- All work within tree protection zones of private trees on a neighbouring property must be under the direct supervision of a Project Arborist (an AQF level 5 with relevant experience), to ensure the ongoing viability of trees following construction activities.
- A community relations plan, which aims to inform residents and other local stakeholders of the proposed nature and timeframes for demolition and construction activities together with contact details for site management.

Condition reason: to prevent adverse environmental impact.

DURING BUILDING WORK

Condition

32. Compliance with BCA

Building work must be carried out in accordance with the requirements of the Building Code of Australia.

Condition reason: prescribed condition - EP&A Regulation (Section 69).

33. Site signage - site and building work

During site work and/or building work, a rigid and durable sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:

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

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

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

Condition reason: prescribed condition.

34. Acid sulfate soil - found at excavation

During site work and/or building work, 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'.

Condition reason: to ensure identification and treatment of acid sulphate soils.

35. Shoring and adequacy of adjoining property

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor, the person having the benefit of the development consent is to, at that person's own expense:

- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
- b) where necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

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

Condition reason: prescribed condition.

36. Erosion and sediment control measures

During site work and/or building work, erosion and sediment control measures are to be implemented, and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:

- a) Control over discharge of stormwater and containment of run-off and pollutants leaving the site is to be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins and controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover; and
- b) Erosion and sediment control measures are to be designed in accordance with the requirements of the Managing Urban Stormwater: Soils and Construction 4th Edition Vol. 1(the 'Blue Book') published by Landcom, 2004.

Condition reason: to prevent erosion and control sediment.

37. Vehicular crossings required - standards

During site work and/or building work, a residential vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:

- a) Constructed in accordance with Newcastle City 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, is to be a maximum of 3.0m wide.
- c) In the case of a double car garage/parking space, the driveway crossing, within the road reserve, is to be a maximum of 4.5m wide.
- d) Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2m, in the 2.0m by 2.5m splay within the property boundary each side of the driveway entrance.
- e) The proposed driveway is to be a minimum of 3.0m clear of the trunk of any tree within the road reserve.
- f) The proposed driveway is to be a minimum of 750mm clear of the centre of any pole or obstruction within the road reserve and 1.0m clear of any drainage pit.

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

Condition reason: to ensure compliance with relevant vehicular crossing standards.

38. Timing footpaving

During building work, construction of footpaving in the new roads is to be delayed until virtual completion of building works on the proposed lots in accordance with Section 3.01 'Subdivision' of Newcastle Development Control Plan 2012.

Condition reason: to avoid damage to foot paving during construction.

39. **Controlling surface water**

During site work and/or building work 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.

Condition reason: to protect adjacent properties from additional surface water runoff.

40. Containing materials and plant

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

Condition reason: to contain materials and plant and protect the public.

41. Checking floor levels - surveyor

During building work, certification is to be prepared by a Registered Surveyor and submitted to the principal certifier at the following stages of construction:

- a) On completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels.
- b) On completion of each subsequent floor level, confirming that the floor levels are in accordance with the approved levels.
- c) When the roof has been completed, confirming that the building does not exceed the approved levels.

Condition reason: to ensure finished floor levels equal approved plans.

42. Safework NSW requirements

During site work and/or building work, operations are to comply with all requirements of SafeWork NSW.

Condition reason: to require compliance with SafeWork NSW.

43. Pollution prevention signage

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

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

Condition reason: to require pollution prevention signage.

44. Handling excavated waste

During site work and/or building work, 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'.

Condition reason: to ensure compliance with State Guidelines.

45. Imported fill material

During site work and/or building work, 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*.

Condition reason: to ensure compliance with State Guidelines.

46. Controlling dust

During site work and/or building work, all necessary measures are to be undertaken to control dust pollution from the site. These measures are to include, but are not limited to:

- a) Restricting topsoil removal.
- b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion)
- c) Alter or cease construction work during periods of high wind; and
- d) Erect green or black shadecloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

Condition reason: to control dust during works.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

47. Completion of road reserve works

Before the issue of an occupation certificate, all works within the road reserve required by this consent are to be completed.

Condition reason: to ensure completion of works within the road reserve.

48. Removing redundant driveways

Before the issue of an occupation certificate, any redundant existing vehicular crossing is to be removed at no cost to the Newcastle City Council. The road reserve and kerb are to be restored to the Newcastle City Council's satisfaction.

Condition reason: to ensure removal of redundant driveways.

49. Works as executed - stormwater

Before the issue of an occupation certificate, 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 certifier and to Newcastle City Council. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

Condition reason: to ensure works as executed levels are as approved.

50. Water management measures complete

Before the issue of an occupation certificate, 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.

Condition reason: to ensure water management measures are as approved.

51. Car park provision

Before the issue of an occupation certificate, on-site car parking accommodation is to be provided for a minimum of 7 vehicles and be set out generally in accordance with the details indicated on the approved DA plans except as otherwise provided by the conditions of consent.

Condition reason: to require minimum car spaces.

52. Evidence of correct installation of EV charging

Before the issue of any occupation certificate or occupation or use of part of the building, the principal contractor or owner-builder must submit to the satisfaction of the principal certifier, certification by a suitably qualified and experienced person that the electric vehicle charger points and/or electric vehicle circuitry, has been installed in accordance with the construction certificate plans and specifications as required by the appropriate conditions of consent that have been included in the determination.

Condition reason: to ensure proposed electric vehicle parking and charging facilities are completed.

53. Acoustic measures

Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Noise Impact Assessment prepared by Spectrum Acoustics dated April 2023 (23-2847-R1). 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.

Condition reason: to ensure compliance with the recommendations of the Noise Impact assessment.

54. **Design Verification**

Before the issue of an Occupation Certificate, a design verification statement from a qualified designer shall be submitted to the principal certifier. 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 Apartment Development.

55. Basix implemented

Before the issue of an occupation certificate, all commitments listed in the relevant BASIX certificate for:

- a)BASIX development, or
- b)BASIX optional development, if the development application was accompanied by a BASIX certificate,

are to be satisfactorily completed.

Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to the Newcastle City Council with Occupation Certificate documentation.

OCCUPATION AND ONGOING USE

Condition

56. **Use**

The proposed development is to be operated in accordance with the definition of a 'group home (permanent) or permanent group home pursuant to State Environmental Planning Housing (2021) being:

group home (permanent) or permanent group home means a dwelling—

(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged, but does not include development to which State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 5 applies.

57. Waste management

Appropriate arrangements being made for the collection of garbage (recyclable and non-recyclable) from within the development and such arrangements being in place prior to the occupation of the premise the subject of this development application. Waste management (recyclable and non-recyclable) is to be collected from the refuse storage areas, as identified on the approved plans, serviced and returned immediately to the refuse storage areas.

DEMOLITION WORKBEFORE DEMOLITION WORK COMMENCES

Condition

58. Asbestos removal signage

Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.

Condition reason: to alert the public to any danger arising from the removal of asbestos.

59. Notice of commencement for demolition

At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:

- a) name
- b) address,
- c) contact telephone number,
- d) licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and
- e) the contact telephone number of council and
- f) the contact telephone number of SafeWork NSW (4921 2900).

Condition reason: to advise neighbours about the commencement of demolition work and provide contact details for enquiries.

60. Demolition standards - hazardous waste plan

Before site work and/or demolition work commences, a Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with Australian Standard 2601:2001 - The Demolition of Structures. A copy of the Hazardous Substances Management Plan is to be provided to the Newcastle City Council and to the demolisher before demolition work commences.

Condition reason: to comply with Australian standards.

61. Hoardings

Before demolition work commences, if demolition work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence is to be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

Condition reason: to protect public spaces during demolition.

62. Erosion and sediment control measures

Before site work and/or demolition work commences, details are to be provided demonstrating the erosion and sediment control measures that 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 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.

Condition reason: to require details of erosion and sediment control measures.

63. Erosion and sediment control - vehicle access

Before site work and/or demolition work commences, a 3.0m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand or soil is not to be stockpiled on the all-weather vehicle access.

Condition reason: to prevent soil erosion.

DURING DEMOLITION WORK

Condition

64. Demolition standards - Australian Standards

Building demolition is to be planned and carried out in accordance with *Australian Standard* 2601:2001 - The Demolition of Structures.

Condition reason: to comply with Australian standards.

65. **Demolition management**

During site work and/or demolition work, works are to be undertaken in accordance with *Australian Standard 2601:2001 - The Demolition of Structures* and the following requirements:

- a) prior to commencement of demolition works a competent person shall determine the presence of hazardous substances impacted by the proposed demolition works in accordance with Section 1.6.1 of AS2601:2001 and where required produce a Hazardous Substances Management Plan
- b) demolition works shall be conducted in accordance with any required Hazardous Substances Management Plan. A copy of the Plan shall be kept on-site for the duration of the proposed development and a copy is to be held in the possession of the landowner.
- c) the removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
- d) a copy of all waste disposal receipts is to be kept in the possession of the landowner and made available to authorised Council Officers upon request.
- e) seven working days' notice in writing is to be given to the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor, and
- f) on sites where asbestos materials are to be removed, a standard commercially

manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.

Condition reason: to comply with Australian standards.

66. Erosion and sediment control measures

During site work and/or demolition work, erosion and sediment control measures are to be implemented and maintained during the period of demolition in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

Condition reason: to prevent erosion and control sediment.

67. Site signage - site and building work

During site work and/or demolition work, a rigid and durable sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:

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

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

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

Condition reason: prescribed condition.

68. **Controlling surface water**

During site work and/or demolition work, 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.

Condition reason: to protect adjacent properties from additional surface water runoff.

69. Limits on noise

During site work and/or demolition work, generation of 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.

Condition reason: to protect the residential amenity of neighbours.

70. Pollution prevention signage

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

Condition reason: to require pollution prevention signage.

71. Controlling dust

During site work and/or demolition work, all necessary measures are to be undertaken to control dust pollution from the site. These measures are to include, but are not limited to:

- a) Restricting topsoil removal.
- b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion)
- c) Alter or cease construction work during periods of high wind; and
- d) Erect green or black shadecloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

Condition reason: to control dust during works.

72. Acid sulfate soil - found at excavation

During site work and/or demolition work, 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'.

Condition reason: to ensure identification and treatment of acid sulfate soils.

ON COMPLETION OF DEMOLITION WORK

Condition

73. Relocation of survey monuments

On completion of demolition work, where the proposed development involves the destruction or disturbance of any survey monuments, those monuments affected are to be relocated at no cost to Newcastle City Council, by a surveyor registered under the *Surveying and Spatial Information Act 2002*.

Condition reason: to ensure relocation of survey marks.

74. Public infrastructure - rectification of damage

On completion of demolition work, any public infrastructure (including all public footways, foot

paving, kerbs, gutters and road pavement) damaged during the works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) are to be immediately fully repaired following the damage, to a condition that provides for safe use by pedestrians and vehicles, to the written satisfaction of Council, and at no cost to Council.

Full restoration of the damage is to be carried out to Newcastle City Council's satisfaction prior to the completion of demolition work.

Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

Condition reason: to ensure rectification of any damage to public infrastructure.

ONGOING USE

Condition

75. Noise control

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

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

Condition reason: to limit offensive noise.

Advisory Matters

- Any necessary alterations to public utility installations are to be at the developer/demolisher's
 expense and to the requirements of Newcastle City Council and any other relevant authorities.
 Newcastle City 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 from any adjoining owner under the provisions of the *Dividing Fences Act 1991*.
- Prior to commencing any building works, the following provisions of Division 6.2 of the Environmental Planning and Assessment Act 1979 are to be complied with:
 - a) A Construction Certificate is to be obtained; and
 - b) A Principal Certifier is to be appointed for the building works and Newcastle City Council is to be notified of the appointment; and
 - c) Newcastle City Council is to be given at least two days notice of the date intended for commencement of building works.
- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Section 37 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (NSW).
- A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- An annual Fire Safety Statement in the form described in Section 88 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (NSW) is to be submitted to Newcastle City Council and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice (ie 'on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979*, which may be subject to a penalty infringement notice (ie 'on-the-spot fine') or prosecution.
- For the purpose of applying the provisions of the National Construction Code for class 1, 2, 3, 4,
 9a (health care) and 9c (aged care) buildings, it is advised that the proposed building is located in a Flood Hazard Area and the:
 - a) Defined Flood Level (DFL) is reduced level 5.6 m Australian Height Datum (AHD)
 - b) Flood Hazard Level is reduced level 5.8 m AHD (Freeboard is 200mm above DFL)
 - c) Maximum Flow Velocity of floodwaters for the Defined Flood Event is 0.15 m/s

If any Aboriginal objects are discovered which are not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be notified in accordance with section 89A of the *National Parks and Wildlife Act 1974* (NPW Act). Depending on the nature of the discovery, additional assessment and approval under the NPW Act may be required prior to works continuing in the affected area(s). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by Heritage NSW.

Note: Heritage NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.gov.au. An 'Aboriginal object' is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains. It is an offence under the provisions of the *National Parks and Wildlife Act 1974* (NPW Act) for a person to harm or desecrate an Aboriginal object, with defence from prosecution and certain activities exempt as prescribed under the NPW Act.

Development Application Committee City of Newcastle

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PROCESSING CHRONOLOGY

DA2022/01482 – 1B Islington Street, Islington

21 December 2022		Development application lodged.
04 January – 25 January 2023	-	Application notified in accordance with CN's Community Participation Plan.
2 March 2023		Application presented to Urban Design Review Panel for comments.
		Request forwarded to Applicant for design amendments and additional information in response to UDRP meeting minutes.
17 March 2023	-	Request forwarded to Applicant for additional information issued – stormwater, acoustic report and contamination.
05 April 2023	-	Amended plans and additional information received from Applicant.