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**Application No:** DA2017/00402

**Land:** Lot 6 DP 1160356  
Lot 630 DP 1180006

**Property Address:** 53 Weakleys Drive Beresfield NSW 2322  
55 Weakleys Drive Beresfield NSW 2322

**Proposed Development:** Demolition of a building, erection of a storage facility,  
associated administration building, parking, wash bay  
and site works

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## **SCHEDULE 1**

### **REASONS FOR CONDITIONS**

1. The conditions of this consent have been imposed in accordance with **Section 4.17 (previously Section 80A)** of the *Environmental Planning and Assessment Act 1979*. The conditions relate to any matter referred to in **Section 4.15 (previously Section 79C(1))** 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**

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>
Amended Site Plan - excluding area highlighted in red which is addressed under a separate complying development certificate.	Proj No 3654 DA 1101 Rev L	SHAC Architects	16/8/17
Site Sections	Proj No 3654 DA 1102 Rev B	SHAC Architects	29/3/17
Ground Floor Plan	Proj No 3654 DA 2200 Rev F	SHAC Architects	29/3/17
Covered outdoor Store/Wash Bay	Proj No 3654 DA 2202 Rev D	SHAC Architects	29/3/17
Transformer Store	Proj No 3654 DA 2203 Rev B	SHAC Architects	29/3/17
Roof Plan	Proj No 3654 DA	SHAC Architects	29/3/17

	2400 Rev B		
Covered Outdoor Store/Wash Bay Roof	Proj No 3654 DA 2402 Rev A	SHAC Architects	29/3/17
Elevations - Administration	Proj No 3654 DA 3101 Rev C	SHAC Architects	29/3/17
Elevations - Administration	Proj No 3654 DA 3102 Rev C	SHAC Architects	29/3/17
Elevations - Covered Store/Wash Bay	Proj No 3654 DA 3105 Rev B	SHAC Architects	29/3/17
Elevations - Covered Store/Wash Bay	Proj No 3654 DA 3106 Rev A	SHAC Architects	29/3/17
Sections-Administration	Proj No 3654 DA 3201 Rev B	SHAC Architects	29/3/17
Sections - Covered Store/Wash Bay	Proj No 3654 DA 3203 Rev B	SHAC Architects	29/3/17
Landscape Plan	Proj No 3654 DA 3203 Rev D	SHAC Architects	24/10/17
Statement of Environmental Effects	V5	Perception Planning	2/4/17
Bushfire Report		Firebird ecoSultants Pty Ltd	July 2017
Arborist Report	Ref No: 0003a/2017	Hunter River Trees Pty Ltd	31/8/17

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 COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE

3. A total monetary contribution of \$88,240.53 is to be paid to Council, pursuant to **Section 7.12 (previously Section 94A)** of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the commencement of work.

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; and

- 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:

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

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

4. A separate application is to be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 *Roads Act 1993*, before the commencement of works.

Note: An additional fee will be required by Council for the assessment of engineering plans submitted for the public road works. In this regard the developer is advised to confer with Council's Development & Building Services Section.

5. On-site parking accommodation is to be provided for a minimum of 84 car spaces (includes 2 accessible and 2 visitor spaces), 45 truck parking, 15 light commercial parking, 6 motorbikes and 6 secured bicycle spaces (Class 2 - as per Element 7.03 '*Traffic, Parking and Access*' of Newcastle Development Control Plan 2012). Parking accommodation 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.
6. The car park is to be designed to comply with AS/NZS 2890.1:2004: Parking facilities - Off-street car parking, AS/NZS 2890.2 and AS/NZS 2890.6:2009: Parking facilities - Off-street parking for people with disabilities.
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.

~~8. Delete - Kerbing is to be constructed along the edge of all garden or lawn areas and adjacent to driveways and parking bays sufficient to discourage the encroachment of vehicles thereon. The kerb is not to restrict the stormwater overland flow path.~~

9. 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.

10. Roof water from the proposed new work is to be directed to the proposed rainwater tanks (minimum size 30,000L) and being reticulated there from to any new toilet cisterns and cold water washing machine taps, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be installed in accordance with the Plumbing Code of Australia.
11. Overflows from the rainwater tank and any additional discharge controls (if required) are to be directed to the proposed drainage system or directed to the street drainage by means of an interallotment drainage line or underground pipe directly to the street gutter.
12. All stormwater runoff from the proposed development is to be managed in accordance with the requirements of Section 7.06 '*Stormwater*' of Newcastle Development Control Plan 2012, as indicated on the stormwater management concept plans and stormwater management report prepared by MPC Consulting Engineers Job No. 16-776, Drawings numbers as listed in the approved drawing list.
13. All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls.
14. 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 details are to be provided prior to the issue of an approval under the technical provisions of the state building laws.

15. 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.
16. 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.
17. 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.

Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

18. The proposed lighting, including car park lighting of the premises and Road 5 lighting, is to be designed, positioned, and installed, including appropriate shielding and orientation of the lighting fixture, as to not give rise to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding properties in accordance with Australian Standard AS 4282: 1997 *Control of the obtrusive effects of outdoor lighting*.
19. All downpipes discharging to the rainwater tanks are to 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).
20. All onsite stormwater retention/detention and water quality treatment systems are to be individually identified and sign posted in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual.
21. The wash bay, degreasing or steam cleaning of vehicles, plant, engines, mechanical equipment or parts is to be carried out within a wash bay or dedicated cleaning unit will need to be connected to the sewers of the Hunter Water Corporation in accordance with an approved Trade Waste Agreement or to a waste collection system for disposal by a licensed waste transport contractor in accordance with the Department of Environment and Climate Change publication '*Waste Classification Guidelines Part 1: Classifying Waste*'. Such activities are not to be carried out elsewhere on site.
22. The developer is to design and construct the roundabout areas at Weakleys Drive, the road reserve (Road 1 and part of Road 5 - Public Road) adjacent to the site and Weakleys Drive frontage of the property at no cost to Council and in accordance with Council's guidelines, design specifications and Australian Standards and generally in accordance with the concept design as per the approved plans prepared by MPC Consulting Engineers Project No. 16-776 Dwg No's R01 - R25 dated 03/01/2018 and C01 - C14 (part of) dated 27/11/2017.

Road works are to be designed as follows:

- a) Design of proposed Road 1 and Road 5 and associated works including drainage design, footpath, pavement design (design life of 75 - 100 years) and road calming devices and associated embankment design and any retaining walls. Design of footpath and intersection with Road 5 and any new footpath required along Weakleys Drive frontage.
- b) Design of intersection of Road 1 and Road 5 to remove the dish drain and formation of an intersection type design to mitigate possible vehicle que to Weakleys Drive.
- c) Design of new footpath, ramps, cycle way access and associated infrastructure on Weakleys Drive and Road 1, including links to the property.
- d) Design of street lighting for new roads and provision for future extension of the road.

- e) Design of street signs, line markings, provision of No Stopping restrictions from Weakleys Dr Roundabout to approx. 50m to the intersection of Road 5 on both sides of Road 1.
  - f) Design of landscaping along the new road and existing road reserve including Weakleys Dr frontage and should include provision for new street trees (100L minimum size), water sensitive design elements, verge, embankment design and interface with the development site and adjoining property. Vegetation management plan will need to be developed for retaining of the existing trees within the road reserve and at the interface with the private property.
  - g) Design of landscaping along western boundary adjoining Weakleys Drive (northern side of roundabout) as low growing ground cover type landscaping.
  - h) Provision of stormwater treatment for new roads.
  - i) Provision of services and allocation of services for proposed development and future development at the adjoining property at 93 Weakleys Drive.
  - j) Design to provide access to adjoining property at 93 Weakleys Drive.
  - k) Confirmation of fill materials to be used for construction of new roads and embankment works.
  - ~~l) Delete Universal Design principles are to be applied to the development to allow for entries to be designed for universal access and levels to be adjusted within the site.~~
  - m) Engineering design plans and specifications for the works to be undertaken in the public road reserve are required to be prepared by a suitably qualified practising civil, hydraulic, geotechnical engineers with experience and competence in the related field.
  - n) Detailed plans including civil design and details, survey, cross sections (footpath path being designed with 2.5% cross fall), longitudinal and street lighting design are to be submitted to Council for review and approval as part of the required Section 138 *Roads Act 1993* application.
23. Any proposed paving works within the public footway are to be in accordance with the requirements of Council's specification (Form PLE/SOO9).
- Note: It will be necessary for the Developer to notify water, telecommunications, gas and electricity authorities of the proposed paving works in order to enable the various authorities to carry out and complete any necessary repairs and/or amplification to their respective services before such works are commenced.
24. The proposed wash bay being designed in accordance with Hunter Water Corporation Guidelines for the Installation and Maintenance of Oil Separators for Service Stations and Vehicle Repair Shop.
25. The comprehensive landscape plan being amended to provide for a minimum of 50 trees as compensatory planting. The required trees are to be of species that are endemic to the area, have typical mature heights of greater than 6m and be planted at a minimum 25 litre pot size.
26. Toilet facilities are to be available or provided at the work site before works begin and be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet is to:

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

#### Conditions 27-31 Delete

~~27. 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: Regulatory Services) and the demolisher prior to commencement of work.~~

~~28. 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.~~

~~29. The demolisher is to ensure that all services (ie water, telecommunications, gas, electricity and sewerage), are disconnected in accordance with the relevant authority's requirements prior to demolition.~~

~~30. 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.~~

~~31. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.~~

32. 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.

33. A waste management plan shall be prepared and implemented in accordance with the provisions of the Newcastle DCP 2012. 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*.

34. 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.

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

36. 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 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
- b) Stating that unauthorised entry to the work site is prohibited, and
- c) 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.



37. 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.
38. 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.
39. Prior to commencement of site works the developer is to submit a Construction Traffic Management Plan, addressing traffic control measures to be utilised in the public road reserve during the construction phase, to Council and Roads and Maritime Services, for approval.
40. The required Construction Traffic Management Plan is to be prepared by a Roads and Maritime Services accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3 - 2002. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.
41. Prior to any site works commencing, the Developer is to prepare 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. A copy of 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) A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
  - b) 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.
  - c) A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions.
  - d) A waste minimisation strategy that aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
  - e) 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.
  - f) 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.
  - g) A site management strategy for dealing with any identifying potential for Acid Sulphate Soils (ASS) to be encountered and measures and techniques to be followed in the event that ASS is encountered.
42. 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.

43. The proposed car parking bays, commercial vehicles and truck parking area are to be clearly indicated by means of signs and/or pavement markings.
44. 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.
45. 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.

46. 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.

47. 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 publication *'Waste Classification Guidelines Part 1: Classifying Waste'*.
48. 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*.
49. 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 on request.
50. 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.
51. 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 is not to be stockpiled on the all weather vehicle access.
52. 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.
53. 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*.

#### Condition 54 amended (Level 1 becomes Level 2)

54. Any filling and compaction work being carried out under **Level 2** inspection and testing, as defined in AS 3798-2007 undertaken by a suitably qualified Geotechnical Engineer.

55. Prior to the commencement of any installation works for the proposed human waste treatment system an approval for the installation of a waste treatment device or human waste storage facility shall be obtained from Council. An approval to operate a system of sewage management shall also be obtained from Council prior to the use of the system. Separate applications shall be made to Council under Section 68 of the *Local Government Act 1993* with payment of the applicable fees for the individual approvals.

#### CONDITIONS TO BE SATISFIED PRIOR TO THE OCCUPATION OF THE PREMISES

56. 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 any occupation of the premises.
57. The works within the road reserve and associated civil, landscaping and drainage works are to be implemented and construction works are to be completed to Roads and Maritime Services and Council satisfaction prior any occupation of the premises. A one year maintenance period will be applicable with landscape reports required at 6 months and at one year.
58. A copy of the stormwater drainage design plans approved with the development with 'work as executed' levels indicated, shall be submitted to The City of Newcastle prior any occupation of the premises.. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
59. The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior any occupation of the premises.
60. A Landscape Practical Completion Report is to be submitted to Council prior any occupation of the premises. The report is to verify that all landscape works have been carried out in accordance with the required comprehensive landscape design plan and specifications and is to verify that an effective maintenance program has been commenced.

61. Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Muller Acoustic Consulting Dated February 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 Council prior any occupation of the premises.

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

62. 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.

63. Certified works-as-executed (WAE) plans and documentation being lodged with Council on completion of civil and landscape works. The required WAE plans are to be provided on a full hard copy of the stamped building approval drawings (and a copy scanned as a .pdf file) and are to include:

- a) Details of any alterations made to the approved plans;
- b) The location and type of service conduits;
- c) Details of all kerbs and gutters, pits and pipelines and stormwater management devices (including CCTV footage of new drainage works);
- d) Certification by a Registered Surveyor that all pipes, services and access driveways within proposed lots are totally within their respective easements/locations; and
- e) The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

Where the WAE plans indicate variations between the works as installed and the approved plans, Council is to determine whether the works are acceptable, require reconstruction.

64. A Maintenance Manual for all water quality devices is to be prepared in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). The Maintenance Manual is to address maintenance issues concerning the water quality devices including routine monitoring and regular maintenance and be kept on site at all times. Establishment and maintenance of the water quality devices in accordance with the Maintenance Manual prepared by the applicant is to be completed prior to occupation of this site for the intended use.

65. A 2.2m high impervious barrier is to be erected at the northern boundary in accordance with Figure 2 of the Noise Impact Assessment prepared by Muller Acoustic Consulting dated February 2017.

66. All vehicles and machinery to be cleaned in the wash bay standing wholly within the bunded area such that all spray and runoff water from the washing of the vehicles or machinery is collected into the water treatment system.

67. The grease arrestor shall be installed in accordance with Australian Standard AS 4674: 2004 Design, construction and fit-out of food premises. The grease arrestor shall be connected to the sewers of the Hunter Water Corporation in accordance with an approved Trade Waste Agreement and regularly inspected and maintained by a licensed waste transport contractor.

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

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

Should 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.

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

Should 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.

70. The landscaped areas are to be kept free of parked vehicles, stored goods, garbage or waste material and being permanently maintained.
71. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.
72. 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.
73. 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 publication '*Waste Classification Guidelines Part 1: Classifying Waste*'.
74. During a one year maintenance period, six-monthly Landscape Establishment Progress Reports are to be submitted to Council by the Landscape Site Superintendent verifying that satisfactory maintenance is being undertaken for the respective stage of the development.
75. A final Landscape Establishment Report is to be submitted to Council by the Landscape Site Superintendent at the completion of the respective maintenance periods for street tree plantings and other landscaping elements as specified by this approval, that verifies all establishment and maintenance works have been satisfactorily completed. Upon receipt of these reports, Council will undertake the Final Inspection of the respective works.
76. Any washing, degreasing or steam cleaning of vehicles, plant, engines, mechanical

equipment or parts is to be carried out within a wash bay or dedicated cleaning unit connected to the sewers of the Hunter Water Corporation in accordance with an approved Trade Waste Agreement or to a waste collection system for disposal by a licensed waste transport contractor in accordance with the Department of Environment and Climate Change publication '*Waste Classification Guidelines Part 1: Classifying Waste*'. Under no circumstances are such activities to be carried out elsewhere on site.

Condition 77 replaced with alternative condition:

~~77. No hazardous or offensive products are to be stored within the proposed buildings, having regard to the provisions of State Environmental Planning Policy No 33 - Hazardous and Offensive Development.~~

**Alternative condition 77:**

**The combined storage of products on site is at no time to exceed the volumes, types and packing groups (as given within Appendix 14 of the Statement of Environmental Effects by Perception Planning dated 2 April 2017) that would require a Preliminary Hazard Analysis under State Environmental Planning Policy No 33 -Hazardous and Offensive Development.**

## ADVISORY MATTERS

- a) Any proposed advertising sign should be designed in accordance with the provisions of Newcastle Development Control Plan 2012 and be the subject of a separate Development Application approved prior to erection or placement in position.
- b) 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.
- c) 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.
- d) 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 ('on-the-spot fine') or prosecution.
- e) 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 ('on-the-spot fine') or prosecution.

## END OF CONDITIONS