

## SCHEDULE OF CONDITIONS

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<b>Application No:</b>	DA2017/01291
<b>Land:</b>	Lot 1 DP 100683 Lot 2 DP 100683 Lot 1 DP 304669 Lot 2 DP 304669
<b>Property Address:</b>	118 Brunker Road Adamstown NSW 2289 120 Brunker Road Adamstown NSW 2289 122 Brunker Road Adamstown NSW 2289 124 Brunker Road Adamstown NSW 2289
<b>Proposed Development:</b>	Demolition of dwellings and outbuildings, erection of six-storey residential flat building (affordable housing) comprising 50 residential units, ground floor commercial cafe, associated parking and site works

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### SCHEDULE 1

#### APPROVED DOCUMENTATION

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

Plan No / Supporting Document	Reference / Version	Prepared by	Dated
Site Plan Drawing No: A-101	Rev: G Project No: 0052	Holdsworth Design	07/06/2018
Floor Plan - Ground Level Drawing No: A-A201	Rev: M Project No: 0052	Holdsworth Design	02/08/2018
Floor Plan - Level 1 Drawing No: A-A202	Rev: M Project No: 0052	Holdsworth Design	02/08/2018
Floor Plan - Level 2 Drawing No: A-A203	Rev: M Project No: 0052	Holdsworth Design	02/08/2018
Floor Plan - Level 3 Drawing No: A-A204	Rev: M Project No: 0052	Holdsworth Design	02/08/2018
Floor Plan - Level 4 Drawing No: A-A205	Rev: M Project No: 0052	Holdsworth Design	02/08/2018
Floor Plan - Level 5 Drawing No: A-A206	Rev: M Project No: 0052	Holdsworth Design	02/08/2018
Floor Plan - Roof Drawing No: A-A207	Rev: M Project No: 0052	Holdsworth Design	02/08/2018
Elevations - North-East Drawing No: A-A701	Rev: H Project No: 0052	Holdsworth Design	02/08/2018
Elevations - North-West Drawing No: A-A702	Rev: I Project No: 0052	Holdsworth Design	02/08/2018

Elevations - South-East Drawing No: A-A703	Rev: I Project No: 0052	Holdsworth Design	02/08/2018
Elevations - South-West Drawing No: A-A704	Rev: H Project No: 0052	Holdsworth Design	02/08/2018
Section WW Drawing No: A-A705	Rev: H Project No: 0052	Holdsworth Design	02/08/2018
Section XX Drawing No: A-A706	Rev: H Project No: 0052	Holdsworth Design	02/08/2018
Section YY Drawing No: A-A707	Rev: H Project No: 0052	Holdsworth Design	02/08/2018
Stormwater Plan and Sections Drawing C01	Issue 0 Job No 18- 231	MPC Consulting Engineers	21/06/2018
Landscape Plan Dwg No's L01-L05	Rev F Project Nob No. 1731	Mara Consulting Pty Ltd	02/08/2018
Traffic and Parking Assessment	Ref No. 17/116 Issue E	Intersect Traffic	30/07/2018
Crime Prevention Through Environmental Design (CPTED) Statement	n/a	KDC Pty Ltd	09/08/2018
Statement of Environmental Effects 12/10/2017 Letters of Addendum 21/06/2018 04/07/2018 09/08/2018	Report Job No. 17138	KDC Pty Ltd	Numerous
SEPP 65 - Design Verification Report	Revision: G Project No: 0052	Holdsworth Design	03/08/2018
Compass Housing - Confirmation of Affordable Housing letter	n/a	Compass Housing	06/08/2018
Arborist Report	Revision A	Mara Consulting	18/09/2017
BASIX Report	866338M	Evergreen Energy Consultants	09/10/2017

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

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

- The proposed awning on Brunner Road is to be designed in a manner that is consistent with Element 7.10 'Street Awnings and Balconies' of the Newcastle Development Control Plan. Under awning lighting is to be provided to the area's Lighting category in accordance with AS1158. The design of the awning should allow for street tree planting (if any). Full details are to be included in documentation for any Construction Certificate application.

Note: A separate Section 138 Type 2 (specifically for awning) application will be required for the awnings.

- On-site parking accommodation is to be provided for a minimum of 36 car spaces (includes 1 disabled accessible space and 8 spaces for café and visitor), 2 motorbike spaces, 50 secured bicycle spaces (Class 2) and 6 visitor bicycle spaces (Class 3) such be set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 'Traffic, Parking and Access' of Newcastle Development

Control Plan 2012. Full details are to be included in documentation for a Construction Certificate application.

4. The car park is to be designed to comply with AS/NZS 2890.1:2004: Parking facilities - Off-street car parking and AS/NZS 2890.6:2009: Parking facilities - Off-street parking for people with disabilities. Visitor Parking spaces 1 & 2 are to be designed as small car parking spaces (minimum length 5.0m) to allow for the widening of the laneway road reserve by 500mm. Full details are to be included in documentation for a Construction Certificate application.
5. All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. Full details are to be included in documentation for a Construction Certificate application.
6. 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. Full details are to be included in documentation for a Construction Certificate application.
7. Roof water from the development is to be directed to the proposed underground water tank (minimum total capacity of 10,000L) and being reticulated there from to any new toilet cisterns and cold water washing machine taps for Ground Floor and First Floor and to external taps for landscaping purposes, 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 Australian Standard AS 3500, the relevant plumbing regulations and the requirements of the Hunter Water Corporation. Full details are to be provided with the Construction Certificate application.
8. Overflows from the rainwater tank and any additional discharge controls (if required) are to be directed to Council's drainage system by means of an interallotment drainage line or underground pipe directly to the street drainage system. Full details are to be provided with the Construction Certificate application.

Note: a separate S138 *Roads Act 1993* application will be required for the proposed street drainage.

9. All stormwater runoff from the proposed development being managed in accordance with the requirements of Section 7.06 '*Stormwater*' of Newcastle Development Control Plan 2012, as indicated on the Stormwater Management Plan report MPC Project Ref: 18-231 dated June 2018 and Stormwater plan prepared by MPC Consulting Engineers Job No. 17-571 Dwg. No. C01 Issue 1 dated 21/06/2018. Full details are to be included in documentation for any Construction Certificate application.
10. All new impervious surfaces, including driveways, paved areas and landscaped areas are to be drained to the nominated discharge controls. Full details are to be provided with the Construction Certificate application.
11. The floor level of all proposed buildings is to be as indicated on the concept stormwater management plan prepared by MPC Consulting Engineers Job No. 17-571 Dwg. No. C01 Issue 1 dated 30/05/2017 and being indicated on plans for a Construction Certificate application. The finished floor levels are to be certified by a registered Surveyor prior to the placement of the floor material and a copy of the Surveyor's Certificate is to be forwarded to the Principal Certifying Authority.

12. The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's compliance certificate (refer s50 *Hunter Water Act 1991*) is to be included in documentation for a Construction Certificate application.
13. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on an Erosion and Sediment Control Plan that is to be submitted for approval with the Construction Certificate application. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
14. The proposed lighting including car park lighting of the premises 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. Full details are to be included in the documentation for a Construction Certificate application.
15. All downpipes discharging to the rainwater tanks are to have pre-storage insect, debris and vermin control (e.g. 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 (e.g. capped relief access points at the lowest level of stormwater drainage).
16. A structural engineer is to determine the location and depth of the proposed underground tank and On Site Detention and certify that it will not adversely affect any building foundation footings or slabs when the tank is empty. Stormwater Management Plan is to be designed in accordance with current NDCP Section 7.06 Stormwater Management and Newcastle City Council's Stormwater and Water Efficiency Technical Manual. Full details are to be included with documentation for a construction certificate.
17. The 0.5m wide portion of the site along the entire frontage of the unnamed laneway is required for road widening of the unnamed laneway at the rear of the property. A suitable survey plan providing for the future dedication (dedication to be done prior to Occupation Certificate) is to be submitted to Council with the Public Domain Plan (Section 138 *Roads Act 1993* application) prior to the issue of any Construction Certificate.

Note: Such plan is to be registered with the NSW Government Land & Property Information prior to the issuing of an Occupation Certificate for the proposed development. All associated survey and legal work is to be undertaken by the Developer at the Developers expense.

18. The developer is to design the following works within Bruncker Rd and the unnamed laneway frontages adjacent to the site at no cost to Council and in accordance with Council's guidelines, design specifications and Australian Standards:
  - a) Public Domain Works:
    - i. New footpath (concrete/asphalt or as specified by Council) and the scope of footpath works to include any additional footpath works required as part of the installation of the new drainage along Bruncker Rd.
    - ii. Install new street trees and grass verge areas in accordance with Council

- requirements and adjust service pit levels to match new footpath level. Note: footpath to achieve maximum cross fall of 2.5%.
- iii. Remove all redundant driveways, install new kerb and gutter and repair any road works.
  - iv. Installation of new driveway and associated roadworks on the unnamed laneway.
  - v. Install any required parking signs, line markings and mandatory signage.
  - vi. Repair any damages caused during construction and ensure the survey mark is protected at all times.
  - vii. Installation of any new street furniture including bicycle racks or rings and new seats or bins on Brunner Rd. Any new rubbish bin and any other asset installation will be advised at application stage.
  - viii. Design of the laneway pavement between Bala Rd and Melville Rd, kerb and gutter on both sides of the laneway to formalise the laneway. Provision of pedestrian refuge including possible footpath to be done.
  - ix. 500mm strip of land to be dedicated to Council along the entire frontage along the Unnamed Laneway at the rear of the property for widening of the Unnamed Laneway as a road reserve (new property boundary to be setback 500mm).
  - x. Design and installation of street lighting along the Unnamed laneway and Brunner Rd frontage and under awning lighting in accordance with Ausgrid and NCC Standards. Works will include new lighting design and design and installation of new light poles and electrical works.
  - xi. Installation of new drainage along the Unnamed Laneway to discharge to Melville Rd.
  - xii. Installation of new drainage from the proposed development outlet KIP to the drainage pit near the intersection of Melville Rd and undertake all associated repair works.

Detailed public domain plan 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 S138 *Roads Act 1993* application, prior to the issue of any Construction Certificate.

These engineering design plans and specifications for the works being 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.

In this regard the separate approval from Council must be obtained for all works within the public road reserve, pursuant to Section 138 of the *Roads Act 1993*, prior to any construction certificate (excluding bulk excavation and demolition works within the site).

Note: 1) 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 in order to confirm this.

2) Proposed driveway works can be submitted with this application.

3) All public domain works are to be constructed to Council satisfaction at no cost to Council prior to the issue of any occupation certificate.

19. 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 comprehensive landscape design plan and specification. The required comprehensive landscape design plan and specifications is to be in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:

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

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

20. The proposal shall be undertaken in accordance with the recommendations of the Arborist Report prepared by Mara Consulting dated 18/09/2017. At a minimum all tree protection measures are to be in accordance with AS4970 Protection of Trees on Development Sites. Full details of the retaining wall design are to be included in documentation for a Construction Certificate.

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

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

Each toilet is to:

- a) Be a standard flushing toilet connected to a public sewer, or
  - b) Have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
  - c) Be a temporary chemical closet approved under the *Local Government Act 1993*.
22. Building demolition is to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures.
  23. A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with Australian Standard 2601:2001 - The Demolition of Structures. A copy of the Hazardous Substances Management Plan is to be provided to Council (marked to Attention: Compliance Services) and the demolisher prior to commencement of work.
  24. The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:
    - a) 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.
25. The demolisher is to ensure that all services (ie water, telecommunications, gas, electricity, sewerage etc), are disconnected in accordance with the relevant authority's requirements prior to demolition.
26. Any waste containers used in association with the proposed demolition are to be located on the site where possible.
- Note: Where this is not feasible, application must be made for Council's approval to position the container on the adjacent public road in accordance with Council's adopted Building Waste Container Policy.
27. All demolition material incapable of being re-used in future redevelopment of the site is to be removed from the site and the site being cleared and levelled.
- Note: Where reusable building materials are to be stored on site for use in future building works, such materials are to be neatly stacked at least 150 mm above the ground.
28. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
29. Any demolition/waste building materials that are not suitable for recycling are to be disposed of at Council's Summerhill Waste Management Facility or other approved site.
30. Waste management shall be implemented in accordance with the approved Waste Management Plan. At a minimum, the following measures shall be implemented during the construction phase:
- a) A waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste
  - b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets
  - c) Appropriate provision is to be made to prevent windblown rubbish leaving the site and
  - d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

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

31. If construction / demolition work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence 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.

32. 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.

33. 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.

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

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

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

35. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.

36. 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.

37. 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.



38. A residential vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:
- a) Constructed in accordance with Council's A1300 - Driveway Crossings Standard Design Details.
  - b) In the case of a single car garage/parking space, the driveway crossing, within the road reserve, shall be a maximum of 3 metres wide.
  - c) In the case of a double car garage/parking space, the driveway crossing, within the road reserve, shall be a maximum of 4.5 metres wide.
  - d) Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 metre, in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance.
  - e) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve.
  - f) The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.

These works are not approved until consent under Section 138 of the *Roads Act 1993* has been granted by Council. An application under Section 138 is to be applied for and approved before the commencement of any construction works on the site the subject of this development application.

39. Any proposed paving works within the public footway are to be in accordance with the requirements of Council's specifications (Standard Drawing A1400).

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.

40. Prior to commencement of site works the developer is to submit to Council for approval a Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase.
41. The Construction Traffic Management Plan is to be prepared by a Roads & Maritime Services accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3:2009 - Manual of uniform traffic devices - traffic control for works on roads. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.
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 8 parking bays for the commercial café and visitors are to be clearly indicated by means of signs and/or pavement markings and should be constructed with permeable pavers.
44. 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'.
45. 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*

46. 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.
47. Prior to the commencement of work, a 3m wide all weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.
48. 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*.
49. Groundwater is not to be discharged into the adjoining road's stormwater system or the sewerage system without the responsible authority's approval. Approval from the responsible authority and any relevant approval requirements are to be complied with prior to the commencement of any extraction of groundwater.
50. Any structure on or over the public road reserve, including balconies and awnings, is to be the subject of a separate consent from Council, under Section 138 of the *Roads Act 1993*, prior to commencement of work.
51. The Construction Traffic Management Plan is to be prepared by a Roads & Maritime Services accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3:2009 - Manual of uniform traffic devices - traffic control for works on roads. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.

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

52. All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to the issue of an Occupation Certificate. Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to Council within fourteen days of receipt.
53. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council's satisfaction prior to the completion of demolition work or prior to the issue of any Occupation Certificate in respect of development involving building work.
54. Any redundant existing vehicular crossing (or section of) is to be removed at no cost to Council and the public footway and kerb being restored to match the existing infrastructure and be completed prior to the issuing of an Occupation Certificate for the proposed development.

Note: A separate approval from Council must be obtained for all works within the public road reserve pursuant to Section 138 of the *Roads Act 1993*. For further information contact Council's Works Depot on 4974 6000 to request a

Road Opening Approval. A fee will be payable in this regard.

Note: the driveway applicants can be done with the S138 application for the public domain works (footpath works).

55. The whole of the land referred to as Lot 1-2 DP 100683 and Lot 1-2 DP 304669 is to be consolidated into a single title and documentary evidence of the lodgement for registration of a survey plan of consolidation with NSW Land Registry Services being submitted to Council prior to the issuing of an Occupation Certificate for the proposed development.
56. A copy of the stormwater drainage design plans approved with the Construction Certificate (including road drainage) with 'work as executed' levels indicated, shall be submitted to the Principal Certifying Authority and to Newcastle City Council prior to the issue of an Occupation Certificate. CCTV report and camera footage for the street drainage is to be prepared to Council specifications. The plans and documents shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
57. A Landscape Practical Completion Report is to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.
58. Prior to the issue of an Occupation Certificate a restriction is required to be registered against the title of the property on which the development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*. The restriction is to ensure that the development is used for a minimum of ten years as affordable housing.

*'Affordable housing'* means housing for very low income households, low income households or moderate income households as prescribed by the *Environmental Planning and Assessment Regulation 2000* or as are provided for in an environmental planning instrument.

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

The minimum numeral heights shall be:

- a) Exterior of the building = 75mm and
  - b) Group mailbox - street number = 150mm  
- house number = 50mm
60. A design verification statement from a qualified designer shall be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first. The statement shall confirm the development has been constructed in accordance with the quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development*.

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

61. The Developer preparing a Green Travel Plan (GTP) to encourage the use of alternate

transport to the private vehicle in accordance with Section 7.03.03 Travel Demand Management of Council's adopted Newcastle Development Control Plan 2012 and incorporating end of trip facilities, such being implemented in association with the occupation of the premises and a copy of the GTP is to be provided to the Principal Certifying Authority.

62. The Public Domain works (Works within the Road Reserve) are to be implemented and construction works are to be completed to Council satisfaction prior to the issue of any Occupation Certificate.
63. Three street trees are to be installed along Brunner Road prior to issue of any Occupation Certificate, in accordance with The Newcastle Street Tree Masterplan, with the selected trees being advanced specimens in a minimum 300 litre pot size. The required plantings are to be undertaken in consultation with Council, with the trees certified by the supplier to comply with the current NATSPEC guideline with respect to root development, height, trunk diameter, branch structure and balance (refer to Specifying Trees, Construction Information Systems Australia PL, Clark, R 2003). All associated costs are to be borne by the developer.

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

64. 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

65. 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.

66. The landscaped areas are to be kept free of parked vehicles, stored goods, garbage or waste material and being permanently maintained.
67. Appropriate arrangements being made for the collection of garbage (recyclable and non-recyclable) from within the site such arrangements being in place prior to the occupation of the premises the subject of this development application. Garbage bins are not to be presented to the street for kerbside collection
68. The maximum hours of operation for the commercial cafe is to be as follows:

DAY	START	FINISH
Monday	8:00am	7:00pm
Tuesday	8:00am	7:00pm
Wednesday	8:00am	7:00pm
Thursday	8:00am	7:00pm
Friday	8:00am	7:00pm
Saturday	8:00am	7:00pm
Sunday	8:00am	7:00pm

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

## ADVISORY MATTERS

- Any proposed business identification sign or 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.
- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required of any adjoining owner under the provisions of the *Dividing Fences Act 1991*.
- Prior to commencing any building works, the following provisions of Division 6.2 of the *Environmental Planning and Assessment Act 1979* are to be complied with:
  - a) A Construction Certificate is to be obtained; and
  - b) A Principal Certifier is to be appointed for the building works and Council is to be notified of the appointment; and
  - c) Council is to be given at least two days notice of the date intended for commencement of building works.
- A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building and/or on the land and include a separate list of any fire safety measures that already exist at the premises. The lists must describe the extent, capability and basis of design of each of the measures.
- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000*.
- An annual Fire Safety Statement in the form described in Clause 175 of the

*Environmental Planning and Assessment Regulation 2000* is to be submitted to Council and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of New South Wales Fire Brigades. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* 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.
- The premise is allocated the following street addresses in accordance with Council's House Numbering Policy and the Surveying and Spatial Regulation.

Dwelling on plan	Council Allocated Street Addresses			
	House Number	Street Name	Street Type	Suburb
C.02 (Commercial)	1/120	Brunker	Road	Adamstown
G.01	2/120	Brunker	Road	Adamstown
G.02	3/120	Brunker	Road	Adamstown
1.01	104/120	Brunker	Road	Adamstown
1.02	103/120	Brunker	Road	Adamstown
1.03	102/120	Brunker	Road	Adamstown
1.04	101/120	Brunker	Road	Adamstown
1.05	108/120	Brunker	Road	Adamstown
1.06	109/120	Brunker	Road	Adamstown
1.07	110/120	Brunker	Road	Adamstown
1.08	111/120	Brunker	Road	Adamstown
1.09	109/120	Brunker	Road	Adamstown
1.10	107/120	Brunker	Road	Adamstown
1.11	106/120	Brunker	Road	Adamstown
1.12	105/120	Brunker	Road	Adamstown
2.01	204/120	Brunker	Road	Adamstown
2.02	203/120	Brunker	Road	Adamstown
2.03	202/120	Brunker	Road	Adamstown
2.04	201/120	Brunker	Road	Adamstown
2.05	208/120	Brunker	Road	Adamstown
2.06	209/120	Brunker	Road	Adamstown
2.07	210/120	Brunker	Road	Adamstown
2.08	211/120	Brunker	Road	Adamstown
2.09	212/120	Brunker	Road	Adamstown
2.10	207/120	Brunker	Road	Adamstown
2.11	206/120	Brunker	Road	Adamstown
2.12	205/120	Brunker	Road	Adamstown
3.01	305/120	Brunker	Road	Adamstown
3.02	304/120	Brunker	Road	Adamstown
3.03	303/120	Brunker	Road	Adamstown
3.04	302/120	Brunker	Road	Adamstown
3.05	309/120	Brunker	Road	Adamstown
3.06	310/120	Brunker	Road	Adamstown
3.07	308/120	Brunker	Road	Adamstown
3.08	301/120	Brunker	Road	Adamstown
3.09	307/120	Brunker	Road	Adamstown
3.10	306/120	Brunker	Road	Adamstown
4.01	404/120	Brunker	Road	Adamstown

4.02	403/120	Brunker	Road	Adamstown
4.03	402/120	Brunker	Road	Adamstown
4.04	407/120	Brunker	Road	Adamstown
4.05	408/120	Brunker	Road	Adamstown
4.06	406/120	Brunker	Road	Adamstown
4.07	401/120	Brunker	Road	Adamstown
4.08	405/120	Brunker	Road	Adamstown
5.01	503/120	Brunker	Road	Adamstown
5.02	502/120	Brunker	Road	Adamstown
5.03	501/120	Brunker	Road	Adamstown
5.04	505/120	Brunker	Road	Adamstown
5.05	506/120	Brunker	Road	Adamstown
5.06	504/120	Brunker	Road	Adamstown

**END OF CONDITIONS**

## **SCHEDULE 2**

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

The determination decision was reached for the following reasons:

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

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

The following conditions are applied to:

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