

## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

**Development Application No:** DA 2021-01754

**Development:** Proposed Health Services Facility

**Site:** 43 Date St, Adamstown (Lots 10 and 11 DP1221375)

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

**Date of determination:** 20 October 2022

**Date from which consent takes effect:** [Date the consent is registered on the NSW Planning Portal].

#### TERMINOLOGY

In this consent:

The following deferred commencement condition must be complied with to the satisfaction of Council within **12 months** from the date of this Notice of Determination to obtain an operational Development Consent.

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as Lots 10 and 11 DP1221375.

**Conditions of Consent****Approved Documentation**

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

<b>Plan No / Supporting Document</b>	<b>Reference / Version</b>	<b>Prepared by</b>	<b>Dated</b>
Plans	Proj No A116 Dwg No: DA05 Ver3.2 DA06 Ver3.2 DA07 Ver3.2 DA08 Ver3.2 DA09 Ver3.2 DA10 Ver3.2 DA11 Ver3.2 DA12 Ver3.2 DA13 Ver3.2 DA14 Ver3.2 DA15 Ver3.2 DA16 Ver3.2 DA17 Ver3.2	Archadia	July 2022
Proposed External Finishes	Proj No A116 Dwg No: DA28 Ver3.2	Archadia	July 2022
CCTV & Security Lighting Details	Proj No A116 Dwg No: DA36 Ver3.2	Archadia	July 2022
Landscape Plans	Job No 21.37 Dwg No: LDA02 Iss E LDA03 Iss E LDA04 Iss E LDA05 Iss E	Conus	25/7/22
Engineering Plans	Job No. NL210757, Revision C	Northrop	22/07/2022
Crime Risk Assessment	2020-1450	Wilson Planning	3 December 2021
Noise Impact Assessment	Rpt -21-2670-R1	Reverb Acoustics	October 2021
Integrated Waste & Servicing Plan	Ver4.0	Archadia Projects	July 2022

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

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

- 2 In accordance with the City of Newcastle Section 7.12 Development Contributions Plan (the Plan), a monetary contribution of \$125,540.03 shall be paid to the City of Newcastle for the purposes of the provision, extension or augmentation of transport and social infrastructure.
  - (a) If the contribution is not paid within the financial quarter that this consent is granted, the contribution payable will be adjusted in accordance with the provisions of the Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment
  - (b) Subject to prevailing Ministerial Directions, the monetary contribution shall be paid to the City of Newcastle
    - (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
    - (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

prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.
- 3 On-site parking accommodation is to be provided for a minimum of 67 vehicles, 5 motorcycles, 11 bicycles (6 x Class 2 in a secure enclosure and 5 x Class 3 in a public accessible rack system) within the proposed new building and such be set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012. Full details are to be included in documentation for a Construction Certificate application.
- 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. Full details are to be included in documentation for a Construction Certificate application.

- 5 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.
- 6 The proposed floodlighting 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 4282:1997 - Control of the obtrusive effects of outdoor lighting. Full details are to be included in the documentation for a Construction Certificate application.
- 7 A commercial vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:
  - a) Constructed in accordance with Council's A1300 – Driveway Crossings Standard Design Details.
  - b) The driveway crossing, within the road reserve, shall be a maximum of 6.0m metres wide.
  - c) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve.
  - d) The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.

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

- 8 Not used
- 9 Not used

- 10 All stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable, as indicated on the stormwater management concept plan prepared by Northrop (Job No. NL210757, Revision C, dated 22/07/2022) except as amended by this consent and including the following requirement:

- A) Gross Pollutant Traps are to be provided in all surface inlet pits proposed at the development.

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

- 11 The floor level of all proposed buildings or building additions (excepting parking areas) are to be verified on plans for a Construction Certificate application to be no lower than 11.95m Australian Height Datum.

The floor level of all proposed car parking areas are to be verified on plans for a Construction Certificate application to be no lower than 11.80m Australian Height Datum.

- 12 The whole of the proposed structure below known flood level (level 12.30m Australian Height Datum) is to be constructed in materials and finishes that are resistant to damage from floodwaters/tidal waters. Any new machinery or equipment (including lifts and elevators), electrical circuitry or fitting, storage unit or similar items likely to be damaged by floodwaters/tidal waters being installed above the said height or alternatively being of materials and functional capability resistant to the effects of floodwaters/tidal waters.

Full details are 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 Prior to the commencement of work, a 3.0m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand or soil is not to be stockpiled on the all-weather vehicle access.

- 15 A temporary protective crossing is to be provided over the footway for vehicular traffic before demolition or building operations are commenced. This approval does not permit access to the property over any adjacent private or public land.

- 16 All necessary measures are to be undertaken to control dust pollution from the site. These measures are to include, but are not limited to:

- a) Restricting topsoil removal;
  - b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion);
  - c) Alter or cease construction work during periods of high wind; and
  - d) Erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.
- 17 The building is to be provided with access for persons with disabilities, to the extent necessary to comply with the Commonwealth's *Disability (Access to Premises - Buildings) Standards 2010*. Details are to be included in documentation for a Construction Certificate application.
- 18 All proposed planting and landscape elements indicated on the submitted 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 a Construction Certificate application.

- 19 The applicant is to comply with all of Hunter Water's requirements to provide your

development with water supply and sewerage services. A copy of Hunter Water's compliance certificate (*Hunter Water Act 1991* - Section 50) must be submitted with your Construction Certificate application.

- 20 Prior to the issue of the relevant Construction Certificate, the following must be demonstrated to the satisfaction of the certifying authority:
- (a) The car park must provide an EV Ready Connections to at least two car spaces on the ground level parking (Level 1) and at least two parking spaces on Level 2 and at for least four electric bicycle and scooter charging stations.
  - (b) EV Distribution Board(s) shall be of sufficient size and capacity to allow for any future EV connections to all car parks.
  - (c) Locate EV Distribution board(s) so that no future EV Ready Connection will require a cable of more than 50m from the parking bay to connect.
  - (d) Each EV Ready Connection is served from a cable tray and a dedicated spare electrical circuit provided in an EV Distribution Board to enable easy future installation of cabling from an EV charger to the EV Distribution Board and a circuit breaker to feed the circuit.
  - (e) EV Load Management System is to be capable of:
    - Reading real time current and energy from the electric vehicle chargers under management;
    - Determining, based on known installation parameters and real time data, the appropriate behaviour of each EV charger to minimise building peak power demand whilst ensuring electric vehicles connected are full recharged;
    - Scale to include additional chargers as they are added to the site over time.
  - (f) The above EV electrical design is to be done by an appropriately qualified and licenced electrician and is to be done to the relevant Australian Standards and BCA requirements.
- 21 A new screened waste enclosure facilities is to be provided within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements are to be made for regular removal and disposal of same as detailed within the amended plans by Archadia (Proj No A116 Dwg No DA06, dated July 2022 Ver3.2). Full details are to be included in documentation for a Construction Certificate application.
- 22 The final details of all artworks within the site (including the Aboriginal public art shown on Dwg No. DA28 Ver 3.2 referred to in condition 1) and associated costings are to be submitted to Council's Public Art Reference Group for written approval prior to the issue of a Construction Certificate, the written approval be obtained prior to the issue of any Construction Certificate. The public artwork is to provide visual interest for pedestrians and interpret or reflect the local setting, landscape setting and/or cultural setting of the Newcastle area. The feature is to be designed to ensure long-term durability and be resistant to vandalism.

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

- 23 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.
- 24 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.
- 25 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.
- 26 All parking bays are to be permanently marked out on the pavement surface.
- 27 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.
- 28 Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.
- 29 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).
- 30 Building demolition is to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures.



- 31 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.
- 32 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 City of Newcastle and to the demolisher prior to commencement of work.
- 33 The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:
  - a) prior to commencement of demolition works a competent person shall determine the presence of hazardous substances impacted by the proposed demolition works in accordance with Section 1.6.1 of AS2601:2001 and where required produce a Hazardous Substances Management Plan
  - b) demolition works shall be conducted in accordance with any required Hazardous Substances Management Plan. A copy of the Plan shall be kept on-site for the duration of the proposed development and a copy is to be held in the possession of the landowner
  - c) the removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
  - d) a copy of all waste disposal receipts are to be kept in the possession of the landowner and made available to authorised Council Officers upon request
  - e) seven working days notice in writing is to be given to the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor, and
  - f) on sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.

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

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

- 35 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.

- 36 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.

- 37 City of Newcastle'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 the Newcastle City Council for the duration of demolition and construction work.

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

- 38 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'.
- 39 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.
- 40 Documentation demonstrating the compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption must be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Exemption. This documentation must be provided to Newcastle City Council officers or the Principal Certifier on request.
- 41 A survey certificate prepared by a Registered Surveyor is to be submitted to the Principal Certifier upon completion of the floor slab formwork, before concrete is poured, to ensure

that the siting of the building in relation to adjacent boundaries is in accordance with the development consent.

- 42 Certification is to be prepared by a Registered Surveyor and submitted to the Principal Certifier at the stages of construction indicated:
- a) On completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels.
  - 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 level of 32.60 metres AHD.
- 43 Any waste containers used in association with the proposed demolition are to be located on the site where possible.
- Note: Where this is not feasible, an application is to be made for the approval to position the container on the adjacent public road in accordance with the Council's adopted Building Waste Container Policy.
- 44 Any demolition/waste building materials that are not suitable for recycling are to be disposed of at City of Newcastle's Summerhill Waste Management Facility or other approved site.
- 45 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.
- 46 An application is to be made to and approved by the City of Newcastle for the erection of a hoarding or part closure of the footway prior to construction being commenced. Such overhead structure or protective fence is to comply with the *Work Health and Safety Act 2011*, *Work Health and Safety Regulation 2011* and any relevant approved industry code of practice. Notice of intention of commencement is to be given to SafeWork NSW.

- 47 The work site is to be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 48 Building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 49 Where the proposed development involves the destruction or disturbance of any survey monuments, those monuments affected are to be relocated, at no cost to the City of Newcastle, by a Surveyor registered under the *Surveying and Spatial Information Act 2002*.
- 50 All external items of air conditioning plant are to be screened or positioned in such a manner as to not detract from the visual presentation of the building.

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

- 51 The whole of the land Lot 10 and 11 DP1221375, 43 Date Street and 282 Brunner Road, Adamstown 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 is to be submitted to the City of Newcastle prior to the issuing of an Occupation Certificate for the proposed development.
- 52 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.
- 53 All works within the road reserve required by this consent are to be completed prior to the issue of a Final Occupation Certificate.
- 54 Any redundant existing vehicular crossing is to be removed at no cost to Council. The road reserve and kerb being restored to, Council's satisfaction, to match the existing infrastructure. Works are to be completed prior to the issuing of a Final Occupation Certificate for the proposed development.
- 55 Street lighting being upgraded across the Victoria and Date Street frontages of the site at no cost to Council (other than annual maintenance) to Standard PR3 in accordance with AS

1158.1.1 – Road Lighting. The lighting upgrade works being completed prior to the issue of any occupation certificate.

**Note:** The developer is to liaise with Energy Australia in relation to the design and construction of the street lighting.

- 56 The developer being responsible for the provision of additional regulatory signage in Victoria and Date Streets adjacent to the site frontage and all adjustments to and/or relocation of existing regulatory signage necessary as part of this development, at no cost to Council and in accordance with Council requirements, such works being implemented prior to the issue of any occupation certificate.

**Note:** The provision of additional regulatory signage and alterations to existing regulatory signage will need to be referred to the Newcastle City Traffic Committee for approval prior to installation.

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

- 58 The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.

- 59 Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the Noise Impact Assessment Prepared by Reverb Acoustics Pty Ltd, October 2021. Report No. 21-2670-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 Certifier prior to the issue of an Occupation Certificate.

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

- 60 A Landscape Practical Completion Report is to be submitted to the Principal Certifier prior to the issue of an 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.

- 61 Details confirming the installation of the public artwork, required as part of this consent, shall be submitted to the Principal Certifier and Council prior to the issue of the Occupation Certificate.
- 62 Before the issue of an Occupation Certificate, the applicant must ensure any public infrastructure (including all public footways, footpaving, 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 City of Newcastle'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.

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

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

- 63 The hours of operation the health care facility are to be between:

<b>DAY</b>	<b>START</b>	<b>FINISH</b>
Monday	8am	6pm
Tuesday	8am	6pm
Wednesday	8am	6pm
Thursday	8am	6pm
Friday	8am	6pm
Saturday	Closed	Closed
Sunday	Closed	Closed

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

- 64 The hours of any deliveries, servicing and waste collection of the premises are to be between:

<b>DAY</b>	<b>START</b>	<b>FINISH</b>
Monday	7am	8am

Tuesday	7am	8am
Wednesday	7am	8am
Thursday	7am	8am
Friday	7am	8am
Saturday	None/Closed	None/Closed
Sunday	None/Closed	None/Closed

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

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

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

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

- 67 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 are to be:

- a) Exterior of the building = 75mm and
  - b) Group mailbox - street number = 150mm  
- house number = 50mm
- 68 No flashing, chasing or scintillating lighting or promotional material of a visually intrusive nature is to be installed or displayed on the exterior of the premises.
- 69 All vehicular movement to and from the site is to be in a forward direction.
- 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. The Applicant is to implement the Parking Management Plan at Annexure C of the parking joint report prepared by David Ryner and Jeff Garry filed on 19 September 2022 in Land and Environment Court Proceedings 2022 / 00105457.

#### **ADVISORY MATTERS**

- Any proposed business identification sign or advertising sign is to be designed in accordance with the provisions of Newcastle Development Control Plan 2012 and be the subject of a separate Development Application that is to be approved prior to the sign being erected or placed in position, except when such signage meets 'exempt development' criteria under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- Development applications are not assessed against the provisions of the National Construction Code. An application to modify the application under the *Environmental Planning and Assessment Act 1979* will be required if design amendments that cause the proposal to be inconsistent with the development consent are necessary to comply with the provisions of the Building Code of Australia.
- 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.

- 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.
- 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 are to 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 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 (i.e. '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 (i.e. 'on-the-spot fine') or prosecution.

- 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*.
- 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 11.80m Australian Height Datum (AHD)
  - b) Flood Hazard Level is 12.30m AHD (Freeboard is 500mm above DFL)
  - c) Maximum Flow Velocity of floodwaters for the Defined Flood Event is 0.25m/s
- The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Note: Heritage NSW can be contacted on 02 9873 8500 or [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au). A 'relic' is any deposit, object or material evidence that relates to the settlement of New South Wales, not being Aboriginal settlement, and is of State or local significance. It is an offence under the provisions of the Heritage Act 1977 (NSW) for a person to disturb or excavate any land upon which the person has discovered a relic except in accordance with a gazetted exemption or an excavation permit issued by the Heritage Council of NSW.

- Should any Aboriginal objects be uncovered by the work which is 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 informed in accordance with the *National Parks and Wildlife Act 1974*. Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

## END OF CONDITIONS