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<b>Application number</b>	DA2023/01154
<b>Land</b>	Lot 1 DP 747803 Lot 102 DP 736173
<b>Property</b>	237 Wharf Road Newcastle NSW
<b>Description of development</b>	Construction of residential flat building - including ancillary development (pools) and demolition of existing structures

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### Reasons for approval

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Newcastle Local Environmental Plan 2012* (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.

## GENERAL CONDITIONS

### Condition

#### 1. Approved plans and documentation

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

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
A11	M	Site Plan	EJE	6/01/2025
A12	L	Existing/Demolition Plan	EJE	6/01/2025
A13	O	Basement Floor Plan	EJE	6/01/2025
A14	R	Podium Level Floor Plan	EJE	6/01/2025
A15	N	Level 01 Floor Plan	EJE	6/01/2025
A16	L	Level 02, 03 & 04 Plan	EJE	6/01/2025
A17	N	Penthouse Floor Plan	EJE	6/01/2025
A18	N	Roof Plan	EJE	6/01/2025
A19	M	North & East Elevations	EJE	6/01/2025
A20	M	South & West Elevations	EJE	6/01/2025
A21	I	Section 01 & 02	EJE	6/01/2025
A28	H	Schedule of Materials	EJE	6/01/2025
L100	O	Site Plan: Public Domain	Terras	06/06/2024
L101	O	Eastern Boundary	Terras	06/06/2024
L102	O	Podium Level	Terras	06/06/2024
L103	O	Pool Deck	Terras	06/06/2024
L105	O	Level 1	Terras	06/06/2024
L106	O	Penthouse East	Terras	06/06/2024
L107	O	Penthouse West	Terras	06/06/2024
L108	O	Elevation North: Whard Road	Terras	06/06/2024
L109	O	Section: Public Domain North	Terras	06/06/2024
L110	O	Section: Public Domain South	Terras	06/06/2024
L111	O	Connection to Country	Terras	06/06/2024
L113	O	Tree Management Diagram & Deep Soil	Terras	06/06/2024
L114	O	Soil Volumes & Planters	Terras	06/06/2024
L115	O	Soil Volumes & Planters	Terras	06/06/2024
L201	O	Planting Palette	Terras	06/06/2024

#### Approved documents

Document title	Version number	Prepared by	Date of document
Remediation Action Plan		JM Environments	07/02/2025

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

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

## 2. Development contributions - 7.11 general

In accordance with Newcastle City Council Section 7.11 Development Contributions Plan 2021-2036 (the Plan), the following monetary contributions shall be paid to Newcastle City Council to cater for the increased demand for transport and social infrastructure:

Description	Contribution (\$)
Transport	\$49,299.62
Open Space and Recreation	\$211,550.03
Community Facilities	\$39,135.19
Plan Preparation and Administration	\$7,487.17
<b>TOTAL</b>	<b>\$307,402.01</b>

If the contributions are not paid within the financial quarter that this consent is granted, the contributions 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.

The contributions shall be paid to the Newcastle City Council:

- (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
- (ii) prior to the issue of the first Construction Certificate where the development is for building work; or
- (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
- (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

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

## 3. Housing and Productivity Contribution

A housing and productivity contribution is to be made, subject to:

- a) Any exclusion of the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* (the Act) to the development by a planning agreement, and

- b) Any exemption or reduction provided by the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023* (the Order).

In this respect:

- a) The amount of the housing and productivity contribution, as at the date that this development consent is granted, is \$120,000
- b) The time by which the housing and productivity contribution must be made, is before the issue of the first construction certificate in relation to the development.
- c) The manner in which the amount of the housing and productivity contribution, as specified in this consent, is to be adjusted at the time of payment, is specified below.
- d) The payment of the contribution must be made using the NSW planning portal.
- e) If an agreement is entered into as referred to in clause 19 of the Order, the housing and productivity contribution may be made wholly or partly as a non-monetary contribution.
- f) If this development consent is granted to a concept development application, the housing and productivity contribution -
  - (i) May be payable for development on the site the subject of a subsequent development application, and
  - (ii) Is to be determined in accordance with the applicable Ministerial planning order under Subdivision 4 of Division 7.1 of the Act, as in force at the time the consent.

The contribution amount, as specified above, is to be adjusted at the time of payment by multiplying it by the following fraction -

$$\frac{\text{highest PPI number}}{\text{consent PPI number}}$$

Where -

**highest PPI number** is the highest PPI number for a quarter following the June quarter 2023 up to and including the 2nd last quarter before the quarter in which the payment is made.

**consent PPI number** is the PPI number last used to adjust the base component amount, SBC amount or TPC amount when development consent was granted.

**June quarter 2023** is the quarter commencing on and including 1 April 2023 and ending on and including 30 June 2023.

Condition reason: To ensure housing and productivity contributions are paid.

#### 4. General Terms of Approval

The General Terms of Approval from state authorities must be complied with prior to, during, and at the completion of the development. The General Terms of Approval are:

- Transport for New South Wales dated 18 April 2024
- Subsidence Advisory dated 20 November 2023

Condition reason: To ensure the requirements of state authorities are complied with under relevant legislation

## 5. Concurrence of Transport for New South Wales

The concurrence from Transport for New South Wales require compliance with conditions. These conditions are to be complied with prior to, during, and at the completion of the development. The Required Conditions of Consent are as per:

- Transport for New South Wales dated 18 April 2024 - Required Conditions of Consent – Protection of TfNSW Infrastructure and Light Rail Operations

Condition reason: To ensure the requirements of state authorities are complied with.

# BUILDING WORK

## BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

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Condition

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## 6. Council Culvert Connection

Prior to making an application for a construction certificate, details of the proposed piped stormwater connection to Council's culvert are to be provided to City of Newcastle and approval of the connection is to be granted in writing from City of Newcastle.

Condition reason: To ensure the proper function of the culvert.

## 7. Erosion and sediment control measures

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating the erosion and sediment control measures that are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on an Erosion and Sediment Control Plan that is to be submitted with the construction certificate application. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

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

## 8. Car parking requirements

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details of on-site parking accommodation are to be provided for:

- a) a maximum of 37 residential car parking spaces;
- b) 1 visitor car parking space;
- c) 1 combined servicing and car wash bay

The design of on-site parking accommodation shall meet the minimum parking layout standards indication in Section C1 Traffic parking and access of Newcastle Development Control Plan 2023, with full details included in the construction certificate documentation.

#### **9. Car park design**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), full details of the design of the car parking and vehicular access complying with the relevant provisions of AS/NZS 2890 Parking facilities are to be documented, with full details included in the construction certificate documentation.

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

#### **10. Vehicular crossings standards**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), full details are to be provided to, and approval obtained or other satisfactory arrangements confirmed, in writing, from Newcastle City Council, pursuant to section 138 of the Roads Act 1993 for a residential vehicular crossing across the road reserve, in accordance with the following criteria:

- a) Designed in accordance with Newcastle City Council's A1300 - Driveway Crossings Standard Design Details.
- b) The driveway crossing, within the road reserve, is to be a maximum of 5.9m wide.
- c) Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2m, in the 2.0m by 2.5m splay within the property boundary, each side of the driveway entrance.
- d) The proposed driveway is to be a minimum of 3.0m clear of the trunk of any tree within the road reserve.
- e) The proposed driveway is to be a minimum of 750mm clear of the centre of any pole or obstruction within the road reserve and 1.0m clear of any drainage pit.

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

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

#### **11. Design Verification Statement**

Before the issue of each construction certificate for the development (i.e., whether for part or whole of a building), a statement from a qualified designer is to be provided, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles of State Environmental Planning Policy (Housing) 2021 - Design Quality of Residential Apartment Development.

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

Condition reason: to ensure compliance with the State Environmental Planning Policies (SEPP) (Housing) 2021.

## **12. Electric vehicle circuitry and electric vehicle charging point requirements**

Electric vehicle circuitry and electric vehicle charging point requirements - new residential  
Before the issue of a construction certificate, details are to be provided of electrical plan and specifications for all off-street car parking, prepared by a suitably qualified and experienced person and demonstrating the following;

a) That each off-street car parking space will be provided with electrical circuitry to support the installation of a 'Level 2' electric vehicle charger point. The construction certificate plans are to:

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

Note: The installation of a charging point is not required by this clause (a). Page 5 of 46

b) A minimum of one 'Level 2' electric charger must be provided and 'Level 2' electric chargers must be provided to not less than 5% of residential and commercial car parking spaces respectively. The location of all electric vehicle chargers must be shown on the construction certificate plans.

c) The certifier must be satisfied that the electrical plans and specifications are consistent with (a) and (b) before the issue of the construction certificate. Full details are to be included in documentation for a construction certificate application. Note: The minimum electric circuitry requirements for 'Level 2' electric vehicle charging points are:

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

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

## **13. Roads Act Approval**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), a separate application is to be lodged and consent obtained from Newcastle City Council for all works within the road reserve pursuant to Section 138 of the Roads Act 1993, or other satisfactory arrangements confirmed in writing from the Newcastle City Council.

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

#### **14. Public domain works required**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), full details are to be provided to, and consent obtained, or other satisfactory arrangements confirmed in writing, from Newcastle City Council pursuant to Section 138 of the Roads Act 1993 for the following works to be constructed by the developer in connection with the proposed development within the Wharf Road public road reserve, adjacent to the site, at no cost to Newcastle City Council and in accordance with Newcastle City Council's guidelines and design specifications:

- a) Construction of new driveway in accordance with City of Newcastle standard drawing A1300.
- b) Removal of redundant driveway
- c) Replacement of footway paving to City of Newcastle standards.

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

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

#### **15. Controlling stormwater**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), full details are to be provided demonstrating that all roof and surface waters will be conveyed to the street gutter by way of a sealed pipe system, extending through the footway to Newcastle City Council requirements, in accordance with Section C4 'Stormwater' of Newcastle Development Control Plan 2023 and included in the construction certificate documentation.

Condition reason: to control stormwater runoff.

#### **16. Water tanks and plumbing direction**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating roof water from the proposed new work will be directed to the proposed water tank with a minimum capacity of 42,600 litres and being reticulated to any new toilet cisterns and cold water washing machine taps on the podium, first and second floor, 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 designed in accordance with the Plumbing Code of Australia (National Construction Code Volume 3). Full details are to be provided with the construction certificate documentation.

Condition reason: To ensure proper function of water tanks



#### **17. Rainwater tank screening**

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

#### **18. Stormwater management details**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating how stormwater runoff from the proposed development is to be managed in accordance with the requirements of Section C4 'Stormwater' of Newcastle Development Control Plan 2023, the associated Technical Manual and AS/NZS 3500.3 Plumbing and drainage Part 3 Stormwater drainage, as indicated on the stormwater management concept plan prepared by Northrop (Job No. NL223969, Drg. No. DA-C04.01 Rev 3 dated 11.11.2024 and DA-C09.01 Rev 2 dated 08.11.2024), except as amended by this consent.

The following amendment to be approved plans is required:

- A raised planter and stormwater pit with water quality devices is proposed within the 4m wide drainage easement. Both shall be relocated clear of the easement.

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

#### **19. Flooding - verifying floor levels**

Before the issue of a construction certificate, full details are to be provided demonstrating that the floor level of all proposed buildings or building additions are to be no lower than 3.6 m Australian Height Datum.

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

#### **20. Landscape plans and specifications**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), all proposed planting and landscape elements indicated on the approved landscape concept plan or otherwise required by the conditions of this consent are to be detailed on a comprehensive landscape plan and specification. The plan and specification are to be prepared in accordance with the provisions of Newcastle Development

Control Plan 2023 and is to include details of the following:

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

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

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

#### **21. Tree protection on site**

Before the issue of a construction certificate, details are to be provided demonstrating that all trees on the site outside the envelope of the proposed building will be preserved where practicable and to be identified for preservation on the required comprehensive landscape design plan. Those trees are to be protected against damage during the building construction period. Full details are to be included in documentation for a construction certificate application.

Condition reason: to protect trees on-site.

#### **22. Street trees removal approval**

The existing *Syagrus romanzoffiana* (Palms) street trees (Newcastle City Council IDs 14455, 14456, 14457, and 14458) located on the Wharf Road frontage are required to be removed, subject to arrangements being made for the removal of the street tree by contacting Newcastle City Council's City Greening Services. All tree removal works are to be carried out by the Newcastle City Council at the developer's expense.

Condition reason: to ensure street trees are not removed without approval.

#### **23. Street trees replacement**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating that Four (4) street trees will be planted as compensation for street tree removal, and evidence provided that a fee, to be determined by contacting Newcastle City Council's City Greening Services, has been paid to Newcastle City Council for the required compensatory planting.

Note: The tree selection and location of the required compensatory planting will be determined by Newcastle City Council Greening Services in accordance with the Newcastle City Council's 'Street Tree Master Plan'. The location of the compensatory tree planting may not be in the immediate proximity of the site.

Condition reason: to ensure compensatory street tree planting is provided.

#### **24. Screening of plant**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating that all external items of air conditioning plant will be screened or positioned in such a manner as to not detract from the visual presentation of the building. Full details are to be provided with documentation for the construction certificate application.

Condition reason: to protect visual amenity.

#### **25. Hunter Water Requirements - compliance certificate**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), a copy of a Hunter Water compliance certificate (Water Act 1991 - Section 50) or otherwise deemed appropriate by Hunter Water Corporation must be obtained and included in the construction certificate documentation.

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

Condition reason: to require a Hunter Water compliance certificate.

#### **26. Mailbox for dwellings**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided showing a group type mailbox at the street frontage in accordance with the requirements of Australia Post, clearly displaying individual unit numbers and the required street number. Full details are to be included in the documentation for the construction certificate application.

Condition reason: to require details of mailboxes.

#### **27. Limiting noise - general**

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

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

## **28. House numbering**

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

Note: Addressing for this property may change. Please do not use property addressing for advertising material until the Addressing Allocation has been issued. Addressing provided by Newcastle City Council must be correctly implemented prior to the first occupation certificate for the development (i.e., whether for part or whole of a building) being issued.

## **29. Construction Environmental Management Plan (CEMP)**

Prior to the issue of a Construction Certificate, the proponent preparing and submitting to the PCA and Council a Construction Environmental Management Plan (CEMP) for construction/demolition works on the site, such to be kept on site and made available to Page 10 of 46 authorised Council officers upon request. The CEMP 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 water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater. Procedures should also 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 reference to control techniques and operational limits under adverse meteorological conditions.
- d) A noise and vibration management program, detailing measures to minimise the impact of the development on local amenity. Provision for noise and vibration monitoring during works should be incorporated into the program.
- e) A soil management strategy, detailing measures to be implemented to manage the identification and control and disposal of any acid sulphate soils or soil contamination identified during site works.
- f) A waste minimisation strategy, which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
- g) A community relations plan, which aims to inform local residents and other local

stakeholders of the proposed nature and timeframes for demolition and construction activities together with contact details for site management.

Condition reason: To ensure that appropriate construction and site management measures are implemented.

### 30. Residential storage

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating all apartments are provided a minimum storage volume of 10 m<sup>3</sup>.

The minimum storage volume is to be provided by a combination of:

- Storage located and access from within the apartment (being storage in addition to storage in kitchens, bathrooms and bedrooms) of a size no less than 50% of the total volume required; and
- Individual storage cages located and accessed from the common car parking area

Where the total storage volume requirement is not satisfied by the storage located and access from within the apartment, an individual, secured storage cage of adequate size to achieve the minimum storage volume is to be allocated to the apartment

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

Condition reason: to ensure apartments are provided the minimum storage volumes required in accordance the Apartment Design Guide.

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## BEFORE BUILDING WORK COMMENCES

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### Condition

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### 31. Toilets on site

Before building work commences, toilet facilities are to be available or provided at the work site and 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.

Condition reason: to require provision of toilet facilities on site.

### **32. Hoardings**

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

Condition reason: to protect public spaces during demolition.

### **33. Traffic management - RMS accredited**

Before site work and/or building work commences, a Construction Traffic Management Plan is to be prepared by a Roads & Maritime Services accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3:2009 - Manual of uniform traffic devices - traffic control for works on roads. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve. Written acceptance of the Plan must be obtained from the relevant roads authority and Newcastle City Council.

Condition reason: to require a traffic management plan.

### **34. Heritage, Aboriginal Cultural Heritage & Archaeology Inductions**

Before any works commence on site, all contractors and subcontractors shall undergo an induction session, delivered by a suitably qualified heritage consultant, highlighting the historical significance of the and stop works procedures.

Condition reason: To ensure all contractors are aware of heritage obligations

### **35. Erosion and sediment control - vehicle access**

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

Condition reason: to prevent soil erosion.

## DURING BUILDING WORK

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### Condition

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#### 36. Acid sulfate soil - as per management plan

During site work/or building work the development being carried out in accordance with the details set out in the Acid Sulfate Soil Management Plan prepared by RCA Australia and dated 20 June 2023.

Condition reason: to require compliance with approved AS management plan

#### 37. Compliance with BCA

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

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

#### 38. Site signage - site and building work

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

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

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

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

Condition reason: prescribed condition.

#### 39. Excavation and backfilling safety

During site work and/or building work, all excavations and backfilling are to be executed safely, and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.

Condition reason: to protect the public near worksites.

#### **40. Erosion and sediment control measures**

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

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

Condition reason: to prevent erosion and control sediment.

#### **41. Controlling surface water**

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

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

#### **42. Containing materials and plant**

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

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

#### **43. Checking building siting**

During building work, 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.

Condition reason: to confirm siting of buildings.

#### **44. Checking floor levels - surveyor**

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



- a) On completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels.
- b)

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

#### **45. Limits on noise**

During building/demolition work, generation of noise that is audible at residential premises is to be restricted to the following times:

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

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

Condition reason: to protect the residential amenity of neighbours.

#### **46. Pollution prevention signage**

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

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

Condition reason: to require pollution prevention signage.

#### **47. Imported fill material**

During site work and/or building work, any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Order that is permitted to be used as a fill material under the conditions of the associated Resource Recovery Exemption, in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the Protection of the Environment (Waste) Regulation 2014.

Condition reason: to ensure compliance with State Guidelines.

#### **48. Resource recovery Orders**

During site work and/or building work, documentation demonstrating 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.

#### 49. Controlling dust

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

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

Condition reason: to control dust during works.

#### 50. Handling excavated waste

During site work and/or building work, any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.

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### BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

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#### Condition

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#### 51. Design Verification

Before the issue of each occupation certificate for the development (i.e., whether for part or whole of a building), a design verification statement from a qualified designer shall be submitted to the principal certifier. The statement shall confirm the development has been constructed in accordance with the quality principles set out in Chapter 4 of State Environmental Planning Policy (Housing) 2021.

Note: 'Qualified Designer' means a person registered as an architect in accordance with the Architects Act 2003. This condition is imposed in accordance with Section 43 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Condition reason: to require a design verification statement.

#### 52. Basix implemented

Before the issue of each occupation certificate for the development (i.e., whether for part or whole of a building), all commitments listed in the relevant BASIX certificate for:

- a) BASIX development, or
  - b) BASIX optional development, if the development application was accompanied by a BASIX certificate,
- are to be satisfactorily completed.

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

Condition reason: to ensure BASIX commitments are completed.

### **53. Public infrastructure - rectification of damage**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), any public infrastructure (including all public footways, foot paving, kerbs, gutters and road pavement) damaged during the works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) are to be immediately fully repaired following the damage, to a condition that provides for safe use by pedestrians and vehicles, to the written satisfaction of Council, and at no cost to Council.

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

### **54. Completion of road reserve works**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), all works within the road reserve required by this consent are to be completed and a practical completion certificate, or equivalent written advice, is to be obtained from Newcastle City Council.

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

### **55. Removing redundant driveways**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), any redundant existing vehicular crossing is to be removed at no cost to the Newcastle City Council. The road reserve and kerb are to be restored to the Newcastle City Council's satisfaction.

Condition reason: to ensure removal of redundant driveways.

### **56. Section 88B Instrument**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), a notation is to be made on a survey plan and accompanying instrument under Section 88B of the Conveyancing Act 1919 setting out the terms of the required 4m wide easement to drain water and such is to be lodged with the Newcastle City Council for certification and be subsequently registered with NSW Land Registry Services.

Note: The instrument is to provide that the 4m wide easement to drain water is unable to be released, varied or modified without the concurrence of Newcastle City Council.

**57. Consolidation of lots**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), the whole of the land Lot 1 DP318448, Lot 1885 DP666968 and Lot 1892 DP755247 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 Newcastle City Council

Condition reason: to require consolidation of lots.

**58. Compliance with Hunter Water**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services must be complied with, 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.

Condition reason: to satisfy Hunter Water requirements.

**59. Flooding - caution signage**

Before the issue of an occupation certificate, a clear warning notice is to be erected and maintained at all points of entry to the site advising, that the premises is subject to flooding and that caution should be observed at times of heavy or prolonged rainfall. Such notice is to also provide advice regarding the availability of further information sources in respect of possible flooding.

Condition reason: to protect the public from floodwaters.

**60. Works as executed - stormwater**

Before the issue of an occupation certificate, a copy of the stormwater drainage design plans approved with the construction certificate with 'work as executed' levels indicated, shall be submitted to the principal certifier and to Newcastle City Council. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

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

**61. Water management measures complete**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), the water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent

are to be implemented and the nominated fixtures and appliances are to be installed and operational.

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

#### **62. Landscaping complete - Report requirements**

Before the issue of an occupation certificate, a Landscape Practical Completion Report is to be submitted to the principal certifier. 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.

Condition reason: to ensure landscape works are as approved.

#### **63. Street numbers - urban housing**

Before the issue of an occupation certificate, the premises are to be identified by the provision of 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 Note: Street numbering shall be in accordance with Newcastle City Council's House Numbering Policy and the Surveying and Spatial Regulation.

Condition reason: to require street numbers.

#### **64. Car parking requirements**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), on-site parking accommodation is to be provided for:

- a) a maximum of 37 residential car parking spaces;
- b) 1 visitor car parking space;
- c) 1 combined servicing and car wash bay

The on-site parking accommodation shall be set out generally in accordance with the details indicated on the approved DA plans except as otherwise provided by the conditions of consent.

#### **65. Car park marking**

Before the issue of an occupation certificate, all parking bays (including visitor and any required loading bays) are to be permanently marked out on the pavement surface. Loading bays and visitor parking facilities must also be clearly indicated by signs.

Condition reason: to require signage and line-marking for visitor car spaces.

#### **66. Directional signage on site**

Before the issue of an occupation certificate, 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.

Condition reason: to require directional signage.

#### **67. Evidence of correct installation of EV charging**

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

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

#### **68. Relocation of survey monuments**

Before the issue of an occupation certificate, where the proposed development involves the destruction or disturbance of any survey monuments, those monuments affected are to be relocated at no cost to Newcastle City Council, by a surveyor registered under the Surveying and Spatial Information Act 2002.

Condition reason: to ensure relocation of survey marks.

#### **69. Public infrastructure - rectification of damage**

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

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

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### **COMPLETION AND ONGOING USE**

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#### **Condition**

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#### **70. Noise control**

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

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

Condition reason: to limit offensive noise.

#### **71. Air quality**

During occupation and ongoing use 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 Newcastle City 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 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 Newcastle City 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.

Condition reason: to protect air quality.

#### **72. Waste management operation - storage areas**

During occupation and ongoing use, waste management (recyclable and non-recyclable) is to be collected from the refuse storage areas, as identified on the approved plans, serviced and returned immediately to the refuse storage areas. Under no circumstances are garbage bins to be presented to the kerb for collection.

Condition reason: to require appropriate use of waste storage areas.

#### **73. Landscape establishment report**

During occupation and ongoing use, a Landscape Establishment Report is to be submitted to the Newcastle City Council following completion of a three-month maintenance period, verifying that satisfactory maintenance of the landscape works has been undertaken and any necessary rectification measures have been carried out.

Condition reason: to ensure landscaping is established

#### 74. Vehicle movement

During occupation and ongoing use, all vehicular movement to and from the site is to be in a forward direction.

Condition reason: to control traffic.

#### 75. Parking and access maintenance

During occupation and ongoing use, 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.

Condition reason: to enforce approved parking, loading and traffic measures.

## DEMOLITION WORK BEFORE DEMOLITION WORK COMMENCES

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Condition

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#### 76. Asbestos removal signage

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

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

#### 77. Notice of commencement for demolition

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

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

Condition reason: to advise neighbours about the commencement of demolition work and



provide contact details for enquiries.

#### **78. Demolition management plan**

Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person. The demolition management plan must be prepared in accordance with Australian Standard 2601 - The Demolition of Structures, the Code of Practice - Demolition Work, Newcastle Development Control Plan 2012 and must include the following matters:

- a) The proposed demolition methods
- b) The materials for and location of protective fencing and any hoardings to the perimeter of the site
- c) Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones
- d) Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles
- e) Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) (including in accordance with AS 4970-2009 Protection of trees on development sites and Newcastle Development Control Plan 2012)
- f) Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways
- g) Noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent
- h) Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines
- i) Details of any bulk earthworks to be carried out
- j) Details of re-use and disposal of demolition waste material in accordance with Newcastle Development Control Plan 2012
- k) Location of any reusable demolition waste materials to be stored on-site (pending future use)
- l) Location and type of temporary toilets onsite
- m) A garbage container with a tight-fitting lid.

Condition reason: to provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site.

#### **79. Disconnection of services before demolition work**

Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.

Condition reason: to protect life, infrastructure and services

#### **80. Demolition standards - hazardous waste plan**

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

Condition reason: to comply with Australian standards

#### **81. Toilets on site**

Before site work and/or demolition work commences, toilet facilities are to be available or provided at the work site and 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.

Condition reason: to require provision of toilet facilities on site.

#### **82. Hoardings**

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

Condition reason: to protect public spaces during demolition.

#### **83. Erosion and sediment control measures**

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

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

Condition reason: to prevent erosion and control sediment.

#### **84. Erosion and sediment control - vehicle access**

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

Condition reason: to prevent soil erosion.

### **DURING DEMOLITION WORK**

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#### Condition

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#### **85. Asbestos safety**

During site work and/or demolition work, the removal of any asbestos material is to be in accordance with the requirements of the SafeWork NSW.

Condition reason: to require compliance with SafeWork NSW.

#### **86. Handling of asbestos during demolition**

While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

- a) Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material.
- b) Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
- c) Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m<sup>2</sup> or more of asbestos sheeting must be registered with the EPA on- line reporting tool WasteLocate.

Condition reason: to ensure that the removal of asbestos is undertaken safely and professionally.

#### **87. Demolition standards – hazardous waste plan**

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

#### **88. Site maintenance**

While demolition work is being carried out, the following requirements, as specified in the approved demolition management plan, must be maintained until the demolition work and demolition waste removal are complete:

- a) Protective fencing and any hoardings to the perimeter on the site
- b) Access to and from the site
- c) Construction traffic management measures
- d) Protective measures for on-site tree preservation and trees in adjoining public domain
- e) Onsite temporary toilets
- f) A garbage container with a tight-fitting lid

Condition reason: to protect workers, the public and the environment.

#### **89. Demolition management**

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

- a) prior to commencement of demolition works a competent person shall determine the presence of hazardous substances impacted by the proposed demolition works in accordance with Section 1.6.1 of AS2601:2001 and where required produce a Hazardous Substances Management Plan
- b) demolition works shall be conducted in accordance with any required Hazardous Substances Management Plan. A copy of the Plan shall be kept on-site for the duration of the proposed development and a copy is to be held in the possession of the landowner.
- c) the removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
- d) a copy of all waste disposal receipts is to be kept in the possession of the landowner and made available to authorised Council Officers upon request.

e) seven working days' notice in writing is to be given to the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor, and

f) on sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.

Condition reason: to comply with Australian standards.

#### **90. Erosion and sediment control measures**

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

Condition reason: to prevent erosion and control sediment.

#### **91. Containing waste**

During site work and/or demolition work, and at a minimum, the following measures are to be implemented:

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.

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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. Page 36 of 46 Note: Fines may be issued for pollution/littering offences under the Protection of the Environment Operations Act 1997.

Condition reason: to require waste management on site on site.

#### **92. Demolition - protecting services**

During demolition work, the demolisher is to ensure that all services (i.e. water, telecommunications, gas, electricity, sewerage etc) are disconnected in accordance with the relevant authority's requirements prior to demolition.

Condition reason: to protect services during demolition.

### **93. Demolition - material management**

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

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 Newcastle City Council's approval to position the container on the adjacent public road in accordance with Newcastle City Council's adopted Building Waste Container Policy.

Condition reason: to protect public spaces during demolition.

### **94. Demolition - maximising reuse**

During demolition work, all demolition material incapable of being re-used in future redevelopment of the site is to be removed from the site, and the site 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.

Condition reason: to require waste disposal and maximise reuse on site.

### **95. Site lighting during work**

During demolition work, the worksite is to be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Condition reason: to protect the public near worksites.

### **96. Site signage - site and building work**

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

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

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

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

Condition reason: prescribed condition.

#### **97. Excavation and backfilling safety**

During site work and/or demolition work, all excavations and backfilling are to be executed safely, and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.

Condition reason: to protect the public near worksites.

#### **98. Controlling surface water**

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

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

#### **99. Safework NSW requirements**

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

Condition reason: to require compliance with SafeWork NSW.

#### **100. Limits on noise**

During site work and/or demolition work, generation of noise that is audible at residential premises is to be restricted to the following times:

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

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

Condition reason: to protect the residential amenity of neighbours.

#### **101. Pollution prevention signage**

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

Condition reason: to require pollution prevention signage.

**102. Handling excavated waste**

During site work and/or demolition work, any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.

Condition reason: to ensure compliance with State Guidelines.

**103. Imported fill material**

During site work and/or demolition work, any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Order that is permitted to be used as a fill material under the conditions of the associated Resource Recovery Exemption, in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the Protection of the Environment (Waste) Regulation 2014.

Condition reason: to ensure compliance with State Guidelines.

**104. Resource recovery Orders**

During demolition work, documentation demonstrating 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.

Condition reason: to provide evidence of compliance.

**105. Protecting footways**

During site work and/or demolition work, a temporary protective crossing is to be provided over the footway for vehicular traffic. This approval does not permit access to the property over any adjacent private or public land.

Condition reason: to protect footways during works.

**106. Controlling dust**

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

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



perimeter of the site and around every level of the building under construction.

Condition reason: to control dust during works.

**107. Street trees and any tree on Council land protection**

During site work and/or demolition work, all public trees including street trees and any tree on Council land that are required to be retained are to be physically protected in accordance with Newcastle City Council's Urban Forest Technical Manual, Part B Public Trees.

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

Condition reason: to protect street trees and any tree on Council land.

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## **ON COMPLETION OF DEMOLITION WORK**

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### **Condition**

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**108. Relocation of survey monuments**

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

Condition reason: to ensure relocation of survey marks.

**109. Public infrastructure - rectification of damage**

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

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

**110. Remediation Validation Report**

Following completion of the remediation works, a validation report being prepared by a suitably qualified consultant in accordance with the relevant Environment Protection Authority Guidelines and submitted to the Principle Certifying Authority and Council prior to the issuing of Occupation Certificate.

Condition reason: To ensure that appropriate remediation measures are undertaken.

## REMEDIATION WORK

### DURING REMEDIATION WORK

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Condition

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**111. Remedial Action Plan Compliance**

During remediation work, the work is to be carried out in accordance with the requirements set out in the submitted Remedial Action Plan (RAP) prepared by JM Environments and dated 7 February 2025

Condition reason: Remedial Action Plan Compliance

### ON COMPLETION OF REMEDIATION WORK

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Condition

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**112. Remediation Validation Report**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), the following documentation is to be submitted to the principal certifier and Newcastle City Council: a validation report prepared by a duly qualified consultant prepared in accordance with the requirements of the Remedial Action Plan (RAP), and State Government legislation and endorsed contaminated land guidelines.

Condition reason: Remediation report.

## Advisory Matters

- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of Newcastle City Council and any other relevant authorities. Newcastle City Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required from any adjoining owner under the provisions of the *Dividing Fences Act 1991*.
- Prior to commencing any building works, the following provisions of Division 6.2 of the Environmental Planning and Assessment Act 1979 are to be complied with:
  - a) A Construction Certificate is to be obtained; and
  - b) A Principal Certifier is to be appointed for the building works and Newcastle City Council is to be notified of the appointment; and
  - c) Newcastle City Council is to be given at least two days notice of the date intended for commencement of building works.
- 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.
- 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, any Occupation Certificate is to be obtained from the Principal Certifier appointed for the proposed development. An application for any 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).
- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice (ie 'on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979*, which may be subject to a penalty infringement notice (ie 'on-the-spot fine') or prosecution.
- A person who is aware or believes that he or she has discovered or located a relic not identified and considered in the supporting documents for this approval, in any circumstances (including

where works are carried out in reliance on an exception under section 139(4)), excavation or disturbance must cease in the affected area(s) and the Heritage Council must be notified in accordance with section 146 of the *Heritage Act 1977*. Depending on the nature of the discovery, additional assessment and approval under the *Heritage Act 1977* may be required prior to the recommencement of excavation in the affected area(s).

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 exception or an excavation permit issued by the Heritage Council of NSW.

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

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