
Application number	DA2024/00151
Land	Lot 1892 DP 755247 Lot 1885 DP 666968
Property	190 Brunner Road, Adamstown NSW 2289 139-141 Teralba Road, Adamstown NSW 2289
Description of development	Affordable housing residential flat building - including community facility (gallery) and demolition of existing structures

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 2023 (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
AR-0500	A	Demolition Plan	mode	23/01/2024
AR-0103	E	Site Plan	mode	19/12/2024
AR-1001.1	E	General Arrangement Plan - Ground Floor (Building 1)	mode	19/12/2024
AR-1001.2	E	General Arrangement Plan - Ground Floor (Building 2)	mode	19/12/2024
AR-1002	E	General Arrangement Plan - Level 01	mode	19/12/2024
AR-1003	E	General Arrangement Plan - Level 02	mode	19/12/2024
AR-1004	E	General Arrangement Plan - Level 03	mode	19/12/2024
AR-1005	E	General Arrangement Plan - Level 04	mode	19/12/2024
AR-1006	E	General Arrangement Plan - Roof Plan	mode	19/12/2024
AR-2000	E	Elevations (West & East)	mode	19/12/2024
AR-2001	E	Elevations (North)	mode	19/12/2024
AR-2002	E	Elevations (South)	mode	19/12/2024
AR-3000	E	Sections	mode	19/12/2024
AR-3001	E	Sections	mode	19/12/2024
LD-1000	5	Landscape Plan	Mode	19/12/2024
LD-1200	4	Planting Plan	Mode	19/12/2024
LD-1500	4	Fencing layout plan	Mode	19/12/2024
LD-1805	4	Landscape Sections 5	Mode	19/12/2024
AR-9001	D	Landscape Section	Mode	15/11/2024
AR-9002	D	Landscape Section	Mode	15/11/2024
AR-9003	D	Landscape Section	Mode	15/11/2024
AR-9004	D	Landscape Section	Mode	15/11/2024
AR-9005	D	Landscape Section	Mode	15/11/2024
AR-9006	D	Landscape Section	Mode	15/11/2024

Approved documents			
Document title	Version number	Prepared by	Date of document
Plan of Management	-	Art Thinking - Dr Kristefan Minski	24/01/2024
Remediation Action Plan	0	Douglas Partners	04/12/2024
Arboricultural Impact Assessment	1	Redgum Horticultural	07/03/2024

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	\$38,878.37
Open Space and Recreation	\$167,070.30
Community Facilities	\$30,906.79
Plan Preparation and Administration	\$5,912.89
TOTAL	\$242768.35

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.

BUILDING WORK

BEFORE ISSUE OF A CROWN CERTIFICATE

Condition

3. Erosion and sediment control measures

Before the issue of the first Crown 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.

4. Car parking requirements

Before the issue of the first Crown 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 minimum of 12 vehicles meeting the minimum parking layout standards indicated in Section C1 'Traffic, Parking and Access' of Newcastle Development Control Plan 2023, with full details included in the construction certificate documentation.

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

5. Car park design

Before the issue of the first Crown 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.

6. Vehicular crossings standards

Before the issue of the first Crown 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 4.5m 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.

7. Electric vehicle circuitry and electric vehicle charging point requirements

Before the issue of the first Crown certificate for the development (i.e., whether for part or whole of a building), 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 at least one 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.

Full details are to be included in documentation for the 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 detail is provided for off street parking with dwelling houses, semi-detached dwellings, secondary dwellings and dual occupancies so it satisfies electric charging.

8. Roads Act Approval

Before the issue of the first Crown 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*.

9. Public domain works required

Before the issue of the first Crown 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 designed by the developer in

connection with the proposed development within the 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 to Teralba Road
- b) Removal of redundant driveways on Teralba Road and Brunker Road.
- c) Installation of new kerb ramp on Brunker road for bins to be rolled to a waste collection vehicle on the road. To be in accordance with City of Newcastle Standard drawing A1201.
- d) Stormwater outlet to Teralba Road
- e) Associated drainage works
- f) Two new street trees in suitable locations

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.

10. Controlling stormwater

Before the issue of the first Crown 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.

11. Water tanks and plumbing direction

Before the issue of the first Crown 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 25,000 litres and being reticulated to any new toilet cisterns and cold water washing machine taps on the ground floor or level 01, 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 appropriate design standards for water tanks and plumbing applicable to the new work are included at the detailed design stage.

12. Stormwater management details

Before the issue of the first Crown 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 Core Consulting Engineers (Project No. 23400, dated 31.10.2024), except as amended by this consent. Full details are to be included in documentation for the construction certificate application.

Condition reason: to control storm water runoff.

13. Landscape plans and specifications

Before the issue of the first Crown 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.

14. Street trees removal approval

The existing *Banksia integrifolia* street tree (Newcastle City Council ID 18660904) located on the Teralba Road frontage is approved 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.

15. Street trees replacement

Before the issue of the first Crown certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating that Two (2) 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.

16. Screening of plant

Before the issue of the first Crown 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.

17. Hunter Water Requirements - compliance certificate

Before the issue of the first Crown 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*) 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.

18. Waste storage facility screening details

Before the issue of the first Crown certificate for the development (i.e., whether for part or whole of a building), details are to be provided showing how the garbage storage facility is to be screened from the street. Full details are to be included in the documentation for the construction certificate application.

Condition reason: to require details of screening waste storage facilities.

19. Mailbox for dwellings

Before the issue of the first Crown 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.

20. Limiting noise - general

Before the issue of the first Crown 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*.

21. House numbering

Within one week of lodging an application for the Crown 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.

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

22. Liveable housing - Silver level

Before the issue of the first Crown certificate for the development (i.e., whether for part or whole of a building), detailed plans and construction drawings are to be provided showing full compliance with Silver Level requirements of the Liveable Housing Australia Liveable Housing Guidelines (Fourth edition).

The detailed plans and construction drawings showing full compliance with the requirements of each standard within the Liveable Housing Guidelines and as identified within the access report, are certified as compliant by an accredited Liveable Housing Australia assessor. Full details are to be included in documentation for the construction certificate application.

Condition reason: to ensure compliance with Liveable Housing Australia, Liveable Housing Guidelines.

23. Noise Protection

Before the issue of the first Crown certificate, a suitably qualified acoustic consultant must assess external noise levels at the site, including traffic noise, and determine suitable acoustic measures to be installed to ensure internal noise levels in the proposed building satisfy the goals set out in AS/NZS 2107:2016 Acoustics - Recommended design sound levels and reverberation

times for building interiors. Full details of the acoustic assessment, any required acoustic measures for the building, and the incorporation of these into the development are to be included in the construction certificate application.

Condition reason: To ensure the protection of internal amenity from external noise

24. Construction Environmental Management Plan

Prior to the issue of a Crown 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 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: Ensure environmental management through construction.

25. Awning over public footway

Any private structure on or over the public road reserve, including balconies and awnings, being the subject of a separate consent from Council, under Section 138 of the Roads Act 1993. In this regard a Section 138 application is to be submitted to Council for approval with accompanying structural engineering design plans and specifications for the works prepared by a suitably qualified practising structural engineer with experience and competence in the related field. The consent must be obtained, or other satisfactory arrangements confirmed in writing from Council, before the issue of a Construction Certificate.

Condition reason: To ensure appropriate approval is in place for private structures over public land.

BEFORE BUILDING WORK COMMENCES

Condition

26. 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.

DURING BUILDING WORK

Condition

27. 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).

28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

33. Checking floor levels - surveyor

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

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

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

34. 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.

35. 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.

36. 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.

37. **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 shaded 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.

38. **Street tree and any tree on Council land protection**

During site work and/or building work, all public trees including street trees Cupaniopsis anacardioides) located on the Brunner Road frontage and street tree Tristaniopsis laurina 'Luscious), located on the Teralba road frontage and any tree on Council land that are required to be retained are to be physically protected in accordance with the Newcastle City Council '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.

BEFORE ISSUE OF AN COMPLETION CERTIFICATE

Condition

39. **Landscaping complete**

Before the issue of the first completion certificate for the development (i.e., whether for part or whole of a building), landscape works are to be carried out generally in accordance with the details indicated on the approved landscape design plan except as required to be modified under the terms of this consent.

Condition reason: to ensure approved landscape plans are implemented.

40. **Basix implemented**

Before the issue of each completion 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.

41. Public infrastructure - rectification of damage

Before the issue of the first completion 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.

42. Completion of road reserve works

Before the issue of the first completion 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.

43. Removing redundant driveways

Before the issue of the first completion 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.

44. Consolidation of lots

Before the issue of the first completion 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.

45. Compliance with Hunter Water

Before the issue of the first completion 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.

46. Water management measures complete

Before the issue of the first completion 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.

47. Car park provision

Before the issue of the first completion certificate for the development (i.e., whether for part or whole of a building), on-site car parking accommodation is to be provided for a minimum of 12 vehicles and be set out generally in accordance with the details indicated on the approved DA plans except as otherwise provided by the conditions of consent.

Condition reason: to require minimum car spaces.

48. 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.

COMPLETION AND ONGOING USE

Condition

49. 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.

50. 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.

51. 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.

52. Management plan - Art Gallery

During operation and ongoing use, the ancillary art gallery must always be operated/managed in accordance with the plan of management Report, prepared by Art Thinking dated 24.01.2024. A copy of the approved plan of management must be kept on the premises at all times and available to staff and Newcastle City Council on request.

Condition reason: to ensure proper management during operation of the premises.

53. In-fill affordable housing – use and notice of change in registered housing provider

The affordable housing component of the development must be used for affordable housing for the minimum relevant period of 15 years commencing on the day on which any occupation certificate is issued for all parts of the building or buildings to which the development consent relates and must be managed by a registered community housing provider.

Change of registered community housing provider:

Notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.

Condition reason: Prescribed condition under SEPP (Housing) 2021 and EP&A Regulations 2021

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

Condition

54. 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.

55. 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.

56. 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.

57. 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.

58. 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.

59. Erosion and sediment control - vehicle access

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

Condition reason: to prevent soil erosion.

DURING DEMOLITION WORK

Condition

60. 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.

61. 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 10m² 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.

62. Demolition standards - Australian Standards

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

Condition reason: to comply with Australian standards.

63. 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.

64. 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.

65. 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.

66. 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.

67. 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.

68. 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.

69. Limits on noise

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

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

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

Condition reason: to protect the residential amenity of neighbours.

70. Pollution prevention signage

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

Condition reason: to require pollution prevention signage.

71. 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.

72. 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.

73. 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.

74. 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 shaded 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.

75. 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.

ON COMPLETION OF DEMOLITION WORK

Condition

76. 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.

77. **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.

REMEDIATION WORK
DURING REMEDIATION WORK

Condition

78. **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 Douglas Partners Pty Ltd, dated 4 December 2024.

Condition reason: Remedial Action Plan Compliance

ON COMPLETION OF REMEDIATION WORK

Condition

79. **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: To confirm remediation completed and land suitable for approved use.

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. 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. 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.