

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

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				
Drawing number	Revision Number	Plan title	Drawn by	Date of plan
DA-0101	02	CONTEXT PLAN	Lyons-EJE	5/2/26
DA-3000	02	Ground Level	Lyons-EJE	5/2/26
DA-3001	02	Level 01	Lyons-EJE	5/2/26
DA-3002	02	Level 02	Lyons-EJE	5/2/26
DA-3003	02	Level 03	Lyons-EJE	5/2/26
DA-3004	02	Level 04	Lyons-EJE	5/2/26
DA-3005	02	Level 05	Lyons-EJE	5/2/26
DA-3006	02	Level 06	Lyons-EJE	5/2/26
DA-3007	02	Level 07	Lyons-EJE	5/2/26
DA-3008	02	Parapet Level	Lyons-EJE	5/2/26
DA-3009	02	Roof Level	Lyons-EJE	5/2/26
DA-4001	02	Elevation-North East	Lyons-EJE	5/2/26
DA-4002	02	Elevation-South East	Lyons-EJE	5/2/26
DA-4003	02	Elevation-North-West	Lyons-EJE	5/2/26
DA-4004	02	Elevation-South-East	Lyons-EJE	5/2/26
DA-5001	02	Sections AA & BB	Lyons-EJE	5/2/26
DA-8001	02	Accommodation Unit Types	Lyons-EJE	5/2/26
Landscape Plans: Leg-L0000 Leg-L0001 Leg-L0002 Lay-L0000 FLR-L2000 FLR-L2001 FLR-L3000 FLR-L3001 FLR-L5000 FLR-L5001	Rev 1		Oculus	23/1/2026

FLR-L7000				
FLR-L7001				
ELV-L7000				
FLR-L8000				
FLR-L8001				
FLR-L8002				
FLR-L8003				

Approved Documentation			
Name	Reference	Prepared by	Dated
Arborist Report	2504_c Rev C	Elke	31/12/25
Bushfire Assessment Report	Ref 5700 Rev 01	AEP	February 2026
Construction & Demolition Waste Management Plan	6645 Rev F	Elephants Foot Consulting	18/12/25
CPTED Report	Rec C	Oculus	12/9/25
ESD Planning Report	Rev 01	WSP	Sept 2025
Preliminary Operational Management Plan	Rev B	University of Newcastle	18/12/25

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.

BEFORE BUILDING WORK COMMENCES

Condition

2. Construction & Pedestrian Traffic Management Plan

Before site work begins (including demolition, tree removal and earthworks and/or building work commences), a Construction & Pedestrian 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 address, but not be limited to, the following:

- a) Measures ensuring the provision of safe, continuous movement of traffic and pedestrians within the road and footway area during construction works.
- b) Any traffic control plans to be implemented during the construction phase.
- c) Proposed heavy vehicle routes and schedule.
- d) Provision of on-site parking facilities (or alternate off-site arrangements for workers), including for heavy vehicles, to ensure construction traffic associated with the development does not utilise public areas, residential streets or public parking facilities for the parking of construction vehicles.

- e) A plan to address any complaints and conflicts with neighbouring properties arising from construction work.

Condition reason: to ensure appropriate traffic control measures are implemented within the public road reserve in support of construction works.

BUILDING WORK

BEFORE ISSUE OF RELEVANT CROWN CERTIFICATE

Condition

3. Disabled access details

Before the issue of the relevant Crown certificate for the development (i.e., whether for part or whole of a building), details of how the building is to be provided with access for persons with disabilities, to the extent necessary to comply with the Commonwealth's Disability (Access to Premises - Buildings) Standards 2010 are required, with full details included in the Crown certificate documentation.

Condition reason: to satisfy access standards for the disabled.

4. Driveways basecourse

All proposed driveways, parking bays, loading bays and vehicular turning areas relevant to the stage of development are to be designed with a basecourse of a depth to suit design traffic and be sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers, with full details to be included in the relevant Crown certification documentation.

Condition reason: to set appropriate design standards for vehicle use on-site.

5. Car parking requirements

The applicant must submit with the relevant Crown Certification documentation the following details for provision of on-site parking for the student accommodation is to be provided for:

- a) a minimum 48 car parking spaces at the western car parking area (Location 2) and provision of 3 EV charging bays within the Callaghan Campus. The modifications to the existing car parking area must be included in the detailed design.
- b) a minimum of 2 accessible car parking spaces and associated modifications to the existing car park at the existing oval car park.
- c) a minimum of 1 loading zone to accommodate a heavy rigid vehicle (10.8m vehicle).
- d) a minimum of 1 car parking space and 1 accessible space within the proposed Porte cohere area.
- e) a minimum of 101 bicycle parking spaces and such must include 65 bicycle spaces (Level B) and 36 bicycle spaces (Level C)

The design of on-site parking accommodation shall meet the minimum parking layout standards indication in AS/NZS 2890 series and Section C1 '*Traffic, Parking and Access*' of Newcastle Development Control Plan 2023 and generally in accordance with the approved architectural and civil engineering plans, with full details to be included in the Crown Certification documentation.

Condition reason: to ensure the required parking is provided.

6. Traffic and Parking Management

A detailed traffic and parking management plan for the proposed parking and publicly accessible area is to be prepared. Such a plan must indicate any potential traffic calming devices to reduce speed limits, provision of line marking and signage to manage traffic movement, parking and speed, parking controls and restrictions, pedestrian management signs and any other associated safety and security features and must demonstrate sightlines compliance with the relevant Australian Standards. The traffic and parking management plan must be prepared by a suitably experienced engineer or traffic consultant and shall be designed and constructed at minimum in accordance with AS/NZS 2890 Parking facilities.

Condition reason: To set appropriate design standards for vehicle use on-site.

7. Acoustic Performance

The acoustic performance of all mechanical plant and equipment associated with the building is to be assessed by an appropriately qualified acoustic consultant prior to the issue of the relevant required Crown Certificate. Appropriate acoustic treatment as recommended by the acoustic consultant being designed prior to the issue of a Crown Certificate

Condition reason: To ensure that appropriate acoustic mitigation measures are undertaken.

8. EV Charging

With the relevant Crown Certificate, the Applicant must submit an electrical plan, specifications for off-street car parking and any electric kiosk requirements is to be prepared by a suitably qualified and experienced person (such as an electrical engineer). The plan and specifications must demonstrate the following:

- a) the provision of 3 off-street car parking spaces with electrical circuitry to support the installation of a 'Level 2' or higher standard electric vehicle charger point. The design documents are to provide details of:
 - i) the power capacity to each car parking space.
 - ii) the EV Distribution Board and EV Load Management System on the 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; and
 - iii) 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 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: All other development, including alterations and additions with an estimated cost equal to or more than \$200,000, that involves car parking.

9. Landscape protection – driveways and parking bays

Kerbing or a dwarf wall having a minimum height of 100mm are to be designed along the edge of all garden or lawn areas adjacent to driveways and parking bays, sufficient to discourage the encroachment of vehicles thereon.

Condition reason: to require landscape protection works. prior to the issue of the Crown Certificate.

10. Controlling stormwater – sealed pipe

Stormwater is to be conveyed to the existing property stormwater drains by way of a sealed pipe system. The existing drains are to be checked for adequacy and cleared of any obstructions. Full details to be included within the relevant Crown Certificate.

Condition reason: For stormwater works connecting to existing stormwater on site i.e. alterations and additions.

11. Water tanks and plumbing direction

Roof water from the proposed new work will be directed to the proposed water tank with a minimum capacity of 66,000 litres and being reticulated to any new ground floor toilet cisterns and cold water washing machine taps, new landscaping irrigation system, external taps for re-use for areas such as washing (e.g. waste bay, external pavement areas etc) 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 and new landscaping irrigation system to mains water when the tank falls below 10% capacity. The water tank and plumbing are to be designed in accordance with the Plumbing Code of Australia (National Construction Code Volume 3).

Condition reason: when a rainwater reuse tank is required with no detention component.

12. Stormwater management details

Stormwater runoff from the proposed development including all new impervious surfaces, including driveways and paved areas is to be drained to the nominated discharge locations and must be designed and 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 plans prepared by Northrop (Job No. 242549 Dwg Numbers as noted on the Drawing Schedule on Cover Sheet Dwg C1.01 Rev T1, dated 23/01/2026) except as amended by this consent.

Condition reason: to manage stormwater in accordance with the approved plans.

13. Light spillage prevention

The proposed floodlighting of the premises including the car parking and publicly accessible areas are to be designed, positioned, and installed, including shielding and orientation of the lighting fixture, so as to not give rise to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding properties in accordance with Australian Standard 4282:1997

- Control of the obtrusive effects of outdoor lighting. CCTV cameras are to be installed around the perimeter of the site at appropriate locations for security and surveillance.

Condition reason: To ensure appropriate measures are undertaken to address light impacts.

14. Landscape plans and specifications

All proposed planting and landscape elements indicated on the approved landscape concept plan or otherwise required by the conditions of this consent relevant to the stage of development 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 relevant Crown certificate application.

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

15. Hunter Water Requirements - compliance certificate

A copy of a Hunter Water compliance certificate application (Water Act 1991 – Section 50) must be obtained and included in the Crown 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

16. 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 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.

17. 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.

18. 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.

19. Containing waste

During site work and/or building 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.
- c) Provision is to be made to prevent wind-blown rubbish leaving the site; and
- d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

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

Condition reason: to require waste management on site.

20. 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 shadecloth 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.

BEFORE ISSUE OF AN COMPLETION CERTIFICATE PRIOR TO OCCUPATION

Condition

21. Landscaping complete

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.

22. Acoustic treatment complete

Before the issue of each completion certificate for the occupation development (i.e., whether for part or whole of a building), appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by RAPT Consulting, dated September 2025.

Written final certification from the acoustic consultant confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report. This should also include confirmation that noise from all mechanical plant and equipment achieves the required acoustic attenuation to comply with the conditions of consent and the requirements of the Protection of the Environment Operations Act 1997.

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

Condition Reason: To ensure acoustic treatment is as approved

23. Public infrastructure - rectification of damage

Prior to occupation any public infrastructure (including all public footways, roads, 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.

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

24. Works as executed - stormwater

Prior to commencement of operation or completion certificate for the occupation of the development (i.e., whether for part or whole of a building), occupation a copy of the stormwater drainage design plans approved with the crown certificate with 'work as executed' levels indicated, shall be prepared. 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.

25. Car parking requirements

A staged completion certificate can be provided for the completion of the building however before the issue of the full completion certificate for the occupation of the development (i.e., whether for part or whole of a building), on-site parking accommodation is to be provided for:

- a) a minimum 48 car parking spaces at the western car parking area (Location 2) and provision of 3 EV charging bays within the Callaghan Campus. Modifications to the existing car parking area must be completed.
- b) a minimum of 2 accessible car parking spaces and associated modifications to the existing car park at the existing oval car park.
- c) a minimum of 1 loading zone to accommodate a heavy rigid vehicle.
- d) a minimum of 1 car parking space and 1 accessible space within the proposed Porte cohere area.
- e) a minimum of 101 bicycle parking spaces and such must include 65 bicycle spaces (Level B) and 36 bicycle spaces (Level C)

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.

Condition reason: to ensure the required minimum number of car spaces has been provided.

26. Evidence of correct installation of EV charging

Before the issue of the relevant completion certificate the for the occupation of the development (i.e., whether for part or whole of a building), a 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 Crown Certificate plans and specifications as required by the appropriate conditions of consent

Condition reason: to ensure the correct installation of EV charging.

OCCUPATION AND ONGOING USE

Condition

27. Site maintenance

During occupation and ongoing use, the driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.

Condition reason: to require maintenance of driveways, parking areas and stormwater systems.

DEMOLITION WORK BEFORE DEMOLITION WORK COMMENCES

Condition

28. 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.

29. 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.

30. 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.

31. Construction Management Plan

Prior to any site works commencing, the Developer preparing a Construction Management Plan (CMP) such to be designed and implemented to manage all environmental aspects associated with the construction works, including off site impacts such as transport to and from the site. A copy of the CMP is to be maintained on site during all site works . The CMP is to include but not be limited to:

- a. A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
- b. A soil and water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water and groundwater. Procedures should be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
- c. A dust management strategy, detailing procedures to minimise dust generation, with reference to control techniques and operational limits under adverse meteorological conditions.
- d. A waste minimisation strategy that aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
- e. A 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 noise management strategy detailing measures to minimise the impact of the construction phase on the amenity of the locality, in accordance with Department of Environment and Climate Change Interim Construction Noise Guideline. Noise monitoring during the construction phase should be incorporated into the program.

Condition Reason: To ensure appropriate construction management is undertaken.

32. 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 demolisher before demolition work commences.

Condition reason: to comply with Australian standards

DURING DEMOLITION WORK

Condition

33. 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.

34. 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.
- c) Provision is to be made to prevent wind-blown rubbish leaving the site; and
- d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

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

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

35. 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.

36. Demolition - material management

During demolition work, 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.

Condition reason: to protect public spaces during demolition.

37. 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.

38. Demolition - waste management

During demolition work, any demolition/waste building materials that are not suitable for recycling are to be disposed of at Newcastle City Council's Summerhill Waste Management Facility or other approved site.

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

39. 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.

40. 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.

41. 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 site fencing, 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.

42. 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.

43. 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.

44. 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.

Condition reason: to provide evidence of compliance.

45. 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.

46. Biodiversity Management

The recommendations contained in Section 7 of the Peak Land Management Biodiversity Assessment Report, dated December 2025, must be implemented during site works.

Condition reason: to ensure the recommendations of the Biodiversity Assessment Report are implemented.

ON COMPLETION OF DEMOLITION WORK

Condition

47. 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.

48. 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

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

Advisory Matters

☐ It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice (i.e. 'on-the-spot fine') or prosecution.

☐ Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979*, which may be subject to a penalty infringement notice (i.e. 'on-the-spot fine') or prosecution.

☐ 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.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Newcastle City Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Hunter and Central Coast Regional Planning Panel.