

## DRAFT SCHEDULE OF CONDITIONS

|                              |                                                                                                                                                                                    |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application No:</b>       | DA2025/01348                                                                                                                                                                       |
| <b>Land:</b>                 | Lot 1 DP 867617                                                                                                                                                                    |
| <b>Property Address:</b>     | 711 Hunter Street Newcastle West NSW 2302                                                                                                                                          |
| <b>Proposed Development:</b> | Mixed use development, comprising commercial premises (including ground floor retail premises) and shop top housing, associated demolition and stratum subdivision (1 into 3 lots) |

### 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 Height of buildings; Floor space ratio and Building separation variations made under Clause 4.6 of the Newcastle Local Environmental Plan (NLEP 2012) have been considered and accepted.
- 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

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### Condition

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#### 1 Approved plans and documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

| <b>Approved plans</b> |                        |                                                  |                      |                     |
|-----------------------|------------------------|--------------------------------------------------|----------------------|---------------------|
| <b>Plan number</b>    | <b>Revision number</b> | <b>Plan Title</b>                                | <b>Drawn by</b>      | <b>Date of plan</b> |
| DA000                 | 4                      | LOCATION PLAN & DRAWING SCHEDULE                 | STEWART ARCHITECTURE | 22/04/2026          |
| DA002                 | 4                      | SITE ANALYSIS – SHADOW DIAGRAMS – SHEET 1        | STEWART ARCHITECTURE | 22/04/2026          |
| DA004                 | 4                      | SITE PLAN – PROPOSED                             | STEWART ARCHITECTURE | 22/04/2026          |
| DA006                 | 4                      | SOLAR ACCESS – SHADOW DIAGRAMS – SHEET 2         | STEWART ARCHITECTURE | 22/04/2026          |
| DA007                 | 4                      | SOLAR ACCESS – SHADOW DIAGRAMS – SHEET 2         | STEWART ARCHITECTURE | 22/04/2026          |
| DA008                 | 4                      | SOLAR ACCESS – COMMUNAL OPEN SPACE – SHEET 1     | STEWART ARCHITECTURE | 22/04/2026          |
| DA009                 | 4                      | SOLAR ACCESS – COMMUNAL OPEN SPACE SHEET 2       | STEWART ARCHITECTURE | 22/04/2026          |
| DA010                 | 4                      | SOLAR ACCESS – LIVING ROOMS & PRIVATE OPEN SPACE | STEWART ARCHITECTURE | 22/04/2026          |
| DA011                 | 4                      | NATURAL CROSS VENTILATION DIAGRAMS               | STEWART ARCHITECTURE | 22/04/2026          |
| DA012                 | 4                      | SCHEDULE - GROSS FLOOR AREA                      | STEWART ARCHITECTURE | 22/04/2026          |
| DA101                 | 4                      | PLAN – GROUND                                    | STEWART ARCHITECTURE | 22/04/2026          |
| DA102                 | 4                      | PLAN – PODIUM - LEVEL 1                          | STEWART ARCHITECTURE | 22/04/2026          |
| DA103                 | 4                      | PLAN –PODIUM - LEVEL 2                           | STEWART ARCHITECTURE | 22/04/2026          |
| DA104                 | 4                      | PLAN – PODIUM - LEVEL 3                          | STEWART ARCHITECTURE | 22/04/2026          |
| DA105                 | 4                      | PLAN – PODIUM - LEVEL 4                          | STEWART ARCHITECTURE | 22/04/2026          |
| DA106                 | 4                      | PLAN – LEVEL 5                                   | STEWART ARCHITECTURE | 22/04/2026          |
| DA107                 | 4                      | PLAN – LEVEL 6                                   | STEWART ARCHITECTURE | 22/04/2026          |
| DA108                 | 4                      | PLAN – LEVEL 7                                   | STEWART ARCHITECTURE | 22/04/2026          |
| DA109                 | 4                      | PLAN – LEVEL 8                                   | STEWART ARCHITECTURE | 22/04/2026          |
| DA110                 | 4                      | PLAN – LEVEL 9                                   | STEWART ARCHITECTURE | 22/04/2026          |

|       |   |                                             |                         |            |
|-------|---|---------------------------------------------|-------------------------|------------|
| DA111 | 4 | PLAN – LEVEL 10                             | STEWART<br>ARCHITECTURE | 22/04/2026 |
| DA112 | 4 | PLAN – LEVEL 11                             | STEWART<br>ARCHITECTURE | 22/04/2026 |
| DA113 | 4 | PLAN – LEVEL 12                             | STEWART<br>ARCHITECTURE | 22/04/2026 |
| DA114 | 4 | PLAN – LEVEL 13                             | STEWART<br>ARCHITECTURE | 22/04/2026 |
| DA115 | 4 | PLAN – LEVEL 14 – OFFICE<br>PLANT           | STEWART<br>ARCHITECTURE | 22/04/2026 |
| DA116 | 4 | PLAN – LEVEL 15 – OFFICE<br>ROOF            | STEWART<br>ARCHITECTURE | 22/04/2026 |
| DA117 | 4 | PLAN – LEVEL 16                             | STEWART<br>ARCHITECTURE | 22/04/2026 |
| DA118 | 4 | PLAN – LEVEL 17                             | STEWART<br>ARCHITECTURE | 22/04/2026 |
| DA119 | 4 | PLAN – LEVEL 18                             | STEWART<br>ARCHITECTURE | 22/04/2026 |
| DA120 | 4 | PLAN – LEVEL 19                             | STEWART<br>ARCHITECTURE | 22/04/2026 |
| DA121 | 4 | PLAN - LEVEL 20                             | STEWART<br>ARCHITECTURE | 22/04/2026 |
| DA122 | 4 | PLAN – LEVEL 21                             | STEWART<br>ARCHITECTURE | 22/04/2026 |
| DA123 | 4 | PLAN – LEVEL 22                             | STEWART<br>ARCHITECTURE | 22/04/2026 |
| DA124 | 4 | PLAN – LEVEL 23                             | STEWART<br>ARCHITECTURE | 22/04/2026 |
| DA125 | 4 | PLAN – LEVEL 24                             | STEWART<br>ARCHITECTURE | 22/04/2026 |
| DA126 | 4 | PLAN – LEVEL 25                             | STEWART<br>ARCHITECTURE | 22/04/2026 |
| DA127 | 4 | PLAN – LEVEL 26                             | STEWART<br>ARCHITECTURE | 22/04/2026 |
| DA128 | 4 | PLAN – LEVEL 27                             | STEWART<br>ARCHITECTURE | 22/04/2026 |
| DA129 | 4 | PLAN – LEVEL 28                             | STEWART<br>ARCHITECTURE | 22/04/2026 |
| DA130 | 4 | PLAN – LEVEL 29                             | STEWART<br>ARCHITECTURE | 22/04/2026 |
| DA131 | 4 | PLAN – LEVEL 30                             | STEWART<br>ARCHITECTURE | 22/04/2026 |
| DA132 | 4 | PLAN – ROOF                                 | STEWART<br>ARCHITECTURE | 22/04/2026 |
| DA201 | 4 | ELEVATION – NORTH<br>ELEVATION – BUILDING 1 | STEWART<br>ARCHITECTURE | 22/04/2026 |

|            |   |                                             |                                |            |
|------------|---|---------------------------------------------|--------------------------------|------------|
| DA202      | 4 | ELEVATION – NORTH<br>ELEVATION - BUILDING 2 | STEWART<br>ARCHITECTURE        | 22/04/2026 |
| DA203      | 4 | ELEVATION – SOUTH<br>ELEVATION – BUILDING 2 | STEWART<br>ARCHITECTURE        | 22/04/2026 |
| DA204      | 4 | ELEVATION – SOUTH<br>ELEVATION – BUILDING 1 | STEWART<br>ARCHITECTURE        | 22/04/2026 |
| DA205      | 4 | ELEVATION - EAST                            | STEWART<br>ARCHITECTURE        | 22/04/2026 |
| DA206      | 4 | ELEVATION - WEST                            | STEWART<br>ARCHITECTURE        | 22/04/2026 |
| DA301      | 4 | SECTION – NORTH &<br>SOUTH                  | STEWART<br>ARCHITECTURE        | 22/04/2026 |
| DA302      | 4 | SECTION - EAST                              | STEWART<br>ARCHITECTURE        | 22/04/2026 |
| DA409      | 4 | SCHEDULE – MATERIALS &<br>FINISHES          | STEWART<br>ARCHITECTURE        | 22/04/2026 |
| DA501      | 4 | UNIT TYPE PLANS – SHEET<br>1                | STEWART<br>ARCHITECTURE        | 22/04/2026 |
| DA502      | 4 | UNIT TYPE PLANS – SHEET<br>2                | STEWART<br>ARCHITECTURE        | 22/04/2026 |
| DA603      | 4 | DETAILS – TYPICAL<br>THRESHOLD              | STEWART<br>ARCHITECTURE        | 22/04/2026 |
| DA701      | 3 | BUILDING SIGNAGE –<br>SCOPING PLAN          | STEWART<br>ARCHITECTURE        | 22/04/2026 |
| DA702      | 3 | BUILDING SIGNAGE<br>ELEVATION – BUILDING 1  | STEWART<br>ARCHITECTURE        | 22/04/2026 |
| DA703      | 3 | BUILDING SIGNAGE –<br>BUILDING 2            | STEWART<br>ARCHITECTURE        | 22/04/2026 |
| DAL01-L030 | J | LANDSCAPE<br>DEVELOPMENT<br>APPLICATION     | TERRAS LANDSCAPE<br>ARCHITECTS | 03/03/2026 |
| -          | - | STRATUM SUBDIVISION<br>PLANS                | DE WITT CONSULTING             | -          |

| Approved documents                                         |                |                                                    |                                    |
|------------------------------------------------------------|----------------|----------------------------------------------------|------------------------------------|
| Document title                                             | Version number | Prepared by                                        | Date of document                   |
| DESIGN EXCELLENCE STRATEGY                                 | -              | ADW JOHNSON                                        | 13/05/2026                         |
| PUBLIC ART STRATEGY                                        | -              | ART PHARMACY                                       | NOVEMBER 2025<br><b>APRIL 2026</b> |
| DUE DILLIGENCE ABORIGINAL ARCHEOLOGICAL ASSESSMENT         | V1             | ARCHEOLOGICAL MANAGEMENT & CONSULTING GROUP        | 2/12/2024                          |
| PRELIMINARY ABORIGINAL CULTURAL HERITAGE ASSESSMENT REPORT | Final          | ARCHEOLOGICAL MANAGEMENT & CONSULTING GROUP        | 18/12/2025                         |
| HISTORICAL ARCHEOLOGICAL ASSESSMENT                        | V1             | ARCHEOLOGICAL MANAGEMENT & CONSULTING GROUP        | 02/12/2024                         |
| STATEMENT OF HERITAGE IMPACT                               | G              | JOHN CARR HERITAGE DESIGN                          | 19/11/2025                         |
| STORMWATER MANAGEMENT PLAN                                 | C              | <del>BG&amp;E</del><br><b>WALLACE DESIGN GROUP</b> | 28/04/2026                         |
| TRAFFIC IMPACT ASSESSMENT                                  | G              | BG&E                                               | 02/03/2026                         |
| GREEN TRAVEL PLAN                                          |                | BG&E                                               | 13/11/2025                         |
| REMEDIATION ACTION PLAN                                    | Final          | TETRA TECH COFFEY                                  | 29/11/2024                         |
| DETAILED SITE INVESTIGATION                                | Final          | TETRA TECH COFFEY                                  | 29/11/2024                         |
| GEOTECHNICAL REPORT – ADDENDUM                             | Final          | TETRA TECH COFFEY                                  | 06/11/2025                         |
| FLOOD IMPACT & RISK ASSESSMENT                             | D              | BG&E                                               | 11/05/2026                         |
| SUBDIVISION REPORT                                         | -              | DE WITT CONSULTING                                 | 14/11/2025                         |
| F&B TENANCY ACOUSTIC ASSESSMENT                            | -              | ACOUSTIC LOGIC                                     | 13/03/2026                         |
| ACID SULFATE SOIL MANAGEMENT PLAN                          | -              | TETRA TECH COFFEY                                  | 26/09/2025                         |
| PEDESTRIAN WIND ENVIRONMENT                                | 0              | WINDTECH                                           | 21/02/2025                         |
| PEDESTRIAN WIND ENVIRONMENT ADDENDUM                       | -              | WINDTECH                                           | 05/11/2025                         |
| SOLAR LIGHT REFLECTIVITY REPORT                            | 0              | WINDTECH                                           | 29/01/2025                         |
| SOLAR LIGHT REFLECTIVITY REPORT - ADDENDUM                 | -              | WINDTECH                                           | 05/11/2025                         |
| CONECTING TO COUNTRY REPORT                                | -              | LIZ DHARUG                                         | -                                  |
| ESD REPORT                                                 | 1              | WINDTECH                                           | 05/11/2025                         |

|                                               |   |                     |            |
|-----------------------------------------------|---|---------------------|------------|
| OPERATIONAL WASTE MANAGEMENT PLAN             | D | ELEPHANT'S FOOT     | 27/10/2025 |
| BCA ASSESSMET REPORT                          | 3 | JENSEN HUGHES       | 25/11/2025 |
| ACCESS REPORT                                 | A | INDESIGN ACCES      | 15/10/2025 |
| CONSTRUCTION MANAGEMENT PLAN                  | B | BLOC                | 27/10/2025 |
| SOCIAL IMPACT ASSESSMENT                      | - | JAMES MARSHALL & CO | -          |
| CRIME PREVENTION THOUGHT ENVIRONMENTAL DESIGN | - | JAMES MARSHALL & CO | -          |

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. Housing and Productivity Contribution

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

- a. Any exclusion of the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 (the Act) to the development by a planning agreement, and
- b. Any exemption or reduction provided by the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 (the Order).

In this respect:

- a. The amount of the housing and productivity contribution, as at the date that this development consent is granted, is **\$1,592,382.00**
- b. The time by which the housing and productivity contribution must be made, is before the issue of the first construction certificate in relation to the development.
- c. The manner in which the amount of the housing and productivity contribution, as specified in this consent, is to be adjusted at the time of payment, is specified below.
- d. The payment of the contribution must be made using the NSW planning portal.
- e. If an agreement is entered into as referred to in clause 19 of the Order, the housing and productivity contribution may be made wholly or partly as a non-monetary contribution.
- f. If this development consent is granted to a concept development application, the housing and productivity contribution -
  - i. May be payable for development on the site the subject of a subsequent development application, and
  - ii. Is to be determined in accordance with the applicable Ministerial planning order under Subdivision 4 of Division 7.1 of the Act, as in force at the time the consent.

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

***Highest PPI number / consent PPI number***

Where -

- **Highest PPI number** is the highest PPI number for a quarter following the June quarter 2023 up to and including the 2nd last quarter before the quarter in which the payment is made.
- **Consent PPI number** is the PPI number last used to adjust the base component amount, SBC amount or TPC amount when development consent was granted.
- **June quarter 2023** is the quarter commencing on and including 1 April 2023 and ending on and including 30 June 2023.
- **PPI** is the Producer Price Index (Road and Bridge Construction (NSW)) published by the Australian Bureau of Statistics.

If the adjustment of the contribution amount results in a lesser amount, the contribution amount, as specified above, must be paid instead.

Condition reason: To achieve compliance with the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023, as made by the NSW Minister for Planning and Public Spaces.

### 3. Affordable housing contributions – 7.32 Monetary Contribution

In accordance with Newcastle Affordable Housing Contributions Scheme (the scheme), prior to the issue of the first Construction Certificate for the development (i.e., whether for part or whole of a building), a monetary contribution of **\$1,860,847.38** shall be paid to Newcastle City Council for the purpose of affordable housing. In calculating the monetary contribution, the following formula was applied:

*Contribution = suburb rate per sqm x (proposed dwellings - existing dwellings / (proposed dwellings)*

Where:

- i. the contribution rate is \$91.98/m<sup>2</sup>
- ii. the total residential GFA of the development is 20,231m<sup>2</sup>
- iii. the number of existing dwellings is nil
- iv. the total number of proposed dwellings is 191

If the contribution is not paid within the quarter that this consent is granted, the contribution payable will be adjusted in accordance with the provisions of the scheme and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment. This includes any changes to the discount rate.

Condition reason: To ensure affordable housing contributions are levied in accordance with the adopted scheme.

### 4. 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   | \$434,854.70      |

|                                     |                       |
|-------------------------------------|-----------------------|
| Open space and recreation           | \$1,868,664.93        |
| Community facilities                | \$345,689.63          |
| Plan preparation and administration | \$66,135.04           |
| <b>TOTAL</b>                        | <b>\$2,715,344.30</b> |

If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment.

The contributions shall be paid to the Newcastle City Council:

- a. prior to the issue of the Subdivision Certificate where the development is for subdivision; or
- b. prior to the issue of the first Construction Certificate where the development is for building work; or
- c. prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
- d. 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.

## 5. Design excellence

The development is to be undertaken in accordance with the terms and conditions of the Competitive Design Process Exemption from City of Newcastle dated 21 May 2026, and the approved Design Excellence Strategy prepared by ADW Johnson dated 13 May 2026.

A process of design integrity is to be established to ensure the approved development retains design excellence through to completion, including the following:

- a) Newcastle City Council's Urban Design Review Panel are to be appointed as the design integrity panel to oversee the development for its duration and are to review, assess and advise on the extent to which design excellence is realised. The program of design review post development consent is to include:
  - i. Prior to the submission of every construction certificate application, but excluding construction certificates related to in-ground works and/or the ground floor slab only, to confirm the detailed design is consistent with design quality as approved
  - ii. Prior to the submission of any application to modify development consent affecting the design, to confirm detailed design is consistent with design quality endorsed as approved.
- b) The nominated architects of the approved development are to be retained until the completion of the development (issue of an occupation certificate). In the event the nominated architects need to be replaced, appointment of an alternate architectural firm is to be endorsed by Newcastle City Council's Urban Design Review Panel prior to the replacement of the nominated architect coming into effect. Written notification must be provided to Newcastle City Council and the Registered Certifier upon the endorsement of the newly appointed architect.

**Note:** meetings of Newcastle City Councils Urban Design Review Panel will be scheduled to meet CN's operational need. The cost of attending a design review meeting will be borne by the applicant. The related fee is that which is applicable for referral to the Newcastle City Councils Urban Design Review Panel outside of the application assessment process (i.e. the fee for review undertaken prior to submission of a development application) as set out in CN's fees and charges document.

Condition reason: to ensure the approved development retains design excellence through to completion.

## **BUILDING WORK**

### **BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

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#### Condition

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#### **6. Design excellence**

Before the issue of every construction certificate for the development, (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only**, written notification from Newcastle City Council's Urban Design Review Panel is to be obtained confirming the architectural documentation prepared for the construction certificate application has been reviewed and the Panel is satisfied that the detailed design is consistent with design quality as approved. Full details are to be included in the documentation for a construction certificate application.

Condition reason: to ensure the approved development retains design excellence through to completion.

#### **7. Flooding – verifying floor levels**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only**, full details are to be provided demonstrating that the **habitable** ground floor level of all proposed buildings or building additions are to be reduced level 3.3m Australian Height Datum.

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

#### **8. Flooding – requirements below flood level**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** details are to be provided demonstrating that the whole of the proposed structure below known flood level (3.3m Australian Height Datum) will be constructed in materials and finishes that are resistant to damage from floodwaters/tidal waters. Any new machinery or equipment, electrical circuitry or fitting, storage unit or similar items likely to be damaged by floodwaters/tidal waters are to be installed above the said height or alternatively be of materials and functional capability resistant to the effects of floodwaters/tidal waters. Full details are to be included in documentation for the construction certificate application.

Condition reason: To require details of proposed structures, machinery and equipment.

## 9. ~~Flood protection for pools/spa~~

~~Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating that the pool/spa surround and all machinery and electrical equipment susceptible to damage from floodwaters are to be a minimum of 300mm above existing ground levels. Full details are to be included in documentation for the construction certificate application.~~

~~Condition reason: To require verification that all structures, machinery and equipment will be well above flood levels.~~

## 10. **Flooding – emergency response plan**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), ***but excluding construction certificates related to in-ground works and/or the ground floor slab only*** a flood emergency response plan is to be prepared by a professional engineer, who is experienced in flood management, and the plan is to be put in place prior to occupation of the site for the intended use. The plan is to include an education and awareness component for the workforce, detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan and provisions for any third parties likely to be involved.

A flood emergency response plan is to describe the following components:

- a. likely flood behaviour
- b. flood warning systems
- c. education awareness program
- d. evacuation and evasion procedures
- e. evacuation routes and flood refuges and
- f. flood preparedness and awareness procedures for residents and visitors

Considerations are to include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. The plan is to be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources. Full details are to be included in documentation for the construction certificate application.

Condition reason: To require a flood emergency response plan.

## 11. **Stormwater control details**

~~Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating that the proposed development is not to increase upstream or downstream flooding for floods over a range of storms from 1:1 to 1:100 year events. This is to be verified by the provision of full stormwater control details included in documentation for the construction certificate application.~~

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Condition reason: To require verification that detailed stormwater controls will cope with flood impacts.~~

## 12. **Floodway provision**

~~Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), full details are to be provided demonstrating that any landscaping within the proposed development designed and positioned in such a manner as to ensure that the designated floodways, or overland flowpaths, are not obstructed. Details are to be included in documentation for the construction certificate application.~~

~~Condition reason: To require verification that design, and location of landscaping will not obstruct floodwaters.~~

### 13. Floodway protection – fencing

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to in-ground works and/or the ground floor slab only full details are to be provided demonstrating that any fencing proposed to extend across the required floodway or overland flowpath is to be of an open mesh or rod style. Details are to be included in documentation for the construction certificate application.

Condition reason: To require detailed design of fencing over floodpaths.

### 14. Floodway protection – landscaping

~~Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), full details are to be provided demonstrating that any landscaping within the proposed development designed and positioned in such a manner as to ensure that the designated floodways, or overland flowpaths, are not obstructed. Details are to be included in documentation for the construction certificate application.~~

~~Condition reason: To require verification that design, and location of landscaping will not obstruct floodwaters.~~

### 15. Car parking requirements

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only**, details of on-site parking accommodation are to be provided for:

- a) a maximum of 273 residential car parking spaces;
- b) 155 commercial car parking spaces;
- c) 10 retail spaces for use during retail operating hours and available to visitors outside of hours. Signage and pavement markings to be installed to manage hours.
- d) 6 residential visitor car parking spaces (inclusive of 1 accessible space) available 24/7;
- e) a minimum of 4 vehicle servicing bays sized for vans (in addition to the SRV and HRV bays identified below), two of which can be shared as visitor parking spaces with a maximum time limit of 2 hours being linemarked and signposted.
- f) A minimum of 1 vehicle servicing bay sized for Small Rigid Vehicles (SRV)
- g) A minimum of 1 vehicle servicing bay sized for Heavy Rigid Vehicles (HRV)
- h) Motorcycle parking including ~~44~~ **12** residential spaces, ~~2~~ **1** retail spaces and ~~9~~ **12** commercial spaces

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

## 16. Bicycle parking requirements

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), but excluding construction certificates related to in-ground works and/or the ground floor slab only details of on-site bicycle parking accommodation are to be provided for:

- a) a minimum of 191 residential spaces (Security level A or B)
- b) a minimum of 28 residential visitor spaces (Security level B or C)
- c) a minimum of 7 retail spaces (Security level B)
- d) a minimum of 69 commercial spaces (Security level B)

The design of on-site parking accommodation shall meet the minimum parking layout standards indication in AS/NZS 2890.3 and 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 bicycle numbers and design standards

## 17. Car park design

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building) but excluding construction certificates related to in-ground works and/or the ground floor slab only 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

## 18. Water tanks and plumbing direction

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating roof water from the proposed new work will be directed to the proposed water tank(s) with a minimum combined capacity of 25,000 litres and being reticulated to any new toilet cisterns, cold water washing machine taps, and outdoor and carpark taps on the ground floor and outdoor taps on podium levels 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 that detailed designs provide for stormwater runoff relating to the new work to be directed to a rainwater tank.

## 19. Water tanks detention

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating rainwater runoff from the proposed new work will be directed a detention tank with a minimum capacity of 95,000 litres. An orifice or pipe shall be located at the bottom of the tank to control the release of water discharging from the tank. 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 that detailed designs provide for stormwater runoff relating to the new work to be directed to a detention tank.

## **20. Controlling stormwater**

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

Condition reason: To control stormwater runoff.

## **21. Vehicular crossings standards**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), full details are to be provided to, and approval obtained or other satisfactory arrangements confirmed, in writing, from Newcastle City Council, pursuant to section 138 of the Roads Act 1993 for a commercial 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 11m 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.

## **22. Roads Act Approval**

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

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

## **23. Public domain works required**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), full details are to be provided to, and consent obtained, or other satisfactory arrangements confirmed in writing, from Newcastle City Council pursuant to Section 138 of the *Roads Act 1993* for the following works to be constructed by the developer in connection with the proposed development within the Little King Street, National Park Street and Hunter Street 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) Hunter Street

- i. Reconstruction of footpath in accordance with Newcastle City Centre Public Domain Technical Manual.
- ii. Upgrade short pipe connection from existing kerb inlet pit to CN's 375mm pipe under Hunter Street.
- iii. Upgrade drainage under kerb in accordance with Newcastle West Drainage Study Option B which includes a new 600mm concrete pipe **from pit SW0036864** connecting to a 750mm pipe crossing the intersection of National Park Street and 825mm pipe to pit SW0036168.
- iv. Reconstruct stormwater pits.
- v. Reconstruction of kerb and gutter and asphalt as required to carry out drainage upgrade.
- vi. Installation of street trees in footway.

b) National Park Street

- i. Reconstruction of footpath in accordance with Newcastle City Centre Public Domain Technical Manual.
- ii. Reconstruct kerb and gutter for full length of road. Where sandstone kerbing exists, it is to be carefully removed and re-installed (if required).
- iii. Installation of street lighting.
- iv. Pavement ~~reconstruction~~ **resurfacing** along northbound side of National Park Street from kerb to road centreline.
- v. Street tree installation. Impact on stormwater shall be considered in design.
- vi. Installation of new stormwater pits on National Park Street with twin sag lintels at the location of the existing kerb inlet pit at the site frontage.
- vii. Installation of a 600mm drainage pipe from existing kerb inlet pits to a pit in the road centreline, draining via a 600mm pipe along the road centreline to avoid trees and connect to drainage in Hunter Street.
- viii. Parallel car parking spaces along edge of road.
- ix. All necessary changes to signage and line marking require separate support from CN's local traffic forum.
- x. An arboricultural impact assessment and tree protection plan as per AS4970-2025 being included for impacts on the London Plane trees being retained.
- xi. Upgrade kerb ramps at signalised intersection to current standard as requested by TfNSW.
- xii. Installation of bicycle parking hoops and public seats

c) King Street and Little King Street

- i. Drainage upgrades including replacement of stormwater pipe along full frontage extending to nearest pits beyond frontage.
- ii. 2.5% crossfall to be achieved on footpath by lowering site boundary level to a minimum of 2.2mAHD at the driveway entry and adjusting kerb levels. Drainage

- shall be considered with any kerb level changes. Any changes to drainage to facilitate kerb level changes will be required.
- iii. Bluestone paving across footpath for site frontage.
- iv. ~~Reconstruction of cul-de-sac at the end of Little King Street to reduce the cul-de-sac size as far as practicable as indicated on CN's West End Public Domain Plan (Stage 1), but retaining vehicle access to 711 Hunter Street and ensuring access is still possible for Heavy Rigid Vehicles entering the site and B99 vehicles can pass each other when travelling in opposite directions and turn around in the road.~~
- v. Construction of a wide footpath from the signalised intersection to the intersection of King Street and Little King Street **bus stop on King Street.**
- vi. All necessary changes to signage and line marking require separate approval from CN's local traffic forum
- vii. Installation of street trees
- viii. Installation of street lighting
- ix. **Design shall consider** ~~Embellish public space as generally indicated in CN's West End Public Domain Plan (Stage 1), acknowledging the above constraints.~~
- x. **Creation of a corner pocket paved area between intersecting footpaths.**

#### d) Utilities Layout Plan

A Utilities Layout Plan shall be included to indicate the location of existing mains, associated installations and service conduits, together with any proposed utility alterations and installations in particular street lighting. Any required electricity substations, pumping stations or similar installations are to be located in private land and are not to be located within road reserves.

#### e) Set-out Layout Plan

A Set-out Layout Plan indicating survey co-ordinates for set out points for kerbs, medians and linemarking.

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

## 24. Stormwater management details

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating how stormwater runoff from the proposed development is to be managed in accordance with the requirements of Section C4 'Stormwater' of Newcastle Development Control Plan 2023, the associated Technical Manual and AS/NZS 3500.3 *Plumbing and drainage Part 3 Stormwater drainage*, as indicated on the stormwater management concept plan prepared by Wallace Design Group (Project 24262, Drawings C05.01 Rev C, C05.02 Rev B, C05.03 Rev A, C06.01 Rev C, C06.02 Rev B, C06.03 Rev B), except as amended by this consent. Refer to other conditions for required amendments. In addition, the following amendment to the plans is required:

The pipe outlet from the detention tank is to connect to Council's stormwater pit SW0036864 on Hunter Street. If the pipe connects to stormwater pit SW0023494 as shown on the plans, the longitudinal pipe along Hunter Street shall be upgraded for its full length.

Condition reason: To control stormwater run off.

## 25. Hunter Water Requirements – compliance certificate

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** 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.

## 26. House numbering

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

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

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

## 27. Landscape plans and specifications

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** 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.

## 28. Urban heat - reflectivity modelling report

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** the design elements, external treatments, materials and finishes incorporated within the submitted architectural design, as assessed within the approved reflectivity modelling report are to be reflected on the architectural plans and certified by a suitably qualified and experienced person. Full details are to be included in documentation for the construction certificate application.

Condition reason: To ensure compliance with the reflectivity modelling report.

## 29. Crime Prevention Through Environmental Design

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** the applicant must submit to the satisfaction of the Certifier evidence demonstrating that the design of the development has incorporated the Crime Prevention Through Environmental Design Assessment (CTPED) management and mitigation measures included within the approved CPTED report.

Condition reason: To achieve the CPTED safer by design principles for developments.

## 30. Wind effects report

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** the applicant must submit evidence to the Principal Certifier demonstrating that the architectural design of the development, has incorporated the wind mitigation measures and recommendations contained within the approved wind report. Any amendments which would change impacts on Council roads, and any impacts of publicly accessible areas including footpath and rights of carriageway, would require separate approval and the impacts are to be negotiated with Newcastle City Council and any implementation plan (if required) is to be agreed by Newcastle City Council.

Condition reason: To protect the comfort and amenity of the public domain.

## 31. Art in publicly accessible places

Before the issue of every construction certificate for the development, (i.e., whether for part or whole of a building), but excluding construction certificates related to in-ground works and/or the ground floor slab only, a public art strategy, prepared by a suitably qualified person, providing the details of all publicly accessible artworks within the site and associated costings to be submitted to Newcastle City Council's Public Art Reference Group for written approval.

Condition reason: To ensure publicly accessible art is installed to Newcastle City Council's satisfaction.

### 32. Art in publicly accessible places - maintenance plan

Before the issue of every construction certificate for the development, (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** but excluding construction certificates related to in-ground works and/or the ground floor slab only, a publicly accessible artwork maintenance plan is prepared and submitted to the principal certifier.

Condition reason: To ensure the effective management of publicly accessible artwork.

### 33. ~~Visitor parking standards~~

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~~Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), the visitor parking bays are to be designed in paving bricks or in an alternative paving material that contrasts in colour and texture with that used in the construction of the driveway, with full details included in the construction certificate documentation.~~

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

### 34. Liveable housing - silver level

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** detailed plans and construction drawings are to be provided showing compliance with Silver Level requirements of the Livable Housing Australia Livable Housing Guidelines (Fourth edition) Full details are to be included in documentation for the construction certificate application.

The detailed plans and construction drawings showing full compliance with the requirements of each standard within the Livable 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 Livable Housing Australia, Livable Housing Guidelines.

### 35. Electric vehicle circuitry and electric vehicle charging point requirements - all other development, including alterations and additions with an estimated cost equal to or more than \$200,000, that involves car parking.

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** details are to be provided of electrical plan, specifications for all off-street car parking and any electric kiosk requirements prepared by a suitably qualified and experienced person (such as an electrical engineer) and demonstrate the following;

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

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

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

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

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 so it satisfies electric charging.

### 36. Mine Subsidence approval

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), working drawings and specifications of the proposed building are to be submitted to Subsidence Advisory NSW for approval and any requirements of Subsidence Advisory NSW are to be included in the documentation for the construction certificate application.

Condition reason: To require consultation with Subsidence Authority NSW and compliance with their guidelines.

### 37. External lighting

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** plans detailing external lighting must be prepared by a suitably qualified person.

The lighting plan must be consistent with the approved plans and documents, and the following requirements:

- a. comply with AS 1158: Lighting for Roads and Public Spaces.
- b. comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting
- c. lighting must be placed at all entrances to, and exits from the premises
- d. lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas;
- e. lighting must not interfere with traffic safety;

- f. lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and
- g. external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.
- h. Relevant council development control plan

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

**Note:** All above documents refer to the version in effect at the time the consent is granted.

Condition reason: To ensure external lighting is provided for safety reasons and to protect the amenity of the local area.

### 38. Food premises standards

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** the retail food tenancies and pertinent areas of the base build are required to comply with the relevant requirements of the Australian Standard 4674-2004 Design, Construction and Fit-out of Food Premises, include (but may not be limited to) the following:

- a) Wall construction in accordance with Section 3.2 (Walls and ceilings) of AS4674-2004. Note: all external and internal walls, including partitioning walls, are to be of solid construction, such as masonry construction (AS 4674-2004 (3.2.1)). Cavity stud walls are not appropriate anywhere in the food premises. Refer to table 3.2 (AS 4674-2004) for suitable wall finishes.
- b) Ceilings must be non-perforated and finished free from open joints, cracks and crevices and must be finished smooth (AS 4674-2004 (3.2.5)). Please note: drop in panels are not permitted where open food / beverages are handled.
- c) Ventilation whether natural or mechanical must comply with the Building Code of Australia (AS 4674-2004 (2.5)) and is installed in compliance with the requirement of AS1668.1 and AS1668.2 (AS 4674-2004 (2.5.1)).
- d) The grease arrestor will not be located in an area where food, equipment or packaging materials are stored with direct vehicle access for cleaning purposes as required by Australian Standard 4674-2004 (2.3.2)).

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

Reason: To ensure the premises are designed, constructed and fitted out so as to comply with appropriate health and hygiene standards in the public interest.

### 39. Equal access to the premises

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** details are to be provided demonstrating that adequate access to the premises will be available for persons with disabilities in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. Full details are to be included in documentation for the construction certificate application.

Condition reason: To ensure doors used to house building services and facilities do not obstruct pedestrians and vehicles.

#### 40. Hunter Water Requirements

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating compliance with any requirements of Hunter Water in respect of any building or structure proposed to be erected over any services or drain under the Hunter Water's control. Full details are to be included in documentation for the construction certificate application.

Condition reason: To require verification that Hunter Water requirements are satisfied.

#### 41. Street trees

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** details are to be provided demonstrating that eight (8) tree pits (and associated works), tree guards and nominated tree species are required to be installed at the developer's expense. A fee, to be determined by contacting Council's City Greening Services, is to be paid to Council for the required planting and evidence of the payment of the required fee is to be included in the documentation for a Construction Certificate application.

Note:

1. The developer is required to contact City Greening Services (CGS) for the following Hold Points prior to sign off.
  - a) prior to installation of tree pits, CGS to be contacted to approve tree pit locations
  - b) at the completion of the construction of the tree pits
  - c) at the completion of the installation of tree pits including soil and tree species
  - d) CGS Tree Inspector must be contacted for a pre-site inspection to verify and confirm minimal root disturbance prior to any excavation works within the TPZ for street tree asset ID 1023529 (Platanus x acerifolia)
2. The developer is required to install the following tree pits.
  - a) install 6 x tree pits on National Park Street frontage to facilitate the street tree planting location ID numbers 1133833, 1133834, 1133835, 1135220, 1133836 and 1133838
  - b) install 2 x tree pits on Hunter Street frontage to facilitate the street tree planting location ID numbers 1104727, 1104728

The tree pits must be in accordance with CN Standard Drawing A3003 – Tree Planting New Development with Full Width Verge” & “A3022 – Tree Guard Timber”.

Note: The tree selection of the required tree species will be determined by Council's City Greening Section in accordance with Newcastle City Council Street Tree selection manual. The location of the tree planting may not be in the immediate proximity of the site.

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

#### 42. Landscape plans and specifications

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** 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

#### 43. Flood storage

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating that under floor flood storage areas will be provided, designed to allow floodwaters to enter and leave without flow restrictions.

All entry points to the flood storage tank shall be designed to withstand debris loads during a major flood event and all openings shall be small enough that no people or children can be swept into the tank.

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

Note: The flood storage is to be provided as indicated on the stormwater management concept plan prepared by Wallace Design Group (Project 24262 Rev C, Drawings C05.01 and C06.01, dated 28.04.26). The plans note that the location, area and volume of the tank will be confirmed at CC stage, however any ~~changes~~ **reductions** to volume or total area are not allowed.

Condition reason: To require location and design of an appropriate under floor flood storage area on-site.

#### 44. Flood refuge on-site

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** details are to be provided demonstrating that an on-site flood refuge is to be provided in the development. The minimum on-site refuge level in the building is the level of the Probable Maximum Flood event (reduced level 4.35 m Australian Height Datum). The design and/or suitability of the refuge is to be structurally certified by a professional engineer, ensuring that the building is able to withstand the hydraulic loading due to flooding from the Probable Maximum Flood (Flood Level reduced level 4.35 m Australian

Height Datum, Maximum Flow Velocity of floodwaters 1.3 m/s). Full details are to be included in documentation for the construction certificate application.

Condition reason: To require location and design of an appropriate flood refuge on-site.

#### 45. Flood Signage

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** plans shall be prepared showing the following:

- Signage located at the driveway stating “No sandbagging or obstruction to be placed at the driveway entry. Floodwaters must be allowed to enter the carpark during a flood”
- Signage located at the flood louvres on National Park Street stating “No sandbagging or obstruction to be placed over louvres. Floodwaters must be allowed to enter louvres during a flood”

Signage must be located in a position that is visible to a person standing near the driveway and louvres and be made from a material that is expected to last the full lifespan of the building (i.e metal plate or similar).

Condition reason: Ensure flood storage is protected so that surrounding flood levels do not increase.

#### 46. Awnings over public road

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), full details are to be provided to, and consent obtained, or other satisfactory arrangements confirmed in writing, from Newcastle City Council pursuant to Section 138 of the Roads Act 1993 for any private structure on or over the public road reserve, including balconies and awnings.

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.

Condition reason: To ensure the safety of occupants and street and pavement users.

#### 47. End of Trip facilities

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** full details are to be provided demonstrating that end of trip facilities will be installed for the commercial and retail tenancies as indicated on the approved plans and in accordance with Section C1 Traffic parking and access of NDCP2023.

Condition reason: To require provision of facilities on site.

#### 48. Limiting noise – general

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** 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*.

#### 49. Design verification statement

Before the issue of each construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** a statement from a qualified designer is to be provided, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles of State Environmental Planning Policy (Housing) 2021.

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

Condition reason: To require a design verification statement.

#### 50. Waste storage facilities and arrangements details – mixed

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** details are to be provided showing facilities in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes, and arrangements are to be made for regular removal and disposal of same. The required garbage facility is to be suitable for the accommodation of Newcastle City Council approved wheel type bins or bulk waste containers. Full details are to be included in documentation for the construction certificate application.

Condition reason: To require full details of waste storage facilities.

#### 51. Swimming pools – limiting noise

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** details are to be provided demonstrating that pool plant and equipment will be sited or enclosed in a sound absorbing enclosure to prevent any offensive noise (as defined under the *Protection of the Environment Operations Act 1997*) impacts to adjoining neighbours. Full details are to be included in the construction certificate documentation.

Condition reason: To protect adjacent properties from additional offensive noise.

#### 52. Swimming pool overflow – containing water

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** details are to be provided demonstrating that the

swimming pool surrounds and/or paving will be constructed in a manner so as to ensure water from the pool overflow does not discharge onto neighbouring properties. All backwash/pool wastewater is to be piped/drained to the sewer of Hunter Water Corporation in accordance with the requirements of Hunter Water Corporation. Full details are to be included in the construction certificate documentation.

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

### 53. Swimming pools fencing

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** details are to be provided demonstrating that the construction or erection of swimming pool safety fences and gates and all associated work are to be carried out in accordance with the *Swimming Pools Act 1992* and Regulations. Full details are to be included in documentation for the construction certificate application.

Condition reason: To require details of swimming pool safety fencing.

### 54. Light spillage prevention

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), **but excluding construction certificates related to in-ground works and/or the ground floor slab only** details are to be provided demonstrating that the proposed floodlighting of the premises is 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*. Full details are to be included in documentation for the construction certificate application.

Condition reason: To require compliance with outdoor lighting standards.

### 55. Acoustic treatment

The acoustic performance of all mechanical plant and equipment associated with the building being assessed by an appropriately qualified acoustic consultant prior to the issue of any required Construction Certificate **but excluding construction certificates related to in-ground works and/or the ground floor slab only**. Appropriate acoustic treatment as recommended by the acoustic consultant being designed prior to the issue of a Construction Certificate. Written certification from an appropriately qualified acoustic consultant being submitted to the Principal Certifying Authority prior to issue of an Occupation Certificate confirming 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.

Condition reason: To ensure acoustic treatment is as approved.

### 56. Compliance with Remediation Action Plan

The recommendations and site investigation measures provided under Section 4 of the Remedial Action Plan prepared by Tetra Tech Coffey, dated 29 November 2023 must be complied with and included in documentation for a Construction Certificate.

Condition reason: To ensure RAP compliance.

## 57. Dilapidation Report – existing

Before the issue of a construction certificate, an electronic copy of a dilapidation report, prepared by a suitability qualified person, is to be submitted to the certifier prior to the issue of a construction certificate. The dilapidation report is to document and contain a photographic record of the condition of the adjoining buildings, infrastructure, and roads.

Condition reason: To require a pre-construction dilapidation report.

## 58. Construction Environmental Management Plan

Prior to the issue of a Construction Certificate, the proponent preparing and submitting to the PCA and Council a Construction Environmental Management Plan (CEMP) for construction/demolition works on the site, such to be kept on site and made available to authorised Council officers upon request. The CEMP is to include but not be limited to:

- a) A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
- b) A water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
- c) A dust management strategy, detailing procedures to minimise dust generation, with reference to control techniques and operational limits under adverse meteorological conditions.
- d) A noise and vibration management program, detailing measures to minimise the impact of the development on local amenity. Provision for noise and vibration monitoring during works should be incorporated into the program.
- e) A soil management strategy, detailing measures to be implemented to manage the identification and control and disposal of any acid sulphate soils or soil contamination identified during site works.
- f) A waste minimisation strategy, which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
- g) A community relations plan, which aims to inform local residents and other local stakeholders of the proposed nature and timeframes for demolition and construction activities together with contact details for site management.

Condition reason: To protect the amenity of the area

## 59. Heritage Interpretation Plan

An interpretation plan is to be prepared by an experienced heritage interpretation practitioner to the written satisfaction of Council's Heritage Officer and submitted with the documentation for a Construction Certificate **but excluding construction certificates related to in-ground works and/or the ground floor slab only**. The Interpretation Plan shall be in accordance

with the Heritage Council's "Interpreting Heritage Places and Items Guidelines" (2005). The plan must interpret the history of the site in a way that is engaging, informative and readily accessible to the majority of visitors. The Plan is to be written by a suitably qualified heritage architect/consultant and submitted to the written satisfaction of Council's Heritage Officer.

The Interpretation Plan must include the following recommendations from the Statement of Heritage Impact (by John Carr Heritage Design, dated 19/11/2025):

- An enlarged photograph of the original 1899 store digitised by the University of Newcastle should form part of a display on Hunter Street.

Sections of the detailed external decorative render be recovered where possible and supported in metal frames for a static display.

Condition reason: To ensure heritage interpretation opportunities are identified and salvaged building items are incorporated.

## 60. Face brickwork

Face brickwork is not to be painted or rendered. Full details to be provided with the Construction Certificate application **but excluding construction certificates related to in-ground works and/or the ground floor slab only.**

Condition reason: To ensure the brickwork retains its intended material character and appearance.

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## BEFORE BUILDING WORK COMMENCES

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### Condition

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## 61. Compliance with Home Building Act (if applicable)

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

Condition reason: Prescribed condition EP&A Regulations 2021 (Section 69).

## 62. 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.

## 63. Erosion and sediment control – vehicle access

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

Condition reason: To prevent soil erosion.

#### **64. Construction Traffic Management Plan**

Before site work (including demolition, tree removal and earthworks) and/or building work commences, a Construction Traffic Management Plan is to be prepared by a Roads & Maritime Services accredited person with a *Design and Audit Traffic Control Plans Certificate* in accordance with *Australian Standard 1742.3:2009 - Manual of uniform traffic devices – traffic control for works on roads*. The plan is to address, but not be limited to, the following:

- a. Measures ensuring the provision of safe, continuous movement of traffic and pedestrians within the road reserve during construction works.
- b. Any traffic control plans to be implemented in the public road reserve 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.

Written acceptance of the Plan must be obtained from the relevant roads authority and Newcastle City Council.

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

#### **65. Aboriginal Cultural Heritage Assessment**

Prior to works commencing, a full Aboriginal Cultural Heritage Assessment is to be completed including community consultation.

Archaeological test excavation is to be completed in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010) and the recommendations set out in the Preliminary Aboriginal Cultural Heritage Assessment Report (by Archaeological Management and Consulting Group (AMAC) dated 18/12/2025).

Following the archaeological test excavation, the results are to be incorporated into an updated Aboriginal Cultural Heritage Assessment report and notification of test excavation completion be submitted to Heritage NSW and evidence of this forwarded to Newcastle City Council.

If the archaeological test excavation reveals no Aboriginal archaeological objects or deposits, the proposed development can proceed with caution.

If, based on the archaeological test excavation results, the investigation reveals Aboriginal archaeological objects or deposits, the test pits are to be stabilised in accordance with the methodology in the Preliminary Aboriginal Cultural Heritage Assessment Report (by AMAC, dated 18/12/202526/11/2025) to ensure no impact occurs to known or unknown Aboriginal archaeological and cultural material.

Condition reason: To ensure items of aboriginal heritage are appropriately assessed.

## **66. Excavation**

Prior to construction works, a program of test excavation is required to be managed via an exception under s139(4) of the Heritage Act 1977. If major impacts to locally significant relics are identified, an application for a s140 excavation permit will be required.

Condition reason: To ensure the development is undertaken in accordance with specialist technical advice.

## **67. Archaeological Research Design**

An Archaeological Research Design (ARD) is to be prepared by a suitably qualified archaeologist to determine the appropriate mitigative field work. The ARD is to be finalised prior to commencement of ground disturbance works.

Condition reason: To ensure potential archaeology is appropriately managed.

## **68. Heritage induction**

Prior to works commencing, a suitably qualified and experienced archaeologist must provide a heritage induction to all personnel involved in the project. This induction should brief them on their obligations under the NSW *Heritage Act 1977*, as well as the nature of anticipated archaeological remains and provide them with an unexpected finds procedure to implement should work expose items suspected of being relics.

Condition reason: To ensure all are aware of their statutory obligations.

# **DURING BUILDING WORK**

## **Condition**

## **69. 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).

## **70. Site signage – site and building works**

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.

#### **71. Excavation and backfilling safety**

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

Condition reason: To protect the public near worksites.

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

During site work and/or building work, erosion and sediment control measures are to be implemented and maintained during the period of construction 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.

#### **73. 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.

#### **74. 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.

#### **75. 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, the Master Builders Association Newcastle or HIA Newcastle.

Condition reason: To require pollution prevention signage.

#### **76. Handling excavated waste**

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

Condition reason: To ensure compliance with State Guidelines.

#### **77. 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.

#### **78. Resource recovery orders**

During site work and/or building work, documentation demonstrating compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption must be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Exemption. This documentation must be provided to Newcastle City Council officers or the principal certifier on request.

Condition reason: To provide evidence of compliance.

#### **79. 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) Tetra Tech Coffey, 29 November 2023. Under no circumstances is onsite remediation treatment to be carried out.

Condition reason: To ensure compliance with specialist technical reports.

#### **80. Street tree and any tree on Council land protection**

During site work and/or building 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 the Newcastle City Council '*Urban Forest Technical Manual*', *Part B Public Trees*.

Street Tree Asset ID 1023529 (Platanus x acerifolia) located on National Park Street for the proposed development is required to be retained and must be physically protected in accordance with the 'City of Newcastle '*Urban Forest Technical Manual Part B Public Trees*', 'Section 8.0 Protection Measures'

Note: A pre-site inspection by City Greening Tree Inspector is required to confirm the correct installation of the Tree Protection Zones (TPZ) complies with approvals.

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.

#### **81. 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.

#### **82. 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.

#### **83. 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 shadedcloth 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.

#### **84. Heritage and archeology**

The development is to be undertaken in accordance with the recommendations of the:

- Preliminary Aboriginal Cultural Heritage Assessment Report (by AMAC, dated 18/12/2025)
- Historical Archaeological Assessment Report (by AMAC, dated 02/12/2024)
- Statement of Heritage Impact (by John Carr Heritage Design, dated 19/11/2025)

Condition reason: To ensure the development is undertaken in accordance with specialist technical advice

#### **85. Heritage interpretation**

In addition to any heritage interpretation requirements under this approval, heritage interpretation must also be implemented in accordance with any additional Council approved heritage interpretation plan requirements as imposed under development approval DA2025/00576.

Condition reason: To ensure heritage interpretation opportunities are identified and salvaged building items are incorporated

#### **86. Sandstone kerb and gutters**

All sandstone kerb and gutter present at the site along Hunter Street and National Park Street is to be retained and protected for the duration of the works. Protection systems must ensure significant fabric is not damaged or removed.

Condition reason: To ensure heritage road assets are not damaged

#### **87. Acid sulfate soil – as per management plan**

During site work and/or building work the development being carried out in accordance with the details set out in the Acid Sulfate Soil Management Plan prepared by Tetra Tech Coffey 29 November 2024.

To require compliance with approved AS management plan

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### **BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

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Condition

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#### **88. Flooding – caution signage**

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

Condition reason: To protect the public from floodwaters.

## **89. Flood Signage**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), the following shall be installed:

- Signage located at the driveway stating “No sandbagging or obstruction to be placed at the driveway entry. Floodwaters must be allowed to enter the carpark during a flood”
- Signage located at the flood louvres on National Park Street stating “No sandbagging or obstruction to be placed over louvres. Floodwaters must be allowed to enter louvres during a flood”

Signage must be located in a position that is visible to a person standing near the driveway and louvres and be made from a material that is expected to last the full lifespan of the building (i.e metal plate or similar).

Reason: Ensure flood storage is protected so that surrounding flood levels do not increase.

## **90. Flood Storage Tank Maintenance Plan**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), a maintenance plan for the flood storage tank/s and inlets and outlets is to be prepared and any recommendations implemented.

Reason: Ensure flood storage is protected so that surrounding flood levels do not increase

## **91. BASIX implemented**

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

- a. BASIX development, or
- b. BASIX optional development, if the Development Application was accompanied by a BASIX Certificate,

are to be satisfactorily completed.

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

Condition reason: To ensure BASIX commitments are completed.

## **92. Residential apartment development design statement**

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

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

Condition reason: to require a design verification statement

### **93. Public infrastructure – rectification of damage**

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

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

### **94. Relocation of survey monuments**

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

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

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

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

### **96. House numbering**

Before the issue of each occupation certificate for the development (i.e., whether for part or whole of a building), addressing provided by Newcastle City Council must be correctly implemented.

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

### **97. Road Naming and House numbering**

Before the issue of each occupation certificate for the development (i.e., whether for part or whole of a building), addressing provided by Newcastle City Council must be correctly implemented.

Condition reason: To ensure the necessary road naming and house numbering is implemented in accordance with the NSW Addressing Policy.

**98. Removing redundant driveways**

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

Condition reason: To ensure removal of redundant driveways

**99. Works as executed – stormwater**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), a copy of the stormwater drainage design plans approved with the construction certificate with 'work as executed' levels indicated, shall be submitted to the principal certifier and to Newcastle City Council. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

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

**100. Water management measures complete**

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

Condition reason: To ensure water management measures are as approved

**101. Visitor car park signs and line marking**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), the proposed visitor parking bays are to be clearly indicated by means of signs and/or pavement markings.

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

**102. Landscaping complete – report requirements**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), a Landscape Practical Completion Report is to be submitted to the principal certifier. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a construction certificate application and is to verify that an effective maintenance program has been commenced.

Condition reason: To ensure landscape works are as approved.

### **103. Urban heat - reflectivity modelling report**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), a statement from a suitably qualified and experienced person is to be included with Occupation Certificate documentation. The statement is to confirm the development has been constructed in accordance with the approved reflectivity modelling report.

Condition reason: to ensure compliance with the reflectivity modelling report.

### **104. Heritage interpretation**

The heritage interpretation plan is to be fully implemented to the written satisfaction of Council's heritage officer prior to the issue of an occupation certificate.

Condition reason: To ensure implementation of heritage plan interpretation.

### **105. Car share car park signs and line marking**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), the proposed car share car parking bays are to be clearly indicated by means of signs and/or pavement markings.

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

### **106. ~~Car parking requirements – accessible car parking spaces~~**

~~Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), the proposed accessible car parking spaces are allocated as visitor parking or accessible units. Where allocated to accessible units, the accessible car parking space must be assigned to the unit in any future strata subdivision plan.~~

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

### **107. Art in publicly accessible places**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), details confirming the installation of all publicly accessible art required by the public art strategy is submitted to the Principal Certifier and Newcastle City Council.

Condition reason: to ensure publicly accessible art is installed to Newcastle City Council's satisfaction.

### **108. Liveable housing**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), a Final-as-Built Certification from an accredited Livable Housing Australia assessor is submitted to the principal certifier.

Note: A Livable Housing Australia (LHA) assessor is a professional formally registered with LHA and listed on the LHA website as an LHA assessor.

Condition reason: to require Final-as-Built Certification Statement.

#### **109. Car parking requirements**

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

- a) a maximum of 273 residential car parking spaces;
- b) 155 commercial car parking spaces;
- c) 10 retail spaces for use during retail operating hours and available to visitors outside of hours. Signage and pavement markings to be installed to manage hours.
- d) 6 residential visitor car parking spaces (inclusive of 1 accessible space) available 24/7;
- e) a minimum of 4 vehicle servicing bays sized for vans (in addition to the SRV and HRV bays identified below), two of which can be shared as visitor parking spaces with a maximum time limit of 2 hours being linemarked and signposted.
- f) A minimum of 1 vehicle servicing bay sized for Small Rigid Vehicles (SRV)
- g) A minimum of 1 vehicle servicing bay sized for Heavy Rigid Vehicles (HRV)
- h) Motorcycle parking including 14 residential spaces, 2 retail spaces and 9 commercial spaces

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 approved car parking is implemented.

#### **110. Bicycle parking requirements**

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

- a) a minimum of 191 residential spaces (Security level A or B)
- b) a minimum of 28 residential visitor spaces (Security level B or C)
- c) a minimum of 7 retail spaces (Security level B)
- d) a minimum of 69 commercial spaces (Security level B)

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 approved bicycle parking is implemented.

#### **111. Green travel plan**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), a minimum of 50% of the initiatives identified in the Green Travel Plan by BG&E (N24157 Ver C, Nov 2025) shall be implemented within the development and evidence of these being implemented shall be provided to the principal certifier.

Condition reason: approve plan is implemented.

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

Before the issue of each occupation 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.

### **113. Food – notice to agencies**

The food businesses must notify the relevant enforcement agency, under the Food Act 2003 and (for licensed food businesses) under the Food Regulation 2010.

Notification that is to be provided to Council can be found at [www.newcastle.gov.au](http://www.newcastle.gov.au) or contact Council's Planning & Environment on (02) 4974 2000.

Reason: To ensure the business complies with the requirements of the Food Act.

### **114. Acoustic treatment complete**

Before the issue of each occupation certificate for the 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 Acoustic Logic, dated 13 March 2026. Written final certification from the acoustic consultant confirming that the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to the principal certifier and Newcastle City Council.

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

### **115. Section 88B Instrument**

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

- 3 metre x 3 metre right of carriageways benefitting Newcastle City Council shall be placed over the corner splays at the intersections of National Park Street with King Street and National Park Street with Hunter Street.
- The existing lease for electricity substation shall be extinguished.
- Other easements being created as indicated on the draft subdivision plan.

**Note:** The instrument is to provide that the right of carriageways are unable to be released, varied or modified without the concurrence of Newcastle City Council.

Condition reason: To require registration of a section 88B instrument.

## 116. Heritage Interpretation Plan

The Interpretation Plan must be implemented to the written satisfaction of Council's Heritage Officer prior to the issue of an Occupation Certificate.

Condition reason: To ensure the approved interpretation outcomes are delivered and appropriately integrated into the completed development.

## 117. Archeology

Prior to the release of the occupation certificate, the Applicant must write to Council and demonstrate they have satisfied the requirements for lodging all final archaeological excavation reports required under any and all s.140 applications under the *Heritage Act 1977* which have been approved by the Heritage Council of NSW for this site.

Condition reason: To ensure all required archaeological reporting is undertaken in accordance with statutory obligations.

## 118. Remediation Validation Report

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

Condition reason: Remediation report.

## 119. Addressing allocation

The premises are allocated the following street address/es in accordance with the NSW Addressing Policy and the Australian/New Zealand Standard: Rural and Urban Addressing (AS/NZS 4819:2011). Before the issue of an Occupation Certificate, addressing provided by Newcastle City Council must be correctly implemented

| ADDRESS SCHEDULE                         |                                    |               |             |                |
|------------------------------------------|------------------------------------|---------------|-------------|----------------|
| Unit/ Dwelling/ Lot Number on plan       | Council Allocated Street Addresses |               |             |                |
|                                          | House Number                       | Street Name   | Street Type | Suburb         |
| Stratum Lot 1/<br>Residential Tower      | 4                                  | National Park | Street      | Newcastle West |
| Stratum Lot 2/<br>Commercial Tower       | 10                                 | National Park | Street      | Newcastle West |
| Stratum Lot 3/<br>Retail Primary Address | 711                                | Hunter        | Street      | Newcastle West |

Condition reason: To require numbering of premises.

## OCCUPATION AND ONGOING USE

### Condition

#### 120. Car parking requirements - car share spaces

The car parking spaces allocated for car share must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time. Car share parking spaces are to be subdivision. Car share car parking spaces are not to be subdivided, leased or controlled by or on behalf of particular unit owners, residents or third parties. Full details are to be included in documentation for a subdivision certificate application.

Condition reason: To ensure creation of car share car parking spaces are retained.

#### 121. Art in publicly accessible places - maintenance plan

During occupation and ongoing use, the installed publicly accessible art is to be properly maintained for the life of the development in accordance with the publicly accessible artwork maintenance plan.

Condition reason: To ensure publicly accessible artwork is properly maintained.

#### 122. Street awnings and balconies - maintenance plan

During occupation and ongoing use, the street awnings and/or street balconies is to be properly maintained for the life of the development

Condition reason: to ensure street awnings and balconies are properly maintained.

#### 123. Hours of Operation

During occupation and ongoing use, the hours of operation or trading of the commercial premises are to be not more than:

| Day       | Start  | Finish  |
|-----------|--------|---------|
| Monday    | 7:00am | 10:00pm |
| Tuesday   | 7:00am | 10:00pm |
| Wednesday | 7:00am | 10:00pm |
| Thursday  | 7:00am | 10:00pm |
| Friday    | 7:00am | 10:00pm |
| Saturday  | 7:00am | 10:00pm |
| Sunday    | 7:00am | 10:00pm |

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

Condition reason: To limit hours of operation.

#### **124. Servicing**

Goods deliveries and waste collection from the premises is to be limited to 7:00am to 6:00pm Monday to Sunday.

Condition reason: To protect the amenity of the local area.

#### **125. 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.

#### **126. Managing noise**

During ongoing use of the premises, the premises must be operated in accordance with the acoustic report approved under this consent.

Condition reason: To protect the amenity of the local area.

#### **127. Storage of goods during ongoing use**

During ongoing use of the premises, all goods must be stored wholly within the premises and must not be stored or displayed outside the premises, including any public place, without council's approval.

Condition reason: To ensure goods are stored wholly within the premises and protect the amenity of the local area.

#### **128. Loading and unloading**

During occupation and ongoing use, vehicles are to be loaded or unloaded standing wholly within the premises and within loading bays designated on the approved plans or as otherwise provided in accordance with the conditions of this consent and under no circumstances are vehicles to be loaded or unloaded at the kerbside, across the public footpath or in a manner which obstructs vehicular access to the site.

Condition reason: To enforce approved plans.

#### **129. Managing noise with ongoing acoustic treatment**

During ongoing use of the premises, the premises must be operated in accordance with any approved acoustic report. The noise control recommendations in the F & B Tenancy Acoustic Assessment prepared by Acoustic Logic Pty Ltd (Project ID. 20241149.4) dated 13 March 2026 are to be implemented.

Condition reason: To ensure acoustic treatment is as approved.

### **130. External lighting during ongoing use**

During ongoing use of the premises, all lighting must be operated and maintained in accordance with the approved plans and the requirements of this consent.

Condition reason: To ensure the safe operation of the premises and protect the amenity of the local area.

### **131. Visitor car parking**

During occupation and ongoing use, a minimum of 6 proposed on-site parking bays are to be made available for the use of casual visitors to the premises as visitor car parking and such spaces under no circumstances to be subdivided, leased or controlled by or on behalf of particular unit owners, residents or third parties or become unbundled car parking.

Condition reason: To ensure an acceptable standard of development having regard to the Newcastle Development Control Plan 2023.

### **132. Flood Storage Tank Maintenance**

The flood storage tank/s and inlets and outlets to the tank shall be maintained in accordance with the maintenance plan, ensuring they function as intended, allowing floodwaters to freely flow through the structure.

Reason: Ensure flood storage is protected so that surrounding flood levels do not increase.

### **133. Sandbagging**

Under no circumstance are sandbags or any other obstruction to be placed on the driveway or over louvres to the flood storage tank to stop floodwaters entering these spaces during a flood.

Reason: Ensure flood storage is protected so that surrounding flood levels do not increase.

### **134. Approved signage strategy**

All future signage must be in accordance with the approved signage strategy of this development consent. In the event of any inconsistency, the conditions of this consent will prevail over the approved signage strategy.

Reason To ensure future signage is in accordance with the approved signage strategy.

### **135. Signs – separate DA required**

A separate development application for any proposed signs (other than exempt or complying signs) must be submitted to and approved by Council prior to the erection or display of any such signs.

Reason To require separate consent to be obtained for any additional signs.

### **136. Signage**

During occupation and ongoing use, all messages on signs are to be restricted to Business Identification and approved business operations only. The signs are not to contain advertising or community messages.

Condition reason: To restrict types of signs.

### **137. ~~Art in publicly accessible places – maintenance plan~~**

~~During occupation and ongoing use, the installed publicly accessible art is to be properly maintained for the life of the development in accordance with the publicly accessible artwork maintenance plan.~~

~~Condition reason: To ensure publicly accessible artwork is properly maintained.~~

### **138. Landscape establishment report**

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

Condition reason: To ensure landscaping is established

### **139. 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

### **140. ~~Street awnings and balconies – maintenance plan~~**

~~During occupation and ongoing use, the street awnings and/or street balconies is to be properly maintained for the life of the development~~

~~Condition reason: To ensure street awnings and balconies are properly maintained.~~

### **141. Submission of electronic CAD model**

(a) Prior to any Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to and approved by Council for the electronic City Model.

(b) The data required to be submitted within the surveyed location must include and identify:

- (i) building design above and below ground in accordance with the development consent;
- (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;

- (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C. The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.
- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification.

Condition reason: To develop an accurate city model.

## **DEMOLITION WORK**

### **BEFORE DEMOLITION WORK COMMENCES**

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#### Condition

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#### **~~142. Erosion and sediment control measures~~**

~~Before site work and/or demolition work commences, erosion and sediment control measures are to be implemented and maintained during the period of demolition and/or construction 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.~~

#### **~~143. 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.~~

#### **~~144. Hoardings~~**

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

-  
Condition reason: To protect public spaces during demolition.

**145. ~~Erosion and sediment control measures~~**

-  
~~Before site work and/or demolition work commences, 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.

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## DURING DEMOLITION WORK

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### Condition

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**146. ~~Demolition standards – Australian Standards~~**

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~~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 and the EP&A Regulation.

**147. ~~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.

**148. ~~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.~~

-  
Condition reason: To protect public and private spaces during demolition.

**149. ~~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.~~

#### **~~150. 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.~~

#### **~~151. 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.~~

#### **~~152. 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.~~

#### **~~153. 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.~~

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

Condition reason: To require pollution prevention signage.

#### **~~154. 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.

#### **~~155. Site lighting during work~~**

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

Condition reason: To protect the public near worksites.

#### **~~156. 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.

#### **~~157. 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.

#### **~~158. Protecting footways~~**

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

Condition reason: To protect footways during works.

#### **~~159. 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.

#### ~~160. Street trees and any tree on Council land~~

~~-~~  
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

#### ~~161. 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.

#### ~~162. 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.

**New Condition:** *Demolition is to be carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the relevant conditions and approved plans imposed under DA2025/00576.*

# SUBDIVISION

## BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

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### Condition

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#### 163. Subdivision Certificate – digital copies

Before the issue of a subdivision certificate, an application is to be made, supported by a digital copy (.pdf format) of the survey plan of subdivision and associated administration sheets.

Condition reason: To require digital copies

#### 164. Section 88B Instrument – easements

Before the issue of a subdivision certificate, an instrument under Section 88B of the Conveyancing Act 1919, setting out the terms of easements as required by this consent, along with related notations on the plan of subdivision, are to be submitted to the Newcastle City Council for certification. Newcastle City Council is to be identified as a party whose consent is required to release, vary or modify easements.

Condition reason: To require registration of a section 88B instrument for easements.

#### Advisory Matters

- A person who is aware or believes that he or she has discovered or located a relic not identified and considered in the supporting documents for this approval, in any circumstances (including where works are carried out in reliance on an exception under section 139(4)), excavation or disturbance must cease in the affected area(s) and the Heritage Council must be notified in accordance with section 146 of the *Heritage Act 1977*. Depending on the nature of the discovery, additional assessment and approval under the *Heritage Act 1977* may be required prior to the recommencement of excavation in the affected area(s).

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

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

**Note:** Heritage NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.gov.au. 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.

- For the purpose of applying the provisions of the National Construction Code for class 1, 2, 3, 4, 9a (health care) and 9c (aged care) buildings, it is advised that the proposed building is located in a Flood Hazard Area and the:
  - a) Defined Flood Level (DFL) is reduced level 2.8 m Australian Height Datum (AHD)
  - b) Flood Hazard Level is reduced level 3.3 m AHD (Freeboard is 500mm above DFL)
  - c) Maximum Flow Velocity of floodwaters for the Defined Flood Event is 0.7 m/s
- 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 the 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.
- Prior to commencing any building works, the following provisions of Part 6 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 the 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.
- 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.

- 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*.