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<b>Application No:</b>	DA2019/00904
<b>Land:</b>	Lot 12 DP 1251435 Lot 13 DP 1251435
<b>Property Address:</b>	110 Scott Street Newcastle NSW 2300 130 Scott Street Newcastle NSW 2300
<b>Proposed Development:</b>	Landscape and public domain works and use as a recreation area

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**SCHEDULE 1****APPROVED DOCUMENTATION**

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

<b>Plan No / Supporting Document</b>	<b>Reference / Version</b>	<b>Prepared by</b>	<b>Dated</b>
LOCALITY PLAN	C-0000 (C)	Conrad Gargett	02.07.2019
SITE PLAN – SHEET 1	C-0011 (C)	Conrad Gargett	02.07.2019
SITE PLAN – SHEET 2	C-0012 (C)	Conrad Gargett	02.07.2019
STORMWATER MANAGEMENT PLAN	C-0300 (D)	Conrad Gargett	
EROSION & SEDIMENT PLAN	C-0700	Conrad Gargett	
DEMOLITION PLAN	SD-DR-LA-0050 (2)	Conrad Gargett	08.08.2019
LANDSCAPE MASTER PLAN	SD-DR-LA-0040 (7)	Conrad Gargett	08.08.2019
3D VISUALISATION 1	SD-DR-LA-00900 (4)	Conrad Gargett	08.08.2019
3D VISUALISATION 2	SD-DR-LA-00901 (4)	Conrad Gargett	08.08.2019
3D VISUALISATION 3		Conrad Gargett	08.08.2019
ABORIGINAL INTERPRETIVE LANDSCAPE FEATURE	DA-01 (C); DA-02 (C); DA-03 (C) & DA-04 (C)	ARTSCAPE	08.07.2019
MATERIALS	SD-DR-LA-00800 (5)	Conrad Gargett	08.08.2019
STATEMENT OF ENVIRONMENTAL EFFECTS	CC180060 (2)	Conrad Gargett	08.08.2019
HERITAGE IMPACT STATEMENT	D	Conrad Gargett	07.08.2019

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

2. The proposed development is to be carried out in accordance with the required approval

under the *Heritage Act 1977* (NSW), consistent with the '*General Terms of Approval*' set out in the attached letter from the NSW Office of Environment and Heritage, reference IDA/2019/090, dated 25 November 2019.

3. The proposed remediation work being carried out in accordance with the requirements set out in the submitted Remedial Action Plan Produced by ERM Pty Ltd. 18 November 2019

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

4. In respect to the area of land identified as the bus depot/interchange site, the following site auditor recommendations are to be implemented:
  - a) Prior to the commencement of landscaping, which includes placement of a marker layer, a Remedial Action Works Plan (RAWP) is to be developed and approved by the Auditor that includes:
    - i) Site management activities during the landscaping to ensure cross contamination does not occur
    - ii) Licensing requirements for contractors working at the site
    - iii) Environmental controls proposed to manage erosion, sediment, air and noise emission
    - iv) A Validation Sampling and Analytical Quality Plan (the VSAQP)
    - v) An unexpected finds protocol
  - b) Prior to temporary activation of the site, removal or management of the risks from asbestos in fill in the garden bed surrounding the fig tree is required. An interim site management plan to manage residual contamination is to be developed. This document and the RAWP must be provided to the Auditor for review and approval prior to commencement of the temporary activation.
  - c) At the completion of remediation, a validation report and Long-Term Environmental Management Plan (EMP) that details how the site will be managed in the future, including proposed groundwater monitoring, is to be developed. The EMP is to include a building restriction on the management area and be submitted to the PCA and Council.
  - d) The completed remediation validation report and EMP are to be reviewed by the Auditor and a Section A Site Audit confirming the suitability of the site for its intended use is to be prepared and submitted to the PCA and Council.
5. Any construction works at the Newcastle Station are to be undertaken in accordance with the Long-Term Environmental Management Plan. Stage 1 Maintenance and Restoration Works, Newcastle Railway Station. Watt Street, Newcastle. Douglas Partners Pty Ltd. 8 November 2019.
6. All stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable, as indicated on the stormwater management concept plan prepared by BG&E (Project No. N18029, Drg. No. C-0300, Rev. D, dated 02/07/2019).
7. A commercial vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:

- a) Constructed in accordance with Council's A1300 - Driveway Crossings Standard Design Details.
- b) The driveway crossing, within the road reserve, shall be a maximum of 6 metres wide
- c) Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 metre, in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance
- d) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve
- e) The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.

These works are not approved until consent under Section 138 of the *Roads Act 1993* (NSW) has been granted by Council.

- 8. Building demolition is to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures.
- 9. A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with Australian Standard 2601:2001 - The Demolition of Structures. A copy of the Hazardous Substances Management Plan is to be provided to Council (marked to Attention: Compliance Services) and the demolisher prior to commencement of work.
- 10. The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:
  - a) Demolition works shall be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan shall be kept on-site for the duration of the proposed development
  - b) The removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
  - c) A copy of all waste disposal receipts are to be kept on-site for the duration of the proposed development and made available to authorised Council Officers upon request
  - d) Seven working days' notice in writing is to be given to Council and the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor. Notification to owners/occupiers of neighbouring premises shall also include Council's contact telephone number (49742000) and the Workcover Authority of NSW telephone number (49212900) and
  - e) On sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.

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

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

12. A rigid and durable sign is to be erected 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 Certifying Authority for building work and subdivision work, and
  - b) showing the name, address and telephone number of the Principal Contractor for any building work and also including 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, but must be removed when the work has been completed.

13. All building work must be carried out in accordance with the provisions of the National Construction Code.
14. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
- Monday to Friday, 7:00 am to 6:00 pm and
  - Saturday, 8:00 am to 1:00 pm.

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

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

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

16. 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'.
17. 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*.
18. Documentation demonstrating the compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption must be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Exemption. This documentation must be provided to Council officers or the Principal Certifying Authority on request.
19. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> 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.
20. Prior to the commencement of work, a 3m 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 shall not be stockpiled on the all weather vehicle access.
21. All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are 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.
22. During construction works, an assessment of acid sulfate soil potential is to be undertaken in the area of excavation. If acid sulfate soils are found to be present, soils are to be treated in accordance with the New South Wales Acid Sulfate Soil Management Advisory Committee's '*Acid Sulfate Soil Manual*'.

#### **CONDITIONS TO BE SATISFIED PRIOR TO USE OF THE SITE**

23. All works within the road reserve required by this consent are to be completed prior to occupation of the site.
24. Any redundant existing vehicular crossing is to be removed at no cost to Council. The road reserve and kerb being restored to, Council's satisfaction, to match the existing infrastructure.
25. A copy of the stormwater drainage design plans with 'work as executed' levels indicated, shall be submitted to The City of Newcastle. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
26. 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.

## **CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE SITE**

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

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

28. The use and occupation of the premises is not to give rise to the emission of any 'air impurity' as defined under the *Protection of the Environment Operations Act 1997* (NSW), that interferes unreasonably with the amenity of neighbouring premises and/or other sensitive receivers.

Should 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 emissions of air impurities to an acceptable level and such measures being implemented within a nominated time period. Furthermore, written certification from the suitably qualified consultant will be required to be submitted to 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.

## **ADVISORY MATTERS**

- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* (NSW) 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 ('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* (NSW), which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.

## **END OF CONDITIONS**

## **SCHEDULE 2**

### **REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS**

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Newcastle Local Environmental Plan 2012* (NLEP) and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012 (NDCP).
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.

### **REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED**

The following conditions are applied to:

- Confirm and clarify the terms of Council's determination;
- Identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
- Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- Set standards and measures for acceptable environmental performance; and
- Provide for the ongoing management of the development.