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<b>Application No:</b>	DA2021/00071
<b>Land:</b>	Lot 3 DP 229558, Lot 2 DP 229558 Lot 1 DP 229558, Lot 6 DP 231541 Lot 3 DP 515310, Lot 2 DP 239405 Lot 4 DP 1223244
<b>Property Address:</b>	40 King Street Adamstown NSW 2289
<b>Proposed Development:</b>	Mixed use development - seniors living and recreation facility (outdoor) - seniors living development (comprising 148 serviced self-care dwellings, wellness centre, and resident amenities), demolition of existing Merewether Golf Club, construction of new club house (including ancillary member services), golf course upgrades, car parking, four lot Community Title subdivision, temporary facilities (car park, clubhouse and display suites), associated site works, public domain improvements, infrastructure and landscaping

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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>
Architectural Plan Set	Job No. 17090, Rev C	Marchese Partners	20/09/2021
Civil Engineering Plans	Job No. NL181648-00, Rev 4, Dwg. DA-C01.01 to DA-C02.01 Rev 1, Dwg DA-C02.11 Rev 3, Dwg DA-C04.01 Rev 3, Dwg DA-C04.11 Rev 1, Dwg DA-C04.12 Rev 1, Dwg DA-C06.01 Rev 3, Dwg DA-C09.01 Rev 1, Dwg DA-C04.13	Northrop	17/09/2021
Stormwater Management Plans	Job No. NL181648 Revision B	Northrop	17/09/2021
Turning Template Drawings	DA-C04.13, Rev A	Northrop	17/09/2021
Open Accessway Plan		Monteath and Powys	17/09/2021

Landscaping Plan Set	Rev G, Dwg No. L-01 to L-15	Site Design +Studios	02/12/2020
Landscape Description and Management Plan	Issue A	Site Design +Studios	December 2020
Tree Removal to Wellness/Communal Open Space Letter		Site Design +Studios	1 July 2021
Merewether Golf Club Flora and Fauna Assessment		Eco Logical	17 December 2020
Arboricultural Impact Assessment	Version 2	Arbor View Pty Ltd	10 December 2020
Green Travel Plan	Ref No. P1485/01	Seca Solutions	22/07/2021
Social Impact Assessment	Job No. 20NEW0133	Barr Property and Planning	December 2020
Operational Plan of Management – Seniors Living		By Third Age	Updated / Received 22/09/2021
Operational Plan of Management – Merewether Golf Club		By Merewether Golf Club	8 December 2020
Traffic Impact Assessment Letter	P1270	Seca Solutions P/L	15/12/2020
Waste Management Plan		Waste Audit	July 2021
Depository Plans	Ref No. 19/0256	Monteath Powys	07/02/2020
Subdivision Plans	19/0256, Rev 5	Monteath and Powys	07/02/2020
Revised Community Management Statement		Moray and Agnew	20/09/2021
SEPP 65 Design Verification Statement	-	Marchese Partners	15 December 2020
Design Excellence Report		Hatch / RobertsDay	December 2020
Heritage Impact Assessment	Our Ref: SYD20 17917	Eco Logical	9 December 2020
Visual Impact Assessment	Ref. THI MAC	Hatch / RobertsDay	December 2020
Noise Impact Assessment	Report No. 19-2302-R3	Reverb Acoustics	November 2020
Report on Geotechnical Investigations	Project 91592.01	Douglas Partners	December 2020
Detailed Site Investigation for Contamination	Rev 0	Practical Environmental Solutions	14 August 2020
Acid Sulfate Soils Assessment	Project 91592.01 R.004.Rev 0	Douglas Partners	11 December 2020
BCA Report		Buildcert Consultants	3 December 2020
DA Access Report	CA190053-DA	BCA Solutions	4 December 2020

Bushfire Protection Assessment	Our Ref. 20HNG_15906, Version 3	Eco Logical	7 December 2020
Additional Information – Response to NSW RFS original GTAs	Our Ref. 20HNG_15906	Eco Logical	23 July 2021
BASIX Certificate	No. 1161523M	Evergreen Energy Consultants Pty Ltd	15 December 2020
NatHERS Certificate	No. 0005510700	Evergreen Energy Consultants Pty Ltd	15 December 2020
Ausgrid letter	Ref No. A-21265	Ausgrid	23 March 2021

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 development is to be undertaken in stages with the following stages, shown on Proposed Staging Plan, DA1.13 – Rev C prepared by Marcheses Partners as follows:
  - a) Stage 1A – Temporary facilities
  - b) Stage 1B – Seniors housing and associated Car parking and landscaping works
  - c) Stage 2A – Clubhouse and associated Car parking and landscaping works
  - d) Stage 2B – Golf course upgrade works
  - e) Stage 2C – Temporary facilities removal

Relevant conditions of consent shall be applied to each stage.

3. The development shall be undertaken in accordance with the General Terms of Approval granted by Subsidence Advisory NSW on 24 August 2021 (Ref No. TBA21-00463).
4. The development shall be undertaken in accordance with the General Terms of Approval granted by the NSW Rural Fire Service on 15 September 2021 (Ref No. DA20210217000615-CL55-1).

#### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

5. A total monetary contribution of \$768,922.55 is to be paid to the City of Newcastle, pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the issue of the first Occupation Certificate in respect of the proposed development.

The payment deferral arrangements enabling payment prior to the issue of the first occupation certificate applies from the 8th July 2020 to when the COVID-19 prescribed period ends. The payment deferral arrangements cease to apply if a construction certificate has not been issued for the development by 25 September 2022.

Note:

- i) This condition is imposed in accordance with the provisions of the City of Newcastle's *Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019*.
- ii) The City of Newcastle's *Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019* permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement.
- iii) Certifiers are required to obtain documentation from City of Newcastle confirming the payment of infrastructure contributions prior to the issuing of an occupation

certificate.

- iv) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and, as a guide, these approximate dates are as follows:

<b>Indexation quarters</b>	<b>Approximate release date</b>
September	Late October
December	Late January
March	Late April
June	Late July

Any party intending to act on this consent should contact City of Newcastle's Customer Enquiry Centre for determination of the indexed amount of contribution on the date of payment.

6. On-site parking accommodation is to be provided for a minimum of 407 car parking vehicles (includes minimum of 16 Independent Living Unit (ILU) visitor parking, 209 ILU spaces, 5 ILU building staff parking spaces, 143 Golf Course and Clubhouse parking spaces, 22 spaces for Wellness Centre, 12 Clubhouse and Wellness Centre staff parking spaces) and 9 motorbike spaces and 17 bicycle parking (Class 2) and 26 bicycle parking (Class 3) being set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 '*Traffic, Parking and Access*' of Council's adopted Newcastle Development Control Plan 2012 and State Environmental Planning Policy (SEPP) (Housing for Seniors and People with a Disability) 2004. Full details are to be included in documentation for a Construction Certificate application.
7. The off-street car parking and access grades is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking, AS/NZS 2890.2:2004 - Off-street commercial vehicle facilities and AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities. Full details are to be included in documentation for a Construction Certificate application.
8. All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. Full details are to be included in documentation for a Construction Certificate application.
9. Kerbing or dwarf walls having a minimum height of 100mm are to be constructed along the edge of all garden / rain garden or lawn areas adjacent to driveways and parking bays, sufficient to discourage the encroachment of vehicles thereon. Full details are to be included in documentation for a Construction Certificate application.
10. Roof water from the proposed new work is to be directed to the proposed water tank with a minimum capacity of 40,000 litres and being reticulated to any new publicly accessible toilet cisterns and cold water washing machine taps within the Clubhouse, Wellness Centre and Independent Living Unit building, 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 included in documentation for a Construction Certificate application.

11. All stormwater runoff from the proposed development is to be 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 AS3500.3 as applicable, as indicated on the Stormwater Management Concept Plans and Stormwater Management Report prepared Northrop Consulting Engineers Job No. NL181648-00, Drawings numbers as listed in the approved drawing list. Full details are to be included in documentation for a Construction Certificate application.
12. All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls. Full details are to be included in documentation for a Construction Certificate application.
13. Fences are to be constructed of sufficient height to afford privacy to residents in accordance with the performance criteria and provisions of Newcastle Development Control Plan 2012. Full details are to be included in the documentation for a Construction Certificate application.
14. The applicant is to comply with all of Hunter Water's requirements to provide your development with water supply and sewerage services. A copy of Hunter Water's compliance certificate (*Hunter Water Act 1991* - Section 50) must be submitted with your Construction Certificate application.
15. Landscaping works are to be undertaken in accordance with the Landscaping Plan Set, Rev G, Dwg No. L-01 to L-15, prepared by Site Design + Studios, dated 02/12/2020 and Landscape Description and Management Plan, Issue A, prepared by Site Design + Studios, dated December 2020. Any further information relevant for construction detail is to be provided with your Construction Certificate application.
16. A group type mailbox is to be provided at the street frontage in accordance with the requirements of Australia Post, clearly displaying individual unit numbers and the required house number. Full details are to be included in the documentation for a Construction Certificate application.
17. The construction or erection of swimming pool safety fences and gates and all associated work is to be carried out in accordance with the *Swimming Pools Act 1992* and Regulations. Full details are to be included in the documentation for a Construction Certificate application.
18. The swimming pool/spa water recirculation and filtration system installation is to comply with *Australian Standard 1926.3:2010 - Swimming pool safety - Water recirculation systems*. Full details are to be included in the documentation for a Construction Certificate application.
19. The design and construction of the proposed development is to be in accordance with the relevant requirements of *Australian Standard 4674:2004 - Design, Construction and Fit-Out of Food Premises*. Full details are to be included in the documentation for the Construction Certificate application.

The premises are to be constructed, including the installation of all equipment, fixtures and fittings, in accordance with the requirements of Australian Standard 4674:2004 - Design, construction and fit-out of food premises.

20. Erosion and sediment control measures 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 for approval 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.

21. Working drawings and specifications of the proposed building are to be submitted to Subsidence Advisory NSW for approval prior to an application for a Construction Certificate and any requirements of Subsidence Advisory NSW are to be included in the documentation for a Construction Certificate application.

Subsidence Advisory NSW advises that the proposed building is to be designed in accordance with their publication Surface Development Guideline 1 - Pothole Subsidence Risk.

22. A commercial vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:
- a) Constructed in accordance with City of Newcastle's A1300 - Driveway Crossings Standard Design Details.
  - b) The driveway crossing, within the road reserve, shall be a minimum of 10 metres 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 metres 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 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 the City of Newcastle. An application under Section 138 must be lodged and consent obtained, or other satisfactory arrangements confirmed in writing from the City of Newcastle, before the issue of a Construction Certificate.

23. A separate application is to be lodged and consent obtained from the City of Newcastle for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993* (NSW). The consent is to be obtained, or other satisfactory arrangements confirmed in writing from the City of Newcastle before the issue of a Construction Certificate.
24. A statement from a qualified designer, 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 No. 65 - Design Quality of Residential Apartment Development*, is to be submitted to the Certifier prior to the issue of a Construction Certificate.

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

25. The Developer must design and construct the following public domain and traffic works within the public road reserves along King Street, Lockyer Street, Glebe Road and Ella Street, at no cost to City of Newcastle, and in accordance with the City Centre Public Domain Technical Manual, Newcastle City Council guidelines and design specifications. The public domain and traffic works are generally as follows:
- a) Full footpath construction (1.5m) wide along King Street from the site frontage to the intersection of Lockyer and King Street, Adamstown.

- b) Associated drainage, kerb ramps, raised pedestrian crossing and changes to traffic signage.
- c) Upgrade intersection of Ella and King Street to ensure the compliance of kerb ramps on all sides of the intersection.
- d) Upgrade intersection of Lockyer and King Street to ensure the compliance of kerb ramps on all sides of intersection and associated kerb and gutter works.
- e) Install no-stopping signs at the intersection of Lockyer and King Street to improve the sightline according to the latest TfNSW standards.
- f) Upgrade the Island at the intersection of Lockyer and King Street to meet the latest compliance with TfNSW or City of Newcastle standards.
- g) Kerb and gutter at intersection of Lockyer and King Street associated with the kerb ramp upgrade.
- h) Installing no-stopping signs at the intersection of Glebe Road and King Street to achieve the requirements of City of Newcastle for appropriate sight distance. No-stopping to be extended on King Street approaching Glebe Road increasing the storage capacity of the right turn lane. Also no-stopping to be considered on the Glebe Road northern side of the intersection to provide storage capacity for car turning right on King Street.
- i) Centre Line marking on King Street at the intersection of Glebe Road and King Street.
- j) Street lighting upgrade of King Street until the intersection of Lockyer and King Street to PR4 subcategory in accordance with AS1158.3.1.
- k) A separate signposting and line marking plan for the proposed on-street parking and line marking changes on King Street, Ella Street, Lockyer Street and Glebe Road is to be prepared and submitted to the City of Newcastle. The changes to the on-street parking are subject to approval from Newcastle City Traffic Committee (NCTC).

Engineering design plans and specifications for the works to be undertaken within the public road reserve are required to be prepared by a suitably qualified practising civil engineer with experience and competence in the related field and submitted to the City of Newcastle for approval pursuant to Section 138 of the *Roads Act 1993 (NSW)*. The consent must be obtained, or other satisfactory arrangements confirmed in writing from Council, before the issue of a Construction Certificate.

- 26. Adequate provisions for loading bays on site to accommodate 2 Medium Rigid vehicles in proximity of the Independent Living Unit buildings to be provided. The minimum width of the bays to be 3m and length enough to ensure manoeuvring into and out of the bay is possible with other loading bay being occupied. Full details are to be included in documentation for a Construction Certificate application.
- 27. Suitable traffic management devices in the form of give way to pedestrian, line markings, safety mirrors and speed signs are to be installed in an appropriate location within the site. Adequate signs demarcating reverse/forward in parking and repeater signs for shared zone to be installed in an appropriate location. Such device to be constructed in accordance with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Full details are to be included in documentation for a Construction Certificate application.

28. All porous paving areas are to be constructed in accordance with the City of Newcastle's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). The selected paving must be capable of dispersing vertical load to the subgrade without excessive deflection or damaging the subgrade structure or pavement itself. The porous paving area is to drain surface water in all rainfall events such that the time of infiltration of the stormwater to the drainage layer shall not lead to excessive retention of surface. A Maintenance Manual for the porous paving is to be provided. The Manual is to address maintenance issues concerning the paving including routing monitoring, cleaning, and maintenance. Full details are to be included in documentation for a Construction Certificate application.
29. All onsite stormwater retention/detention and water quality treatment systems are to be individually identified and sign posted in accordance with City of Newcastle's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). Full details are to be included in documentation for a Construction Certificate application.
30. Prior to any site works commencing, the Developer preparing a Construction Management Plan (CMP) such to be designed and implemented to manage all environmental aspects associated with the construction works, including off site impacts such as transport to and from the site. Two copies of the CMP are to be provided to the Principal Certifying Authority and the CMP is to be maintained on site during all site works and be made available to Authorised Officers upon request. The CMP is to include but not be limited to:
  - a) A site management strategy, identifying and addressing such issues as environmental health and safety, site security and traffic management.
  - b) A Soil and Water Management Strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water and groundwater. Procedures should be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
  - c) A Dust Management Strategy, detailing procedures to minimise dust generation, with reference to control techniques and operation limits under adverse meteorological conditions.
  - d) A Waste Minimisation Strategy that aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste materials.
  - e) A Community Relations Plan that aims to inform residents and other local stakeholders of the proposed nature and timeframes for construction activities together with contact details for site management.
  - f) A Noise Management Strategy detailing measures to minimise the impact of the construction phase on the amenity of the locality, in accordance with *Department of Environment and Climate Change Interim Construction Noise Guidelines*. Noise monitoring during the construction phase should be incorporated into the program.
31. Prior to making an application for a Construction Certificate the Developer is to submit a request to City of Newcastle to obtain the necessary house numbering for the development.
32. Any 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 the documentation for a Construction Certificate application.



33. Prior to the issue of Construction Certificate, the Operational Plan of Management is to be amended to provide a shuttle bus service seven days per week.

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

34. Toilet facilities are to be available or provided at the work site before works begin and be 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*.
35. Building demolition is to be planned and carried out in accordance with *Australian Standard 2601:2001 - The Demolition of Structures*.
36. A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with *Australian Standard 2601:2001 - The Demolition of Structures*. A copy of the Hazardous Substances Management Plan is to be provided to the City of Newcastle and to the demolisher prior to commencement of work.
37. Demolition works are to be undertaken in accordance with *Australian Standard 2601:2001 - The Demolition of Structures* and the following requirements:
- a) Demolition works are to be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan is to 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 required class of Asbestos Licence, issued by SafeWork 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 City of Newcastle officers upon request;
  - d) Seven working days' notice in writing is to be given to the City of Newcastle and the owners/occupiers of neighbouring premises prior to the commencement of any demolition work. 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 is also to include City of Newcastle's contact telephone number (4974 2000) and the SafeWork NSW telephone number (4921 2900); 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.
38. Waste management is to be implemented in accordance with the approved Waste Management Plan. At a minimum, the following measures are to be implemented during

the construction phase:

- a) A waste container of at least one cubic metre capacity is to be provided, maintained and regularly serviced from the commencement of operations until the completion of the building, for the reception and storage of waste generated by the construction of the building and associated waste;
- b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets;
- c) Provision is to be made to prevent 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*.

- 39. If construction / demolition work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence is to be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
- 40. An application is to be made to and approved by the City of Newcastle for the erection of a hoarding or part closure of the footway prior to construction being commenced. Such overhead structure or protective fence is to comply with the *Work Health and Safety Act 2011*, *Work Health and Safety Regulation 2011* and any relevant approved industry code of practice. Notice of intention of commencement is to be given to SafeWork NSW.
- 41. The work site is to be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 42. 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 Certifier 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.

- 43. The Fit out and use of the premises is to be in accordance with the requirements of the:
  - a) *Public Health Act 2010* - (Division 3 Control of public swimming pools and spa pools);
  - b) *Public Health Regulation 2012* - (Part 3 Control of public swimming pools and spa pools);

- c) *Local Government (General) Regulation 2012* - (Schedule 2, Part 3 Standards for beauty salons);
  - d) *Public Health Act 2010* - (Division 4 Control of skin penetration procedures); and
  - e) *Public Health Regulation 2012* - (Part 4 Control of skin penetration procedures).
44. All building work is to be carried out in accordance with the provisions of the National Construction Code.
  45. 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.
  46. If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil are to be provided.
  47. 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 City of Newcastle reserves, including the road reserve, is not permitted.
  48. A Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries, is to be submitted to the Principal Certifier before construction is commenced.
  49. A survey certificate prepared by a Registered Surveyor is to be submitted to the Principal Certifier upon completion of the floor slab formwork, before concrete is poured, to verify that the siting of the building in relation to adjacent boundaries is in accordance with the development consent.
  50. Certification is to be prepared by a Registered Surveyor and submitted to the Principal Certifier at the stages of construction indicated:
    - 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.
  51. The developer is to comply with all requirements of the telecommunications authority regarding the connection of telecommunication services including:
    - a) The payment of any required cash contribution towards the provision of underground or aerial reticulation cabling or internal block cabling.
    - b) Consultation with NBN Co. Where the development will result in an additional connection to the network, the design and construction of the works are to comply with the current National Broadband Network (NBN) standards. Development in an area affected by the publically announced rollout maps for the NBN are to be registered with NBN Co, via their website.

Written evidence of compliance is to be submitted to the Principal Certifier before the commencement of work.

52. 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.

53. All roof and surface waters are to be conveyed to the street gutter by way of a sealed pipe system, extending through the footway to City of Newcastle requirements, in accordance with Element 7.06 '*Stormwater*' of Newcastle Development Control Plan 2012.
54. Stormwater is to be conveyed to the existing property stormwater drains by way of a sealed pipe system. The existing drains are to be checked for adequacy and cleared of any obstructions.
55. Pool plant and equipment is to 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.
56. The proposed development is to comply with all requirements of SafeWork NSW.
57. The removal of any asbestos material during the demolition phase of the development is to be in accordance with the requirements of SafeWork NSW.
58. On-site car parking accommodation is to be provided for a minimum of 407 car parking vehicles (includes minimum of 16 Independent Living Unit (ILU) visitor parking, 209 ILU spaces, 5 ILU building staff parking spaces, 143 Golf Course and Clubhouse parking spaces, 22 spaces for Wellness Centre, 12 Clubhouse and Wellness Centre staff parking spaces) and 9 motorbike spaces and 17 bicycle parking (Class 2) and 26 bicycle parking (Class 3) and such being set out generally in accordance with the details indicated on the submitted plans except as otherwise provided by the conditions of consent.
59. A suitably qualified ecologist is to be on site during any tree clearing works to manage the identification, management and protection of flora and fauna, which are located on the site.
60. Tree retention and removal works are to be undertaken in accordance with the recommendations set out in the Arboricultural Impact Assessment report prepared by Arbor Views, Revision 2, dated 10 December 2020.

Note: The project arborist may need to be involved during the construction process, in order to ensure that final certification is achieved.

61. 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.

62. City of Newcastle'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 the City of Newcastle, for the duration of demolition and construction work.

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

63. Any excavated material to be removed from the site is to be assessed and classified in accordance with the NSW Environment Protection Authority's '*Waste Classification*

*Guidelines Part 1: Classifying Waste'* and be transported and disposed of in accordance with the provisions of the *Protection Of The Environment Operations Act 1997* and the *Protection Of The Environment (Waste) Regulation 2014*.

64. 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*.
65. Documentation verifying compliance with the conditions of a relevant Resource Recovery Order and Resource Recovery Exemption are to be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Resource Recovery Exemption. This documentation is to be provided to City of Newcastle officers or the Principal Certifier on request.
66. Erosion and sediment control measures 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 the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:
  - a) Control over discharge of stormwater and containment of run-off and pollutants leaving the site is to be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins and controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover; and
  - b) Erosion and sediment control measures are to be designed in accordance with the requirements of the *Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> Edition - Vol. 1* (the '*Blue Book*') published by Landcom, 2004.
67. Prior to the commencement of work, 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.
68. 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.
69. The premises are to be constructed, including the installation of all equipment, fixtures and fittings, in accordance with the requirements of *Australian Standard 4674:2004 - Design, construction and fit-out of food premises*.
70. All external items of air conditioning plant are to be screened or positioned in such a manner as to not detract from the visual presentation of the building.
71. The proposed visitor and staff parking bays for the residential and commercial visitors / staff are to be clearly indicated by means of signs and/or pavement markings.
72. Prior to commencement of site works the developer must submit, to the written

satisfaction of City of Newcastle, a Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase.

Note 1: The Plan will be required to be referred to the Transport for NSW (TfNSW) for separate approval.

Note 2: The required Plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve. The Plan is to be prepared in accordance with Australian Standard AS1742.3 - 2002.

73. Prior to commencement of site works the developer is to submit, to the written satisfaction of City of Newcastle, Construction Parking Management Plan (CPMP) addressing the parking of construction vehicles and the transportation of construction personnel to the site. The CPMP is to detail a common location for the parking of construction vehicles and should promote utilisation of shuttle buses for the transportation of construction personnel and their equipment to the site.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE, A SUBDIVISION CERTIFICATE OR A STRATA CERTIFICATE**

74. All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to the issue of an Occupation Certificate. 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 provided to the City of Newcastle with Occupation Certificate documentation.
75. All works within the road reserve required by this consent are to be completed prior to the issue of a Final Occupation Certificate.
76. Any redundant existing vehicular crossing is to be removed at no cost to the City of Newcastle. The road reserve and kerb is to be restored to the City of Newcastle's satisfaction, to match the existing infrastructure. Works are to be completed prior to the issuing of a Final Occupation Certificate for the proposed development.
77. 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 The City of Newcastle prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
78. 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 prior to issue of an Occupation Certificate.
79. Tree retention and removal works are to be undertaken in accordance with the recommendations set out in the Arboricultural Impact Assessment report prepared by Arbor Views, Revision 2, dated 10 December 2020. Written final certification verifying that the recommendations have been implemented in accordance with the requirements of the above report is to be submitted to the Principal Certifier and the City of Newcastle prior to the issue of an Occupation Certificate.

Note: The project arborist may need to be involved during the construction process, in order to ensure that final certification is achieved.

80. A Landscape Practical Completion Report is to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate. The report is to verify that all landscape

works have been carried out in accordance with the Landscaping Plan Set, Rev G, Dwg No. L-01 to L-15, prepared by Site Design + Studios, dated 02/12/2020 and Landscape Description and Management Plan, Issue A, prepared by Site Design + Studios, dated December 2020 and is to verify that an effective maintenance program has been commenced.

81. Acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Reverb Acoustics, dated November 2020. Written final certification verifying 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 the City of Newcastle prior to the issue of an Occupation Certificate.

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

82. Prior to the issue of an Occupation Certificate, 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 the City of Newcastle can be found at [www.newcastle.gov.au](http://www.newcastle.gov.au) <<http://www.newcastle.gov.au>> by downloading a copy of 'Council Food Business Notification Form' or contact City of Newcastle's Regulatory, Planning and Assessment on (02) 4974000.

83. Prior to the issue of an Occupation Certificate, the occupier of premises at which a public swimming pool or spa pool is situated must notify the relevant local government authority, under the *Public Health Act 2010* and *Public Health Regulation 2012*. Notification is to be provided to the City of Newcastle by going to [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au) and downloading a copy of the Public Swimming Pool and Spa Pool registration form or contact City of Newcastle's Regulatory Services on (02) 4974 2525. The completed registration form is to be sent to [mail@ncc.nsw.gov.au](mailto:mail@ncc.nsw.gov.au) prior to the operation of the public swimming pool or spa pool.
84. The occupier of the premises where skin penetration procedures are carried out must notify the relevant local government authority, under the *Public Health Act 2010* and *Public Health Regulation 2012*. Notification is to be provided to City of Newcastle by going to [www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au) and downloading a copy of the Skin Penetration Business registration form or contact Council's Regulatory Services on (02) 4974 2525. The completed registration form is to be sent to [mail@ncc.nsw.gov.au](mailto:mail@ncc.nsw.gov.au) within 7 days of commencement of operation of the business at the premises.
85. An application is to be made for a Subdivision Certificate which is to be supported by a digital copy (pdf format) of the survey plan of subdivision and associated administration sheets.
86. An appropriate notation is to be placed on the plan of subdivision and an instrument under Section 88B of the *Conveyancing Act 1919 (NSW)*, being submitted to the City of Newcastle setting out the terms of easements as required by this consent. The City of Newcastle in addition to the owner of the land benefited by the easement is to be a party whose consent is required to release, vary or modify easements.
87. Written evidence of arrangements having been made with the Hunter Water Corporation for the provision of water supply and sewerage and with the electricity authority for the provision of overhead or underground electricity supply is to be submitted to the Principal Certifier prior to the issue of a Subdivision Certificate.
88. Written evidence of arrangements having been made with the telecommunications authority for the provision of underground telecommunications services to the lots is to

be submitted to the Principal Certifier prior to the issue of a Subdivision Certificate.

89. Written evidence of approval by Subsidence Advisory NSW is to be submitted to the Principal Certifier prior to the issue of a Subdivision Certificate.
90. The premises are to be identified by the provision of house and street numbers on the building exterior and mailbox, respectively, such that they are clearly visible from the road frontage.

The minimum numeral heights are to be:

- a) Exterior of the building = 75mm and
- b) Group mailbox - street number = 150mm  
- house number = 50mm
91. A statement from a qualified designer, verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles of *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development*, is to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

92. A Maintenance Manual for all water quality devices is to be prepared in accordance with City of Newcastle's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). The Maintenance Manual is to address maintenance issues concerning the water quality devices including routine monitoring and regular maintenance and be kept on site at all times. Establishment and maintenance of the water quality devices in accordance with the Maintenance Manual prepared by the applicant is to be completed prior to the issue of any Occupation Certificate.
93. Existing stormwater pipes within the site, being inspected for damage using CCTV and repaired if required prior to the issue of an Occupation Certificate.
94. 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. 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*
95. A Validation Report must be prepared by a suitably qualified consultant in accordance with the relevant Environment Protection Authority contaminated land guidelines. The Validation Report is to address the further sampling requirements as outlined in Practical Environmental Solutions detailed Site Investigation for Contamination dated August 2020. The Validation Report must verify that the land is suitable for all the proposed uses. The Validation Report is to be submitted to the Principle Certifying Authority and Council prior to the issuing of Occupation Certificate.
96. A Security Management Plan shall be prepared and submitted to the Principle Certifying Authority and City of Newcastle prior to issue of an Occupation Certificate, which considers where there is a risk of robbery. This Plan shall include: cash handling, robbery awareness training for staff, security upgrades to these areas to restrict access and to improve the safety of the employees.



97. A Lighting Maintenance Policy shall be prepared for the development and submitted to the Principal Certifier and City of Newcastle prior to issue of an Occupation Certificate.
98. Security lighting shall be installed in and around the development, particularly over entry/exit points to create an even distribution of light with no glare (ie Senor lighting, floodlighting). Written certification of the installation of appropriate security lighting in accordance with relevant standards shall be submitted to the Principal Certifier and City of Newcastle prior to issue of an Occupation Certificate.
99. The proposed seniors housing is to be occupied exclusively by seniors or people who have a disability, people who live within the same household with seniors or people who have a disability or staff employed to assist in the administration of and provision of services, as specified by Clause 18(1) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. An appropriate notation is to be made on a survey plan and accompanying instrument under Section 88B of the Conveyancing Act 1919 (NSW).

#### **CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT**

100. The operation and use of the seniors housing development is to be carried out in accordance with the Operational Plan of Management (OPM).

Hours of operation and staff availability will be in accordance with the OPM and include:

- a) Seniors housing development will operate and be staffed from 7:00am to 6:00pm (Monday to Friday), 52 weeks per year.
- b) Wellness Centre will operate from 6:00am to 10:00pm (Monday to Friday) and from 6:00am to 8:00pm (Saturday and Sundays), 52 weeks per year.
- c) Wellness Coordinator available from 10:00am to 2:00pm (Monday, Wednesday and Friday) – 48 weeks per year.
- d) Concierge Manager and/or Administration Assistance available from 9:00am to 5:00pm (Monday to Friday) and 10:00am to 2:00pm (Saturday and Sundays)

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

101. The operation and use of the Merewether Golf Clubhouse and facilities are to be carried out in accordance with the Operational Management Plan and existing Merewether Golf Club Liquor License requirements, unless a separate application to vary the hours of operation or trading has been submitted to and approved by the City of Newcastle.
102. The proposed seniors housing is to be occupied exclusively by seniors or people who have a disability, people who live within the same household with seniors or people who have a disability or staff employed to assist in the administration of and provision of services, as specified by Clause 18(1) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.
103. The Fit out and use of the premises is to be in accordance with the requirements of the:
  - a) *Public Health Act 2010* - (Division 3 Control of public swimming pools and spa pools);
  - b) *Public Health Regulation 2012* - (Part 3 Control of public swimming pools and spa pools);
  - c) *Local Government (General) Regulation 2012* - (Schedule 2, Part 3 Standards for beauty salons);
  - d) *Public Health Act 2010* - (Division 4 Control of skin penetration procedures); and
  - e) *Public Health Regulation 2012* - (Part 4 Control of skin penetration procedures).

104. 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*.

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

105. 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*, that interferes unreasonably with the amenity of neighbouring premises and/or other sensitive receivers.

Should City of Newcastle 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 will be required to be implemented within a nominated time period. Furthermore, written certification from the suitably qualified consultant will be required to be submitted to City of Newcastle, 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.

106. The landscaped areas are to be kept free of parked vehicles, stored goods, garbage or waste material and being permanently maintained.
107. A Landscape Establishment Report is to be submitted to the City of Newcastle 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.
108. Vehicles are to be loaded or unloaded standing wholly within the premises and within loading bays designated on the submitted 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.
109. 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.
110. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.
111. On-site car parking accommodation is to be provided for a minimum of 407 car parking vehicles (includes minimum of 16 Independent Living Unit (ILU) visitor parking, 209 ILU spaces, 5 ILU building staff parking spaces, 143 Golf Course and Clubhouse parking spaces, 22 spaces for Wellness Centre, 12 Clubhouse and Wellness Centre staff parking space) and 9 motorbike spaces and 17 bicycle parking (Class 2) and 26 bicycle parking (Class 3).
112. Proposed parking areas, vehicle bays, driveways and turning areas are to be maintained clear of obstruction and be used exclusively for purposes of car parking, loading and

unloading, and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.

113. Hours of operation for the security gate providing access to the at grade car park and loading and unloading area to be restricted to 12:00 PM to 5:00 AM, ensuring that the cars have clear access to parking facilities between 5:00 AM to 12:00 PM.
114. A shuttle bus service is to be provided to the occupants of the Independent Living Units (ILU) Monday to Sunday (inclusive) three times daily, providing pick up and collection services to the local centres proposed in the approved Operational Plan of Management as specified by Part 5, Clause 43 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.
115. Suitable vehicular and pedestrian access is to be maintained at all times to Independent Living Units (ILU) after Occupation Certificates have been issued.
116. Goods deliveries to the premises and waste collection from the premises being restricted to between 7:00am to 6:00pm.
117. The noise control recommendations in the Noise Impact Assessment prepared by Reverb Acoustics Pty Ltd (Report No. 19-2302-R3) dated November 2020 are to be implemented in the ongoing operation of the club house, gym and pool except as otherwise required by the conditions of this consent or subsequent Liquor Licensing requirement.
118. All speakers in the Gym and Pool area are to be restricted to 70dB(A) at 3 metres from each speaker.
119. A nest box program being developed and implemented by a suitably qualified consultant in accordance with the Flora and Fauna Assessment prepared by Eco Logical dated 17 December 2020 after the completion of works. The installation, on-going maintenance and inspection of nest boxes being at the developer's expense and at no cost to the City of Newcastle.
120. The venue must maintain a closed-circuit television (CCTV) system approved to Australian standards on the premises in accordance with the following requirements:
  - a) A suitable technical level of camera shall be installed to enable identification of persons within the premises to a standard that can be utilised in Court matters, including low light areas and have the ability to clearly identify people approaching and leaving the area.
  - b) The system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times),
  - c) Recording must be in digital format and at a minimum of six (6) frames per second,
  - d) Any recorded image must specify the time and date of the recorded image,
  - e) The system's cameras must be installed in and around the entire premises, covering the critical and strategic areas of where people are and in the following areas:
    - i) Within the premises
    - ii) All entry and exit points of the premises
    - iii) Carparks
    - iv) The footpath immediately adjacent to the premises and street, being the approach and departure areas to the premises, and
    - v) All publicly accessible areas (other than toilets) within the premises.
  - f) Appropriately lighting shall be provided to complement the use of the CCTV system.

The venue must also:

- a) Keep all recordings made by the CCTV system for at least 30 days,
- b) Ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and provide any recordings made by the system to a police officer or *Liquor and Gaming NSW* inspector within 24 hours of any request by the police officer or *Liquor and Gaming NSW* inspect to provide such recordings.
- c) Appropriate signage is required to warn patrons that a CCTV system is installed and recording.

121. Main entry / exit points for this development should be fitted with appropriate locksets (Australia and New Zealand Standards – Locksets), in compliance with the Building Code of Australia.

## ADVISORY MATTERS

- Any proposed business identification sign or advertising sign is to be designed in accordance with the provisions of Newcastle Development Control Plan 2012 and be the subject of a separate Development Application that is to be approved prior to the sign being erected or placed in position, except when such signage meets '*exempt development*' criteria under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- Retaining walls not clearly noted on the approved plans or outside of the parameters of '*exempt development*', as specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to such a retaining wall taking place.
- 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 City of Newcastle and any other relevant authorities. City of Newcastle and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required from any adjoining owner under the provisions of the *Dividing Fences Act 1991*.
- Prior to commencing any building works, the following provisions of 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 City of Newcastle is to be notified of the appointment; and
  - c) The City of Newcastle is to be given at least two days notice of the date intended for commencement of building works.

- A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building and/or on the land and include a separate list of any fire safety measures that already exist at the premises. The lists are to describe the extent, capability and basis of design of each of the measures.
- Development applications are not assessed against the provisions of the National Construction Code. An application to modify the application under the *Environmental Planning and Assessment Act 1979* will be required if design amendments that cause the proposal to be inconsistent with the development consent are necessary to comply with the provisions of the Building Code of Australia.
- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to a building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the proposed development. An application for an Occupation Certificate is to contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000*.
- A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- An annual Fire Safety Statement in the form described in Clause 175 of the *Environmental Planning and Assessment Regulation 2000* is to be submitted to the City of Newcastle and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of New South Wales Fire Brigades. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- 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.
- The owner of the premises on which a swimming pool/spa is situated is to ensure that the pool details are entered into the *State Swimming Pool Register*. The register is accessible at [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au).

## 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.

## SCHEDULE 3

### NSW RURAL FIRE SERVICE – BUSHFIRE SAFETY AUTHORITY

Under Section 100B of the *Rural Fires Act 1997*



**NSW RURAL FIRE SERVICE**

Newcastle City Council  
PO Box 489  
NEWCASTLE NSW 2300

Your reference: DA2021/00071 (CNR-18167)  
Our reference: DA20210217000615-CL55-1

**ATTENTION:** Amanda Gale

Date: Wednesday 15 September 2021

Dear Sir/Madam,

Integrated Development Application  
s100B – SFPP – Seniors Housing  
**40 King Street Adamstown NSW 2289, 3//DP515310**

I refer to your correspondence dated 13/09/2021 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amended information. General Terms of Approval are now re-issued, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions.

#### **Asset Protection Zones**

***Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.***

1. From the start of building works, and or at the issue of a subdivision certificate, in perpetuity to ensure ongoing protection from the impact of bush fires, the property around the proposed multi-storey structure, must be maintained as an inner protection area (IPA), in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*, as follows:

- North for a distance of 100 metres;
- East for a distance of 100 metres;
- South for a distance of 79 metres (from the furthest extent of the proposed building works); and,
- West for a distance of 100 metres.

When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;

- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

### **Construction Standards**

***Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.***

2. Proposed construction must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate and Section 7.5 of *Planning for Bush Fire Protection 2019*.

### **Access - Internal Roads**

***Intent of measures: to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area.***

3. Access roads (driveways) for special fire protection purpose (SFPP) developments must comply with general requirements of Table 6.8b of *Planning for Bush Fire Protection 2019*:

- SFPP access roads are two-wheel drive, all-weather roads;
- access is provided to all structures;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- access roads must provide suitable turning areas in accordance with Appendix 3; and
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression.

4. Perimeter roads for special fire protection purpose (SFPP) developments must comply with general requirements of Table 6.8b of *Planning for Bush Fire Protection 2019* and the following:

- where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
- there are two-way sealed road (extending along the full length of the southern side of ILU (Independent Living Unit) Buildings 1 - fire fighting and drenching purposes;
- minimum 6m carriageway width kerb to kerb (no carparking spaces located within the carriage way);
- dedicated parking spaces provided outside of the carriageway width;
- a perimeter track (rather than a fully sealed road) extending along



the full length of the southern side of ILU Building 2. The perimeter access track being 4m wide, extending the entire length of the southern elevation of ILU Building 2. Its design consisting of 1.8 m paved pathway with the remaining 2.2 m consisting of 'Grassrings' turf reinforcement system;

- A turning area included at the western end and compliant with 'Type D' of Figure A3.3 of *PBP 2019* and the entire 4m trafficable surface delineated with markers and signage to ensure the track is visible.
- hydrants are to be located clear of parking areas;
- curves of roads have a minimum inner radius of 6m;
- the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided

### **Water and Utility Services**

***Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.***

5. The provision of water, electricity and gas must comply with the following in accordance with Table 6.8c of

*Planning for Bush Fire Protection 2019:*

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
  - a) lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
  - b) no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal, polymer-sheathed flexible gas supply lines are no used; and
- above-ground gas service pipes are metal, including and up to any outlets.

### **Landscaping Assessment**

***The intent of measures is for landscaping. To achieve this, the following conditions must apply:***

6. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:
- A minimum 1 metre wide area, suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
  - Planting is limited in the immediate vicinity of the building;
  - Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
  - Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
  - Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
  - Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
  - Avoid planting of deciduous species that may increase fuel at surface/ground level (i.e. leaf litter);
  - Avoid climbing species to walls and pergolas;
  - Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
  - Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
  - Low flammability vegetation

**Emergency and Evacuation Planning Assessment**

***Intent of measures: to provide suitable emergency and evacuation arrangements for occupants of SFPP developments***

7. A Bush Fire Emergency Management and Evacuation Plan must be prepared and be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan. It should include planning for the early relocation of occupants and be a copy be provided to the Local Emergency Management Committee for its information prior to occupation of the development.

**General Advice – Consent Authority to Note**

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated 01/04/2021.

For any queries regarding this correspondence, please contact Craig Casey on 1300 NSW RFS.

Yours sincerely,

Nika Fomin  
**Manager Planning & Environment  
Services Built & Natural Environment**

# BUSH FIRE SAFETY AUTHORITY

SFPP – Seniors Housing  
40 King Street Adamstown NSW 2289, 3//DP515310  
RFS Reference: DA20210217000615-CL55-1  
Your Reference: DA2021/00071 (CNR-18167)

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority supersedes the previous Bush Fire Safety Authority DA20210217000615-Original-1 issued on 01/04/2021 and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

**Nika Fomin**

Manager Planning & Environment Services  
Built & Natural Environment

Wednesday 15 September 2021

## SCHEDULE 4

### SUBSIDENCE ADVISORY NSW – GENERAL TERMS OF APPROVAL

*Under Section 22 of the Coal Mine Subsidence Compensation Act 2017*



## Subsidence Advisory

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117 Bull Street, Newcastle West, NSW, 2302 | T: (02) 4908 4300

99 Menangle Street, Picton, NSW, 2571 | T: (02) 4677 6500

**24 Hour Emergency Service:** 1800 248 083 (Free Call)

Newcastle City Council  
ATTN: Amanda Gale  
Via Email: [agale@ncc.nsw.gov.au](mailto:agale@ncc.nsw.gov.au)

**Our ref: TBA21-00463  
FN63-04542N0**

Dear Amanda

**RE: PROPOSED SENIORS RESIDENTIAL DEVELOPMENT AND CLUBHOUSE AT 40 KING STREET ADAMSTOWN; LOTS 1, 2 & 3 DP 229558, LOT 2 DP 239405, LOT 3 DP 515310, LOT 4 DP 1223244 – TBA21-00463 - DA 2021/00071**

### GENERAL TERMS OF APPROVAL

I refer to the above integrated development referred on 16 February 2021. Attached, please find Subsidence Advisory NSW General Terms of Approval (GTA) for the development of land as detailed above. Please note conditions are detailed under Schedule 2. The stamped approved plans are attached.

Once relevant documentation to meet the conditions in Schedule 2 are available, please submit via email to [subsidedevelopment@customerservice.nsw.gov.au](mailto:subsidedevelopment@customerservice.nsw.gov.au) quoting reference **TBA21-00463**

This satisfies the approval of Subsidence Advisory NSW under *section 22 of the Coal Mine Subsidence Compensation Act 2017*.

Should you have any questions about the attached general terms of approval I can be contacted by phone on 4908 4300 or via email at [subsidedevelopment@customerservice.nsw.gov.au](mailto:subsidedevelopment@customerservice.nsw.gov.au)

Yours faithfully,

**Shane McDonald**  
**Senior Risk Engineer**  
24 August 2021

## GENERAL TERMS OF APPROVAL

Issued in accordance with Section 4.47 of the *Environmental Planning & Assessment Act* 1979 for the subdivision / development of land.

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As delegate for Subsidence Advisory NSW under delegation executed 24 August 2021, general terms of approval are granted for the development described in Schedule 1, subject to the conditions attached in Schedule 2.

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### SCHEDULE 1

Ref: **TBA21-00463**  
DA: **2021/00071**  
Site Address: **40 KING STREET ADAMSTOWN**  
Lot and DP: **LOT 1, 2 & 3 DP 229558, LOT 2 DP 239405, LOT 3 DP 515310,  
LOT 4 DP 1223244**  
Proposal: **SENIORS RESIDENTIAL DEVELOPMENT AND CLUBHOUSE**  
Mine Subsidence District: **NEWCASTLE**

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### SCHEDULE 2

#### GENERAL TERMS OF APPROVAL

GENERAL	
Plans, Standards and Guidelines	
1.	These General Terms of Approval (GTAs) only apply to the development described in the plans and associated documentation relating to <b>DA2021/00071</b> and provided to Subsidence Advisory NSW.  Any amendments or subsequent modifications to the development may render these GTAs invalid.  If the proposed development is amended or the development consent modified, Subsidence Advisory NSW must be notified to determine if any variations to these GTAs are required.
2.	This approval expires 5 years after the date the approval was granted if construction work has not physically commenced.
PRIOR TO COMMENCEMENT OF CONSTRUCTION	

3.	<p><b>Prescribed Mine Workings Remediation Requirements</b></p> <p>Grouting of the mine workings is to be in accordance with Ditton Geotechnical Services report “Mine Subsidence Risk and Mine Workings Remediation Assessment for the Proposed Aged Care Development at 40 King St, Adamstown”, dated 21 July 2021, ref: CAT-001/2.</p>
4.	<p>Submit for acceptance by Subsidence Advisory NSW prior to commencing work a:</p> <ol style="list-style-type: none"> <li><b>Grout Implementation Plan</b>; including a site, grout locations (dimensioned in plan and elevation), proposed bore locations, and grout designer’s endorsement.</li> <li><b>Grout Verification Plan</b>; showing the location of verification holes and the grout designer’s endorsement.</li> </ol>
5.	<p><b>Prescribed Design Parameters</b></p> <p>Provide certification from a qualified structural engineer that the proposed structures are capable of remaining “<i>safe, serviceable and any damage from mine subsidence shall be limited to ‘very slight’ damage in accordance with AS2870 (Damage Classification), and readily repairable</i>” if subjected to the subsidence parameters outlined in:</p> <ul style="list-style-type: none"> <li>Ditton Geotechnical Services report “Mine Subsidence Risk and Mine Workings Remediation Assessment for the Proposed Aged Care Development at 40 King St, Adamstown”, dated 21 July 2021, ref: CAT-001/2.</li> </ul>
6.	<p>Submit an “Engineering Impact Statement” prior to commencement of detailed design for acceptance by SA NSW, which shall identify the:</p> <ol style="list-style-type: none"> <li>Mine Subsidence Parameters used for the design.</li> <li>Main building elements and materials.</li> <li>Risk of damage due to mine subsidence</li> <li>Design measures proposed to control the risks.</li> </ol>
	<ol style="list-style-type: none"> <li>Provide certification that the design will ensure the improvement remains “<i>safe, serviceable and any damage from mine subsidence shall be limited to ‘very slight’ in accordance with AS2870 (Damage Classification), and readily repairable</i>”.</li> <li>Comment on the: <ul style="list-style-type: none"> <li>likely building damage in the event of mine subsidence.</li> <li>sensitivity of the design to greater levels of mine subsidence.</li> </ul> </li> </ol>
7.	<p>The design submitted for approval under Section 22 of the Coal Mine Subsidence Compensation Act 2017 shall incorporate the design methodology contained in the “<i>Engineering Impact Statement</i>”, for acceptance by SA NSW prior to commencement of construction. It shall include certification by a qualified structural engineer to the effect that the improvements will remain “<i>safe, serviceable and any damage from mine subsidence shall be limited to ‘very slight’ damage in accordance with AS2870 (Damage Classification), and readily repairable</i>” taking into consideration the mine subsidence parameters outlined above.</p>

<b>POST CONSTRUCTION</b>	
<b>8.</b>	Establish 4 survey monitoring reference marks on and around the circumference of the building(s) so that building movement can be monitored should mine subsidence occur. A plan with the position including Easting, Northing and RL of each monitoring reference marks and original RLs are to be forwarded to Subsidence Advisory NSW.
<b>9.</b>	Upon completion of construction, work-as-executed certification by a qualified engineer will be required by Subsidence Advisory NSW confirming that construction was in accordance with the plans accepted by Subsidence Advisory NSW.

### **Dispute Resolution**

If you are dissatisfied with the determination of this application an appeal may be formally submitted with the Chief Executive Officer for an independent internal review. The application must be made in writing and must provide reasons why the determination should be changed.