## ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

### DAC 18/08/2020 – DA2019/01097 – 15 NORTHUMBERLAND STREET MARYVILLE – MULTI-DWELLING – DEMOLITION OF DWELLING, ERECTION OF THREE ATTACHED DWELLINGS AND TWO LOT INTO THREE LOT SUBDIVISION

PAGE 3	ITEM-26	Attachment A:	Submitted Plans
PAGE 13	ITEM-26	Attachment B:	Draft Schedule of Conditions
PAGE 27	ITEM-26	Attachment C:	Processing Chronology



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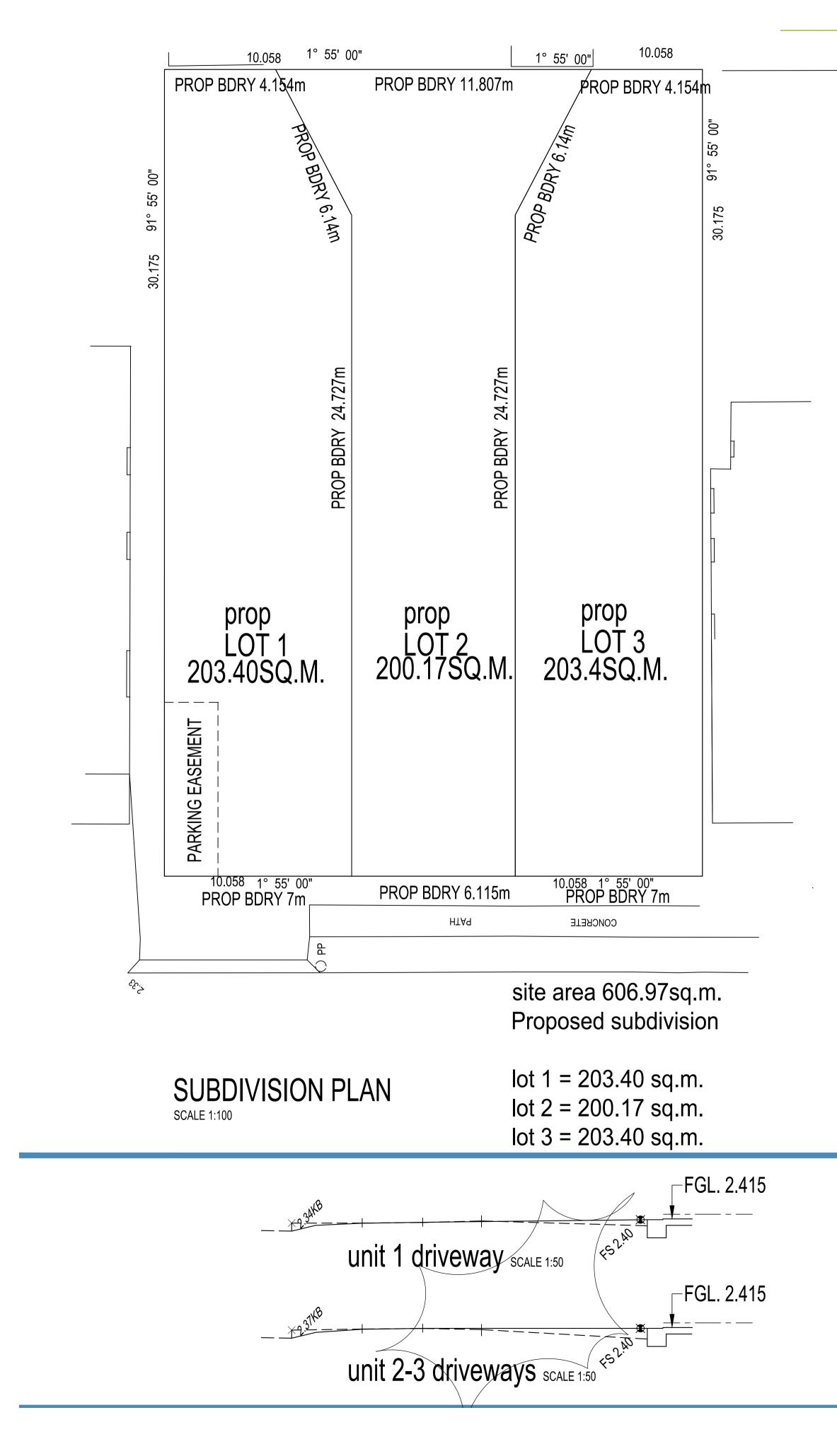
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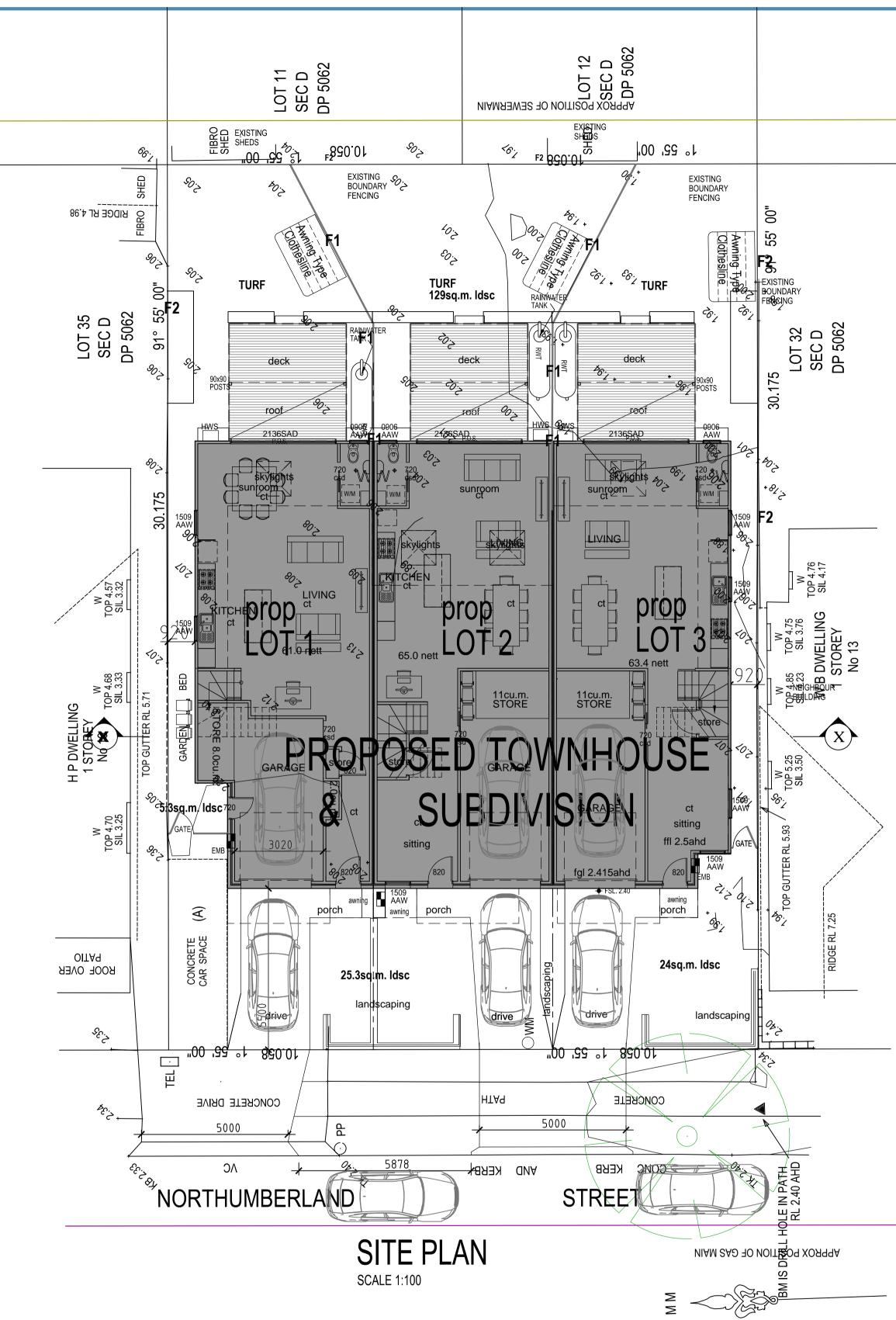
DAC 18/08/2020 – DA2019/01097 – 15 NORTHUMBERLAND STREET MARYVILLE – MULTI-DWELLING – DEMOLITION OF DWELLING, ERECTION OF THREE ATTACHED DWELLINGS AND TWO LOT INTO THREE LOT SUBDIVISION

ITEM-26 Attachment A: Submitted Plans



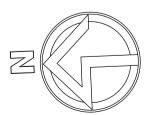
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R2 ZONE FSR 1:0.6 8.5m hgt ex dwelling and verandahs = 195sq.m. ex. carports and sheds = 95sq.m. ex. driveways etc = 110sq.m ex landscaping = 155sq.m.(25%)

limited growth precinct site area 606.97sq.m. max 364.2sq.m. nett landscaping min area 30% of site 182 sq.m (183.6 available)

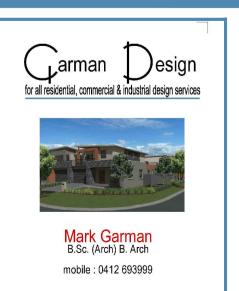


## colours

brickwork background upper cladding deck surround cladding side and rear cladding gutters fascias etc garage doors front doors san selmo reclaimed dulux aumbry dulux cane toad colourbond wallaby colourbond wallaby colourbond off white dulux cane toad



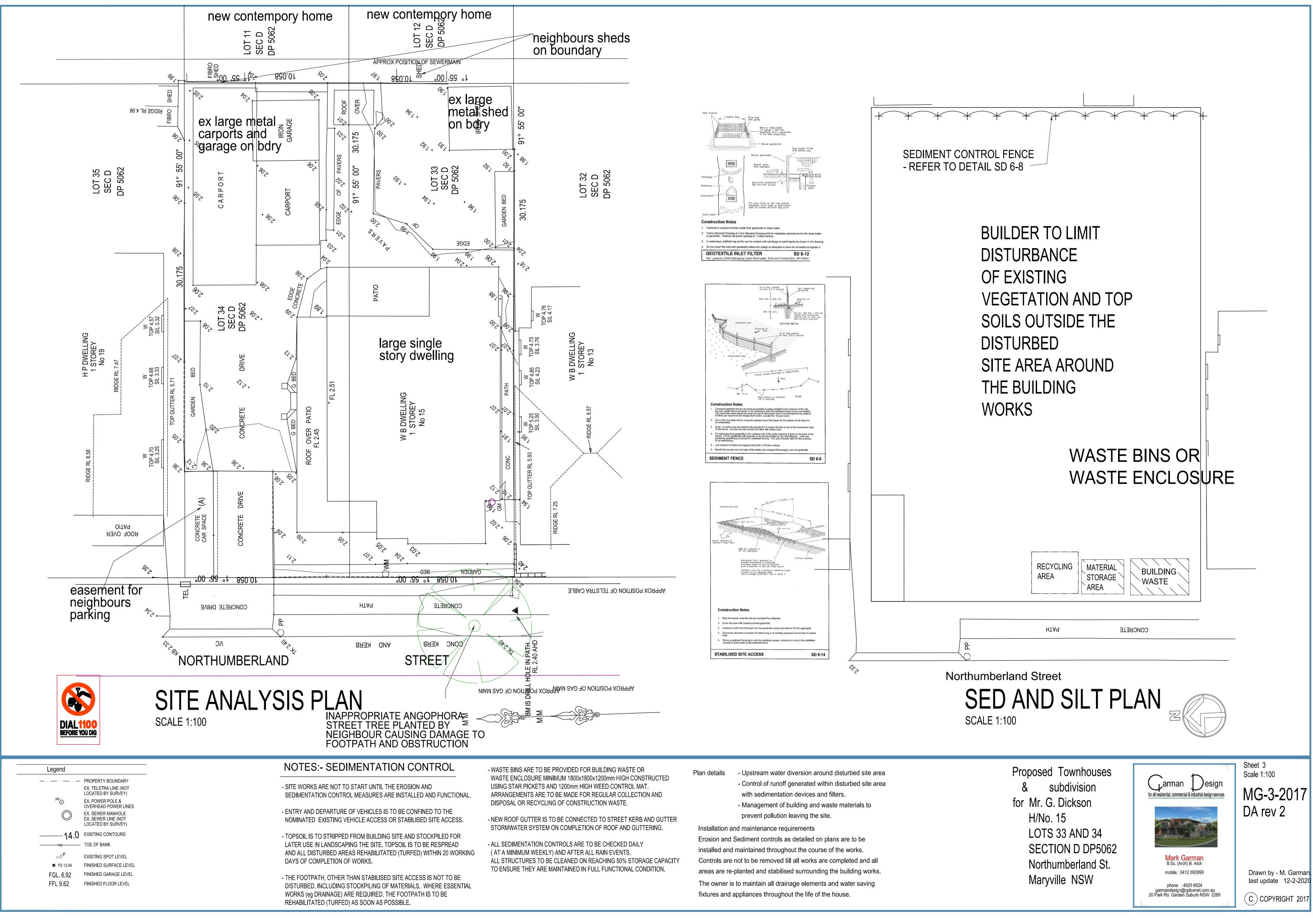
Proposed Townhouses & subdivision for Mr. G. Dickson H/No. 15 LOTS 33 AND 34 SECTION D DP5062 Northumberland St. Maryville NSW

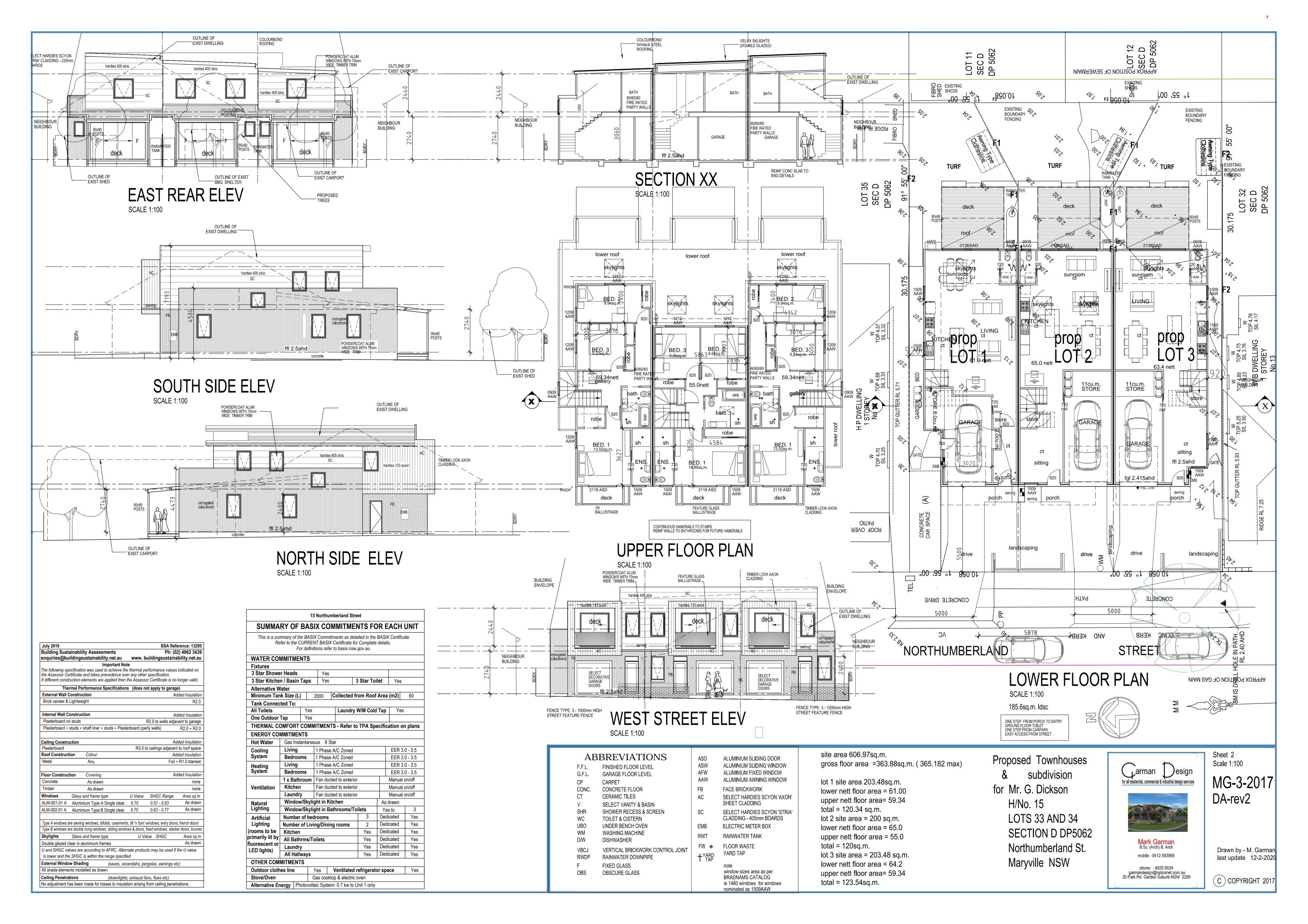


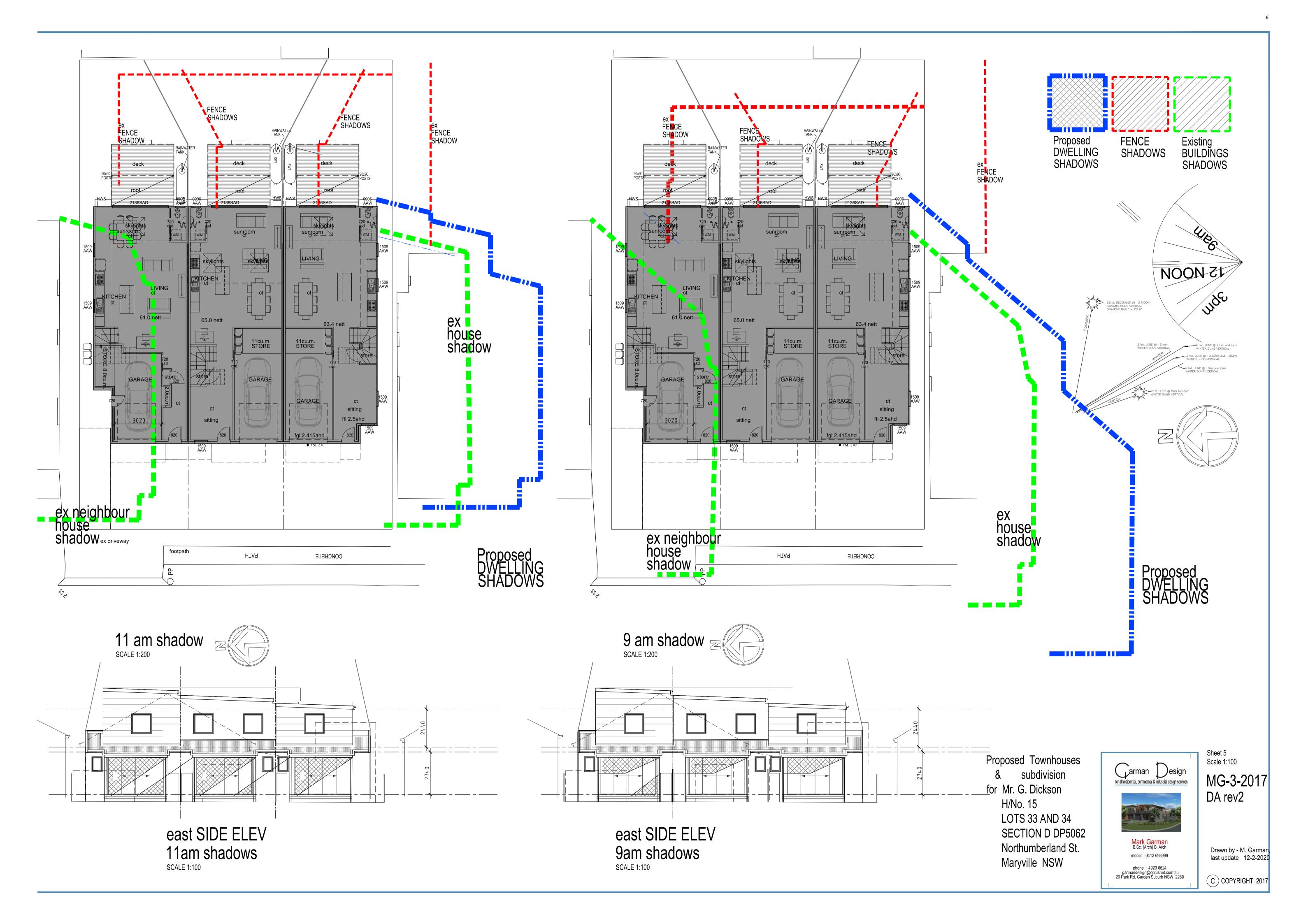
phone : 4920 6624 garmandesign@optusnet.com.au 20 Park Rd. Garden Suburb NSW 2289 Sheet 1 Scale 1:100 MG-3-2017 DA rev 2

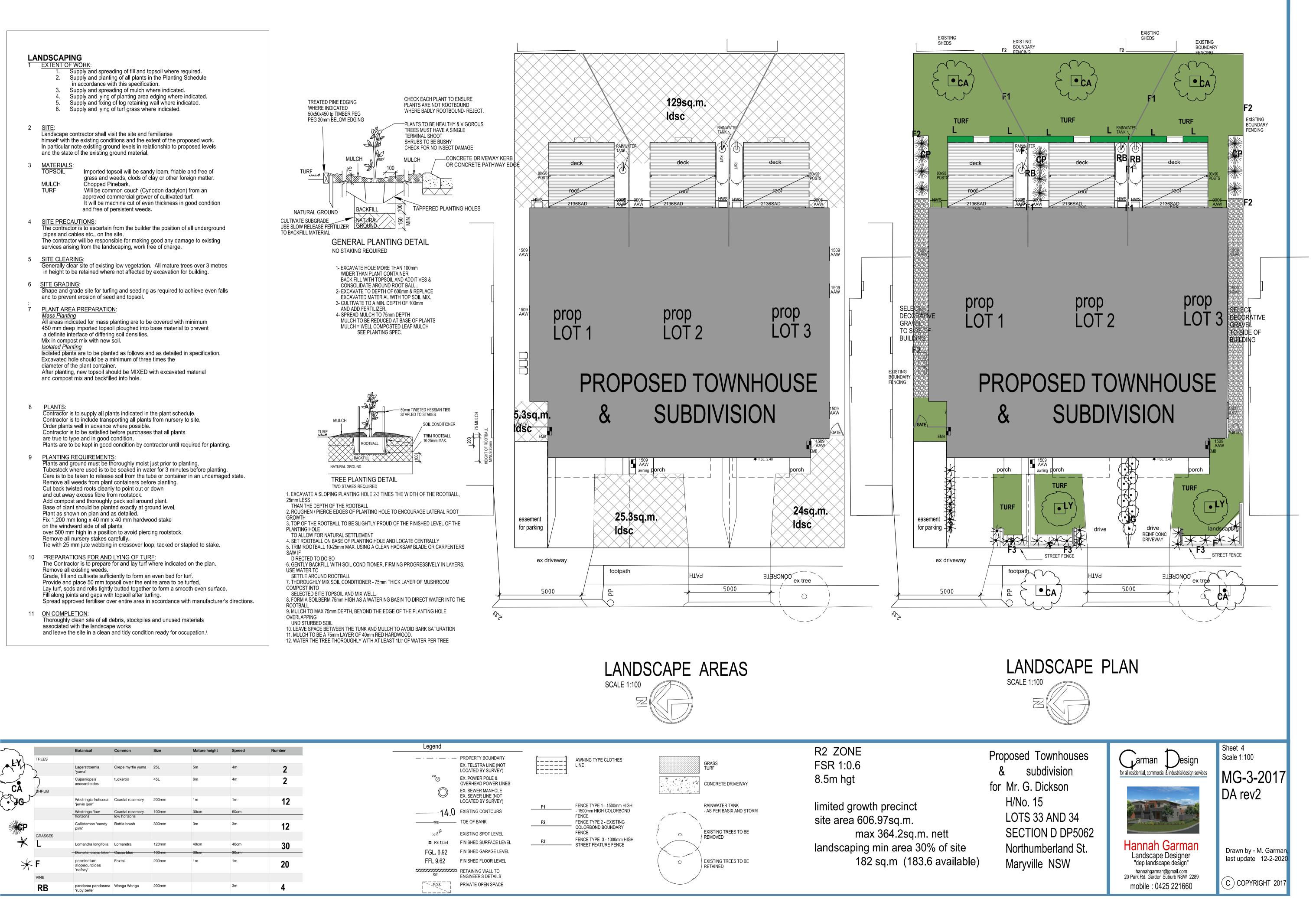
Drawn by - M. Garman, last update 12-2-2020

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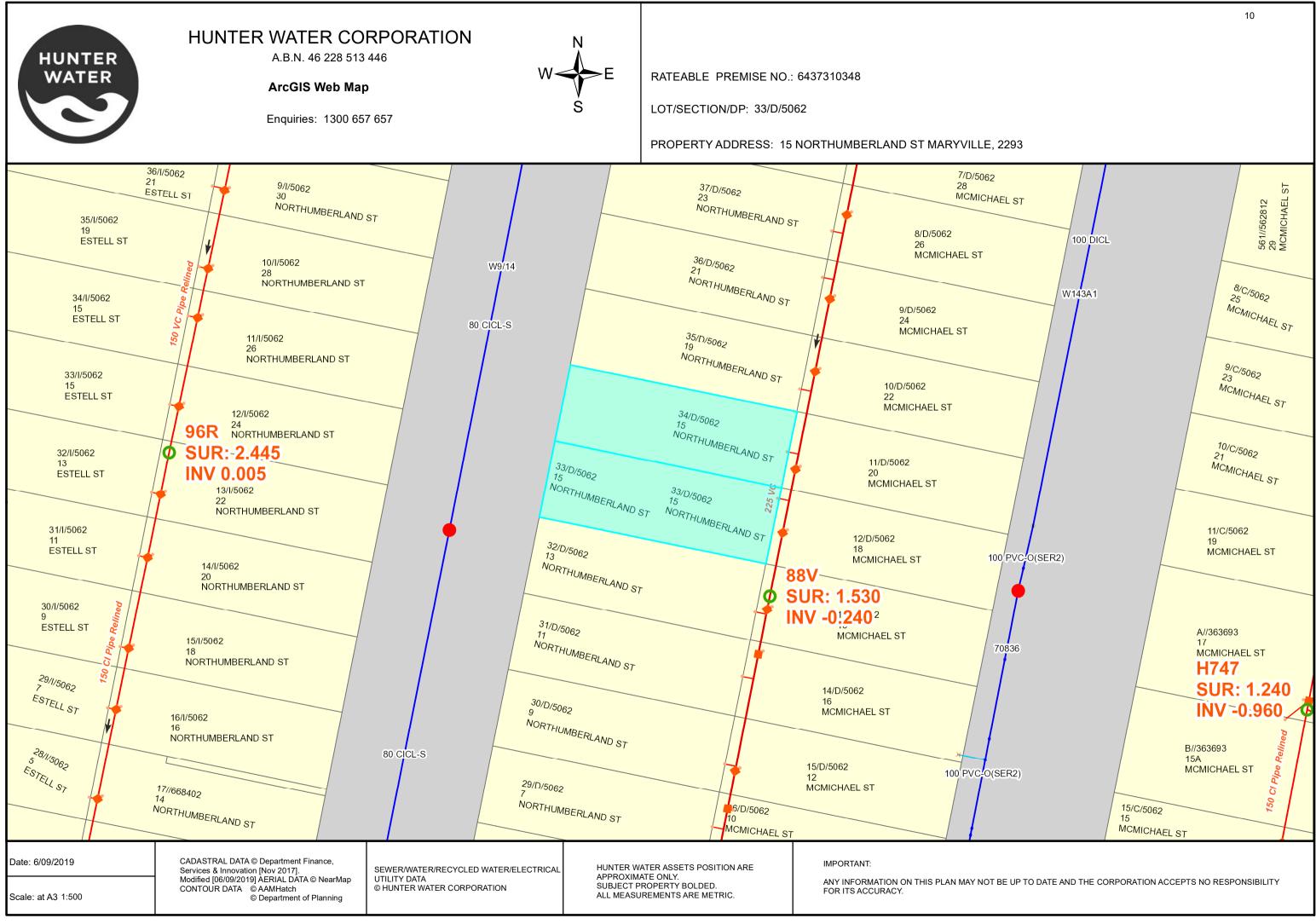


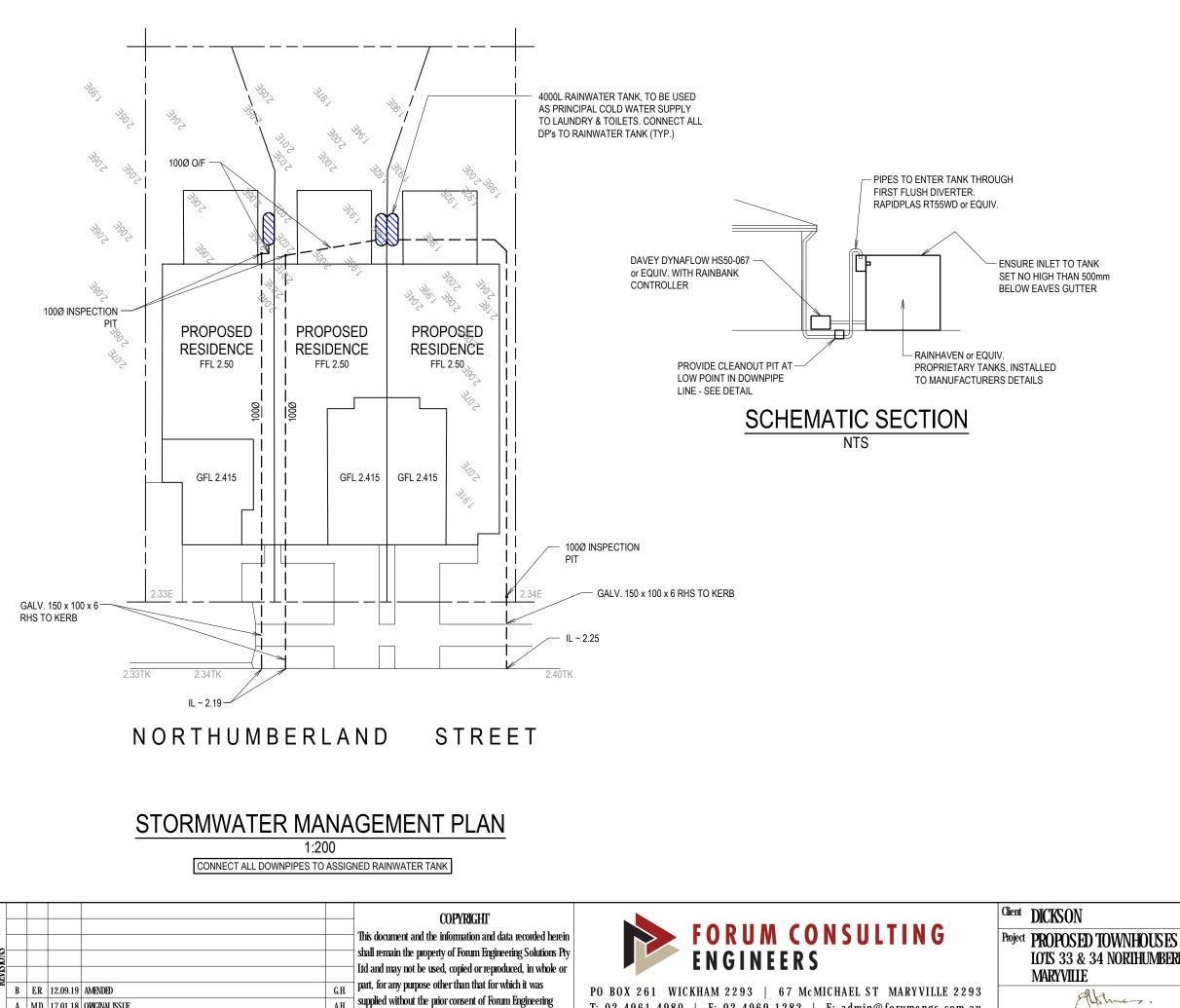


	Botanical	Common	Size	Mature height	Spreed	Number	Legend	
TREES			0.10	inatal c hoight	oproce		· · · P	PROPERTY
	Lagerstroemia 'yuma'	Crepe myrtle yuma	25L	5m	4m	2	E	EX. TELST LOCATED
$\mathbf{\hat{)}}$	Cupaniopsis anacardioides	tuckeroo	45L	6m	4m	2		EX. POWE OVERHEA
SHRU	В							EX. SEWE
	Westringia frutico 'jervis gem'	sa Coastal rosemary	200mm	1m	1m	12		EX. SEWE LOCATED
	Westringa 'low	Coastal rosemary	100mm	30cm	60cm		14.0 ⊧	EXISTING
	horizons' Callistemon 'can	low horizons	300mm	3m	3m		•	TOE OF E
	pink'	bottle brush	3001111	311	311	12		
GRAS	SES						×ئ <sup>ړي</sup> E	EXISTIN
L	Lomandra longifo	lia Lomandra	120mm	40cm	40cm	30	bat FS 12.54 F	FINISHEI
	- Dianella 'cassa b	ue' Cassa blue	100mm	30cm	30cm	00	FGL. 6.92 F	FINISHEI
F	pennisetum alopecuroides	Foxtail	200mm	1m	1m	20		FINISHED
< F	'nafray'							RETAININ ENGINEE
RE	pandorea pandor 'ruby belle'	ana Wonga Wonga	200mm		3m	4		PRIVATE



DUNDARY	AWNING TYPE CLOTHES LINE	GRASS TURF CONCRETE DRIVEWAY	R2 ZONE FSR 1:0.6 8.5m hgt	Prop & for
T LEVEL FACE LEVEL ALL TO ETAILS N SPACE	FENCE TYPE 1 - 1500mm HIGH - 1500mm HIGH COLORBOND FENCE FENCE TYPE 2 - EXISTING COLORBOND BOUNDARY FENCE FENCE TYPE 3 - 1000mm HIGH STREET FEATURE FENCE	RAINWATER TANK - AS PER BASIX AND STORM EXISTING TREES TO BE REMOVED EXISTING TREES TO BE RETAINED	limited growth precinct site area 606.97sq.m. max 364.2sq.m. nett landscaping min area 30% of site 182 sq.m (183.6 available)	





AH

Des'd

Solutions Pty Ltd.

A M.D. 17.01.18 ORIGINALISSUE

Rev. By Date Description

T: 02 4961 4980 | F: 02 4969 1282 | E: admin@forumengs.com.au AB.N. 48 157 853 677

Approved by

#### **STORMWATER**

- THESE DRAWINGS TO BE READ IN CONJUNCTION WITH ARCHITECTURAL DETAILS.
- ALL WORKS IN ACCORDANCE WITH AS3500, COUNCIL 2. DEVELOPMENT CONTROL PLANS, HWC REQUIREMENTS AND PROPRIETARY MANUFACTURER'S RECOMMENDATIONS
- LOCATION OF TANKS & TANK TYPES CAN BE VARIED AT 3 OWNER'S DIRECTION.
- ALL STORMWATER PIPES TO BE 90Ø STORMWATER GRADE, U.N.O. JOINTED & INSTALLED TO MANUFACTURER'S RECOMMENDATIONS.
- ALL STORMWATER LINES TO HAVE ALL JOINTS, INC. DP 5. CONNECTIONS, FULLY SOLVENT WELDED (AS LINES ARE 'CHARGED')
- ALL LEVELS ARE DATUM AHD. 6
- ALL LEVELS ARE FINISHED PAVEMENT OR LAWN LEVELS.
- EXISTING LEVELS SHOWN eg. 9.96E NEW LEVELS SHOWN 8 eg. x 10.83.

#### LEGEND

RL	REDUCED LEVEL
IL	INVERT LEVEL
GP	GRATED PIT, LIGHT DUTY IN LANDSCAPED
	AREAS, MEDIUM DUTY IN TRAFFICABLE AREAS
FFL 10.91	FINISHED FLOOR LEVEL
GFL 10.82	FINISHED GARAGE LEVEL
x 10.83	FINISHED SURFACE LEVEL
11.30E	EXISTING SURFACE LEVEL, CONTOURS
	SHOWN ALSO EXISTING
O/F	OVERFLOW FROM RAINWATER TANK
	APPROX EXTENTS OF RETAINING WALL,
	APPROX HEIGHT SHOWN 600
$\overline{\nabla}$	INDICATES DIRECTION OF SURFACE FLOW
	4000L RAINWATER HARVESTING TANK

THE STORMWATER SYSTEM HAS BEEN DESIGNED FOR DRAINING OF THE PROPOSED NEW RESIDENCE ONLY. IT HAS NOT BEEN DESIGNED FOR CONNECTION OF EXISTING PIPES, HARDSTAND AREAS, BUILDINGS OR ANY FUTURE IMPROVEMENTS

# LOTS 33 & 34 NORTHUMBERLAND STREET

7 >	Drawing No.	Revision	Sheet
B.E. MIE (Aust) CPEng	71775-SWD - 01 of 01	B	A3



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## DAC 18/08/2020 – DA2019/01097 – 15 NORTHUMBERLAND STREET MARYVILLE – MULTI-DWELLING – DEMOLITION OF DWELLING, ERECTION OF THREE ATTACHED DWELLINGS AND TWO LOT INTO THREE LOT SUBDIVISION

ITEM-26 Attachment B: Draft Schedule of Conditions



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Application No:

Land:

DA2019/01097

Lot 33 Sec D DP 5062 Lot 34 Sec D DP 5062

Property Address: 15 Northumberland Street Maryville NSW 2293

Proposed Development:	Multi Dwelling Housing - Erection of three attached, two lot into		
	three lot subdivision, and demolition of existing dwelling house		

### 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.

Plan No / Supporting	Reference /	Prepared by	Dated
Document	Version		
Site & Subdivision Plan	Garman Design,	Mark Garman	12.02.2020
	Ref: MG-3-2017,		
	Sheet 1, DA rev 2.		
Site analysis & Sediment	Garman Design,	Mark Garman	12.02.2020
and Erosion Plan	Ref: MG-3-2017,		
	Sheet 3, DA rev 2.		
Floor Plans & Elevations	Garman Design,	Mark Garman	12.02.2020
	Ref: MG-3-2017,		
	Sheet 2, DA rev 2.		
Landscape Plans	Garman Design,	Hannah Garman	12.02.2020
	Ref: MG-3-2017,		
	Sheet 4, DA rev 2.		
Stormwater Management	Forum Consulting	Forum Consulting	12.09.2019.
Plan	Engineers, Dwg No:	Engineers	
	71775-SWD, Sheet		
	A3, Rev B		
Waste Management Plan	Site Waste and	G.Dickson	09.09.2019
	Minimisation Plan:		
	15 Northumberland		
	Street, Maryville.		

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.

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

- 2. The car parking and vehicular access are to be designed to comply with the relevant provisions of *AS/NZS 2890 Parking facilities*. Details are to be included in documentation for a Construction Certificate application.
- 3. All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of a depth to suit design traffic and be sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers. Details are to be included in documentation for a Construction Certificate application.
- 4. Roof water from the proposed new work is to be directed to proposed water tanks with a minimum capacity of 4000 litres per dwelling and being reticulated to any new toilet cisterns and cold water washing machine taps, 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.
- 5. 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 AS/NZS 3500.3 *Plumbing and drainage Part 3 Stormwater drainage*, as indicated on the stormwater management concept plan prepared by Forum Consulting Engineers, Dwg No: 71775-SWD, Sheet A3, Rev B dated 12.09.2019. The plan is to be updated to include an inspection pit prior to crossing the front boundary for each of the three discharge pipes. Full details are to be included in documentation for a Construction Certificate application.
- 6. The floor level of all proposed buildings (excluding garages) is to be verified on plans for a Construction Certificate application to be 2.5m Australian Height Datum.
- 7. Residential vehicular crossings are 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 crossings, within the road reserve, shall be a maximum of 6 metres, 2.5m & 2.5m 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. An application under Section 138 must be applied for and approved before the issue of a Construction Certificate.

8. 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*.

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.

- 9. The existing *Jacaranda mimosifolia* (Jacaranda) street tree (Council ID 25011) is approved to be removed, subject to arrangements being made for the removal of the street tree by contacting Council's City Greening Services. All tree removal works are to be carried out by Council at the Developer's expense.
- 10. Two street trees are required to be planted as compensation for the removal of the existing tree. A fee, to be determined by contacting Council's City Greening Services, is to be paid to Council for the required compensatory planting and evidence of the payment of the required fee is to be included in the documentation for a Construction Certificate application.

The tree selection and location of the required compensatory tree will be determined by Council's City Greening Coordinator in accordance with '*The City of* Newcastle's Street Tree Master Plan'. The location of the compensatory tree planting may not be in the immediate proximity of the site.

- 11. The developer designing and constructing the following works in connection with the proposed development within the Northumberland Street public road reserve, adjacent to the site, at no cost to Council and in accordance with Council's guidelines and design specifications:
  - a) Reconstruct footpath across the frontage of the site.
  - b) Associated drainage works

Engineering design plans and specifications for the works being 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 Council 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.

- 12. The second storey of each dwelling is to be a flood refuge in a Probable Maximum Flood event and is to be structurally certified by a professional engineer, ensuring that the building is able to withstand the hydraulic loading due to flooding from the Probable Maximum Flood (Flood Level reduced level 3.09m Australian Height Datum, Maximum Flow Velocity of floodwaters 0.2m/s). Full details are to be included in documentation for a Construction Certificate application.
- 13. A total monetary contribution of \$8,892.45 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 a Construction Certificate in respect of the proposed development.

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.
- 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) 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:

Indexation quarters	Approximate release date
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.

- 14. All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required by the conditions of this consent are to be detailed on a comprehensive landscape plan and specification. The plan and specification are to be prepared in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:
  - a) cross sections through the site
  - b) proposed contours or spot levels
  - c) botanical names
  - d) quantities and container size of all proposed trees
  - e) shrubs and ground cover
  - f) details of proposed soil preparation
  - g) mulching and staking
  - h) treatment of external surfaces and retaining walls where proposed
  - i) drainage, location of taps and
  - j) maintenance periods.

The plan and specification are to be prepared by a qualified landscape designer and be included in documentation for a Construction Certificate application.

- 15. The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's compliance certificate (refer Section 50 *Hunter Water Act 1991*) is to be included in documentation for a Construction Certificate application.
- 16. Facilities are to be provided within the proposed individual private courtyards, or in another screened location, for the storage of garbage. Full details are to be included in documentation for a Construction Certificate application.

17. 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.

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

- 18. 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.
- 19. 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.
- 20. 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.
- 21. 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.
- 22. 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*.
- 23. 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.
- 24. 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

- 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.
- 25. The demolisher is to ensure that all services (ie water, telecommunications, gas, electricity, sewerage etc), are disconnected in accordance with the relevant authority's requirements prior to demolition.
- 26. Any waste containers used in association with the proposed demolition are to be located on the site where possible.

Note: Where this is not feasible, an application is to be made for the City of Newcastle's approval to position the container on the adjacent public road in accordance with City of Newcastle's adopted Building Waste Container Policy.

27. All demolition material incapable of being re-used in future redevelopment of the site is to be removed from the site and the site being cleared and levelled.

Note: Where reusable building materials are to be stored on site for use in future building works, such materials are to be neatly stacked at least 150 mm above the ground.

- 28. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
- 29. 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 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.* 

- 30. 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.

- 31. 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.
- 32. 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.
- 33. 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.

34. 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.

- 35. 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.
- 36. Where the proposed development involves the destruction or disturbance of any survey monuments, those monuments affected are to be relocated, at no cost to the City of Newcastle, by a Surveyor registered under the *Surveying and Spatial Information Act 2002*.

- 37. All building work is to be carried out in accordance with the provisions of the National Construction Code.
- 38. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.
- 39. 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.
- 40. All necessary measures are to be undertaken to control dust pollution from the site. These measures are to include, but are not limited to:
  - a) Restricting topsoil removal;
  - b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion);
  - c) Alter or cease construction work during periods of high wind; and
  - d) Erect green or black shadecloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

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

- 41. All works within the road reserve required by this consent are to be completed prior to the issue of a Occupation Certificate.
- 42. 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. Works are to be completed prior to the issuing of an Occupation Certificate for the proposed development.
- 43. 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.
- 44. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a condition that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to City of Newcastle's satisfaction prior to the completion of demolition work or prior to the issue of any Occupation Certificate in respect of development involving building work.
- 45. 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.
- 46. 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 comprehensive landscape design

plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.

- 47. An application is to be made for a Subdivision Certificate. The application is to be supported by a survey plan of subdivision, the Administration sheet and a Section 50 Certificate from the Hunter Water Corporation.
- 48. An instrument under Section 88B of the *Conveyancing Act 1919*, setting out the terms of easements as required by this consent, along with related notations on the plan of subdivision, are to be submitted to the City Of Newcastle for certification. The City of Newcastle is to be identified as a party whose consent is required to release, vary or modify easements.
- 49. The approved multi dwelling housing development on the site is to be completed to at least lock-up stage prior to the issue of the Subdivision Certificate.

Lock-up stage is taken to mean the stage at which each building's external wall cladding and roof covering is fixed and external doors and windows are fixed (even if those doors and windows are only temporary).

50. The premises are to be identified by the provision of house numbers on the building exterior and mailbox such that they are clearly visible from the road frontage.

The minimum numeral height is to be 75mm.

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

51. The premises are allocated the following street addresses in accordance with City of Newcastle's *House Numbering Policy* and the *Surveying and Spatial Regulation.* 

Lot Numbers	Council Allocated Street Addresses					
on plan	House Number	Street Name	Street Type	Suburb		
Proposed Lot 1	17	Northumberland	Street	Maryville		
Proposed Lot 2	15A	Northumberland	Street	Maryville		
Proposed Lot 3	15	Northumberland	Street	Maryville		

- 52. The operation of air conditioning units must operate as follows:
  - a) be inaudible in a habitable room during the hours of 10pm 7am on weekdays and 10pm to 8am on weekends and public holidays;
  - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute; and
  - c) not discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in contravention of the requirements of the *Protection of the Environment Operations Act 1997.*

#### ADVISORY MATTERS

- For the purpose of applying the provisions of the National Construction Code for class 1, 2, 3, 4, 9a (health care) and 9c (aged care) buildings, it is advised that the proposed building is located in a Flood Hazard Area and the:
  - a) Defined Flood Level (DFL) is 2.2m Australian Height Datum (AHD)
  - b) Flood Hazard Level is 2.5m AHD (Freeboard is 500mm above DFL)
  - c) Maximum Flow Velocity of floodwaters for the Defined Flood Event is 0.1m/s
- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of the 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.
- 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.
- 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.
- An application is to be submitted to the City of Newcastle for the removal or pruning of any trees located more than three metres from the dwelling wall, measured from the centre of the trunk to the footings of the dwelling, excluding carports and pergolas.
- 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.
- 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

### END OF CONDITIONS

### **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.
- Any issues raised in submission have been taken into account in the assessment report and where appropriate conditions of consent have been included in the determination.

#### 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.

### ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

### DAC 18/08/2020 – DA2019/01097 – 15 NORTHUMBERLAND STREET MARYVILLE – MULTI-DWELLING – DEMOLITION OF DWELLING, ERECTION OF THREE ATTACHED DWELLINGS AND TWO LOT INTO THREE LOT SUBDIVISION

ITEM-26 Attachment C: Processing Chronology



DISTRIBUTED UNDER SEPARATE COVER



### PROCESSING CHRONOLOGY

### DA2019/01097 – 15 NORTHUMBERLAND STREET, MARYVILLE

16 October 2019	-	Development Application lodged with CN
21 October 2019	-	Public notification (14 days)
21 November 2019	-	CN request for additional information
13 February 2020	-	Additional information received
17 February 2020	-	Public notification (14 days)
21 April 2020	-	Public Voice committee meeting