

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 19/10/21 - 292 Wharf Road Newcastle - MA2021/00090 -
Section 4.55(1a) Modification to DA2016/00201 - Commercial
Premises - Changes to Floor Plans, Elevations and Conditions of
Consent**

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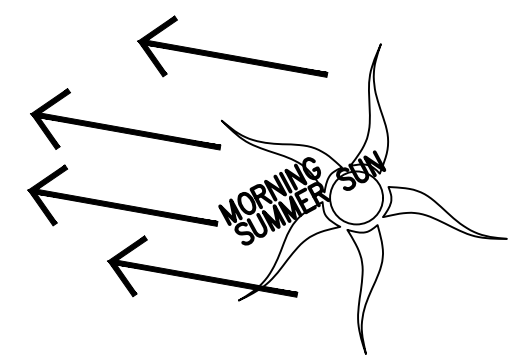
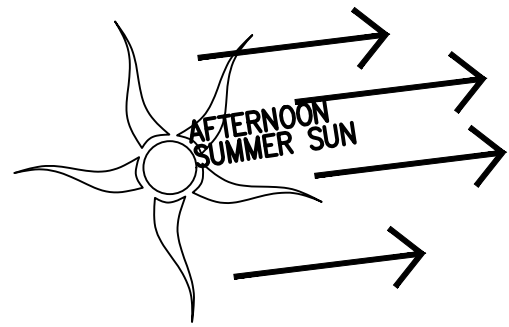
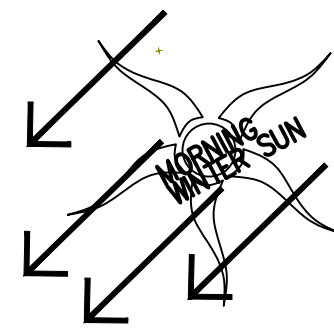
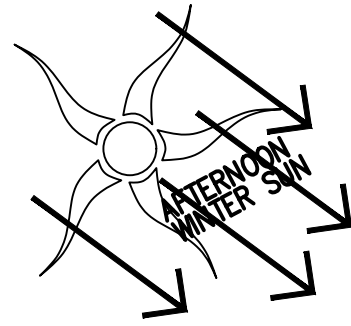
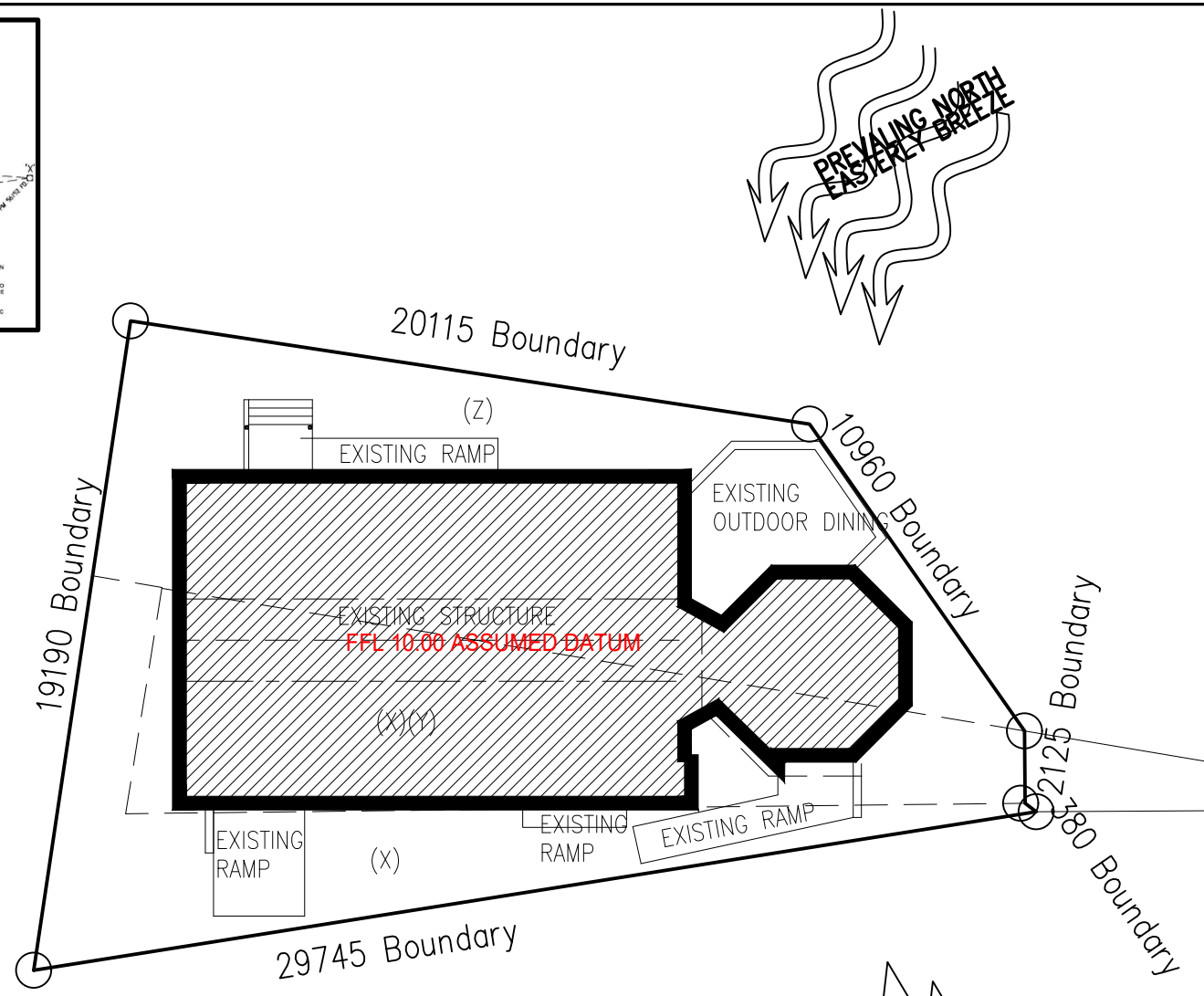
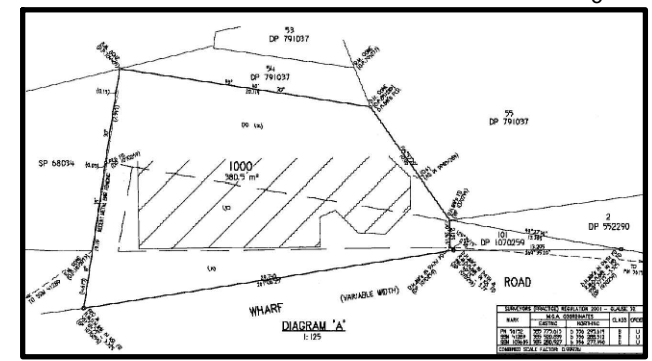
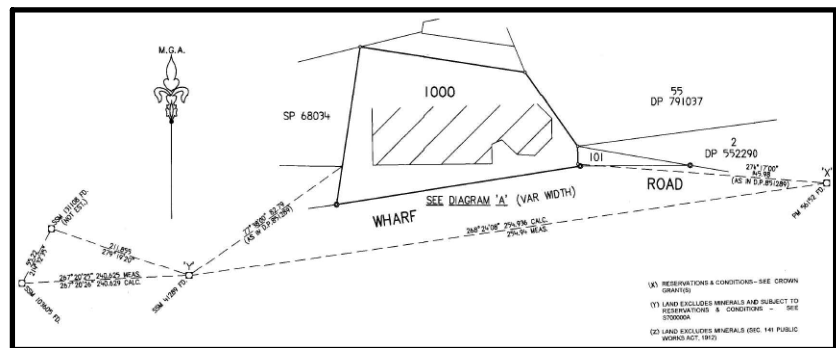
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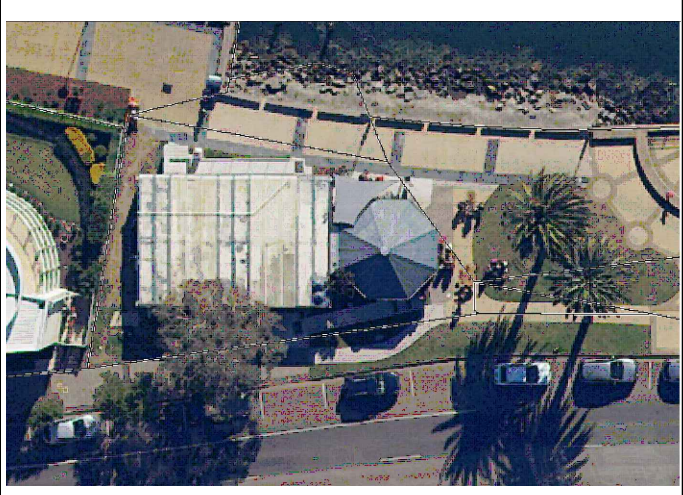
ITEM-18 **Attachment A:** Submitted Plans

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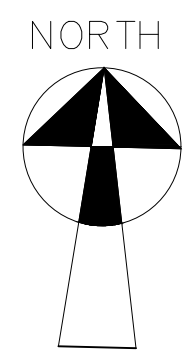




**SITE PLAN
SITE ANALYSIS PLAN**



NO STORMWATER RUNOFF WILL AFFECT PROPOSED DEVELOPMENT



NOTES
 Note:
 DRAWINGS FOR CONSTRUCTION PURPOSES WHEN:
 • STRUCTURAL DETAILS SIGNED BY QUALIFIED STRUCTURAL ENGINEER
 • AND ALL ELEMENTS CHECKED TO COMPLY WITH THE BCA AND RELEVANT AS BY BUILDER OR ACCREDITED CERTIFIER ALL NEW WORKS TO ADHERE TO THE BCA AND CURRENT AUSTRALIAN STANDARDS
 • NOTE- DIMENSIONS ARE TAKEN FROM EXISTING DWELLING, VERIFY DIMENSIONS ON SITE BEFORE COMMENCEMENT OF CONSTRUCTION
 • ENSURE STAIR DETAILS CONFIRMED PRIOR TO MANUFACTURE
 • DO NOT SCALE DRAWINGS

SITE NOTES	
PROPOSED STRUCTURE UNDER SEPARATE APPLICATION	160.3m ²
CONNECTED TO SEWER MAIN	Y
HERITAGE AREA	N
MAX FILL	0mm
RETAINING WALL REQUIRED	N
RETAINING WALL HEIGHT	NA
TREES TO BE REMOVED	NA



NO STORMWATER RUNOFF WILL AFFECT PROPOSED DEVELOPMENT

proprietor
 WILSON PLANNING
 LOT 101, DP1070259
 292 WHARF RD,
 NEWCASTLE

project
 proposed
 MODIFICATION

drawing
 SITE PLAN

ECODIMENSIONS
 JUSTIN CROFT
 0417436249
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 all dimensions to be clarified on site

AMENDMENT
 DATE 13.01.21
 ADJUSTMENT
 AMEND

scale
 1:200, 1:100
 date
 SEPT'20
 drawn by
 jdc
 drawing no.
 10F4
 project no.
 2021102

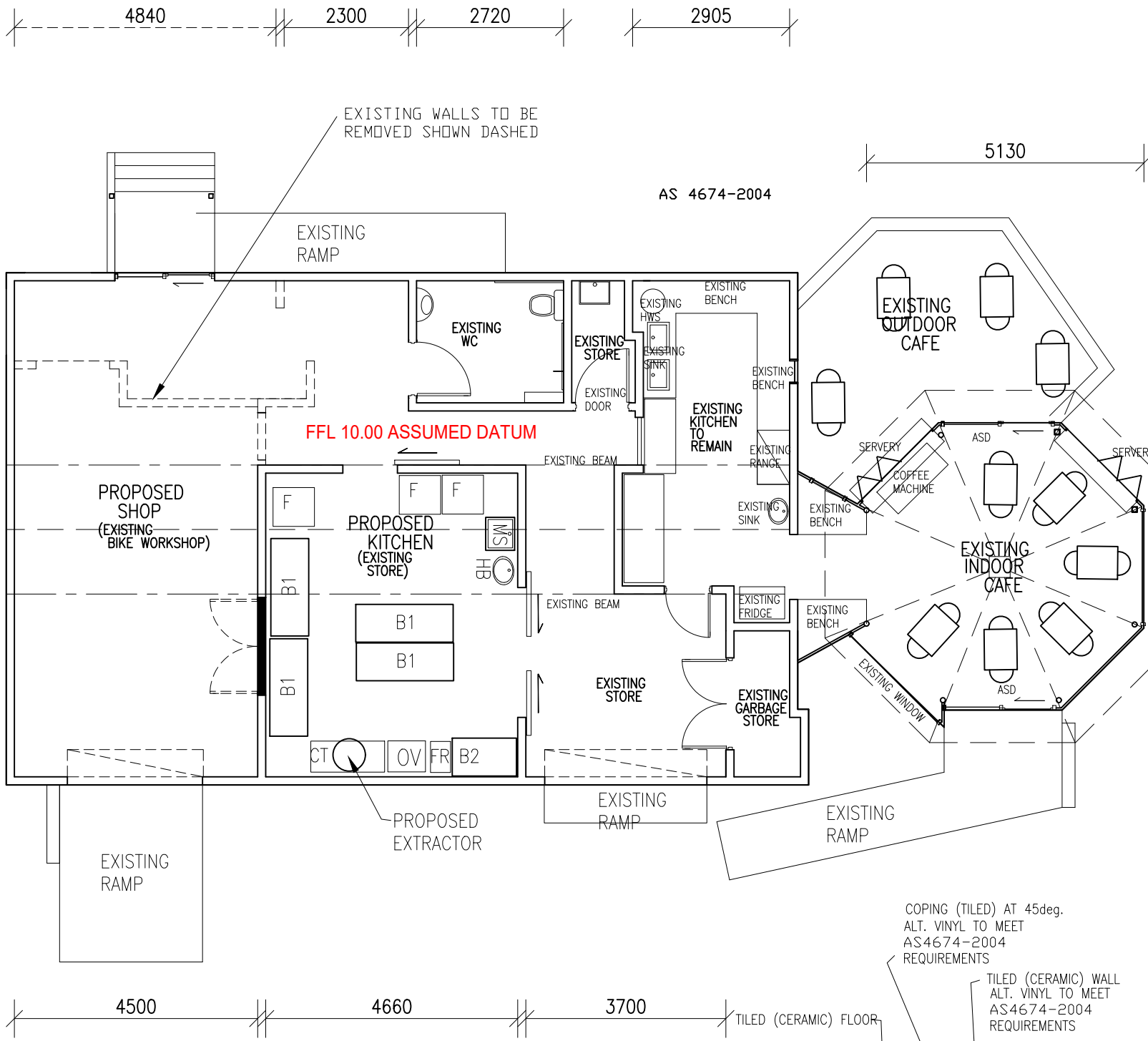
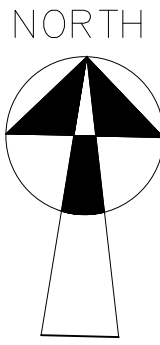
All works to comply with AS4674-2004 Australian Standard for Design, construction and fit-out of food premises

Portable Fire Extinguishers to be installed in accordance with BCA E1.6 and AS2444-2001.

Airlock, hallway or other room with a floor area of not less than 1.1 m2 and fitted with self-closing doors at all access doorways.

A separate handwash basin is to be provided with a permanent supply of warm running water through a single outlet. A flickmixer (operated by elbow) or similar system (e.g. - sensor operated or knee operated) is recommended. The position of handwash basins will be determined by operations in each area. Handwash basins are to be located and installed so that they are: Unobstructed; At bench height either permanently fixed to the wall, to a supporting frame or set in a bench top; Easily accessible and no further than 5m from any place where food handlers are handling open food. Provided with hot and cold water, through a common outlet. The handwash basin is to be of a size that allows for the effective washing of hands and arms. A minimum recommended size is 11 litres capacity with dimensions of 400mm x 500mm off the wall. Liquid soap and single-use paper towels (hot air hand dryers are not approved) shall be provided in wall-mounted dispensers. A receptacle for used paper towels is to be provided. This is to be of a size that fully contains the amount of waste generated

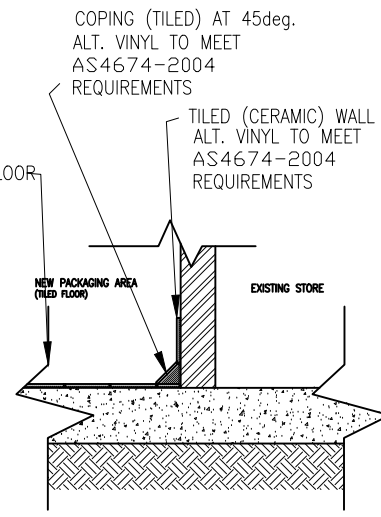
Doorways serving areas required to be accessible in accordance with D3 BCA are to be provided with lever downward action door hardware that the hand of a person who cannot grip will not slip from the handle during operation of the latch and have clearance between the handle and the back plat or door face at the centre grip section of the handle of not less than 35mm and not more than 45mm



FLOOR PLAN NEW WALLS

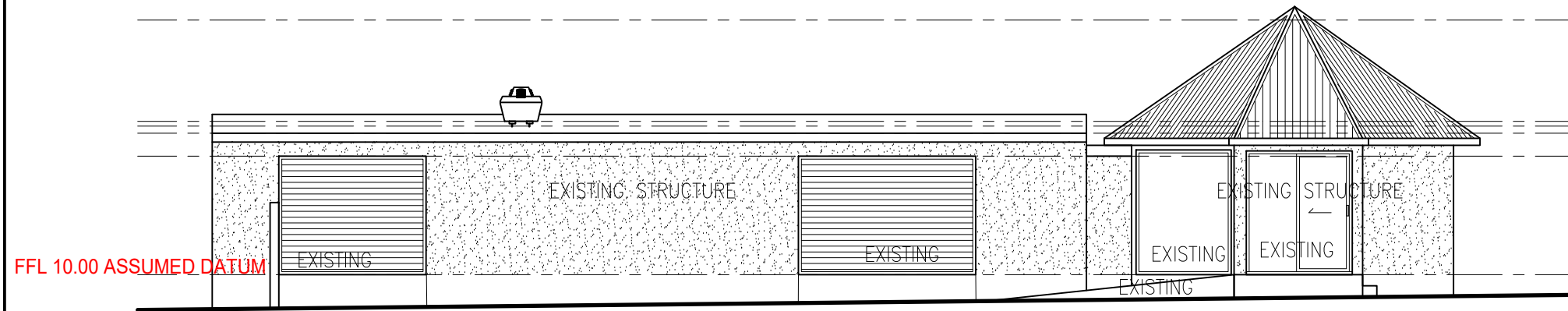
B1	STAINLESS STEEL WORKBENCH CABINET
B2	STAINLESS STEEL WORKBENCH CABINET
SS	SINK WITH HWS
F	FRIDGE
MS	MOP SINK
HB	SELECTED HAND BASIN
CT	SELECTED COOKTOP
FR	FRYER
OV	OVEN

PROPOSED SHOP - 42.0sqm
PROPOSED KITCHEN - 26.1sqm
EXISTING KITCHEN - 16.9sqm
EXISTING WC - 6.1sqm
EXISTING INDOOR CAFE AREA - 26.7sqm
EXISTING OUTDOOR CAFE AREA - 18.2sqm

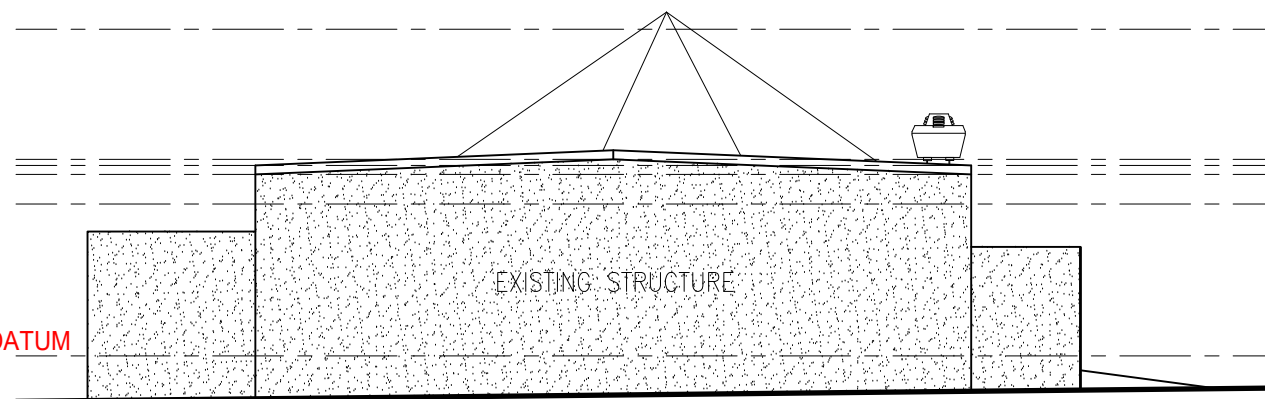


COPING DETAIL SCALE 1:50

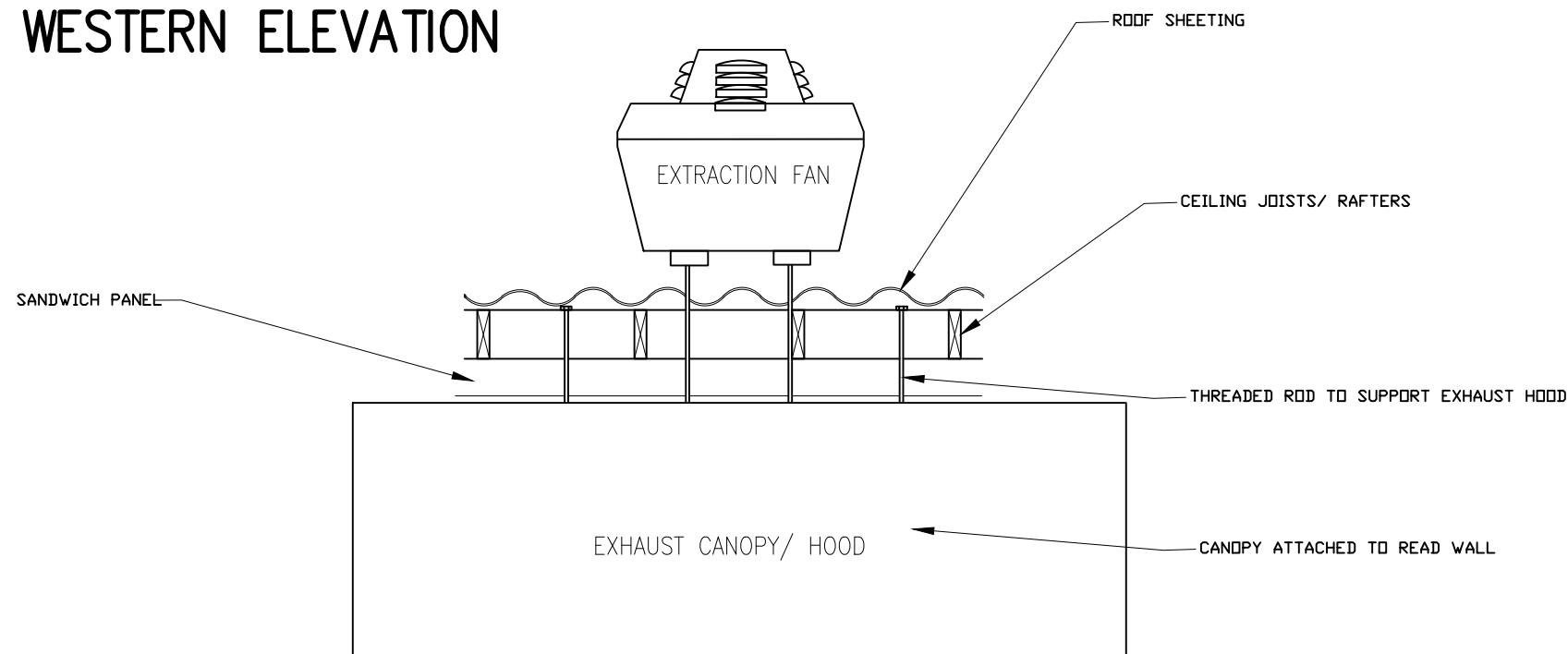
proprietor WILSON PLANNING LOT 101, DP1070259 292 WHARF RD, NEWCASTLE	project proposed MODIFICATION	drawing FLOOR PLAN	AMENDMENT		scale 1:200, 1:100	date SEPT'20	drawn by jdc
			ECODIMENSIONS	DATE 13.01.21			
			JUSTIN CROFT 0417436249 © copyright all dimensions to be clarified on site				



SOUTHERN ELEVATION



WESTERN ELEVATION



EXTRACTION FAN /EXHAUST HOOD DETAILS

SCALE 1:20

KMV400-4EE
Roof Mounted Centrifugal Metal Vertical Discharge

Dimensions

EXTRACTION FAN DETAILS

KMV400-4EE
Roof Mounted Centrifugal Metal Vertical Discharge

Performance Data	Specified	Actual
Design Airflow (l/s)	950	979
Design Pressure (Pa)	75	78
Air Density (kg/m ³)	1.204	
Temperature (C°)	20	
Altitude (m)	0	
Humidity (%)	0.0	

Fan Data

Part Number	KMV400-4EE
Description	Roof Mounted Centrifugal Metal Vertical Discharge EFM
Fan Diameter (mm)	400
Impeller Type	Centrifugal
Impeller Material	Aluminium
Weight (kg)	55.9
Fan Speed (RPM)	1370
Absorbed Power (kW)	0.43
Peak Power (kW)	0.43
Total Efficiency (%)	26.4
Static Efficiency (%)	18.9
Frequency (Hz)	50

Motor Data

Motor Power (kW)	0.43
Motor Pole	4
Voltage (V)	230
Phase	1
Full Load Current (A)	2.40
Starting Current (A)	7.20
Class	Standard to Ancis
Frame Size (mm)	

Sound Data

A weighted sound pressure value is spherical free field for comparison use only.

Spectrum (Hz)	63	125	250	500	1k	2k	4k	8k	Total SPL@3m (dB(A))
LW Inlet (dB) In-duct	79	79	74	67	63	57	57	53	55
LW Inlet (dB) Free field	71	75	73	67	63	57	57	53	49

proprietor WILSON PLANNING
LOT 101, DP1070259
292 WHARF RD,
NEWCASTLE

project proposed
MODIFICATION

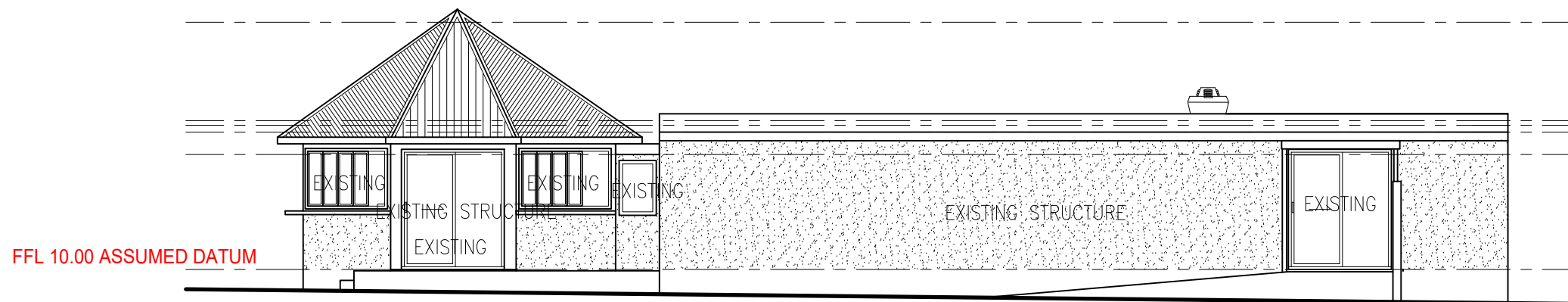
drawing ELEVATIONS 1

ECODIMENSIONS
JUSTIN CROFT
0417436249
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all dimensions to be clarified on site

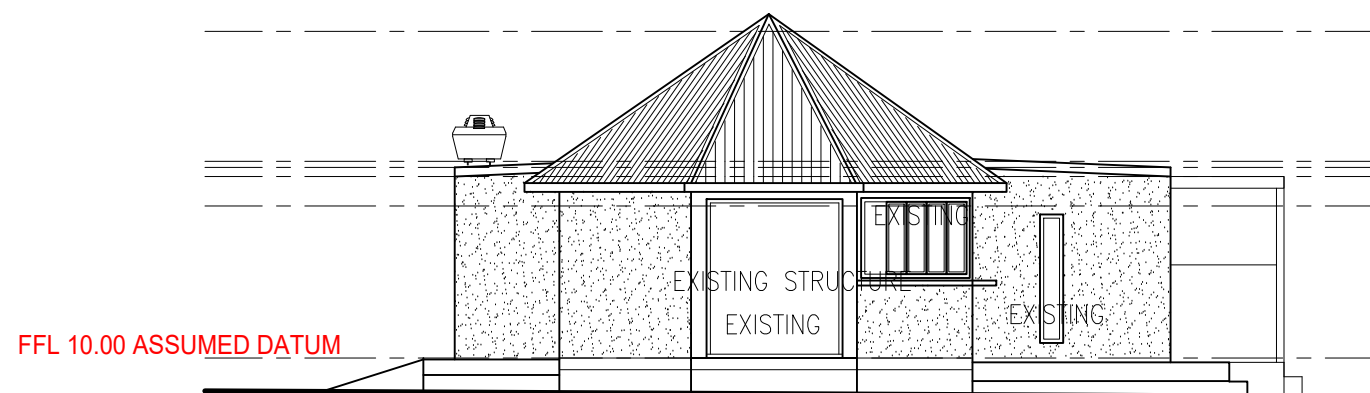
AMENDMENT
DATE 13.01.21
ADJUSTMENT
AMEND

scale 1:200, 1:100
date SEPT'20
drawing no. 30F4

drawn by jdc
project no. 2021102



NORTHERN ELEVATION



EASTERN ELEVATION

proprietor WILSON PLANNING LOT 101, DP1070259 292 WHARF RD, NEWCASTLE	project proposed MODIFICATION	drawing ELEVATIONS 2	ECODIMENSIONS JUSTIN CROFT 0417436249 © copyright all dimensions to be clarified on site	AMENDMENT DATE 13.01.21	ADJUSTMENT AMEND	scale 1:200, 1:100	date SEPT'20	drawn by jdc drawing no. 4OF4 project no. 2021102
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ITEM-18 Attachment B: Draft Schedule of Conditions

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Modification Application No: MA2021/00090
Development Application No: DA2016/00201

Land: Lot 1000 DP 1070259

Property Address: 292 Wharf Road Newcastle NSW 2300

Proposed Development: Sec 4.55(1A) modification to DA2016/00201 - commercial premises - changes to floor plans, elevations and conditions of consent

SCHEDULE 1

REASONS FOR CONDITIONS

1. (Deleted under MA2021/00090 – refer to Schedule 2)

APPROVED DOCUMENTATION

2. 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 Document	Reference / Version	Prepared by	Dated
Site Plan / Dwg 1	Project No: 2021102	EcoDimensions	13/01/2021
Floor Plan / Dwg 2	Project No: 2021102	EcoDimensions	13/01/2021
Elevations / Dwg 3 Dwg 4	Project No: 2021102	EcoDimensions	13/01/2021
Proposed New Lease Area Plan		Wilson Planning	18/05/2016
Operational Plan of Management		Lynch's Hub	2020
Noise Impact Assessment	Ref: 21-2645-R1	Spectrum Acoustics	August 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.

(Amended under MA2021/00090)

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

3. (Deleted under DA2016/00201.01)
4. 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 s50 Hunter Water Act 1991) is to be included in documentation for a Construction Certificate application.

5. Adequate facilities are to be provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements being made for regular removal and disposal of same. The required garbage facility is to be suitable for the accommodation of Council approved wheel type bins or bulk waste containers. Full details are to be included in documentation for a Construction Certificate application.
6. 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.
7. A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993 (NSW)*, before the issue of a Construction Certificate.
- 7A. The acoustic performance of all mechanical plant and equipment associated with the building (such as air conditioning systems or exhaust fans) are to be assessed by an appropriately qualified acoustic consultant prior to the issue of any required Construction Certificate. Written certification is to be provided with the Construction Certificate documentation. Appropriate acoustic treatment as recommended by the acoustic consultant being designed prior to the issue of a Construction Certificate.

(Inserted under MA2021/00090)

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

8. 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 (NSW)*, or
 - c) Be a temporary chemical closet approved under the *Local Government Act 1993 (NSW)*.
9. A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with Australian Standard 2601:2001 - The Demolition of Structures. A copy of the Hazardous Substances Management Plan is to be provided to Council (marked to Attention: Compliance Services) and the demolisher prior to commencement of work.
 10. The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:
 - a) Demolition works shall be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan shall be kept on-site for the duration of the proposed development
 - b) The removal, handling and disposal of any asbestos material is to be undertaken

only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW

- c) A copy of all waste disposal receipts are to be kept on-site for the duration of the proposed development and made available to authorised Council Officers upon request
 - d) Seven working days' notice in writing is to be given to Council and the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor. Notification to owners/occupiers of neighbouring premises shall also include Council's contact telephone number (49742000) and the Workcover Authority of NSW telephone number (49212900) and
 - e) On sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.
11. 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.
12. 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, application must be made for Council's approval to position the container on the adjacent public road in accordance with Council's adopted Building Waste Container Policy.
13. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
14. Any demolition/waste building materials that are not suitable for recycling are to be disposed of at Council's Summerhill Waste Management Facility or other approved site.
15. Waste management shall be implemented in accordance with the approved Waste Management Plan. At a minimum, the following measures shall be implemented during the construction phase:
- a) A waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste
 - b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets
 - c) Appropriate provision is to be made to prevent windblown rubbish leaving the site and
 - d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

Note: Fines may be issued for pollution/littering offences under the *Protection of the*

Environment Operations Act 1997 (NSW).

16. 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 must 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.
17. An application is to be made to and approved by Council for the erection of a hoarding or part closure of the footway prior to construction being commenced. Such overhead structure or protective fence shall comply with the *Work Health and Safety Act 2011 (NSW)*, *Work Health and Safety Regulation 2011 (NSW)* and any relevant approved industry code of practice. Notice of intention of commencement must be given to WorkCover New South Wales.
18. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
19. A rigid and durable sign is to be erected on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:
 - a) showing the name, address and telephone number of the Principal Certifying Authority for building work and subdivision work, and
 - b) showing the name, address and telephone number of the Principal Contractor for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
 - c) stating that unauthorised entry to the work site is prohibited, and
 - d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

20. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
21. All excavations and backfilling are to be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.
22. All building materials, plant and equipment is to be placed on the site of the development so as 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 Council reserves including the road reserve is not permitted.
23. 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.

24. Council's 'PREVENT POLLUTION' sign is to be erected and maintained in a

conspicuous location on or adjacent to the property boundary so it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of demolition and construction work.

Note: Council's 'PREVENT POLLUTION' sign can be obtained by presenting your development application receipt at Council's Customer Enquiry Counter at 282 King Street Newcastle.

25. 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 must 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. Erosion and sediment control measures are to be designed in accordance with the requirements of the *Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1* (the 'Blue Book') published by Landcom, 2004.
26. All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are limited to:
 - a) Restricting topsoil removal
 - b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion)
 - c) Alter or cease construction work during periods of high wind and
 - d) Erect green or black shadecloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.
27. Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to Council by a Surveyor registered under the *Surveying and Spatial Information Act 2002* (NSW).
28. 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.
29. All public trees that are required to be retained must be physically protected in accordance with the City of Newcastle Urban Forest Technical Manual 'Section 8.0 Protection Measures'.

The tree protection fencing must remain in place and maintained until all works have been completed, with no waste materials, washouts, equipment or machinery to be stored within the fenced area.

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

30. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council'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.

31. All works within the road reserve required by this consent are to be completed prior to the issue of a Final Occupation Certificate.
32. Prior to issue of an Occupation Certificate, the food business must notify the relevant enforcement agencies, under the *Food Act 2003* (NSW) and (for licensed food businesses) under the *Food Regulation 2010* (NSW). Notification is to be provided to Council and the NSW Food Authority.

Note: To arrange notification of the food business with Council go to www.newcastle.gov.au <<http://www.newcastle.gov.au>> and download a copy of the 'Council Food Business Notification Form' or contact Council's Environmental Health Services on (02) 4974 2525. To notify with the NSW Food Authority go to www.foodnotify.nsw.gov.au <<http://www.foodnotify.nsw.gov.au>> and follow the instructions.

- 32A. Acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Spectrum Acoustics, August 2021 ((Ref: 21-2645-R1). Written certification from an appropriately qualified acoustic consultant is to be submitted to the Principal Certifying Authority prior to issue of an Occupation Certificate verifying that the recommended acoustic treatment has been implemented in accordance with the requirements of the above report. Written confirmation is also to be provided to the Principal Certifier that noise from all mechanical plant and equipment achieves the required acoustic attenuation to comply with the conditions of consent and the requirements of the *Protection of the Environment Operations Act 1997*.

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

(Inserted under MA2021/00090)

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

33. The hours of operation or trading of the premises are to be not more than from:

Day	Start	Finish
Monday	7:00 am	9:00 pm
Tuesday	7:00 am	9:00 pm
Wednesday	7:00 am	9:00 pm
Thursday	7:00 am	9:00 pm
Friday	7:00 am	10:00 pm
Saturday	7:00 am	10:00 pm
Sunday	7:00 am	9:00 pm

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

Under no circumstances shall other operations occur on the premises or on the site outside of the approval operational hours including; but not limited to the moving of pedicabs to be stored on the premises.

(Amended under MA2021/00090)

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

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

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

Should Council consider that unreasonable levels of air impurities have been emitted from the premises, the occupier will be required to engage a suitably qualified company to design and install an activated carbon filtration system onto the kitchen exhaust to remove the air impurities. The carbon filtration system will be required to be operated and maintained in accordance with the installation company's recommendations.

(Amended under MA2021/00090)

36. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.
37. The maximum number of persons permitted in the internal part of the café and the external café deck is to be restricted to a total of 20 persons. A sign must be displayed in a prominent position in the building stating the maximum number of persons that are permitted in the building.
38. Seating is to be provided in accordance with the approved plans. Tables are not to be removed or shifted to increase standing area.
39. Any liquid wastes from the premises, other than stormwater are to be either discharged to the sewers of the Hunter Water Corporation in accordance with an approved Trade Waste Agreement or collected and disposed of by a licensed waste transport contractor in accordance with the Department of Environment and Climate Change 'Waste Classification Guidelines Part 1: Classifying Waste'.
40. Music at the premises is to be limited to low level background music in the indoor area only. Under no circumstances is music to be played outdoors.

(Amended under MA2021/00090)

41. All deliveries and waste collection (including pump out of the grease trap) which causes audible noise within habitable rooms of neighbouring residential premises being restricted to the hours of 7.00am to 8.00pm Monday to Sunday. Waste bins are to be presented to the kerb on the day of collection and returned immediately to the storage area. Under no circumstances are garbage bins to remain at kerbside after collection.

(Amended under MA2021/00090)

42. **(Deleted under MA2021/00090)**

- 42A. The premises is to be operated at all times in accordance with the Plan of Management dated 2021 as may be varied from time to time after consultation with NSW Police. Any proposed variations relating to service of drink and/or lock-out restrictions must be submitted to Liquor and Gaming NSW for endorsement.

A copy of the Plan of Management is to be kept on the premises and made available for inspection on the request of a police officer, council officer, or Liquor & Gaming NSW inspector.

(Inserted under MA2021/00090)

- 42B. The grease arrestor shall be connected to the sewers of the Hunter Water Corporation in accordance with an approved Trade Waste Agreement and regularly inspected and maintained by a licensed waste transport contractor.

(Inserted under MA2021/00090)

- 42C. The venue must maintain a closed-circuit television system on the premises in accordance with the following requirements:

(a) the system must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times), (b) recordings must be in digital format and at a minimum of 15 frames per second, (c) any recorded image must specify the time and date of the recorded image, (d) the system's cameras must cover the following areas: (i) all entry and exit points on the premises, (ii) the footpath immediately adjacent to the premises, (iii) all publicly accessible areas (other than toilets) on the premises.

(2) The venue must also:

(a) keep all recordings made by the CCTV system for at least 30 days, and (b) ensure that at least one member of staff is on the premises at all times the system is operating who is able to access and fully operate the system, including downloading and producing recordings of CCTV footage and (c) provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector to provide such recordings.

(Inserted under MA2021/00090)

ADVISORY MATTERS

43. 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.
44. Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
45. Prior to commencing any construction works, the following provisions of the *Environmental Planning and Assessment Act 1979* (NSW) (the 'Act') are to be complied with:
- a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act
 - b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and
 - c) Council is to be given at least two days' notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
46. 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

must describe the extent, capability and basis of design of each of the measures.

47. Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000* (NSW).
48. 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.
49. An annual Fire Safety Statement in the form described in Clause 175 of the *Environmental Planning and Assessment Regulation 2000* (NSW) is to be submitted to Council 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.
50. It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
51. Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979* (NSW), which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.

END OF CONDITIONS

SCHEDULE 2

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

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

(Inserted under MA2021/00090)



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 19/10/21 - 292 Wharf Road Newcastle - MA2021/00090 -
Section 4.55(1a) Modification to DA2016/00201 - Commercial
Premises - Changes to Floor Plans, Elevations and Conditions of
Consent**

ITEM-18 **Attachment C:** Processing Chronology

DISTRIBUTED UNDER SEPARATE COVER



PROCESSING CHRONOLOGY

MA2021/00090 - 292 Wharf Road Newcastle

4 March 2021	Application lodged
11 March 2021 – 25 March 2021	Public notification
12 May 2021	Additional information regarding noise, odour and social impact requested.
13 August 2021	Additional information from the Applicant received.
21 September 2021	Public Voice (PV) Committee Meeting
19 October 2021	Development Applications Committee (DAC) Meeting